



Welcome to Central Coast Council

Central Coast Council
Business Paper
EXTRAORDINARY COUNCIL MEETING
25 May 2016



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MEETING NOTICE

**The Extraordinary Council Meeting
of Central Coast Council
will be held in the Council Chamber,
Wyong Civic Centre, Hely Street, Wyong on
Wednesday 25 May 2016 at 5.00pm,
for the transaction of the business listed below:**

OPENING PRAYER

ACKNOWLEDGEMENT OF COUNTRY

RECEIPT OF APOLOGIES

1 PROCEDURAL ITEMS

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4 QUESTIONS ON NOTICE ASKED

At the conclusion of the meeting and at the discretion of the Administrator, Council may meet with staff in an informal, non-decision making mode for a period of no more than 30 minutes.

Rob Noble
INTERIM GENERAL MANAGER

Item No: 1.1
Title: Disclosure of Interest
Department: Interim General Manager



25 May 2016 Extraordinary Council Meeting

D12338498

The provisions of Chapter 14 of the *Local Government Act, 1993* ("LG Act") regulate the way in which the Administrator and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- "(1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.*

- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:*
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or*
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.*

- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*

- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
 - (a) the matter is a proposal relating to:*
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*
 - (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person*

1.1 Disclosure of Interest (contd)

(whose interests are relevant under section 443) in that person's principal place of residence, and

- (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
 - (a) be in the form prescribed by the regulations, and*
 - (b) contain the information required by the regulations."*

Further, the Model Code of Conduct prescribed by cl 193(1) of the *Local Government (General) Regulation 2005* applies to Council, its Administrator and staff. That Model Code relevantly provides that if the Administrator or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflicts of interests might be managed.

Recommendation:

That the Administrator now disclose any conflicts of interest in matters under consideration by Council at this meeting.



Item No: 1.2
Title: Proposed Briefings and Inspections
Department: Interim General Manager

25 May 2016 Extraordinary Council Meeting

D12338122

Summary:

There were no inspections or briefings proposed for this meeting.

Recommendation:

That the Administrator receive the report on Proposed Briefings and Inspections.

Attachments

Nil.



Item No: 1.3
Title: Address By Invited Speakers
Department: Interim General Manager

25 May 2016 Extraordinary Council Meeting

D12338133

Summary:

There have been no requests to address Council at the time of printing the Business Paper.

Recommendation:

That the Administrator receive the report on Invited Speakers.

Attachments

Nil.



Item No: 3.1
Title: Quarterly Budget Review, Former Gosford City Council
Department: Interim General Manager

25 May 2016 Extraordinary Council Meeting

D12337663

Report Purpose:

In accordance with clause 203(1) of the Local Government (General) Regulation 2005, a Budget Review Statement and revision of the estimates of income and expenditure must be submitted to Council within two months of the close of each quarter. This report completes this obligation for the former Gosford City Council.

Summary:

The quarterly budget review includes the following:

- review of income and expenditure
- review of capital expenditure
- review of cash and investment position
- review of key performance indicators
- review of contracts and other expenses
- a report as to whether or not such statements indicate that the financial position of the Council is satisfactory and if the position is unsatisfactory, make recommendations for remedial action.

This budget review represents the estimated financial position as at 30 June 2016. There is no impact on the budgeted cash position as a result of the March budget review as all additional operating and capital expenditure amounts are being funded by either additional revenue or transfers from internal or external reserves.

Recommendation:

- 1** *That, the report be received and endorsed.*
- 2** *That, the proposed budget adjustments included in this report be endorsed and included in the 2015/16 budget.*
- 3** *That, the proposed transfers to and from reserves included in the report be endorsed.*

Report:

The March 2016 Budget Review, for the former Gosford City Council, has been completed and the projected 2015/16 Budget and the projected 2015/16 Actuals Results are summarised in the attached tables.

The proposed change to the Budget for 2015/16 from this review is an overall increase in the Net Operating Result from Continuing Operations of \$4.163 million and additional Capital Expenditure of \$4.163 million.

The projected actual result for 2015/16 shows a Net Operating Surplus from Continuing Operations of \$20.306 million which is \$7.729 million ahead of Budget. Actual Capital Expenditure for the year is projected at \$81.041 million, which is \$13.791 million below Budget.

There is no impact on the budgeted cash position as a result of the March budget review as all additional operating and capital expenditure amounts are being funded by either additional revenue or transfers from internal or external reserves.

The attachments include: the income and expenditure budget review summary; the capital expenditure budget review summary; the March budget review changes by directorate; the cash and investment summary including reserve balances; key performance indicators; contracts awarded for the March 2016 quarter and details of legal and consultancy expenditure.

Financial Impact:

The March budget review has resulted in an overall increase in the Net Operating Result from Continuing Operations of \$4.163 million and additional Capital Expenditure of \$4.163 million.

There is no change to the net cash position as a result of the March Budget review.

The recommendation does not impact on Council's financial position.

Critical Dates or Timeframes:

The Local Government (General) Regulation 2005 requires the March quarterly budget review to be considered by Council by 30 May 2016. This report meets this obligation.

Report by Responsible Accounting Officer

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulation 2005.

It is my opinion that the Quarterly Budget Review Statement for the former Gosford City Council for the quarter ended 31/3/2016 indicates that Council's projected financial position as at 30/6/2016 will be satisfactory at year end, having regard to the projected estimates of income and expenditure, and the original budgeted income and expenditure.

Signed: _____ Date: __/__/__

Name: Janine McKenzie
Responsible Accounting Officer
Former Gosford City Council

Attachments

- | | | |
|----------|---|-----------|
| 1 | Income and Expenses Budget Review Statement | D12337634 |
| 2 | Capital Expenditure Budget Review Statement | D12337635 |
| 3 | March Budget Review Changes by Directorate | D12337640 |
| 4 | Cash and Investments Summary | D12337641 |
| 5 | Key Performance Indicators | D12337645 |
| 6 | Contracts Awarded and Other Expenses | D12337647 |

ATTACHMENT 1 - Income and Expenses Budget Review Statement

Gosford City Council							
Budget Review for the quarter ended 31 March 2016							
Income & Expenses - Consolidated							
	Original Budget 2015/16 (000's)	Approved Changes (000's)	Proposed March Budget Review (000's)	Projected Budget 2015/16 (000's)	Projected 2015/16 Actual Results (000's)	March 2016 Actual YTD (000's)	March Actual %tage of Projected Budget
INCOME							
Rates & Annual Charges	175,374	0	0	175,374	172,388	157,944	90%
User Charges & Fees	57,082	0	0	57,082	56,453	43,996	77%
Interest & Investment Revenue	4,568	0	0	4,568	4,002	2,819	62%
Other Revenue	8,501	0	0	8,501	10,769	9,130	107%
Grants & Contributions - Operating	25,072	647	204	25,924	27,101	15,866	61%
Grants & Contributions - Capital	16,114	5,753	4,163	26,030	15,788	11,917	46%
Net Gain from the Disposal of Assets	0	0	0	0	1,156	906	N/A
Total Income from Continuing Operations	286,711	6,400	4,367	297,478	287,658	242,579	
EXPENSES							
Employee Benefits & On-Costs	93,728	0	0	93,728	89,272	66,916	71%
Borrowing Costs	11,219	0	0	11,219	9,071	7,411	66%
Materials & Contracts	52,814	4,344	204	57,363	58,699	44,216	77%
Depreciation & Amortisation	66,812	0	0	66,812	67,812	51,373	77%
Other Expenses	55,780	0	0	55,780	42,498	19,066	34%
Total Expenses from Continuing Operations	280,353	4,344	204	284,902	267,352	188,982	
Net Operating Result from Continuing Operations	6,358	2,056	4,163	12,577	20,306	53,597	
Net Operating Result before Grants and Contributions provided for Capital Purposes	(9,756)	(3,697)	0	(13,453)	4,518	41,680	

Rates & Annual Charges income is at 90% of the budget for 75% of the year due to income for rates being recognised on an accrual basis (ie. when the rates are raised at the start of the year).

Recommended changes to revised budget

Recommended changes to the budget as per the table titled "Income and Expenditure Review Statement" are an increase in the Net Operating Result from Continuing Operations of \$4.163 million.

There is no impact on the budgeted cash position as all additional operating expenditure is being funded by either additional revenue or transfers from internal or external reserves.

The Recommended changes do not impact on the former Council's original Operational Plan, Delivery Program and Long Term Financial Plan.

ATTACHMENT 2 - Capital Expenditure Budget Review Statement

Gosford City Council							
Budget Review for the quarter ended 31 March 2016							
Capital Expenditure Budget - Consolidated							
	Original Budget 2015/16 (000's)	Approved Changes (000's)	Proposed March review (000's)	Projected Budget 2015/16 (000's)	Projected 2015/16 Actual Results (000's)	March 2016 Actual YTD (000's)	March Actual %tage of Projected Budget
CAPITAL FUNDING							
Capital Grants	4,305	5,551	4,163	14,019			
External Restriction	3,939	3,439	0	7,378			
Internal Restriction	7,360	6,951	0	14,311			
Loan Funding	12,537	5,172	0	17,709			
Rates & Other funding	4,985	267	0	5,252			
Operating Surplus	38,584	70	0	38,654			
Contributions	(2,106)	(385)	0	(2,491)			
Total Capital Funding	69,604	21,065	4,163	94,832			
CAPITAL EXPENDITURE BY AREA							
Chief Executive Officer							
Office of CEO	100	0	0	100		0	0%
Performance & Strategy	0	0	0	0		0	0%
Central Coast Stadium	0	0	0	0		0	0%
Governance & Planning							
Office of Director Gov & Planning	0	0	0	0		0	0%
Development & Compliance	0	0	0	0		0	0%
Sustainable Corp & City Planning	0	0	0	0		0	0%
Governance & Business Services	67	442	0	509		0	0%
Legal & Risk	0			0		0	0%
Construction & Operations							
Office of Director Con & Ops	0	0	0	0		0	0%
Construction Planning & Mgmt	59,660	5,801	4,113	69,574		35,745	51%
Asset Operations	3,035	2,301	0	5,336		3,469	65%
Construction Delivery	471	0	0	471		0	0%
Community Growth							
Office of Director Community Gr	0	0	0	0		0	0%
Library & Community	60	470	0	530		273	52%
Culture	2,727	8,527	50	11,304		6,515	58%
Property & Economic Developm't	3,484	3,524	0	7,008		1,005	14%
Corporate Business Operations	0	0	0	0		2,798	N/A
Total Capital Expenditure	69,604	21,065	4,163	94,832	81,041	49,805	53%

Recommended changes to revised budget

Recommended changes to the budget as per the table titled "Capital Expenditure Budget Review Statement" result in a net change to capital expenditure budget of \$4.163 million.

There is no impact on the budgeted cash position as all additional capital expenditure is being funded by either additional revenue or transfers from internal or external reserves.

The Recommended changes do not impact on the former Council's original Operational Plan, Delivery Program and Long Term Financial Plan.

ATTACHMENT 3 - March Budget Review Changes by Directorate**Directorate: CHIEF EXECUTIVE OFFICE**

Description	Type	Approved Budget 2015/16	Actual 2015/16	Proposed Changes 2015/2016	Comments
Total net change				0	

Directorate: GOVERNANCE AND PLANNING

Description	Type	Approved Budget 2015/16	Actual 2015/16	Proposed Changes 2015/2016	Comments
Total net change				0	

Directorate: CONSTRUCTION AND OPERATIONS

Description	Type	Approved Budget 2015/16	Actual 2015/16	Proposed Changes 2015/2016	Comments
Blackspot Funding	Cap Inc	(475,000)	(527,500)	(418,000)	Additional Blackspot Funding
Wattle Rd, Holgate	Cap Exp	0	0	288,000	Blackspot Expenditure
Pozieres Ave Roundabout	Cap Exp	225,000	331,833	142,500	Blackspot Expenditure
Balaclava Ave, Woy Woy	Cap Exp	250,000	150,048	(12,500)	Blackspot Expenditure
Erina Cycleway Design	Cap Inc	0	0	(50,000)	Active Transport Funding
Erina Cycleway Design	Cap Exp	0	0	50,000	Cycleway Design
Masons Pde to Albany St - Widening	Cap Inc	0	0	(35,000)	Active Transport Funding
Masons Pde to Albany St - Widening	Cap Exp	0	0	35,000	Cycleway Design
Rawson Rd	Cap Inc	0	(3,200,000)	(3,400,000)	RMS Grant Income

Upgrade					
Rawson Rd Upgrade	Cap Exp	0	3,445,870	3,400,000	Rawson Rd Railway Crossing Replacement
CCTV	Cap Inc	(470,000)	(470,000)	(210,000)	Attorney Generals Dept
CCTV	Cap Exp	470,000	261,781	210,000	CCTV Replacement Program
Total net change				0	

Directorate: COMMUNITY GROWTH

Description	Type	Approved Budget 2015/16	Actual 2015/16	Proposed Changes 2015/2016	Comments
Hunter Park Avoca Beach Embellishment	Cap Inc	0	0	(50,000)	Metro Greenspace Grant Income
Hunter Park Avoca Beach Embellishment	Cap Exp	0	0	50,000	Hunter Park Embellishment Exp
Bushcare – Everglades Lagoon	Cap Inc	0	0	(12,126)	Bushcare Grant Income
Bushcare – Everglades Lagoon	Cap Exp	0	0	12,126	Everglades Lagoon Bushcare Exp
Bushcare – Floating Landcare	Cap Inc	0	0	(1,364)	Bushcare Grant Income
Bushcare – Floating Landcare	Cap Exp	0	0	1,364	Floating Landcare Exp
Bushcare – Kincumba Boeing	Cap Inc	0	0	(8,950)	Bushcare Grant Income
Bushcare – Kincumba Boeing	Cap Exp	0	0	8,950	Kincumba Boeing Exp
Rebuild Internet Infrastructure	Cap Inc	0	0	(181,817)	Library Council NSW State Gov Grant Income
Rebuild Internet Infrastructure	Opex Exp	0	0	181,817	Rebuilding Internet Infrastructure Exp
Total net change				0	

ATTACHMENT 4 - Cash and Investments Summary

	ACTUAL YTD (000's)
Unrestricted Funds	102,598
Externally Restricted	
Coastal Open Space	4,328
Section 94 Developer Contributions	23,802
Sewer Contribution Plan	4,182
Water Contribution Plan	11,150
Security Deposits	3,661
Gosford Foundation Trust	119
Somersby Industrial Estate	4,955
Trust Fund	117
Total External Restricted	52,314
Internally Restricted	
Employee Leave Entitlement Reserve	1,245
Property Development Reserve	1,421
Total Internal Restricted	2,666
Total Restricted	54,980
Unspent and Internal Loans	
Financial Strategy Project Loan	5,184
Unexpended Loans	5,248
Internal Loans – Water & Sewer	(23,030)
Total Unspent and Internal Loans	(12,598)
Total Cash & Investments	144,980
Available Cash	102,598

Notes:

The Available Cash position excludes restricted funds. External restrictions are funds that must be spent for a specific purpose and cannot be used by council for general operations.

Internal restrictions are funds that council has determined will be used for a specific future purpose.

Recommended changes to revised budget

Restricted and Unrestricted Funds do not have budgets.

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with the former Council's Investment Policy, Section 625 of the Local Government Act 1993, the Minister's Revised Investment Order gazetted 11 February 2011, Clause 212 of the Local Government (General) Regulation 2005 and Third Party Investment requirements of the Department of Local Government Circular 06-70. The former Council continued to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular 08-59 of 16 September 2008.

Restricted Fund Reconciliation:

Investment Class	Funds Invested (000s)	Source of Funds Class	Source of Funds (000s)
CDOs	1,934	External Restricted	52,314
FRNs	36,250	Internal Restricted	2,666
Term Deposits	16,796		
Total	54,980		54,980

Cash Reconciliation:

The former Council's Responsible Accounting Officer certifies that that Council's Cash holding as at 31/3/2016 has been reconciled against that former Council's Bank Statements as at 31/3/2016.

Investment Class	Funds Invested (000s)	Source of Funds Class	Source of Funds (000s)
Term Deposits	76,204	Unspent and Internal Loans	(12,598)
Cash	13,796	Unrestricted	102,598
Total	90,000		90,000

Total Reconciliation of Investments:

Investment Class	Funds Invested (000s)	Cash at Bank (000s)	Total Cash and Investments (000s)
CDOs	1,934		1,934
FRNs	36,250		36,250
Term Deposits	93,000	13,796	106,796
TOTAL	131,184	13,796	144,980

ATTACHMENT 5 – Key Performance Indicators**ALL FUNDS CONSOLIDATED**

Key Performance Indicator (Estimated)	2014/15 Actual	2015/16 Actual Year to Sept¹	2015/16 Actual Year to Dec¹	2015/16 Actual Year to Mar¹
Operating Performance Ratio	3.60	6.64	5.00	5.75
Own Source Operating Revenue Ratio	79.89	88.79	87.20	86.92
Debt Service Cover Ratio	1.75	4.86	4.52	4.94
Capital Expenditure Ratio	1.21	0.86	0.99	0.97

1. The figures for YTD September, YTD December and YTD March above have been adjusted where necessary for the annual billing of rates.

These ratios should be viewed with caution as the KPIs will be distorted by the short reporting period (9 months), and by the fact that detailed calculations are normally only prepared on an annual basis.

Estimated key performance indicators as at 31 March 2016 do not show any significant variation from the indicators recorded in the Financial Statements as at 30 June 2015.

ATTACHMENT 6 – Contracts Awarded and Other Expenses**PART A – Contracts Listing**

CONTRACTOR	CONTRACT DETAILS & PURPOSE	CONTRACT VALUE	COM DATE	CONTRACT DURATION	BUDGET (Y/N)
Scape Constructions	Mudflat Creek Kilcare Stage 3 Drainage Upgrade	\$ 524,027	23-Feb-16	Until Completion	Y
Gongues Constructions	Kincumber Reuse Civil & Mechanical Supply and Install	\$ 170,000	22-Mar-16	Until Completion	Y

PART B – Consultancy and Legal Expenses**Definition of Consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Note:

Budget for Consultancy & Legal Expenses in Water Fund, Sewer Fund and Drainage Fund are included in budgets at a project level, and not for the specific expense. Accordingly, in the Operating income & expense statements for these funds, a budget will not be shown against these expense categories.

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations or \$50,000, whichever is the lesser.
2. Contracts to be listed are those entered into during the quarter under review and have yet to be fully performed, excluding contractors that are on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.
4. Where a contract for services etc. was not included in the budget, an explanation is to be given (or reference made to an explanation in another Budget Review Statement).
5. Contracts to be listed are limited to those required to be reported under GIPA.

Gosford City Council		
Budget Review for the quarter ending 31 March 2016		
CONSULTANCY and LEGAL EXPENSES		
Expense	Expenditure Year To Date \$000	Budgeted (Y/N)
Consultancies	1,346	Y
Legal Fees	694	Y

Legal Fees are currently projected to exceed budget for the full year, a budget adjustment is not required however as this expenditure is being offset by additional revenue and savings in other areas of former Council's Budget.



Item No: 3.2
Title: Code of Conduct and Related Matters
Department: Interim General Manager

25 May 2016 Extraordinary Council Meeting

D12338980

Report Purpose:

To recommend that Council adopt a Code of Conduct and Code of Conduct Procedures, and appoint Code of Conduct Reviewers as required by those Procedures.

Recommendation:

- 1** *That Council adopt, for the purpose of s. 440(3) of the Local Government Act 1993, the "Central Coast Council Code of Conduct" that is attachment 1 to this report.*
- 2** *That Council adopt, for the purpose of s. 440AA(3) of the Local Government Act 1993, the "Central Coast Council Procedure for the Administration of the Code of Conduct" that is attachment 2 to this report.*
- 3** *That Council note that the adopted "Central Coast Council Code of Conduct" and the adopted "Central Coast Council Procedure for the Administration of the Code of Conduct" are functionally identical to the model code and the model procedure prescribed by cl. 193 of the Local Government (General) Regulation 2005.*
- 4** *That Council resolve, in accordance with Part 3 of the adopted "Central Coast Council Procedures for the Administration of the Code of Conduct", to establish a panel of Code of Conduct Reviewers identical to the panels previously appointed by the former Gosford City Council and the former Wyong Shire Council, with that term of that panel to conclude on 30 April 2018 unless terminated earlier.*
- 5** *That Council request that the Interim General Manager advise each appointee of their appointment as a Code of Conduct Reviewer.*

Content:

At about 12.10pm on 12 May 2016 the *Local Government (Council Amalgamations) Proclamation 2016* ("the Proclamation") was made, resulting in the constitution of the Central Coast Council: ss. 218A and 219 of the *Local Government Act 1993* ("the Act").

3.2 Code of Conduct and Related Matters (contd)

Clause 20 of the Proclamation states:

"The code of conduct for a new council is to be the model code (within the meaning of sections 440 of the Act) until a code of conduct is adopted by the council in accordance with the Act".

The "model code" referred to in cl. 20 of the Proclamation is the document titled "The Model Code of Conduct for Local Councils in NSW" published in the NSW Government Gazette on 13 November 2015 ("the Model Code"): s. 440(1) of the Act and cl. 193(1) of the *Local Government (General) Regulation 2005* ("the Regulation"). The Model Code currently applies to Council by the operation of cl. 20 of the Proclamation.

The document titled "The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW" published in the NSW Gazette on 7 December 2012 ("the Model Procedure") currently apply to Council as well as its Administrator, staff and delegates: ss. 440AA(1), 440AA(5)(b)(i) & 440AA(6) of the Act, and cl. 193(2) of the Regulation.

Council is required to do each of the following:

- Adopt a code of conduct that includes and is not inconsistent with the Model Code: s. 440(3) of the Act.
- Adopt a procedure for dealing with alleged contraventions of the prescribed Model Code that incorporates, and is not inconsistent with, the provisions of the Model Procedure: s. 440AA(3) of the Act.
- Establish a panel of Code of Conduct Reviewers: s. 440AA(5)(b) of the Act and Part 3 of the Model Procedure.

Current Status/Tender Submissions:

The Model Code and the Model Procedure currently apply to Council as well as its Administrator, staff and delegates.

Proposal:

(a) Code of Conduct

It is recommended that Council adopt, for the purpose of s. 440(3) of the Act, the *Central Coast Council Code of Conduct* ("the proposed Code") that is attachment 1 to this report. The proposed Code is identical to the Model Code, with only the replacement of Office of Local Government's details and branding with Central Coast Council's details and branding.

(b) Procedures for the Administration of the Code of Conduct

It is recommended that Council adopt, for the purpose of s. 440AA(3) of the Act, the *Central Coast Council Procedure for the Administration of the Code of Conduct* ("the Proposed Procedure") that is attachment 2 to this report. The Proposed Procedure is identical to the Model Procedure, with only the replacement of Office of Local Government's details and branding with Central Coast Council's details and branding.

(c) Conduct Reviewers

Part 3 of the Model Procedure requires that Council establish (by resolution) a panel of conduct reviewers. The maximum term for any such panel is 4 years.

Both the former Gosford City Council and the former Wyong Shire Council established a panel of code of conduct reviewers comprised of the following people, following a joint EOI process by those two former Councils:

- Michael Nest
- Mediate Today (Lorraine Lopich and Robert Lopich)
- Kerry Ann Hartman
- Vision Global Solutions (Steven Jarron and Ron Palmer)
- Sharon Hanstein
- Peter Taylor SC

It is recommended that Council establish a panel of conduct reviewers identical to the panels established by the two former Councils, with the term of that panel to expire on 28 April 2018. Council may, by resolution, terminate the appointment of that panel at any time: cl. 3.9 of the Model Procedure.

Consultation:

Consultation is not required or proposed.

Options:

Council could resolve not to adopt the Proposed Code or the Proposed Procedure. In those circumstances the Model Code and the Model Procedure would continue to apply to Council as well as its Administrator, staff and delegates. In those circumstances Council would not comply with the obligation under ss. 440 and 440AA of the Act to adopt a code of conduct and associated procedures.

3.2 Code of Conduct and Related Matters (contd)

Council could also resolve to adopt the Proposed Code and/or the Proposed Procedure with amendments, however such amendments must not omit parts of, or be inconsistent with, the Model Code and Model Procedure respectively. In essence the Model Code and the Model Procedure are a prescribed minimum mandatory standard.

Council would, in those circumstances, still be required to appoint a panel of code of conduct reviewers, which may include some, all or none of the members of the panels established by the two former Councils.

Financial Impact:

The recommendation contained in this report has no financial impact on Council.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Central Coast Council's Code of Conduct | D12338992 |
| 2 | Central Coast Council's Procedure for the Administration of the Code of Conduct | D12338995 |

POLICY No: CCC002

CODE OF CONDUCT

25 MAY 2016

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PART 1

INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1999* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including a conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

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

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

PART 2

PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

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

PART 3

GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. *(Schedule 6A)*
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. *(section 439)*
- 3.3 You must treat others with respect at all times.

Fairness and equity

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

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4

CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. *(section 442)*
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. *(section 443)*
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties *(section 449)*
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter *(section 451)*
 - c) designated persons immediately declare, in writing, any pecuniary interest. *(section 459)*
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

- 4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.
- 4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

- 4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official;
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.
- 4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) Where the major political donor has a matter before council, then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
- b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.

4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:

- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
- b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.

4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.

- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties;
 - b) involve using confidential information or council resources obtained through your work with the council;
 - c) require you to work while on council duty;
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5

PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events;
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address);
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers;
 - e) prizes of token value.

Gifts and benefits of value

5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

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

5.5 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of cash or a cash-like gift, regardless of the amount.

5.6 For the purposes of clause 5.5(e), a "cash-like gift" includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6

RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions

- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

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

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
 - a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.

- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7

ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

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

Use and security of confidential information

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10 In addition to your general obligations relating to the use of council information, you must:
- a) protect confidential information;
 - b) only release confidential information if you have authority to do so;
 - c) only use confidential information for the purpose it is intended to be used;
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body;
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*;
- b) the *Health Records and Information Privacy Act 2002*;
- c) the Information Protection Principles and Health Privacy Principles;
- d) council's privacy management plan;
- e) the Privacy Code of Practice for Local Government.

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters;
- b) the representation of employees with respect to grievances and disputes;
- c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, Mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8

MAINTAINING THE INTEGRITY OF THIS CODE

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.
- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under this code
 - g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
 - h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
 - i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Office of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Office of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9

DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act the *Local Government Act 1993 (NSW)*.

act of disorder see the definition in clause 256 of the *Local Government (General) Regulation 2005*.

administrator an administrator of a council appointed under the Act other than an administrator appointed under section 66.

Chief Executive Chief Executive of the Office of Local Government.

committee a council committee.

conflict of interests a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

council committee a committee established by resolution of council.

“council committee member” a person other than a councillor or member of staff of a council who is a member of a council committee.

council official includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council.

councillor a person elected or appointed to civic office and includes a Mayor delegate of council a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated.

designated person see the definition in section 441 of the Act.

election campaign includes council, State and Federal election campaigns.

personal information information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion.

the Regulation the *Local Government (General) Regulation 2005 (NSW)*.

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase “this code” used in the Model Code of Conduct refers also to the procedures for the administration of the Model Code of Conduct prescribed under the Regulation.

FOR POLICY No: CCCP002

PROCEDURE FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

25 MAY 2016

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PART 1

INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the purposes of the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code"). The Model Code and Model Code Procedures are made under sections 440 and 440AA respectively of the Local Government Act 1993 ("the Act") and the Local Government (General) Regulation 2005 ("the Regulation").

Sections 440 and 440AA of the Act require every council to adopt a code of conduct and procedures for the administration of the code of conduct that incorporate the provisions of the Model Code and Model Code Procedures respectively.

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

PART 2

DEFINITIONS

For the purposes of the procedures, the following definitions apply:

the Act	the <i>Local Government Act 1993</i> (NSW)
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the Act
code of conduct complaint	a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council committee	a committee established by resolution of council
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee
councillor	a person elected or appointed to civic office and includes a Mayor
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
delegate of council	a person (other than a councillor or member of staff of a council) or body and the individual members of that body to whom a function of the council is delegated
the Division	the Division of Local Government, Department of Premier and Cabinet
investigator	a conduct reviewer or conduct review committee
the Regulation	the <i>Local Government (General) Regulation 2005</i> (NSW)
subject person	a person whose conduct is the subject of investigation by a conduct reviewer or conduct review committee under these procedures

PART 3

ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a member of a panel of conduct reviewers, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations, or
 - ii) law, or
 - iii) public administration, or
 - iv) public sector ethics, or
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

- 3.6 A person is not eligible to be a member of the panel of conduct reviewers if they are:
- a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.9 The council may terminate the panel of conduct reviewers at any time by resolution.
- 3.10 When the term of the conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.11 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council.

The appointment of complaints coordinators

- 3.12 The general manager must appoint a member of staff of the council to act as a complaints coordinator. Where practicable, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.13 The general manager may appoint other members of staff to act as alternates to the complaints coordinator.
- 3.14 The general manager must not undertake the role of complaints coordinator.
- 3.15 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.16 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct,
 - b) liaise with and provide administrative support to a conduct reviewer or conduct review committee,
 - c) liaise with the Division of Local Government, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4

HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that alleges conduct on the part of a council official acting in their official capacity that on its face, if proven, would constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.2 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a "code of conduct complaint" are to be dealt with under council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.3 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.4 A complaint made after 3 months may only be accepted if the general manager, or, in the case of a complaint about the general manager, the Mayor, is satisfied that there are compelling grounds for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

- 4.5 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing.
- 4.6 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.7 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

- 4.8 The general manager or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.9 Notwithstanding clauses 4.5 and 4.6, where the general manager becomes aware of a possible breach of the council's code of conduct, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.10 Code of conduct complaints about the general manager are to be made to the Mayor in writing.
- 4.11 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.12 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.13 The Mayor or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.14 Notwithstanding clauses 4.10 and 4.11, where the Mayor becomes aware of a possible breach of the council's code of conduct by the general manager, he or she may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5

HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.1 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about members of staff of council and for determining the outcome of such complaints.
- 5.2 Where the general manager decides not to make enquiries into a code of conduct complaint about a member of staff, the general manager must give the complainant reasons in writing for their decision.
- 5.3 Without limiting clause 5.2, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.4 Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.5 Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council and council committee members to be dealt with?

- 5.6 The general manager is responsible for making enquiries or causing enquiries to be made into code of conduct complaints about delegates of council and council committee members and for determining the outcome of such complaints.

- 5.7 Where the general manager decides not to make enquiries into a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision.
- 5.8 Without limiting clause 5.7, the general manager may decide not to enquire into the matter on grounds that the complaint is trivial, frivolous, vexatious or not made in good faith.
- 5.9 Sanctions for delegates of council and/or members of council committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure,
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach,
 - c) prosecution for any breach of the law,
 - d) removing or restricting the person's delegation, or
 - e) removing the person from membership of the relevant council committee.
- 5.10 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.9, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of council's code of conduct that the alleged conduct is in breach of) must be put to the person the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.9.

How are Code of conduct complaints about conduct reviewers to be dealt with?

- 5.11 The general manager must refer all code of conduct complaints about conduct reviewers to the Division for its consideration.
- 5.12 The general manager must notify the complainant of the referral of their complaint in writing.
- 5.13 The general manager must implement any recommendation made by the Division as a result of its consideration of a code of conduct complaint about a conduct reviewer.

How are Code of conduct complaints about administrators to be dealt with?

- 5.14 The general manager must refer all code of conduct complaints about administrators to the Division for its consideration.
- 5.15 The general manager must notify the complainant of the referral of their complaint in writing.

How are Code of conduct complaints about councillors to be dealt with?

- 5.16 The general manager must refer the following code of conduct complaints about councillors to the Division:
- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interests arising from reportable political donations (see section 328B),
 - c) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - d) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.
- 5.17 Where the general manager refers a complaint to the Division under clause 5.16, the general manager must notify the complainant of the referral in writing.
- 5.18 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Division under clause 5.16, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.20.
- 5.19 Where the general manager resolves a code of conduct complaint under clause 5.18 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.20 The general manager must refer all code of conduct complaints about councillors other than those referred to the Division under clause 5.16 or resolved under clause 5.18 to the complaints coordinator.

How are Code of conduct complaints about general managers to be dealt with?

- 5.21 The Mayor must refer the following code of conduct complaints about the general manager to the Division:
- a) complaints alleging a breach of the pecuniary interest provisions of the Act,
 - b) complaints alleging a breach of Part 8 of the code of conduct relating to the maintenance of the integrity of the code, and
 - c) complaints the subject of a special complaints management arrangement with the Division under clause 5.40.
- 5.22 Where the Mayor refers a complaint to the Division under clause 5.21, the Mayor must notify the complainant of the referral in writing.
- 5.23 Where the Mayor considers it to be practicable and appropriate to do so, he or she may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Division under clause 5.21, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology instead of referring them to the complaints coordinator under clause 5.25.
- 5.24 Where the Mayor resolves a code of conduct complaint under clause 5.23 to the Mayor's satisfaction, the Mayor must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.25 The Mayor must refer all code of conduct complaints about the general manager other than those referred to the Division under clause 5.21 or resolved under clause 5.23 to the complaints coordinator.

Referral of code of conduct complaints to external agencies.

- 5.26 The general manager, Mayor or a conduct reviewer or conduct review committee may, at any time, refer a code of conduct complaint to an external agency or body such as, but not limited to, the Division, the Independent Commission Against Corruption, the NSW Ombudsman or the Police for its consideration, where they consider such a referral is warranted.

- 5.27 Where the general manager, Mayor, conduct reviewer or conduct review committee refers a complaint to an external agency or body under clause 5.26, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 5.28 Referral of a matter to an external agency or body shall finalise consideration of the matter under the code of conduct unless the council is subsequently advised otherwise by the referral agency or body.

Disclosure of the identity of complainants

- 5.29 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer or conduct review committee is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.30 Clause 5.29 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.31 Where a councillor makes a code of conduct complaint about another councillor or the general manager and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.32 A request made by a complainant councillor under clause 5.31 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

- 5.33 The general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee must consider a request made under clause 5.31 before disclosing information that identifies or tends to identify the complainant councillor but are not obliged to comply with the request.
- 5.34 Where a complainant councillor makes a request under clause 5.31, the general manager or Mayor or, where the matter is referred, a conduct reviewer or conduct review committee shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosure

- 5.35 Code of conduct complaints that are made as public interest disclosures under the Public Interest Disclosures Act 1994 are to be managed in accordance with the requirements of that Act, the council's internal reporting policy and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.36 For a code of conduct complaint to be dealt with as a public interest disclosure, the complainant must state at the outset and in writing at the time of making the complaint that it is made as a public interest disclosure.
- 5.37 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.38 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.37, the general manager or the Mayor must refer the complaint to the Division for consideration. Such a referral must be made under section 26 of the Public Interest Disclosures Act 1994.

Special complaints management arrangements

- 5.39 The general manager may request in writing that the Division enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.40 Where the Division receives a request under clause 5.39, it may agree to enter into a special complaints management arrangement where it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.41 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.42 The Division may by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.43 While a special complaints management arrangement is in force, an officer of the Division (the assessing Divisional officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of these procedures except as provided by clause 5.44 below.
- 5.44 Where, following a preliminary assessment, the assessing Divisional officer determines that a code of conduct complaint warrants investigation by a conduct reviewer or a conduct review committee, the assessing Divisional officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing Divisional officer.
- 5.45 Prior to the expiry of a special complaints management arrangement, the Division shall, in consultation with the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.46 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.45.

PART 6

PRELIMINARY ASSESSEMENT

Referral of code of conduct complaints to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager submitted to the complaints coordinator within 21 days of receipt of a complaint by the general manager or the Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interests in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council in the 2 years preceding the referral and they or their employer have received or expect to receive payments under the contract or contracts of a cumulative value that exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service providers or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interests in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 4.1 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer and advise which conduct reviewer the matter has been referred to.

Preliminary assessment by a conduct reviewer

- 6.9 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.10 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action, or
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
 - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, or apology, or
 - d) to refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police, or
 - e) to investigate the matter, or
 - f) to recommend that the complaints coordinator convene a conduct review committee to investigate the matter.
- 6.11 In determining how to deal with a matter under clause 6.10, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.27.
- 6.12 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what option to exercise under clause 6.10.

- 6.13 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what option to exercise in relation to the matter under clause 6.10. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.14 The conduct reviewer must refer to the Division any complaints referred to him or her that should have been referred to the Division under clauses 5.16 and 5.21.
- 6.15 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.16 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.10, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it and this will finalise consideration of the matter under these procedures.
- 6.17 Where the conduct reviewer refers a complaint to another agency or body, they must notify the complainant of the referral in writing where it is appropriate for them to do so.
- 6.18 The conduct reviewer may only determine to investigate a matter or to recommend that a conduct review committee be convened to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a "code of conduct complaint" for the purposes of these procedures, and
 - b) that the alleged conduct, on its face, is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.19 The conduct reviewer may only determine to recommend that a conduct review committee be convened to investigate a matter after consulting with the complaints coordinator and where they are satisfied that it would not be practicable or appropriate for the matter to be investigated by a sole conduct reviewer.

- 6.20 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator.
- 6.21 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint except as may be specifically required under these procedures.

Referral back to the general manager or Mayor for resolution

- 6.22 Where the conduct reviewer determines to refer a matter back to the general manager or to the Mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the Mayor, recommending the means by which the complaint may be resolved.
- 6.23 The conduct reviewer must consult with the general manager or Mayor prior to referring a matter back to them under clause 6.22.
- 6.24 The general manager or Mayor may decline to accept the conduct reviewer's recommendation. Where the general manager or Mayor declines to do so, the conduct reviewer may determine to deal with the complaint by other means under clause 6.10.
- 6.25 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager or, in the case of a complaint about the general manager, the Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.26 Where the conduct reviewer refers a matter back to the general manager or Mayor under clause 6.22, the general manager, or, in the case of a complaint about the general manager, the Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.27 In undertaking the preliminary assessment of a complaint, the conduct reviewer may have regard to the following considerations:

- a) whether the complaint is a "code of conduct complaint",
- b) whether the complaint is trivial, frivolous, vexatious or not made in good faith,
- c) whether the complaint discloses prima facie evidence of a breach of the code,
- d) whether the complaint raises issues that would be more appropriately dealt with by another agency or body,
- e) whether there is or was an alternative and satisfactory means of redress available to the complainant in relation to the conduct complained of,
- f) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation or apology,
- g) whether the issue/s giving rise to the complaint have previously been addressed or resolved,
- h) whether the conduct complained of forms part of a pattern of conduct,
- i) whether there were mitigating circumstances giving rise to the conduct complained of,
- j) the seriousness of the alleged conduct,
- k) the significance of the conduct or the impact of the conduct for the council,
- l) how much time has passed since the alleged conduct occurred, or
- m) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7

OPERATIONS OF CONDUCT REVIEW COMMITTEES

- 7.1 Where a conduct reviewer recommends that the complaints coordinator convene a conduct review committee to investigate a matter, the conduct reviewer must notify the complaints coordinator of their recommendation and the reasons for their recommendation in writing.
- 7.2 The complaints coordinator must convene a conduct review committee comprising three conduct reviewers selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Division.
- 7.3 In selecting suitable conduct reviewers for membership of a conduct review committee convened under clause 7.2, the complaints coordinator may have regard to the following:
 - a) the qualifications and experience of members of the panel of conduct reviewers, and
 - b) any recommendation made by the conduct reviewer about the membership of the committee.
- 7.4 The conduct reviewer who made the preliminary assessment of the complaint must not be a member of a conduct review committee convened under clause 7.2.
- 7.5 A member of a panel of conduct reviewers may not be appointed to a conduct review committee where they would otherwise be precluded from accepting a referral of the matter to be considered by the committee under clause 6.4.
- 7.6 Where the complaints coordinator convenes a conduct review committee, they will advise the complainant in writing that the committee has been convened and the membership of the committee.
- 7.7 Where, after a conduct review committee has been convened, a member of the committee becomes unavailable to participate in further consideration of the matter, the complaints coordinator may appoint another person from a panel of conduct reviewers to replace them.
- 7.8 Meetings of a conduct review committee may be conducted in person or by teleconference.
- 7.9 The members of the conduct review committee must elect a chairperson of the committee.
- 7.10 A quorum for a meeting of the conduct review committee is two members.

- 7.11 Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.
- 7.12 If a quorum is not present at a meeting of the conduct review committee, it must be adjourned to a time and date that is specified.
- 7.13 Each member of the conduct review committee is entitled to one vote in relation to a matter. In the event of an equality of votes being cast, the chairperson will have a casting vote.
- 7.14 If the vote on a matter is not unanimous, then this should be noted in the report of the conduct review committee in which it makes its determination in relation to the matter.
- 7.15 The chairperson may make a ruling on questions of procedure and the chairperson's ruling is to be final.
- 7.16 The conduct review committee may only conduct business in the absence of the public.
- 7.17 The conduct review committee must maintain proper records of its proceedings.
- 7.18 The complaints coordinator shall undertake the following functions in support of a conduct review committee:
- a) provide procedural advice where required,
 - b) ensure adequate resources are provided including secretarial support,
 - c) attend meetings of the conduct review committee in an advisory capacity, and
 - d) provide advice about council's processes where requested.
- 7.19 The complaints coordinator must not be present at, or in sight of a meeting of, the conduct review committee where it makes its final determination in relation to the matter.
- 7.20 The conduct review committee may adopt procedures governing the conduct of its meetings that supplement these procedures. However any procedures adopted by the committee must not be inconsistent with these procedures.

PART 8

INVESTIGATIONS

What matters may a conduct reviewer or conduct review committee investigate?

- 8.1 A conduct reviewer or conduct review committee (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 8.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the Mayor.
- 8.3 The general manager or the Mayor is to deal with a matter reported to them by an investigator under clause 8.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 8.4 The investigator must at the outset of their investigation provide a written notice of investigation to the subject person. The notice of investigation must:
 - a) disclose the substance of the allegations against the subject person, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) invite the subject person to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice, and
 - e) provide the subject person the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 8.5 The subject person may within 14 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the subject person to identify the substance of the allegation against them.

- 8.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the subject person in relation to the matter referred to them.
- 8.7 Where an investigator issues an amended notice of investigation, they will provide the subject person with a further opportunity to make a written submission in response to the amended notice of investigation within 28 days or such other reasonable period specified by the investigator in the amended notice.
- 8.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, invite them to make a written submission in relation to the matter within 28 days or such other reasonable period specified by the investigator in the notice.

Written and oral submissions

- 8.9 Where the subject person or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 8.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 8.11 Prior to preparing a draft report, the investigator must give the subject person an opportunity to address the investigator on the matter being investigated. The subject person may do so in person or by telephone.
- 8.12 Where the subject person fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the subject person.
- 8.13 Where the subject person accepts the opportunity to address the investigator in person, they may have a support person or legal advisor in attendance. The support person or legal advisor will act in an advisory or support role to the subject person only. They must not speak on behalf of the subject person or otherwise interfere with or disrupt proceedings.

8.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

8.15 Investigations are to be undertaken without undue delay.

8.16 Investigations are to be undertaken in the absence of the public and in confidence.

8.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

8.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

8.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

8.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation or apology, or
- c) refer the matter to another agency or body such as, but not limited to, the ICAC, the NSW Ombudsman, the Division or the Police.

- 8.21 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 8.22 Where an investigator determines to exercise any of the options under clause 8.20 after the commencement of an investigation, they may by written notice to the subject person, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, the Mayor, discontinue their investigation of the matter.
- 8.23 Where the investigator discontinues their investigation of a matter under clause 8.22, this shall finalise the consideration of the matter under these procedures.
- 8.24 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 8.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation report

- 8.25 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 8.26 The investigator must provide their draft report to the subject person and invite them to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.27 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within 28 days or such other reasonable period specified by the investigator.
- 8.28 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.²⁹

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

Final investigation report

- 8.32 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 8.22.
- 8.33 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 8.34 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and
 - b) make a determination that the conduct investigated either:
 - i) constitutes a breach of the code of conduct, or
 - ii) does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.³⁰

8.35 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that the subject person undertake any training or other education relevant to the conduct giving rise to the breach,
- c) that the subject person be counselled for their conduct,
- d) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation,
- e) that findings of inappropriate conduct be made public,
- f) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
- g) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
- h) in the case of a breach by a councillor, that the council resolves as follows:
 - i) that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii) that the matter be referred to the Division for further action under the misconduct provisions of the Act.

8.36 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies or procedures,
- b) that a person or persons undertake any training or other education.

8.37 In making a recommendation under clause 8.35, the investigator may have regard to the following:

- a) the seriousness of the breach,
- b) whether the breach can be easily remedied or rectified,
- c) whether the subject person has remedied or rectified their conduct,
- d) whether the subject person has expressed contrition,
- e) whether there were any mitigating circumstances,

- f) the age, physical or mental health or special infirmity of the subject person,
- g) whether the breach is technical or trivial only,
- h) any previous breaches,
- i) whether the breach forms part of a pattern of conduct,
- j) the degree of reckless intention or negligence of the subject person,
- k) the extent to which the breach has affected other parties or the council as a whole,
- l) the harm or potential harm to the reputation of the council or local government arising from the conduct,
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny,
- n) whether an educative approach would be more appropriate than a punitive one,
- o) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action,
- p) what action or remedy would be in the public interest.

8.38 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the subject person,
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated,
- c) a statement of reasons as to why the conduct reviewer considered that the matter warranted investigation,
- d) a statement of reasons as to why the conduct reviewer considered that the matter was one that could not or should not be resolved by alternative means,
- e) where the matter is investigated by a conduct review committee, a statement as to why the matter was one that warranted investigation by a conduct review committee instead of a sole conduct reviewer,
- f) a description of any attempts made to resolve the matter by use of alternative means,

- g) the steps taken to investigate the matter,
- h) the facts of the matter,
- i) the investigator's findings in relation to the facts of the matter and the reasons for those findings,
- j) the investigator's determination and the reasons for that determination,
- k) any recommendations.

8.39 The investigator must provide a copy of their report to the complaints coordinator, the subject person and the complainant.

8.40 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor and this will finalise consideration of the matter under these procedures.

8.41 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraph (a), the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

8.42 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (b) or (c), the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the Mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.

8.43 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 8.35, paragraphs (d) to (h), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 8.44 The role of the council in relation to a final investigation report is to impose a sanction where an investigator determines that there has been a breach of the code of conduct and makes a recommendation in their final report under clause 8.35, paragraphs (d) to (h).
- 8.45 The council is to close its meeting to the public to consider the final investigation report where it is permitted to do so under section 10A of the Act.
- 8.46 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interests in relation to the matter unless otherwise required to do so under the Act or the Model Code.
- 8.47 Prior to imposing a sanction, the council must provide the subject person with an opportunity to make an oral submission to the council. The subject person is to confine their submission to addressing the investigator's recommendation/s.
- 8.48 Once the subject person has completed their oral submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 8.49 The council must not invite oral submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 8.50 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion by the Division in relation to the report.
- 8.51 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Division.
- 8.52 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

- 8.53 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council, the subject person and the complainant.
- 8.54 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 8.55 The council is only required to provide the subject person a further opportunity to address it on a supplementary report where the supplementary report contains new information that is adverse to them.
- 8.56 A council may by resolution impose one or more of the following sanctions on a subject person:
- a) that the subject person apologise to any person or organisation affected by the breach in such a time and form specified by the resolution,
 - b) that findings of inappropriate conduct be made public,
 - c) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach,
 - d) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act,
 - e) in the case of a breach by a councillor:
 - i) that the councillor be formally censured for the breach under section 440G of the Act, and
 - ii) that the matter be referred to the Division for further action under the misconduct provisions of the Act.
- 8.57 The council is not obliged to adopt the investigator's recommendation/s. Where the council does not adopt the investigator's recommendation/s, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 8.58 The council may, by resolution, impose a sanction on the subject person under clause 8.56 different to the sanction recommended by the investigator in their final report.
- 8.59 Where the council resolves not to adopt the investigator's recommendation/s, the complaints coordinator must notify the Division of the council's decision and the reasons for it.

PART 9

RIGHTS OF REVIEW

Failure to comply with a requirement under these procedures

- 9.1 Where any person believes that a person has failed to comply with a requirement prescribed under these procedures, they may, at any time prior to the council's consideration of an investigator's final report, raise their concerns in writing with the Division.

Practice rulings

- 9.2 Where a subject person and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Division to make a ruling on a question of procedure (a practice ruling).
- 9.3 Where the Division receives a request in writing for a practice ruling, the Division may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 9.4 Where the Division makes a practice ruling, all parties are to comply with it.
- 9.5 The Division may decline to make a practice ruling. Where the Division declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Request for review

- 9.6 A person the subject of a sanction imposed under Part 8 of these procedures other than one imposed under clause 8.56, paragraph (e), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Division.
- 9.7 A review under clause 9.6 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that the council has failed to comply with a requirement under these procedures in imposing a sanction.

- 9.8 A request for a review made under clause 9.6 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 9.9 The Division may decline to conduct a review, where the grounds upon which the review is sought are not sufficiently specified.
- 9.10 The Division may undertake a review of a matter without receiving a request under clause 9.6.
- 9.11 The Division will undertake a review of the matter on the papers. However, the Division may request that the complaints coordinator provide such further information that the Division considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Division.
- 9.12 Where a person requests a review under clause 9.6, the Division may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Division.
- 9.13 The Division must notify the person who requested the review and the complaints coordinator of the outcome of the Division's review in writing and the reasons for its decision. In doing so, the Division may comment on any other matters the Division considers to be relevant.
- 9.14 Where the Division considers that the investigator or the council has erred, the Division may recommend that a decision to impose a sanction under these procedures be reviewed.
- 9.15 In the case of a sanction implemented by the general manager or Mayor under clause 8.42, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Division's determination in relation to the matter to the general manager or the Mayor, and
 - b) the general manager or Mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or Mayor must consider the Division's recommendation in doing so.
- 9.16 In the case of a sanction imposed by the council by resolution under clause 8.56, where the Division recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must , where practicable, arrange for the Division's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i) review its decision to impose the sanction, and
 - ii) consider the Division's recommendation in doing so, and
 - iii) resolve to either rescind or reaffirm its previous resolution in relation to the matter.

- 9.17 Where having reviewed its previous decision in relation to a matter under clause 9.16 the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 10

PROCEDURAL IRREGULARITIES

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

PART 11

PRACTICE DIRECTION

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

PART 12

REPORTING ON COMPLAINTS STATISTICS

12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,
- b) the number of code of conduct complaints referred to a conduct reviewer,
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,
- d) the number of code of conduct complaints investigated by a conduct reviewer,
- e) the number of code of conduct complaints investigated by a conduct review committee,
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,
- g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and
- h) the total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.

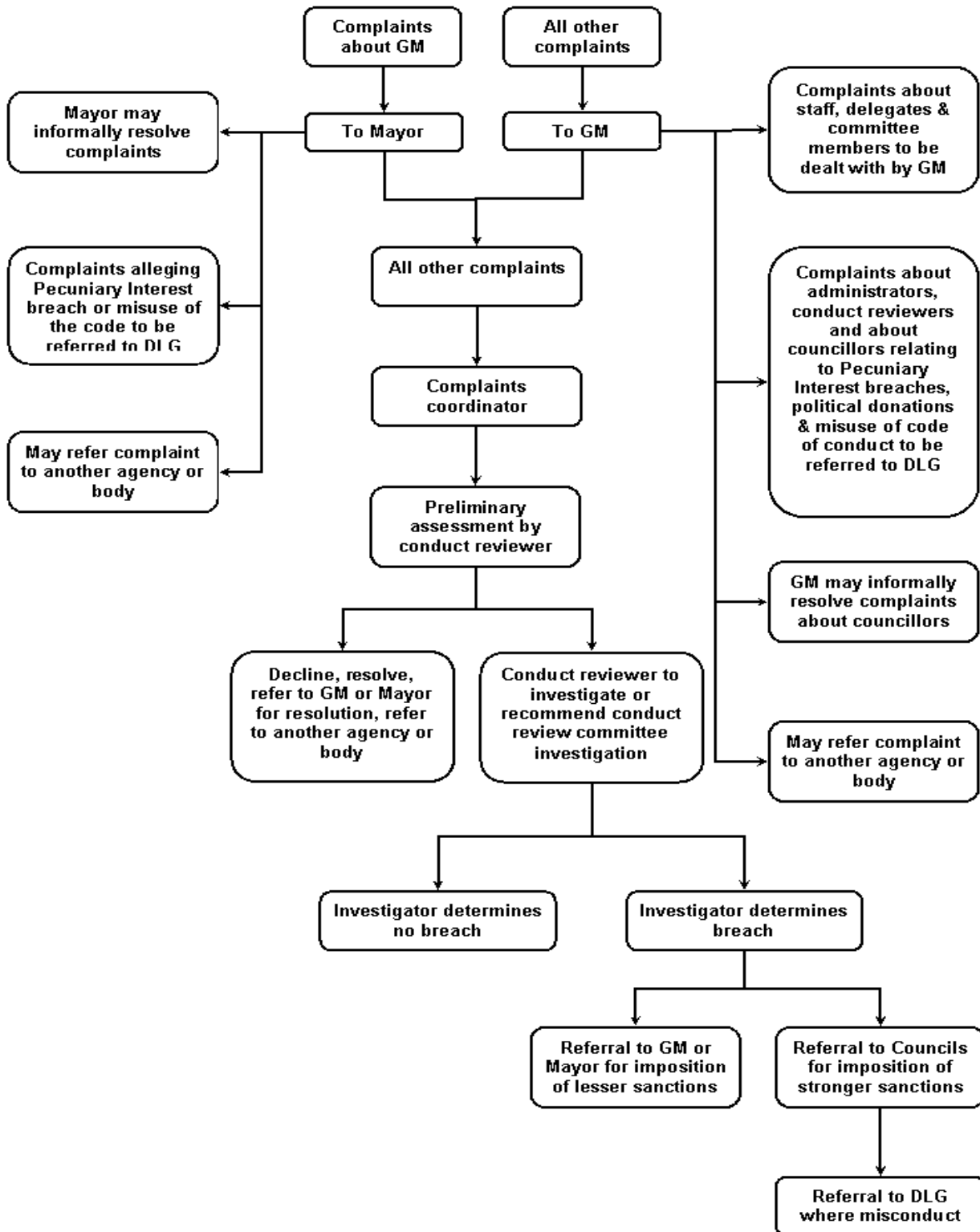
12.2 The council is to provide the Division with a report containing the statistics referred to in clause 12.1 within 3 months of the end of September of each year.

PART 13

CONFIDENTIALITY

- 13.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

CODE PROCEDURE FLOWCHART





Item No: 3.3
Title: Determination of Water, Sewerage and Stormwater Drainage Fees and Charges for 2016/17 in respect to the former Gosford Local Government Area
Department: Governance and Planning (former GCC)

25 May 2016 Extraordinary Council Meeting

D12339005

Report Purpose:

To adopt the water, sewerage and stormwater drainage fees and charges for 2016/17 for the former Gosford local government area.

Summary:

In accordance with IPART's "Determination No. 2, 2013, Gosford City Council prices - 1 July 2013 to June 2017", the published water, sewerage and stormwater drainage charges for 2016/17 have been inflated by the Consumer Price Index (CPI).

Fees and charges for the former Gosford City Council's 2016/17 monopoly water, sewerage and stormwater drainage services have been calculated in accordance with the Determination and are presented in Attachment 1.

The former Gosford City Council received formal notification of the CPI to be applied from IPART on 10 May 2016 and as a result, the provided fees and charges are recommended for adoption.

This report relates to fees and charges for the geographic area known formerly as Gosford City Council.

Recommendation:

- 1** *That Council note that it expects to raise approximately \$72 million from water, sewerage and stormwater drainage service charges levied in the former Gosford local government area in the 2016/17 rating year.*

- 2** *That Council resolve that it will continue to classify all land within the former Gosford local government area for the purpose of levying charges according to the following factors:*
 - i.** *the purpose for which the land is actually being, or is capable of being, used (i.e. residential, non-residential, or retirement village)*

3.3 Determination of Water, Sewerage and Stormwater Drainage Fees and Charges for 2016/17 in respect to the former Gosford Local Government Area (contd)

- ii. the intensity with which the land is being used (i.e. number of properties on the land).*
- 3 That Council resolve that it will continue to levy charges on the following bases, as applicable to each charge:**
- i. the availability of the service*
 - a the classification of land*
 - b the size of the water meter registering supply*
 - c the cost of providing the service (i.e. sewage discharge factor)*
 - ii the usage of the service*
 - a the volume of water supplied (as measured or estimated by Council)*
 - b the degree of use (i.e. sewage discharge factor)*
- 4 That Council resolve to levy water, sewerage and stormwater drainage fees and charges for 2016/17 rating year on land within the former Gosford local government area as determined by IPART, as presented in Attachment 1.**
- 5 Council adopt a CPI increase, which Council is entitled to apply, pursuant to section 310(2) of the Water Management Act 2000, to the fees and charges (not service charges) levied within the former Gosford local government area for exempt properties, laboratory charges and recycled water as presented in Attachment 2.**

Content:

Council is a water supply authority under the *Water Management Act 2000* in respect to the former Wyong and Gosford local government areas. This report concerns the exercise of functions by Council as a water supply authority in respect to only the former Gosford local government area. This report does not concern the exercise of functions by Council as a water supply authority in respect to the former Wyong local government area.

Section 315 of the *Water Management Act 2000* requires that Council determine (by resolution) water, sewerage and stormwater drainage service charges no later than one month before the beginning of each charging year. The next charging year starts 1 July 2016.

The fees and charges levied by Council for its monopoly water, sewerage and stormwater services are regulated by the NSW Independent Pricing and Regulatory Tribunal (IPART). In the absence of competitive market pressures, IPART acts to ensure that customers receive value for money, service costs are transparent and investments are prudent and are cost

3.3 Determination of Water, Sewerage and Stormwater Drainage Fees and Charges for 2016/17 in respect to the former Gosford Local Government Area (contd)

effective. Council's water, sewerage and stormwater drainage charges are also subject to approval by the Minister for Lands and Water.

On 14 May 2013, IPART released *Determination No. 2, 2013, Gosford City Council prices - 1 July 2013 to June 2017*, which prescribes the prices that Council can charge for providing monopoly water, sewerage and stormwater drainage services within the Gosford local government area. The Determination requires that the published prices be adjusted by the consumer price index (CPI) each year after the first year of the determination.

Proposal:

Water and sewerage developer charges have also been increased by the CPI provided by IPART in accordance with IPART's *Determination No 1, 2013, Gosford City Council and Wyong Shire Council Developer Charges* and *Determination No 9, 2000, Sydney Water Corporation, Hunter Water Corporation, Gosford City Council, Wyong Shire Council Developer Charges from 1 October 2000*. Council's water and sewerage developer charges for 2016/17 are presented in Attachment 1.

In addition to the fees and charges regulated by IPART, Council also levies fees and charges for services provided to exempt properties, laboratory services and recycled water under section 310(2) of the *Water Management Act 2000*. The 2016/17 s310(2) fees and charges have been calculated on the basis of cost recovery and are presented in Attachment 2.

The fees and charges presented include GST where applicable.

The key fees and charges are presented in the Table 1. The impact on a typical residential bill is presented in Table 2.

Table 1 Gosford key water, sewerage and stormwater drainage charges

Service	Basis	\$	\$
		2015/16	2016/17
Water Service Charge	per property, per annum ¹	173.54	197.72
Water Usage Charge	per kilolitre [*]	2.26	2.29
Sewerage Service Charge	per property, per annum ¹	641.14	672.42
Sewerage Usage Charge	per kilolitre ³	0.92	0.83
Stormwater Drainage Charge	per property, per annum	113.20	124.64

¹ Water and Sewerage Service charges shown are the maximum charge for residential customers and the minimum charge for non-residential customers

² Only applies to non-residential customers where volume of sewage discharged is greater than the Discharge Allowance of 150 kL per year (applied pro rata per billing period)

^{*} kilolitre is 1,000 litres

3.3 Determination of Water, Sewerage and Stormwater Drainage Fees and Charges for 2016/17 in respect to the former Gosford Local Government Area (contd)

Table 2 Gosford typical bill for residential customers using 200 kilolitres

Charge	Basis	\$	\$	\$ change	% change
		2015/16	2016/17		
Water Service	per property, per annum	173.54	197.72	24.18	13.9%
Water Usage	per kilolitre *	452.00	458.00	6.00	1.3%
Sewerage Service	per property, per annum	641.14	672.42	31.28	4.8%
Stormwater Drainage	per property, per annum	113.20	124.64	11.44	10.1%
Total		1379.88	1452.78	\$72.90	5.3%

* kilolitre is 1,000 litres

Consultation:

The proposed Fees and Charges adopted by the former Gosford City Council are currently on public exhibition, including the water, sewerage and stormwater drainage charges. The CPI increase has not been included in the information on public exhibition as the notification had not been received from IPART.

Critical Dates or Timeframes:

Under the *Water Management Act*, Council is required to adopt the pricing at least one month prior to imposing the charges. Accordingly, in order for the charges within this report to be effected, Council needs to adopt them by 30 May 2016.

Financial Impact:

In making the recommendation the financial impact has been assessed on the former Gosford City Council's water supply authority treating it as a standalone entity. The prices enable the water supply authority to recover the efficient costs of providing water, sewerage, and stormwater drainage services to the community.

Attachments

- | | | |
|----------|---|-----------|
| 1 | Water, sewerage and stormwater drainage fees and charges for 2016/17 in respect to the former Gosford local government area | D12339209 |
| 2 | Fees and charges for services provided under section 310(2) of the Water Management Act 2000 for 2016/17 in respect to the former Gosford local government area | D12339216 |

ATTACHMENT 1

Water, sewerage and stormwater drainage fees and charges for 2016/17 in respect to the former Gosford local government area

1 Water Charges

Table 1: Water service charge for (i) Metered Residential Properties; (ii) Residential Properties within a Multi Premises with one or more Common Meters; (iii) Non-Residential Properties with a single Individual Meter of 20mm; (iv) Non-Residential Properties within a Mixed Multi Premises with one or more Common Meters; (v) Unmetered Properties; (vi) Properties not connected but reasonably available for connection

Basis of Charge	Maximum charge \$
Water service charge (per property per annum)	197.72

Table 2: Water service charge for (i) Non-Residential Properties with an Individual Meter of 25mm or greater or multiple Individual Meters (of any size); (ii) Non-Residential Multi Premises with one or more Common Meters; (iii) Retirement Villages with one or more Common Meters

Basis of Charge Water Service Charge (per meter per annum) Meter Size	Maximum charge \$
25mm	275.94
32mm	452.10
40mm	706.42
50mm	1,013.80
80mm	2,825.74
100mm	4,415.22
150mm	9,934.26
200mm	17,660.92
For meter diameter sizes not specified above, the following formula applies: $(\text{Meter size})^2 \times (25\text{mm water service charge}) \div 625$	

Table 3: Water usage charge for Water Supply Services

Basis of Charge	Maximum charge \$
Water usage charge (per kilolitre)	2.29

Table 4: Water supply charge for Water Supply Services to Hunter Water Corporation

Basis of Charge	Maximum charge \$
Water supply charge (per kilolitre)	0.63

2 Sewerage Charges

Table 5: Sewerage service charge for (i) Metered Residential Properties; (ii) Residential Properties within a Multi Premises with one or more Common Meters; (iii) Non-Residential Properties within Mixed Multi Premises with one or more Common Meters; (iv) Unmetered Properties; (v) Non-Residential Properties with a single Individual Meter of 20mm; (vi) Properties not connected but reasonably available for connection; (vii) Retirement Villages with one or more Common Meters

Charge	Maximum charge \$
Sewerage service charge (per property per annum)	672.42

Table 6: Sewerage service charge for (i) Non-Residential Properties with an Individual Meter of 25mm or greater or multiple Individual Meters (of any size); (ii) Non-Residential Multi Premises with one or more Common Meters

Basis of Charge	Maximum charge \$
Sewerage Service Charge (per meter per annum)	
Meter Size	
25mm	1,541.80
32mm	2,526.08
40mm	3,947.02

50mm	6,167.22
80mm	15,788.10
100mm	24,668.90
150mm	55,505.04
200mm	98,675.64
For meter diameter sizes not specified above, the following formula applies: (Meter size) ² x (25mm water service charge) ÷ 625	

The minimum sewerage charge payable by a Non Residential customer is the amount in Table 5.

Table 7: Sewerage usage charge for Sewerage Services

Basis of Charge	Maximum charge \$
Sewerage usage charge where: volume of sewage discharged ≤ Discharge Allowance (per kilolitre)	0.00
Sewerage usage charge where: volume of Sewage discharged > Discharge Allowance (per kilolitre)	0.83

The price for sewerage usage for non-residential customers is set out in Table 7. The volume of sewage discharged is determined by multiplying a property's water consumption by a discharge factor (df %) as determined by Council. A sewerage usage discharge allowance of 150 kL per year (pro rata per billing period) applies before a volumetric charge is levied.

Stormwater Drainage Charges

Table 8: Stormwater drainage charge

Basis of Charge	Maximum charge \$
Stormwater drainage charge (per property per annum)	124.64

3 Trade Waste Charges

Table 9: Trade Waste Charges

Basis of Charge	Maximum charge \$
Category 1 Trade Waste Application Fee (per application)	126.63
Category 2 Trade Waste Application Fee (per application)	211.27
Category 3 Trade Waste Application Fee (per application)	495.09
Category 1 Annual Trade Waste Fee (per year)	73.52
Category 2 Annual Trade Waste Fee (per year)	234.44
Category 3 Annual Trade Waste Fee (per year)	1,968.86
Reinspection Fee (per inspection)	118.31
Trade Waste Usage Charge - compliant (per kL)	1.71
Trade Waste Usage Charge - non-compliant (per kL)	14.58

Table 10: Excess Mass Charges^a

Basis of Charge Pollutant	Maximum charge \$
Aluminium (Al)	0.70
Ammonia (as N)	0.76
Arsenic (As)	71.50
Barium (Ba)	35.76
Biological Oxygen Demand (BOD ₅)	0.76

Basis of Charge Pollutant	Maximum charge \$
Boron (B)	0.70
Bromine (Br ₂)	14.58
Cadmium (Cd)	331.03
Chloride	No charge
Chlorinated Hydrocarbons	35.76
Chlorinated Phenolics	1456.58
Chlorine (Cl ₂)	1.45
Chromium (Cr) (Total)	23.82
Cobalt (Co)	14.58
Copper (Cu)	14.58
Cyanide	71.50
Fluoride (F)	3.56
Formaldehyde	1.45
Grease and Oil (Total)	1.36
Herbicides/Defoliant/Weedicides/Fungicides	715.07
Iron (Fe)	1.45
Lead (Pb)	35.76
Lithium (Li)	7.16
Methylene Blue Active Substances (MBAS)	0.70
Manganese (Mn)	7.16
Mercaptans	No charge
Mercury (Hg)	2383.53
Molybdenum (Mo)	0.70

Basis of Charge Pollutant	Maximum charge \$
Nickel (Ni)	23.82
Nitrogen (N) (Total Kjeldahl Nitrogen)	0.17
Organoarsenic compounds	No charge
Pentachlorophenol	1456.58
Pesticides – General (excludes organochlorins and organophosphates)	715.07
Pesticides – Organochlorine	715.07
Pesticides – Organophosphate	715.07
PCB	715.07
Petroleum Hydrocarbons (non-flammable)	2.39
pH	0.42
Phenolic Compounds (non-chlorinated)	7.16
Phosphorus (Total)	1.45
Polynuclear Aromatic Hydrocarbons (PAH)	14.58
Selenium (Se)	50.30
Silver (Ag)	1.45
Sulphate (SO ₄)	0.13
Sulphide (S)	1.45
Sulphite (SO ₃)	1.45
Suspended Solids (SS or NFR)	0.97
Temperature	No charge
Thiosulphate	No charge
Tin (Sn)	7.16
Total Dissolved Solids	0.04

Basis of Charge Pollutant	Maximum charge \$
Uranium	No charge
Zinc (Zn)	14.58

a Prices are applied in accordance with the relevant units and acceptable limits set out in the Trade Waste Policy.

5 Charges for Ancillary and Miscellaneous Customer Services

Table 11: Charges for Ancillary and Miscellaneous Customer Services

No.	Description	Maximum charge \$
1	Conveyancing Certificate Statement of Outstanding Charges	
	a) Over the Counter b) Electronic	33.81 N/A
2	Property Sewerage Diagram – Up to and Including A4 size (where available) Diagram showing the location of the house-service line, building and sewer for a property.	
	a) Certified (suitable for a contract of sale) b) Uncertified (not suitable for a contract of sale)	18.77 11.43
3	Service Location Diagram Location of sewer and/or water mains in relation to a property's boundaries	
	a) Certified (suitable for a contract of sale) b) Uncertified (not suitable for a contract of sale)	18.77 N/A
4	Special Meter Reading Statement	71.05
5	Billing Record Search Statement - Up to and including 5 years	
	a) Up to and including 5 years b) Further back than 5 years	30.32/half hour N/A

No.	Description	Maximum charge \$
6	<p>Building Over or Adjacent to Sewer Advice</p> <p>Issue of letter regarding a building's compliance with required standards for building near or over a water or sewer pipes or structures</p>	60.84
7	<p>Water Reconnection</p> <p>a) During business hours</p> <p>b) Outside business hours</p>	<p>221.65</p> <p>N/A</p>
8	<p>Workshop Test of Water Meter</p> <p>Removal of the meter by an accredited organisation at the customer's request to determine the accuracy of the water meter.</p> <p>A separate charge relating to transportation costs and the full mechanical test which involves dismantling and inspection of meter components will also be payable.</p>	227.44
9	<p>Water main disconnection (all sizes)</p> <p>Price payable when customer requests the Council to disconnect existing service</p> <p>a) Application for disconnection</p> <p>b) Physical disconnection</p>	<p>54.98</p> <p>290.55</p>
10	<p>Water Service Connection</p> <p>a) Application for connection (all sizes)</p> <p>This covers administration and system capacity analysis as required. There will be a separate charge payable to the Council if it also performs the physical connection.</p> <p>b) Physical connection</p> <ul style="list-style-type: none"> - 20mm - Greater than 20mm 	<p>54.98</p> <p>417.64</p> <p>By quote</p>

No.	Description	Maximum charge \$
11	Standpipe Hire – Security Bond^a Security bond (all meter sizes)	775.11
12	Standpipe Hire – Annual Fee^a Annual hire charge of standpipe issued	1103.80
13	Standpipe Water Usage Fee (per kilolitre)	2.29
14	Backflow Prevention Device Application and Registration Fee This fee is for initial registration of the backflow device	81.04
15	Backflow Prevention Device Annual Administration Fee This fee is for the audit by inspectors of plumbers' annual compliance tests and the maintenance of records of results	No charge
16	Statement of Available Pressure and Flow This fee covers all levels whether modelling is required or not	151.92
17	Cancellation Fee – Water and Sewerage Applications A fee charged to cancel an application for services and process a refund of water and sewer application fees.	23.46
18	Section 307 Certificate A fee for preparation of a Section 307 Certificate which states whether a development complies with the <i>Water Management Act 2000</i> . a) Dual occupancies b) Commercial buildings, factories, Torrens subdivision of dual occupancy c) Boundary realign with conditions d) Subdivisions, developments involving mains extensions e) Development without requirement fee	176.50 216.13 394.17 427.72 113.11

No.	Description	Maximum charge \$
19	<p>Plumbing and drainage inspection fee</p> <p>Inspection of plumbing and drainage work to ensure compliance with prescribed standards</p> <p>a) New Sewer Connection (per property. Includes allowance for 1 WC)</p> <p>b) Alterations (per property. Includes allowance for 1 WC.)</p> <p>c) Each Additional water closet</p> <p>d) Re Inspection Fee</p> <p>e) Rainwater tank connection (per property.)</p>	<p>256.07</p> <p>233.46</p> <p>22.08</p> <p>47.37</p> <p>47.37</p>
20	<p>Location of Water and Sewer Mains</p> <ul style="list-style-type: none"> • Onsite investigation works to identify the location (alignment and/or depth) of underground water and sewerage assets. • This service will be charged on the basis of actual costs incurred by the Council. Applicants should contact the Council for an estimate of actual cost. 	<p>By quote with minimum cost of 864.80*</p>
21	<p>Septage and Septic Effluent Discharge Charge (per kilolitre)</p> <ul style="list-style-type: none"> • Licensed contractors dispose of septage and sludge from domestic onsite sewerage systems and sewer pumping stations at the Council's sewage treatment plant. Includes waste from portable toilets. • Volume charges are levied on a per kL basis to recover the cost of accepting and treating waste. The charge reflects the lack of pre-treatment. • Does not include complex muddy water waste, food waste or • other waste classifications determined by the Council, which are subject to a case by case fully recoverable charge. 	<p>14.58</p>
22	<p>Other liquid wastes transported by disposal contractors (per kilolitre)</p> <ul style="list-style-type: none"> • Approved Category 4 (non-septic waste), composed primarily of water and which has no impact on the treatment process, discharged at the Council's sewage disposal sites by licensed contractors. Includes pump-out effluent (but not sludge) from onsite sewage management systems. • Does not include complex muddy water waste, food waste or other waste classifications determined by the Council, which are subject to a case by case fully recoverable charge. 	<p>1.59</p>

No.	Description	Maximum charge \$
23	<p>Recoverable works</p> <ul style="list-style-type: none"> This service will be charged on the basis of actual costs incurred by the Council plus internal overheads charged in accordance with the rates published annually by the Council. Applicants should contact the Council for an estimate of the cost. 	By quote*
24	<p>Water and Sewer Building Plan Assessment</p> <ul style="list-style-type: none"> Review building plans with respect to the impact on assets and system capacity. Includes building over sewer, building adjacent to sewer, system load demand. 	134.96
25	<p>Inspections</p> <ul style="list-style-type: none"> Council inspects water and sewer works carried out by private developers for compliance with the Council's standards. Should the works not comply with Council's standards, a re-inspection is required. Council does not differentiate in price for major or minor works inspections. Private developers may be required to concrete encase sewer mains and provide additional sewer junctions. a) Per linear meter inspection plus lab charges as resolved by the Council, with minimum charge of 139.66 (reflects actual costs for 90 minutes administration and travel costs) b) Charge for CCTV inspection costs c) (Private developers may be required to pile drive or operate substantial equipment in the vicinity of sewer mains. Council uses CCTV to inspect the works to determine that works are in accordance with Council's standards and damage has not occurred to sewer assets. Security Bonds taken, necessitating administration procedures) 	12.91 per metre + Lab charges Minimum charge of 139.66 201.36+ 327.08/hr
26	<p>Development Assessment Small Projects – Small Special Priority Sewerage (SPS) and/or development with ≤ 4 lots or extension to properties outside area</p> <ul style="list-style-type: none"> Council reviews and approves private developers' proposals for provision of minor sewer adjustment, private internal sewer pump stations/rising mains.(Water/sewer main extensions can result from requests by property owners for connection of unserviced properties. The process is the same as that for subdivisions and redevelopments, being the requirement to pay a developer charge and construct works, generally being for one property only with one residence connecting to either 	294.31+ quote for connection to mains if by private contractor + Section 307 Certificate Fee, if Required

No.	Description	Maximum charge \$
	<p>the water or sewer system. Connection to mains by private developer contractors incur an additional shutdown and audit fee, which will be charges on the basis of actual costs incurred by the Council.</p> <ul style="list-style-type: none"> • Developers may be required to obtain and pay for a Section 307 Certificate, for an additional fee, which states that the development complies with the Water Management Act 2000.) • An additional hourly charge may apply for reviewing previously viewed plans 	110.47/hr for re-reviewing plans
27	<p>Development Assessment Medium Projects – > 4 lots and ≤ 15 lots, and mains relocation</p> <ul style="list-style-type: none"> • Council reviews and approves private developers' proposals for provision or adjustment of water and sewer infrastructure services for new developments. Includes extensions servicing subdivisions and/or sewer diversions caused by development. (Generally, new development is contained within a development servicing plan (DSP), requiring the developer to service all lots or redevelopment involving adjustment of existing sewer/water mains. Connections to mains by private developer contractors incur an additional shutdown and audit fee, which will be charged on the basis of actual costs incurred by the Council. Developers may be required to obtain and pay for a Section 307 Certificate, for an additional fee, which states that the development complies with the Water Management Act 2000.) • An additional hourly charge may apply for reviewing previously reviewed plans. 	709.21 + Quote for connection to mains if by private contractor + Section 307 Certificate Fee, if Required 110.47/hr for re-reviewing plans
28	<p>Development Assessment Large Projects – > 15 lots and < 50 lots, and/or large or medium density developments involving sewer diversions < 30 metres</p> <ul style="list-style-type: none"> • Council reviews and approves private developers' proposals for provision or adjustment of water and sewer infrastructure services for new developments. Includes extensions servicing subdivisions and/or sewer diversions caused by development. (Generally, new development is contained within a development servicing plan (DSP), requiring the developer to service all lots or redevelopment involving adjustment of existing sewer/water mains. Connections to mains by private developer contractors incur an additional shutdown and audit 	901.77 + Quote for connection to mains if by private contractor + Section 307 Certificate Fee, if Required

No.	Description	Maximum charge \$
	<p>fee, which will be charged on the basis of actual costs incurred by the Council. Developers may be required to obtain and pay for a Section 307 Certificate, for an additional fee, which states that the development complies with the Water Management Act 2000.)</p> <ul style="list-style-type: none"> An additional hourly charge may apply for reviewing previously reviewed plans. 	110.47/hr for re-reviewing plans
29	<p>Development Assessment Special Projects (roads and rail or SPS adjustments, relocations, development in water catchment areas)</p> <ul style="list-style-type: none"> Council assesses, provides technical advice, and support to other service authorities and private developers for provision and/or adjustment of water and sewer assets. (Connection to mains by private developer contractors incur an additional shutdown and audit fee, which will be charged on the basis of actual costs incurred by the Council Developers may be required to obtain a Section 307 Certificate, for an additional fee, which states that the development complies with the Water Management Act 2000. Inspections of alterations and extensions to internal plumbing, where no inspection of junction is required. Charge per property. Includes allowance for 1 water closet.) An additional hourly charge may apply for reviewing previously reviewed plans. 	<p>3657.43 + Quote for connection to mains if by private contractor + Section 307 Certificate Fee, if Required</p> <p>110.47/hr for re-reviewing plans</p>
30	<p>Water Supply Shutdown and Audit for Developer Contracted Connections</p> <ul style="list-style-type: none"> Council assesses, provides technical advice, and support to other service authorities and private developers for provision and/or adjustment of water and sewer assets. Council shuts down water mains prior to connection by developers' contractors of new mains to the water system. Council will audit the connection by third parties to ensure integrity of the system is maintained. Fees for each audit will be charges on the basis of actual costs incurred by the Council 	By quote*
31	<p>Water Carter Fill Charge</p> <ul style="list-style-type: none"> Per fill charge incurred by bulk water carters accessing water supply with monitoring equipment installed. Bulk water carters incurring this fee are not subject to the Standpipe Hire charges in items 11 and 12 of this table. 	<p>11.91 + 2.29 x nominal tank size^b of water carter being filled</p>

^a The Standpipe Hire charges in items 11 and 12 of this table do not apply to bulk water carters accessing water supply with monitoring equipment installed. Those bulk water carters will be charged under item 32 of this table.

^b The nominal tank size of a water carter is the volume of water that a tank is rated to contain. For the purposes of calculating the Water Carter Fill Charge, it is expressed in kilolitres.

* Includes GST

6 Developer Charges

Table 12: Water and sewerage developer charges

Basis of Charge Development Servicing Area	Maximum charge \$	
	Water	Sewerage
Redevelopment (per ET ¹)	2,034.88	1,308.36
Gosford City Centre (per ET ¹)	3,144.17	3,502.30

¹ET is a unit of measurement, representative of water and sewerage demand, whereby the water and sewerage demand of 1 ET is equivalent to the water demand of a single detached dwelling.

A development serviced by both water and sewerage will be required to pay both the water and sewerage developer charge.

ATTACHMENT 2

Fees and charges for services provided under section 310(2) of the Water Management Act 2000 for 2016/17 in respect to the former Gosford local government area

IPART has no jurisdiction under the *Independent Pricing and Regulatory Tribunal Act 1992* to set the charges presented in this attachment.

1 Exempt Property Charges

Under the *Water Management Act 2000* Council may impose a fee or charge (but not an annual service charge) for exempt properties where a service or thing is supplied. The "thing" supplied is the water meter. The water meter hire charge is set out in Table 1.

Table 1: Water Meter Hire Charge

Basis of Charge	Maximum charge
Water Hire Charge (per year)	\$
Meter Size	
25mm	\$275.94
40mm	\$452.10
32mm	\$706.42
50mm	\$1,103.80
80mm	\$2,825.74
100mm	\$4,415.22
150mm	\$9,934.26
200mm	\$17,660.92
For meter diameter sizes not specified above, the following formula applies: (Meter size) ² x (25mm water service charge) ÷ 625	

Council may also, in relation to exempt properties that are connected to its sewerage system, fix a fee or charge for the service provided. The sewage discharge fee is set out in Table 2.

Table 2: Sewage Discharge Fee

Basis of Charge	Maximum charge
Connection Meter Size	\$
25mm	\$1,541.80
32mm	\$2,526.08
40mm	\$3,947.02
50mm	\$6,167.22
80mm	\$15,788.10
100mm	\$24,668.90
150mm	\$55,505.04
200mm	\$98,675.64
For meter diameter sizes not specified above, the following formula applies: (Meter size) ² x (25mm water service charge) ÷ 625	

The price for sewage treatment for non-residential exempt property customers is set out in Table 3. The volume of sewage discharged is determined by multiplying a property's water consumption by a discharge factor (df %) as determined by Council. A sewerage usage discharge allowance of 150 kL per year (pro rata per billing period) applies before a volumetric charge is levied.

Table 3: Sewage Treatment Fee

Basis of Charge	Maximum charge
	\$
Treatment of sewage (per kilolitre of water used)	0.83

Table 4: Recycled Water

Basis of Charge	Maximum charge \$
Recycled water usage charge (per kilolitre of recycled water used) <i>Applies to all non potable water sources (including recycled effluent, groundwater and treated stormwater)</i>	1.79
Non potable access key deposit (per key). <i>A refundable (on return of key) deposit for electronic key required to access non-potable water supply filling points.</i>	21.00

2 Ancillary Charges

Table 5: Ancillary Charges

Charge	Maximum charge \$
Laboratory	
Laboratory analysis (per sample) <i>For privately constructed and disinfected main</i>	292.22*

* Includes GST



Item No: 3.4
Title: Proposed Transfer of Land at Kangy Angy to Transport NSW
Department: Property and Economic Development

25 May 2016 Extraordinary Council Meeting
D12339297

Summary:

Approval is sought to transfer Council land (Lot 34 DP 2877, Lot 35 DP 2877, Lot 36 DP 2877, Lot 37 DP 2877, Lot 38 DP 2877, Lot 39 DP 2877, Lot 40 DP 2877, known as 55 Orchard Road, Kangy Angy) to Transport for NSW

Recommendation:

- 1** *That the Council authorise the transfer of the land known as Lot 34 DP 2877, Lot 35 DP 2877, Lot 36 DP 2877, Lot 37 DP 2877, Lot 38 DP 2877, Lot 39 DP 2877, Lot 40 DP 2877 (having an address of 55 Orchard Road Kangy Angy) to Transport for NSW for an amount not less than market value as determined by a licensed valuer.*
- 2** *That the Council authorise the Common Seal of the Council to be affixed to the formal documents for the transfer of the land.*
- 3** *That the Council authorise the Interim General Manager to execute all documents.*
- 4** *That Council determine the attachment to this report remain confidential after the closing of this meeting, for the reasons that it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (s. 10A(2)(c) of the Local Government Act 1993).*

Content:

On 27 August 2014 the former Wyong Shire Council received correspondence from Transport for New South Wales (TfNSW) regarding the potential location of a new stabling and maintenance facility for the intercity fleet. One of the sites being investigated by TfNSW was the former Wyong Shire Council (former WSC) landholdings at the site of the future Link Road and adjacent to the University Precinct.

3.4 Proposed Transfer of Land at Kangy Angy to Transport NSW (contd)

If the proposal were to proceed at this location, it could present a major risk to the overall planning for Warnervale and would potentially be a 'showstopper' for the Link Road. Accordingly, a report in relation to the proposed location of the Marshalling Yards for TfNSW was presented to Ordinary Meeting of the former WSC held on 22 October 2014 and resolved as follows:

"RESOLVED unanimously on the motion of Councillor BEST and seconded by Councillor TROY:

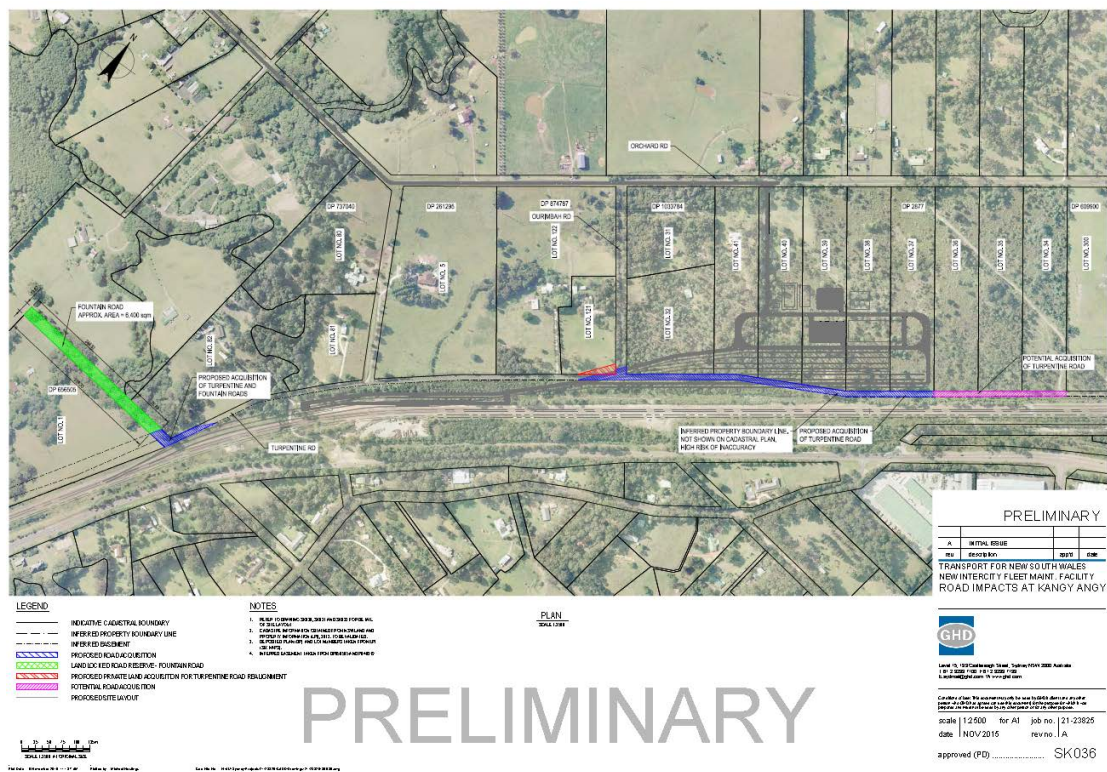
- 1210/14 That Council receive and note the report on Marshalling Yards for Transport for New South Wales (TfNSW).*
- 1211/14 That Council write to relevant State Ministers advising of Council's opposition to the proposal and to recognise the strategic impact on the Shire and to work with Council staff to find an alternate site.*
- 1212/14 That Council delegate to the General Manager to continue to liaise with Transport for New South Wales regarding potential alternatives.*
- 1213/14 That Council seek to send a delegation of the General Manager and Mayor to the Premier and Minister to personally highlight Council's and the community's strident opposition to the proposed university site location.*
- 1214/14 That Council request clarification the location of the freight relief lines from Tuggerah through to Wyong due to the possible impact on a proposed upgrade of the Pacific Highway."*

Since that meeting and former WSC resolution, negotiations between the former WSC and TfNSW have progressed as follows:

- A meeting was held on 10 November 2014, with the former WSC General Manager, former Mayor Eaton, an advisor from the office of the Minister for Transport, and representatives from TfNSW, to discuss the former WSC's concerns with the proposed location of the fleet maintenance facility at Warnervale.
- A letter was received by the former WSC on 1 December 2014, from the Minister for Transport, Gladys Berejiklian MP, to confirm TfNSW will consider the former WSC's alternative suggestions for possible appropriate site locations for the fleet maintenance facility.
- A meeting was held on 10 February 2015, between representatives from TfNSW, the former WSC, and the Department of Premier and Cabinet, to discuss alternative sites for the fleet maintenance facility. The former WSC authorised access to TfNSW to Council-owned land at Kangy Angy to undertake feasibility and environmental studies.

- In September 2015, TfNSW delivered a notice to selected Kangy Angy residents and businesses advising them that TfNSW was considering Kangy Angy as the preferred site for a new intercity fleet maintenance facility. The notice provided an indicative site plan, timeframes, and contact details. A copy of the site plan and the notice is shown on the following pages.
- Following release of the notice by TfNSW, the former Councillors and the former Mayor of the former WSC received written objections from local residents about the impact of the proposed Fleet Maintenance Facility on their properties and the local area. Also of concern was the manner in which they had been notified by TfNSW.
- On 15 October 2015, the former Mayor of the former WSC met with local residents of Kangy Angy to hear their concerns about the potential impact of the proposed Fleet Maintenance Facility on the local area. Following that meeting, the former Mayor wrote to the Minister for Transport and the Parliamentary Secretary for the Central Coast and Hunter, to ask that representatives meet with the residents as a matter of urgency to hear their concerns.
- The former WSC received clarification on the location of the freight relief lines from Tuggerah through to Wyong as part of the proposed upgrade of the Pacific Highway by the RMS. The revised railway corridor boundary was shown on plans of the proposed upgrade through the Wyong Town Centre that were exhibited to the public in October 2015. The RMS are currently moving into the detailed design phase and Council staff will be involved throughout the design process.
- The site at Kangy Angy for the Fleet Maintenance Facility has been selected by TfNSW as their preferred site and Council is not the consent authority. TfNSW will be negotiating directly with residents affected by the proposal. Residents have been advised of appropriate contacts within TfNSW regarding the project.
- TfNSW will be undertaking a detailed assessment as part of a Review of Environmental Factors (REF) which is expected to be placed on public exhibition so that the community have the opportunity to review the REF and provide any further comments which is expected to occur in mid 2016.
- A meeting was held on 10 February 2016, between representatives from TfNSW and the former WSC to discuss an alternative flood free access bridge to the Intercity Fleet Maintenance facility and for the benefit of local residence. Previously TfNSW had proposed a bridge connection to the south via Bridge Street to Pacific Highway. However, this route would require a long bridge to gain access over Chittaway Creek and floodway and the bridge would make access very difficult for local residents. TfNSW advised in the meeting that they were investigating an alternative bridge access to the north from Orchard Road over the railway to Enterprise Drive. This is considered to be a much better solution for residents and for the maintenance facility.

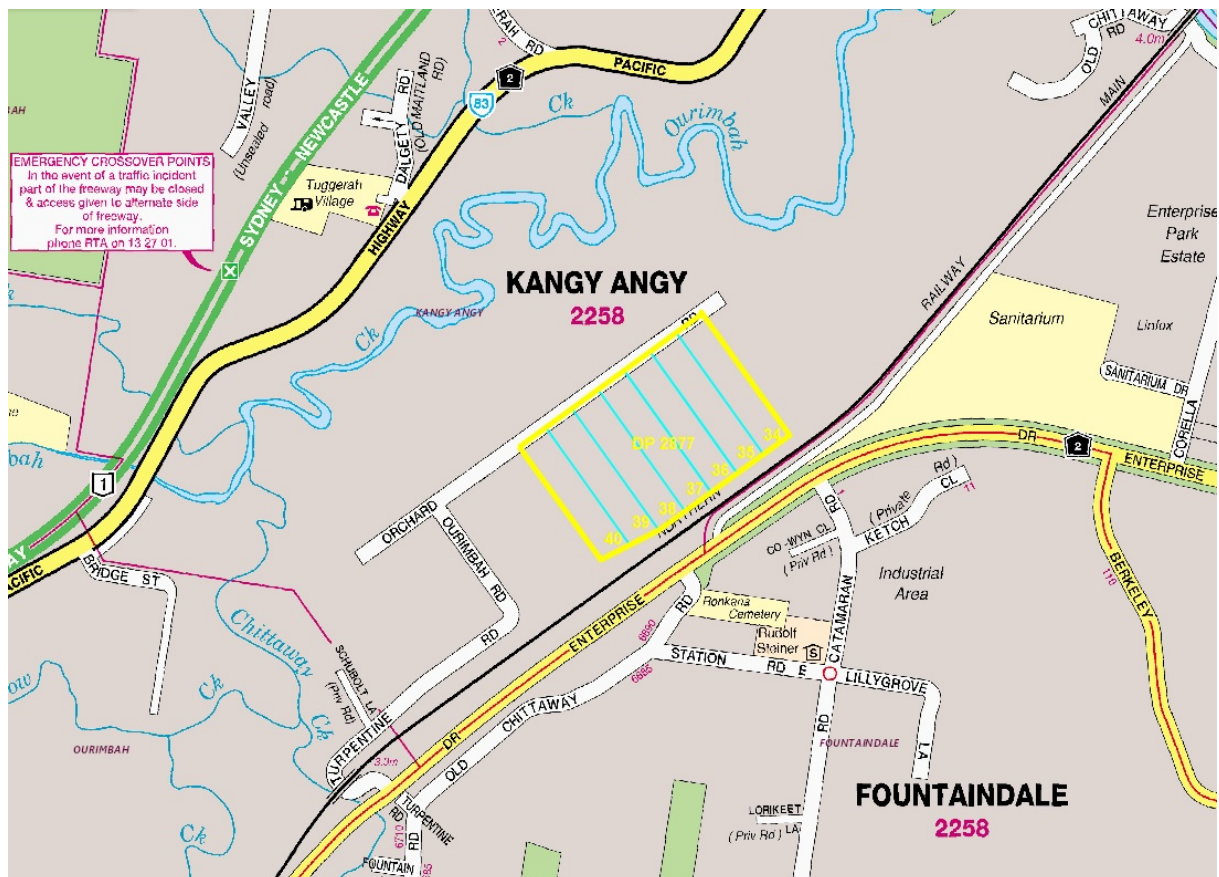
- At the Ordinary Council Meeting of the former WSC held on 23 March 2016:
 - Representatives from Kangy Angy Action Group addressed the meeting.
 - It was resolved that the (former) Council defer the matter until 25 May 2016 to give the residents time to make further submissions to TfNSW regarding a possible alternative site.
 - Following the meeting, TfNSW met with various residents to discuss options and their particular concerns
 - TfNSW have confirmed that they consider the proposed Kangy Angy site the only appropriate site to establish the facility.
 - As a result of meeting with residents, TfNSW have agreed to run in sewer and water to residents as well as install an all-weather access, which was a major concern with residents previously.



Current Status:

On 25 February 2016, TfNSW made an offer for Council's Lots 34-40 DP 2877 (known as 55 Orchard Road Kangy Angy) following Council and TfNSW engaging independent valuations and negotiations between those Valuers and Council officers.

This Council-owned land is currently accessible from Orchard Road which is linked to Enterprise Drive via a railway underpass. The location of these lots in relation to the road network can be seen on the plan below.



UBD 2012 plan showing lots to be acquired outlined in yellow

The land is required by TfNSW to establish a new Fleet Maintenance Facility for a new fleet of trains that will carry long distance customers from Sydney to the Central Coast, Newcastle, the Blue Mountains and the Illawarra.

The Central Coast was identified by TfNSW as the ideal location with the new trains regularly operating on the Main Northern Line. Land adjacent to the Main Northern railway line at Kangy Angy was identified by TfNSW as a preferred site due to its proximity to the railway line and alignment with the train operational requirements.

TfNSW is also planning a new access road into the proposed site from the Enterprise Drive, which will provide better access to local roads during wet weather.

3.4 Proposed Transfer of Land at Kangy Angy to Transport NSW (contd)

The Council-owned land is partially zoned E3 – Environmental Management, and the remainder is zoned E2 – Environmental Conservation. Lots 34, 35, and 36 are zoned E2 under the Wyong Local Environmental Plan 2013 (LEP). Lots 37, 38, 39, and 40 are partially zoned E3, and the remainder is zoned E2 as shown on the plan below. There are some small areas of Endangered Ecological Community (EEC) and patches of threatened tree species *Melaleuca biconvexa* but the environmental impact is considered to be relatively low and can be appropriately addressed by TfNSW.

The facility proposed by TfNSW would be defined under the LEP potentially as a transport depot. Transport depots are not permissible under the current zoning. Therefore, a rezoning of the locality would be required to enable the intended use or TfNSW may lodge a Major Project Application with the Department of Planning and Environment to obtain the approval.



Plan showing zoning of the land proposed to be acquired

3.4 Proposed Transfer of Land at Kangy Angy to Transport NSW (contd)

The Council-owned land is all classified as Operational Land. A table of approximate areas is provided below.

Parcel Description	Approximate Area
Lot 34 DP 2877	29,670 square metres
Lot 35 DP 2877	30,200 square metres
Lot 36 DP 2877	30,185 square metres
Lot 37 DP 2877	30,065 square metres
Lot 38 DP 2877	29,895 square metres
Lot 39 DP 2877	29,705 square metres
Lot 40 DP 2877	28,635 square metres
TOTAL	208,355 square metres

Registered lease on land:

A title search has shown that there is a registered lease on the land. The lease was for a term of 21 years commencing 27 October 1966. The lease expired 29 years ago in 1987.

Electricity easement:

There is an electricity easement running through the site which is visible as cleared land on the aerial photo below. The easement is approximately 70 meters wide and runs along the front portion of lots 37-40 then cuts diagonally through lots 34-36.



Aerial Photo of the Council-owned land at Kangy Angy

Options:

- 1 Council resolve to transfer the Council-owned land to TfNSW to enable the establishment of a fleet maintenance facility on the Central Coast to proceed.
- 2 Council may refuse to approve the transfer of the Council-owned land, in which case TfNSW may elect to compulsorily acquire the land under the terms of the *Land Acquisition (Just Terms Compensation) Act 1991*.

Valuation of the land in both options will be undertaken in the same manner so there is no financial advantage to Council under either process, however Option 1 is a more expeditious process.

Budget Impact:

Proceeds from the sale will be held in Council's Land Development Reserve for future property investments.

Strategic Links:

Link to Community Strategic Plan (2030)

The proposal is linked to the Community Strategic Plan (2030) of the former WSC principal theme of the Economy which reflects Council's 'quadruple bottom line' approach. The key vision in the Strategic Plan that relates to the project is number 7 – *There will be a strong sustainable business sector and increased local employment built on the Central Coast's business strengths*. The proposal has the opportunity for Council to turn an under-utilised asset into a financial gain, while also allowing TfNSW to provide a new employment generating facility.

Consultation:

The proposal has been initiated by TfNSW and consultation has been undertaken by them with WSC, the local community, and affected land owners. Staff consultation confirms that there are currently no conflicts with the transfer of the land due to Council's existing or proposed assets or adopted plans for the site.

Governance And Policy Implications:

The land is classified as Operational Land for the purposes of the *Local Government Act 1993* and there is no impediment to transfer of the land.

Material Risks And Issues:

The proposal has been initiated by TfNSW, and any risks or issues related to the project will be dealt with by them. There are no material risks or issues to WSC in transference of the land.

Conclusion:

The sale of Council-owned land at Kangy Angy for the purpose of a new Intercity Fleet Maintenance Facility has the opportunity to turn an under-utilised asset into a financial gain for WSC, while also allowing TfNSW to provide a new employment generating facility on the Central Coast. The Administrator is asked to endorse the sale of No 55 Orchard Road, Kangy Angy to Transport for NSW for an amount not less than market value as determined by a licensed valuer.

Attachments

- 1 Confidential - Deal Summary - D12251063

Item No: 3.5
Title: Committees of the Former Gosford and Wyong Councils
Department: Interim General Manager

25 May 2016 Extraordinary Council Meeting
D12339986

Report Purpose:

A brief report on committees of the former Gosford City Council and former Wyong Shire Council, and related matters.

Recommendation:

- 1 That Council note this report.**
- 2 That Council resolve to dissolve the following committees and revoke all delegations (if any) to members of those committees:**
 - a The Audit Committee of the former Gosford City Council; and**
 - b The Audit and Risk Committee of the former Wyong Shire Council.**
- 3 That Council request that the Interim General Manager write to each member of the committees referred to in resolution 2 above to inform them of that resolution.**
- 4 That Council request that the Interim General Manager provide an urgent report to the ordinary meeting of Council on 8 June 2016 on proposed committees of this Council.**

Content:

At about 12.10pm on 12 May 2016 the *Local Government (Council Amalgamations) Proclamation 2016* ("the Proclamation") was made, resulting in the constitution of the Central Coast Council as well as the dissolution of the former Gosford City Council and the former Wyong Shire Council (collectively "the Former Councils"): ss. 218A and 219 of the *Local Government Act 1993* ("the LG Act"). The Proclamation included the following ancillary provisions:

"17 Activities of former councils

- (1) *Anything done or omitted to be done by a former council and having any force or effect immediately before the amalgamation day continues to have effect as if it had been done or omitted to be done by the new council.*
- (2) *Without limiting subclause (1):*

- (a) *any approval, order or notice given or made by a former council, and that had effect immediately before the amalgamation day, continues to have effect as if it had been given or made by the new council, and*
- (b) *anything commenced but not completed by a former council may be completed or discontinued by the new council.*
- (3) *This clause does not:*
 - (a) *limit any other provision of this Proclamation, or*
 - (b) *apply to the extent to which it is inconsistent with any other provision of this Proclamation.*

18 Delegations

- (1) *A delegation by a former council that was in force immediately before the amalgamation day is taken to be a delegation by the new council and may be revoked or amended accordingly."*

Each Former Council established, made appointments to, and participated in a significant number of committees and other groups. The former Gosford City Council maintained a "Register of Council Committees", a copy of which is attachment 1 to this report. The former Wyong Shire Council maintained a database of its Committees and Advisory Groups, a copy of which is attachment 2 to this report.

There is a need to urgently review those committees and other groups, and to identify opportunities for improved engagement with the community of the Central Coast. That review must carefully consider the current legal status of those committees and bodies, the potential legal consequences of any alteration to the constitution or membership of those committees and other bodies, and ensure that future committees of the Council are directed to addressing the needs of the whole community of the Central Coast.

There is also a need to dissolve both the Audit Committee of the former Gosford City Council and the Audit and Risk Committee of the former Wyong Shire Council (if those Committees were not dissolved by the making of the Proclamation) as well as revoking any delegations made to those Committees. There are (or were) different charters for those Committees, and neither Committee is considered to be likely to provide useful advice and support to the new and much larger Central Coast Council. Further, the Audit and Risk Committee of the former Wyong Shire Council was scheduled to meet on 15 June 2016, and significant resources (including the payment to independent members of that Committee and internal staff resources) would be required to prepare for and conduct that meeting. Council intends to establish an Audit Committee shortly, as a means of improving the governance and management systems of the new Central Coast Council.

Current Status:

Each Former Council established, made appointments to and participated in a significant number of committees and other groups. It is important for Council to receive urgent and detailed advice on those committees and other groups, and to identify opportunities for improved engagement with the Central Coast community in the decisions made by Council.

Proposal:

It is recommended that:

- The Audit Committee of the former Gosford City Council be dissolved, relevant delegations to members of that Committee be revoked, and for the Interim General Manager to inform each member of that Committee of those decisions.
- The Audit and Risk Committee of the former Wyong Shire Council be dissolved and relevant delegations to members of that Committee be revoked, and for the Interim General Manager to inform each member of that Committee of those decisions.
- The Interim General Manager provide an urgent report to the ordinary meeting of Council on 8 June 2016 on proposed committees of this Council.

Consultation:

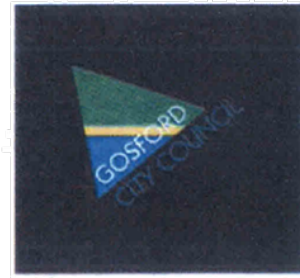
Consultation will be required to provide the requested further report.

Financial Impact:

The implementation of the recommendations contained in this report will not have any significant financial impact on Council.

Attachments

- | | | |
|---|--|-----------|
| 1 | Register of Council Committees of the former Gosford City Council | D12340008 |
| 2 | Database of the COmmittee of Advisory Groups of the former Wyong Shire Council | D12340015 |



**REGISTER
OF
COUNCIL
COMMITTEES**

January 2016

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REGISTER OF COUNCIL COMMITTEES

COMMITTEES OF COUNCIL	
(v) - voting member	
ART COLLECTIONS COMMITTEE	
Membership Quorum = ½ voting members plus 1	<p>Councillor Scott (Chair) (v) Councillor Bocking (v)</p> <p><i>Gosford City Council</i> Manager Culture Coordinator Arts & Culture Team Leader Programs Art Gallery Curator</p> <p><i>Community Representatives</i> Graham Austin OAM (v) Aleida Pullar (v) Marika Leibrandt (v)</p>
Terms of Reference	<p>To make recommendations to Council on acquisitions and deaccessioning of artworks.</p> <p>To make recommendations to Council on collection management issues.</p>
Meetings	Quarterly until the completion of the art collection review.
Appointed Minute No	7 April 2009 (2009/217)
Reviewed Minute No	22 November 2011 (2011/594); 4 Dec 2012 (2012/724); 26 June 2012 (2012/325); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

AUDIT COMMITTEE	
Membership Quorum = 3 voting members	<p>Councillor Ward (v) Councillor Doyle (alternate)</p> <p>Chief Executive Officer (non-voting) Internal Auditor (non-voting)</p> <p><i>Community Representatives</i> Jim Mitchell (v) (Chair) Terry McCormack (v) David McClelland (v)</p>
Terms of Reference	<p>Gosford City Council Audit Committee will act as an independent / advisory Committee assisting the Council to fulfil its governance and oversight responsibilities. The primary duties and responsibilities of the Audit Committee are to assist the Council to discharge its responsibilities relating to:</p> <ul style="list-style-type: none"> • Financial reporting process • Business ethics, policies and practices • Management and internal controls • Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance • Reviewing internal controls, key corporate risks and all audit related matters • Encouraging continuous improvement of Council's systems and practices • Adoption of the Internal Audit Plan • The Council's process for monitoring compliance with policies, laws and regulations and the Council Code of Conduct.
Meetings	Quarterly
Appointed Minute No	4 Dec 2012 (2012/724)
Reviewed Minute No	4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

AUSTRALIA DAY COUNCIL LOCAL CO-ORDINATING COMMITTEE	
Membership	Councillors Macfadyen, Strickson, Burke, Bowles and Doyle.
Terms of Reference	To promote and organise local participation in the celebration of Australia Day. In undertaking the Committee's duties, include sustainable climate change adaptation and mitigation actions as a response to climate change. In the implementation of this duty ensure consistency with Council's Climate Change Policy.
Meetings	As required
Appointed Minute No	1 Nov 83 (748/83)
Reviewed Minute No	27 Oct 98 (198/98); 26 Oct 99 (199/99); 5 Dec 00 (273/00); 11 Dec 01 (269/01); 25 Feb 03 (64/2003); 11 May 04 (104/2004); 11 Oct 05 (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733), 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591) ; 4 Dec 12 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Bodies

CATCHMENTS AND COAST COMMITTEE	
Membership Quorum = ½ voting member plus 1 including at least 1 Councillor	<p>Councillor Burke (Chair) (v) Councillors Bocking, Bowles and Morris (v)</p> <p><i>Gosford City Council</i> Manager Sustainable Corporate & City Planning and/or Coordinator Environmental Strategies (alternate) Manager Culture (or alternate) Managers and staff as required to discuss agenda items.</p> <p><i>Government Agencies</i> NSW Office of Environment & Heritage - Flood NSW Office of Environment & Heritage - Coastal State Emergency Service</p> <p><i>Community Representatives</i> Michael Kilp (v) Jane Smith (v) Adrian Williams (v) Michael Alsop (v) Gary Slack (v) Tony Sweeney (v) Craig Hillman (v)</p>
Terms of Reference	<p>The principal role of the committee is to assist council in the development and implementation of coastal and flood risk management plans for the area(s) under its jurisdiction. However, the committee also assists in:</p> <ul style="list-style-type: none"> • Ensuring that current community values are considered in the development of local floodplain risk and coastal zone management planning; • Promoting linkages and co-operation between the community, Council, State and Federal Governments, and other key stakeholders in the development and implementation of floodplain and coastal zone management studies and plans; • Monitoring and assessing effectiveness of the local floodplain and coastal risk management plan after its implementation; • Identify the flood, coastal and estuary health problem areas to be assessed and provide input into known hazard behaviour; • In undertaking the Committee's duties, include sustainable climate change adaptation actions based upon widely accepted competent scientific opinion. In the implementation of this duty ensure consistency with Council's Climate Change Policy; • Reviewing and advising Council of appropriate interim development controls for use until the management plan is completed, approved and implemented; • Support and promote public education and other community focussed programs essential to the long-term viability of the flood and coastal zone risk management plans;

Council Committee Register

Page 5

CATCHMENTS AND COAST COMMITTEE	
	<ul style="list-style-type: none"> • Support, promote and liaise with relevant authorities in the development of emergency management and catchment management strategies; • Assist Council in advocating on behalf of the community in relation to relevant government plans, strategies and legislation.
Meetings	Quarterly, until the completion of the Coastal Zone Management Plan, or as required.
Appointed Minute No	5 February 2013 (2013/59)
Reviewed Minute No	5 February 2013 (2013/59); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

CENTRAL COAST REGIONAL ORGANISATION OF COUNCILS	
Membership	<p>All ten Councillors Chief Executive Officer</p> <p><i>Wyong Shire Council Representatives:</i> All ten Councillors General Manager - Michael Whittaker (Hon Secretary)</p> <p><i>Executive Group</i> - Mayors, Deputy Mayors and General Managers of Gosford and Wyong Councils. Gosford - Councillor McKinna (Chair - when Gosford hosting meeting), Councillor Macfadyen, Councillor Doyle. Wyong - Councillor Eaton (Chair - when Wyong hosting meeting), Councillor Luke Nayna. (Each Council is to nominate their own alternates).</p>
Terms of Reference	<p>To identify the needs of the local government areas and of the people of the Central Coast Region and make known those needs to the Federal and New South Wales Governments.</p> <p>To submit to governments requests for financial assistance, policy changes and additional resources for the Central Coast region.</p> <p>To encourage closer co-ordination among Local, State and Federal Governments for the promotion and benefit of the region.</p> <p>To enhance the collective status of Local Government within the Central Coast area.</p> <p>To participate in activities which promote effective regional development.</p> <p>To initiate resource sharing and regional research projects to advance services and encourage cost effectiveness.</p> <p>To make the councils stronger by helping improve their financial sustainability and services for the community, through regional purchasing, projects and by exploring and delivering shared services on a regional scale.</p> <p>To provide a mechanism to share expertise and ideas and to promote innovation between constituent councils.</p> <p>To facilitate regional planning on a range of environmental, economic, social and infrastructure issues.</p> <p>To encourage regionally consistent education, promotion and marketing.</p> <p>To promote regional vision, teamwork, communication, commitment and leadership between the constituent councils.</p>
Meetings	As required.
Appointed Minute No	9 Nov 93 (1482/93)
Reviewed Minute No	27 Oct 98, (198/98); 26 Oct 99, (199/99); 22 Feb 00, (34/00); 5 Dec 00,

CENTRAL COAST REGIONAL ORGANISATION OF COUNCILS	
	(273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04; (104/2004); 27 Jul 04, (160/2004); 11 Oct 05, (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 18 March 10 (2010/126); 2 Nov 10 (2010/746), 7 Dec 10 (2010/847); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 28 May 2013 (2013/259); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Joint

CENTRAL COAST TOURISM INCORPORATED	
Membership	<p>The Mayor (Primary Representative) Chief Executive Officer (Alternate)</p> <p>Mr Phil Walker (Mingara Recreation Club) (Deputy Chair) Ms Mary Rayner (Australian Reptile Park) Mr Barton Lawler (Glenworth Valley Horse Riding & Outdoor Adventures) Mr Bob Diaz (Pro Dive Central Coast) Mr Peter Evans (Treetops Resort Avoca Beach) Councillor Bob Graham (Wyong Shire Council) Mr Ian Cameron (Tourism NSW)</p>
Terms of Reference	To promote Tourism in the Central Coast region.
Meetings	8am – 3 rd Friday each month
Appointed Minute No	22 Nov 94 (1349/94)
Reviewed Minute No	27 Oct 98 (198/98); 26 Oct 99, (199/99); 5 Dec 00, (273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 11 Oct 05, (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591) ; 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	<p>External Committee Councillor Appointment to Outside Body</p>

CHIEF EXECUTIVE PERFORMANCE REVIEW PANEL	
Membership	<p>Mayor (Chair) Deputy Mayor Councillor (nominated by Council) Councillor (nominated by the CEO)</p> <p>External Facilitator (selected by Performance Review Panel)</p>
Terms of Reference	<p>The Performance Review Panel is delegated the responsibilities associated with the entire process of performance management of the Chief Executive Officer.</p> <p>The role of the Review Panel includes:</p> <ul style="list-style-type: none"> • Conducting performance reviews; • Reporting the findings and recommendations of those reviews to Council; • Development of the performance agreement. <p>The Mayor, as Chair of the Performance Review Panel, is responsible for:</p> <ul style="list-style-type: none"> • Ensuring all Councillors not on the panel can contribute to the process by providing feedback to the Mayor on the CEO's performance. • Ensuring all Councillors are notified of relevant dates in the performance review cycle. • Ensuring all Councillors are kept advised of the Panel's findings and recommendations. • Reporting to Council in closed session the findings and recommendations of the Review Panel.
Meetings	Performance Review Panel to meet annually - with a six month mid-term review.
Appointed Minute No	9 Dec 2014 (2014/706)
Reviewed Minute No	10 Nov 2015 (2015/518)
Type of Committee	Internal Committee as required by the Office of Local Government's <i>Guidelines for the Appointment & Oversight of General Managers</i>

ENVIRONMENT COMMITTEE	
<p>Membership</p> <p>Quorum = ½ voting member plus 1 including at least 1 Councillor</p>	<p>Councillor Burke (Chair) (v) Councillors Morris and Bowles (v)</p> <p><i>Gosford City Council:</i> Manager Sustainable Corporate & City Planning and/or Coordinator Environmental Strategies (alternate) Manager Culture (or alternate) Managers and staff as required to discuss agenda items.</p> <p><i>Government Agencies</i> Office of Environment & Heritage (NRM & NPWS) Department of Trade and Investment (Crown Lands) Ministry of Health (Central Coast Public Health) Great Sydney Local Land Services</p> <p><i>Community Representatives</i> Australian Plant Society - John Andrews (v) Community Environment Network - Jane Smith (v) Darkinjung Local Aboriginal Land Council - Kelvin Johnson (v) Malcolm Brooks (v) Tony Sweeney (v)</p>
<p>Terms of Reference</p>	<p>1. Make recommendations to Council regarding ensuring that the diversity of the natural environment is protected and supported. Recommendations will consider matters that:</p> <ul style="list-style-type: none"> • Identify and conserve areas of conservation value through programs such as the Coastal Open Space System (COSS), Community Environment Network's (CEN) Land for Wildlife Program and other government and non-government initiatives. • Support the healthy functioning of our ecosystems through recognised best practice natural resource management programs such as management of key threatening processes, management of ecosystems at a landscape scale, the identification, protection and management of functioning corridors and across tenure collaborative management. • Support environmental compliance programs and initiatives. • Support the preparation and implementation of plans and initiatives that respond to the issue of Climate Change. • Are cognisant with new approaches to natural resource management in terms of new technologies, on-ground management techniques and opportunities for collaboration. <p>2. Make recommendations to Council that ensure that opportunities exist to access and experience natural areas without causing unacceptable impact on the values of the natural areas. Recommendations will consider matters that:</p> <ul style="list-style-type: none"> • Identify opportunities and programs using best practice visitor management in natural areas whilst ensuring that ecologically sensitive areas are protected. • Identify opportunities, including funding, promotional activities, value adding to existing programs, and enhancing experiences and understanding of natural ecosystems. • Are cognisant with new approaches to visitor management in terms of

ENVIRONMENT COMMITTEE	
	<p>new technologies, on-ground management techniques and opportunities for collaboration</p> <p>3. Make recommendations to Council regarding how we can use resources responsibly. Recommendations will consider matters that:</p> <ul style="list-style-type: none"> • Identify opportunities and programs that will reduce the consumption of natural resources and minimise the generation of waste such as demand management for water and energy consumption, the use of renewable energy, and material reuse and recycling. • Identify opportunities, support existing or develop new programs directed at changes in behaviour about the responsible use of resources. • Be cognisant with new approaches to sustainability in terms of new technologies, on-ground management techniques and opportunities for collaboration <p>4. Make recommendations to Council regarding opportunities that can minimise pollution. Recommendations will consider matters that:</p> <ul style="list-style-type: none"> • Identify opportunities, support existing or develop new programs directed at changes in behaviour and practice to minimise pollution such as litter, industrial effluent, carbon emissions, nutrient runoff, and erosion and sedimentation. • Identify opportunities, support existing or develop new programs directed at addressing the risks associated with the impacts that pollution can have on human and natural systems. • Support compliance programs and initiatives. • Are cognisant with new approaches to waste reduction, pollution control and treatment of waste in terms of new technologies, on-ground management techniques and opportunities for collaboration <p>5. Make recommendations to Council regarding opportunities that can enhance understanding of the value and benefits of the natural environment. Recommendations will consider matters that:</p> <ul style="list-style-type: none"> • Identify opportunities to invest in research to gather evidence of the contribution that the natural environment provides to the economy and society. • Influence society to take their understanding and experience of the natural environment into their day to day life to enhance their quality of life. • Support existing and develop new programs that provide opportunities to build knowledge, experience, skills, and expertise to participate in activities that protect the natural environment such as Bushcare and Landcare. • Are cognisant with new approaches to environmental education and public health in terms of new technologies, on-ground management techniques and opportunities for collaboration <p>6. Make recommendations to Council regarding land use and development that protects the value and benefits provided by the natural environment. Recommendations will consider matters that:</p> <ul style="list-style-type: none"> • Respond via decision making processes to the knowledge gained from research into the contribution that the natural environment provides to the economy and society. • Strategically plan for the protection of the long term ecological sustainability and multi-faceted values (social and economic) of important natural areas such as the COSS, Brisbane Water Estuary and coastal environments.

ENVIRONMENT COMMITTEE	
	<ul style="list-style-type: none"> • Plan for future growth and development with consideration to the limits of the natural environment. • Are cognisant with new approaches to evaluating the financial contribution our natural environment makes in terms of new technologies, on-ground management techniques and opportunities for collaboration
Meetings	Quarterly or as required.
Appointed Minute No	4 Oct 2005, (2005/858); 10 Jan 2006, (2006/12); 5 February 2013 (2013/58)
Reviewed Minute No	11 Oct 2005, (2005/900), 28 Mar 06 (2006/220), 4 Apr 06 (2006/248), 4 July 2006 (2006/498), 1 Aug 06 (2006/578); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718), 6 Nov 07 (2007/714), 7 Oct 08 (2008/671); 4 Nov 08 (2008/733); 3 Feb 09 2009/75; 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 February 2013 (2013/58); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 23 Sept 2014 (2014/501); 9 Dec 2014 (2014/706); 9 Dec 2014 (2014/702); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE	
Membership	<p>Councillor Ward (Chair) (v) Councillor Macfadyen (v) Councillor Doyle (alternate)</p> <p><i>Gosford City Council:</i> Chief Executive Officer (or his delegate) Advisor Economic Development</p> <p><i>Community Representatives</i> Edgar Adams (v) Patrick Spedding (v) Tim Wilcox (v) Matthew Gibbens (v)</p>
Terms of Reference	<ol style="list-style-type: none"> 1 Foster employment, economic development and sustainable growth within the Gosford City and the Central Coast community in alignment with Council's Strategic Plan and other regional strategies. 2 Attract and encourage investment in the city and the establishment of new and existing business and government agencies to enhance local employment. 3 Support the promotion of Gosford City business and industry locally and nationally and develop the concept of a global city in relation to trade and marketing. 4 Support initiatives, enhancing the professionalism and competitiveness of Gosford City and Central Coast businesses and industry. 5 Contribute to Council's strategic and business planning processes and policy development. 6 Contribute to the development of the city as a learning city through relationships with universities and TAFE. 7. Contribute to the development of the city as a conference/convention and sporting event destination. 8. Develop and sustain relationship with the other two tiers of government. 9 Promote innovation, education and skills development as key drivers behind Gosford City's economic growth.
Meetings	At least quarterly or as required.
Appointed Minute No	4 December 2012 (2012/724)
Reviewed Minute No	4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)

EMPLOYMENT AND ECONOMIC DEVELOPMENT COMMITTEE	
Type of Committee	Council Committee - Advisory Committee of Council

EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE	
Membership	<p>The Mayor (Chair) Councillors Doyle and Scott Councillor Macfadyen (Alternate)</p> <p><i>Gosford City Council:</i> Chief Executive Officer Executive Manager Performance & Strategy Equal Employment Opportunity Officer Team Leader Community and Cultural Development Council Consultative Committee member Staff representative</p>
Terms of Reference	To develop strategies to ensure the full implementation of Equal Employment Opportunity.
Meetings	As required
Appointed Minute No	22 June 93, (758/93)
Reviewed Minute No	26 Apr 05, (2005/359); 11 Oct 05, (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591) ; 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

EXECUTIVE OF THE FLOODPLAIN MANAGEMENT ASSOCIATION	
Membership	Councillor Strickson Councillor Burke (Alternate) Director – Environment and Planning. Advisor – Flooding and Drainage Planning.
Terms of Reference	To Co-ordinate allocation of resources provided towards flood mitigation projects identified throughout the State and to act as a central body for the dissemination of information on flood mitigation.
Meetings	Quarterly
Appointed Minute No	
Reviewed Minute No	27 Oct 98, (198/98); 26 Oct 99, (199/99); 5 Dec 00, (273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 11 Oct 05 (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

GOSFORD AFFORDABLE HOUSING TRUST MANAGEMENT COMMITTEE	
Membership Quorum = ½ voting members plus 1	Councillor Doyle (Chair) (v) Councillor Scott (v) Chief Executive Officer (or his delegate) (v) <i>Community Representatives</i> Shane Neaves (v) C Jones (v)
Terms of Reference	The Council is Trustee of the Gosford Affordable Housing Trust and has appointed a management committee to recommend to the Trustee (the Council) how the Trustee should deal with Trust assets. The committee recommends to the Trustee (the Council) on the acceptance of gifts of cash, property and real property. The committee recommends to the Trustee (the Council) on the distribution of cash and disposal including leasing of property and real property. The committee may recommend to the Trustee other things, as provided in the Trust deed. In undertaking the Committee's duties, include sustainable climate change adaptation and mitigation actions as a response to climate change. In the implementation of this duty ensure consistency with Council's Climate Change Policy
Meetings	As deemed necessary by the General Manager.
Appointed Minute No	2008/216
Reviewed Minute No	4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Trust

GOSFORD CITY BUSH FIRE MANAGEMENT COMMITTEE	
Membership	Councillor Strickson Alternate: Councillor Macfadyen <i>Gosford City Council:</i> Natural Areas Bushfire Management Officer Manager Waste & Emergency Services
Terms of Reference	To prepare and revise formal plans for the suppression of bush fires in the Gosford City area.
Meetings	Four meetings per year at 3-monthly intervals
Appointed Minute No	1 Nov 83, (748/83)
Reviewed Minute No	27 Oct 98, (198/98); 26 Oct 99, (199/99); 5 Dec 00, (273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 11 Oct 05, (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 26 July 11 (2011/374); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

GOSFORD BUSINESS IMPROVEMENT DISTRICT (GBID) COMMITTEE	
Membership	<p>Deborah Warwick (Chair) Julius Huszarek Dan Brian Alison Vidler Suzanne Tyrrell Todd White Tammy Wynd Geoff Neilson Josh Lucas Andrew Church Laurie Maher</p> <p><i>Gosford City Council:</i> Councillor Bowles Councillor Doyle (alternate) Chief Executive Officer (or his delegate)</p>
Terms of Reference	<p>GBID is a not for profit organisation which allocates and manages the funds collected by Gosford City Council from commercial property owners within a designated area in Gosford City Centre.</p> <p>GBID's core role is to improve Gosford City through events, festivals, city beautification works, ensuring adequate security and encourages business retention and new businesses to fill vacant premises.</p> <p>GBID encourages strong support from the retailers of Gosford, Gosford City Council, Gosford Chamber of Commerce and feedback from the local community.</p>
Meetings	Fourth Wednesday of each month at 5pm
Appointed Minute No	5 Nov 2013 (2013/616)
Reviewed Minute No	5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

GOSFORD CITY COUNCIL PROTECTION OF THE ENVIRONMENT TRUST MANAGEMENT COMMITTEE	
Membership Quorum = 3 voting members	<p>Councillor Burke (Chair) (v) Councillor Morris (alternate)</p> <p><i>Gosford City Council:</i> Chief Executive Officer (or his delegate) (v)</p> <p><i>Community Representatives:</i> Barbara Wills (v) Joy Cooper (v) Jane Smith (v)</p>
Terms of Reference	<p>The Council is Trustee of the Trust and has appointed a management committee to recommend to the Trustee (the Council) how the Trustee should deal with Trust assets. The committee recommends to the Trustee (the Council) on the acceptance of gifts of cash, property and real property. The committee recommends to the Trustee (the Council) on the distribution of cash and disposal of property and real property. The committee may recommend to the Trustee other things, as provided in the Trust deed.</p> <p>In undertaking the Committee's duties, include sustainable climate change adaptation and mitigation actions as a response to climate change. In the implementation of this duty ensure consistency with Council's Climate Change Policy</p>
Meetings	Three meetings per year as required.
Appointed Minute No	2006/544
Reviewed Minute No	6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Trust

GOSFORD DISTRICT RURAL FIRE SERVICE AGREEMENT LIAISON COMMITTEE	
Membership	<p>Councillor Strickson Alternate: Councillor Macfadyen</p> <p>Chief Executive Officer (or his delegate)</p> <p>A volunteer rural fire fighter A member of the Rural Fire Service nominated by the Fire Control Officer and approved by the Commissioner Fire Control Officer</p>
Terms of Reference	<p>To monitor and periodically review the performance of the Service Level Agreement by Council and the Rural Fire Service.</p> <p><i>Note: Clause 9.6 of the District Rural Fire Service Agreement 2009 states: "The Liaison Committee is not a committee of the Council or the Service."</i></p>
Meetings	Two meetings per year
Appointed Minute No	116/2001
Reviewed Minute No	4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 26 July 11 (2011/374); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	<p>External Committee Councillor Appointment to Outside Body</p>

GOSFORD FOUNDATION TRUST	
Membership Quorum = 3 voting members	Councillor Burke (Chair) (v) Councillor Morris (alternate) Chief Executive Officer (or his delegate) (v) <i>Community Representatives:</i> Mrs Barbara Wills (v) Ms Jane Smith (v)
Terms of Reference	The Council is Trustee of the Foundation and has appointed a management committee to recommend to the Trustee (the Council) how the Trustee should deal with Foundation assets. The committee recommends to the Trustee (the Council) on the acceptance of gifts of cash, property and real property. The committee recommends to the Trustee (the Council) on the distribution of cash and disposal of property and real property. The committee may recommend to the Trustee other things, as provided in the Trust deed. <i>(Note: Appointment of community representatives will terminate 12 months after a general election of the Council).</i>
Meetings	Three meetings per year as required.
Appointed Minute No	14 Aug 01
Reviewed Minute No	11 Dec 01, (269/01); 25 Feb 03, (64/2003); 25 Mar 03, (85/2003); 11 May 04, (104/2004); 11 Oct 05 (2005/900); 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Trust

GOSFORD REGIONAL GALLERY AND ARTS CENTRE ADVISORY GROUP	
Membership	<p>Councillor Scott (Chair) (v) Councillor Bocking (v)</p> <p><i>Gosford City Council:</i> Director Community Growth or Manager Culture Coordinator Arts & Culture Team Leader Programs Art Gallery Curator</p> <p><i>Organisational Representatives</i> Multi Arts Confederation (v) Gallery Volunteers' Representative (v) Central Coast Arts Society (v) Central Coast Watercolour Society (v) Friends of the Gallery (v) FUSION (v) Youth Representative (v)</p> <p><i>Community Representatives</i> Malcolm Brooks (OAM) (v) Donna Fletcher (v) vacant (v) vacant (v)</p>
Quorum Half plus one of active committee members - seven (7) as at 20/4/12	
Terms of Reference	<p>Aim: The role of the Advisory Committee is to assist the Regional Gallery and Arts Centre Management with the Gallery and Arts Centre Complex.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • Provide a formal link between the Community and Arts Centre Complex Management. • Act as an advocate for the Arts Centre Complex to the wider Community. • Ensure that the Arts Centre Complex Management recognises the needs of the local Arts & Cultural groups. • Encourage community participation and involvement in the Arts Complex. • Operate within the guidelines and policies set down by Gosford City Council.
Meetings	Quarterly, or as required.
Appointed Minute No	7 Nov 00, (253/00)
Reviewed Minute No	22 May 01, (116/01); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 11 Oct 05, (2005/900); 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 24 Aug 10 (2010/619); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 9 Dec 2014 (2014/704); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

GOSFORD REGIONAL GALLERY AND ARTS CENTRE ADVISORY GROUP	
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GOSFORD SHOWGROUND TRUST	
Membership	Councillor Ward Alternate: Councillor Macfadyen Chairperson: Ray Minter Hon. Secretary: Roland Soder Treasurer: Jennifer Winslade
Terms of Reference	To assist in the management of the Gosford Showground.
Meetings	As required
Appointed Minute No	19 Dec 89, (1481/89); 20 Feb 90, (210/90); 8 Sept 92, (939/92)
Reviewed Minute No	27 Oct 98, (198/98); 26 Oct 99, (199/99); 5 Dec 00, (273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 1 Mar 05, (2005/192); 11 Oct 05, (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 26 July 11 (2011/374); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

GOSFORD SISTER CITY COMMITTEE	
Membership	<p>Councillors Burke, Strickson and Bocking</p> <p><i>Community Representatives:</i> Malcolm Brooks OAM (President) Margaret Hardy (Secretary) Tony Seitam (Public Officer/Treasurer) Les Bromfield Donna, Graeme & Michael Judd Maureen Locke-Maclean David McMaster Ann Thomson Alyson Hansen Patti Gleeson Elizabeth Kwan Yoko Arie Shahin Shoghi Howard Bell Lorraine Page Margaret Hillyer Bara Tunnington Gabriele Richter Stella Nutt</p>
Terms of Reference	To have care, control and management of the Gosford Sister City Committee.
Meetings	Monthly – Last Monday of month at 5.15pm
Appointed Minute No	14 Sep 93, (1131/93); 27 Sept 94, (995/94); 11 Oct 05 (2005/900)
Reviewed Minute No	27 Oct 98, (198/98); 26 Oct 99, (199/99); 5 Dec 00, (273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 11 Oct 05 (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 2 Dec 08 (2008/814); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

GREATER SYDNEY LOCAL LAND SERVICES LOCAL GOVERNMENT ADVISORY GROUP	
Membership	The Mayor (or his delegate) Chief Executive Officer (or his delegate)
Terms of Reference	The Greater Sydney Local Government Advisory Group will have a strategic role in: <ul style="list-style-type: none"> a promoting partnerships between Greater Sydney Local Land Services (GS LLS) and local government in the Greater Sydney region; b promoting opportunities for delivering GS LLS investment to local government for delivery of outcomes consistent with GS LLS core functions of natural resource management; agricultural extension services; biosecurity; and emergency management; c providing a forum for local government input to LLS regional planning, including development of a Local Strategic Plan; d providing a forum for local government input to delivery of the LLS core functions; e developing a framework for the integrated delivery by local government of programs within the core function areas, including those identified in the Catchment Action Plan and Local Strategic Plan; f strengthening the partnerships between Local, State and Federal Governments in delivering programs to address the core functions.
Meetings	Four times per annum
Appointed Minute No	12 Aug 14, (2014/400)
Reviewed Minute No	9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

HERITAGE ADVISORY COMMITTEE	
<p>Membership</p> <p>Quorum = 1/2 voting members plus 1</p>	<p>Councillor Morris (v) Councillors Doyle (v) Councillor Macfadyen (alternate)</p> <p><i>Gosford City Council:</i> Director - Governance and Planning Manager Sustainable Corporate & City Planning Manager Development & Compliance Heritage Program Coordinator Aboriginal Programs Officer Coordinator City Planning Council Architect/Planner (on request) Natural Reserves Conservation Officer (on request) Manager Library & Community (on request) Local Studies Librarian (on request)</p> <p><i>Community Representatives:</i> Kay Williams (v) Prue Wyllie (v) Kate da Costa (v) Richard Waterouse (v)</p>
<p>Terms of Reference</p>	<p>The Heritage Advisory Committee is an opportunity to bring together key players in heritage management, promotion and education to assist Council to achieve the highest standards in the management and conservation of Gosford's Heritage resources.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • To provide a forum for community consultation on heritage matters. • To support Council to achieve its heritage objectives. • To promote an integrated approach towards heritage management including Gosford's Indigenous, natural, cultural and historic heritage to achieve the highest standards of conservation, urban design and interpretation. • To assist in the preparation and monitoring of a Heritage Strategy. • To encourage community awareness and pride in Gosford's Heritage through various means including publications, seminars, public displays, annual awards and digital media including the Council website. • To assist in the promotion of the values of heritage and heritage related tourism within, and to, the City. • To make recommendations on the collection and recording of local heritage material and artefacts. • To assist with the development of community heritage resources including a register of local heritage suppliers and heritage consultants. • To provide input into the formulation of policies and policy instruments which impact on heritage, including tourism, arts and culture, Indigenous issues, asset management, environment and urban design. • Make recommendations to Council on the nomination and deletion of items on the heritage schedules and about further work required to document and protect Gosford's heritage. • Provide advice and recommendations on proposals related to listed heritage places, sites and objects when referred to the committee. • In undertaking the Committee's duties, include sustainable climate change adaptation and mitigation actions as a response to climate

HERITAGE ADVISORY COMMITTEE	
	<p>change. In the implementation of this duty ensure consistency with Council's Climate Change Policy</p> <ul style="list-style-type: none"> • Provide advice on the management of Council's property and assets including heritage sites, buildings, cemeteries and cultural landscapes. • Provide advice and assistance with the procurement of external funding and grants.
Meetings	Quarterly, or as required.
Appointed Minute No	22 April 08 (2008/262)
Reviewed Minute No	4 Nov 08 (2008/733); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 20 Aug 13 (2103/454); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

JOINT REGIONAL PLANNING PANEL (JRPP)	
Membership	<p>Garry Fielding (Chair) Jason Perica Kara Krason John Colvin (alternate) Bob McCotter (alternate)</p> <p><i>Gosford City Council:</i> The Mayor Deputy Mayor (alternate for Mayor) Director - Governance & Planning Manager Development & Compliance (alternate)</p>
Terms of Reference	<p>The JRPP is constituted by the Minister for Planning by the publication of a notice in the Gazette (S23G Environmental Planning and Assessment Act EPAA). The panel is a statutory body representing the Crown therefore has status, privileges and immunities of the Crown.</p> <p>Members of the Panel are defined in the EPAA. The Council may nominate 2 members. The two Council nominees of an applicable Council, at least one of whom has expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism. If an applicable Council fails to nominate one or more Council nominees, a regional panel is not required to include two Council nominees for the purposes of exercising its function in relation to the area of the Council concerned.</p> <p>For the purposes of exercising the functions of a regional panel in relation to a matter, the Council nominees appointed to the regional panel are to be those nominated by the applicable Council for the land to which the matter relates. A Council nominee remains eligible to participate as a member of the regional panel for such period (not exceeding 3 years) as is specified in the nominee's instrument of nomination, but is eligible (if otherwise qualified) for re-nomination.</p>
Meetings	As required
Appointed Minute No	
Reviewed Minute No	2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 12 Aug 2014 (2014/414); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

LOCAL TRAFFIC COMMITTEE	
Membership Quorum = 3 voting members	<p>Councillor Burke (Chair) (v) Alternate: Councillor Macfadyen</p> <p><i>Gosford City Council:</i> Co-ordinator Road Safety and Traffic (Secretary)</p> <p><i>External Representatives:</i> NSW Police Service (v) Roads & Maritime Services (v) Member for The Entrance (v) Member for Terrigal (v) Member for Gosford (v)</p>
Terms of Reference	<p>The Local Traffic Committee is a technical review committee which is required to advise Council on matters related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.</p> <p>In undertaking the Committee's duties, include sustainable climate change adaptation and mitigation actions as a response to climate change. In the implementation of this duty ensure consistency with Council's Climate Change Policy.</p>
Meetings	Bi-monthly – First Monday of month at 9.00am
Appointed Minute No	1 Nov 83, (748/83)
Reviewed Minute No	27 Oct 98, (198/98); 26 Oct 99, (199/99); 5 Dec 00, (273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 6 Sep 05, (2005/772), 11 Oct 05 (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 24 Nov 09 (2009/787), 2 Feb 10 (2010/56); 2 Nov 10 (2010/746); 7 June 11 (2011/258); 22 Nov 11 (2011/591); 3 July 2012 (2012/363); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Statutory Committee

LOWER HAWKESBURY ESTUARY MANAGEMENT COMMITTEE	
Membership	Councillors Strickson and Morris
Terms of Reference	<ul style="list-style-type: none"> • The Lower Hawkesbury Estuary Management Committee is responsible for overseeing the implementation of actions and strategies as contained within the Lower Hawkesbury Estuary Management Plan. • The committee does not have delegation under s377 of the Local Government Act, 1993 and does not formally exercise Council's powers and functions. Hence, the committee cannot make decisions on behalf of Council. The committee can make recommendations with regard to estuary management matters to Council following due process. • Upon completion of the Lower Hawkesbury Estuary Management Plan this committee and functions thereof will be terminated.
Meetings	Quarterly
Appointed Minute No	22 Sept 09, (2009/659)
Reviewed Minute No	24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 26 July 11 (2011/374); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

NATIONAL PARKS AND WILDLIFE REGIONAL ADVISORY COMMITTEE	
Membership	Councillor Strickson
Terms of Reference	To provide advice on the care, control and management of national parks and reserves. To achieve conservation outcomes by facilitating the development of co-operative, constructive and innovative relationships between the National Parks and Wildlife Service and the local community.
Meetings	As required
Appointed Minute No	23 June 2009 (2009/430)
Reviewed Minute No	24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	External Committee Councillor Appointment to Outside Body

PLAYGROUND STRATEGY COMMITTEE	
Membership Quorum = ½ voting members plus 1	<p>Councillor Scott (Chair) (v) Councillor Bowles (v)</p> <p><i>Gosford City Council</i> Manager Culture Co-ordinator Parks, Playgrounds & Foreshores Parks Development Officer Field Superintendent Disability Services Officer Other Council Officers co-opted to the Committee on a needs basis.</p> <p><i>Community representatives:</i> Toni Tibbs (v) Larissa Hill (v) Kellee McNamara (v) Michelle McNab (v) Charles Wright (v) Lara Johnson (v)</p>
Terms of Reference	To produce a strategic plan on how best to develop and update playgrounds equitably through the Local Government Area as an aid for children's health and development and for the betterment of the general community.
Meetings	Quarterly, or as required.
Appointed Minute No	4 Oct 2005, (2005/883)
Reviewed Minute No	11 Oct 05 (2005/900), 24 Jan 06 (2006/44), 28 Mar 06 (2006/220), 6 June 06 (2006/430); 7 Nov 06 (2006/853); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 2 Nov 10 (2010/746); 7 June 11 (2011/259); 7 June 11 (2011/260); 1 Nov 11 (2011/550) 1 Nov 11 (2011/551); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 9 Dec 2014 (2014/724); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

STATUS OF WOMEN COMMITTEE	
<p>Membership</p> <p>Quorum = ½ voting members plus 1</p>	<p>Councillor Scott (Chair) (v) Councillors Morris and Ward (v) Councillor Bocking (alternate)</p> <p><i>Gosford City Council</i> Manager Library & Community Equal Employment Co-ordinator Office Administrator Community Development</p> <p><i>Community Representatives (up to 6)</i> Audrey MacDonald (v) Rachel Legge (v) Dixie Brown (v) Deidre Howard Wagner (v) Shayne Silvers (v)</p> <p>The encourages representation of women from the diverse areas of interest in Gosford LGA, such as:</p> <p>Women who represent women's organisations Highly regarded professional women Youth representatives Multicultural Representatives Aboriginal Representatives</p>
<p>Terms of Reference</p>	<p>To promote the Status of Women in Gosford Local Government Area.</p> <p>To encourage a "sense of place" for women in the Gosford LGA.</p> <p>To foster active participation from women in the Gosford LGA to develop a centralised local networking hub.</p> <p>To hold events throughout each year including International Women's Day, that provide a forum for women to voice their concerns, discuss local issues and celebrate the achievements of women.</p> <p>In undertaking the Committee's duties, include sustainable climate change adaptation and mitigation actions as a response to climate change. In the implementation of this duty ensure consistency with Council's Climate Change Policy</p>
<p>Meetings</p>	<p>Quarterly, or as required.</p>
<p>Appointed Minute No</p>	<p>8 March 05, (2005/198)</p>
<p>Reviewed Minute No</p>	<p>11 Oct 05, (2005/900), 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 27 March 07 (2007/156); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 27 Jul 10 (2010/553); 2 Nov 10 (2010/746),</p>

STATUS OF WOMEN COMMITTEE	
	7 Dec 10 (2010/858); 7 June 11 (2011/262); 22 Nov 11 (2011/591); 3 July 2012 (2012/362); 4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 8 April 2014 (2014/158); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)
Type of Committee	Council Committee - Advisory Committee of Council

THE THEATRES ADVISORY COMMITTEE	
Membership	<p>Councillor Ward (Chair) (v) Councillors Scott and Macfadyen (v)</p> <p><i>Gosford City Council:</i> Director – Community Growth Manager Culture Coordinator Arts & Culture Communications & Engagement Officer Team Leader Programs Laycock Theatre</p> <p><i>External Representatives:</i> President, Gosford Musical Society (v) Woy Woy Little Theatre representative (v) Theatre Volunteers' representative x 2 (v) Darkinjung Community representative (v) Youth representative (vacant) (v) NAISDA representative (vacant) (v)</p> <p><i>Community Representatives:</i> Chris Cox (v) Rebecca Gracia (v)</p>
Quorum = ½ voting members plus 1	
Terms of Reference	<ul style="list-style-type: none"> • To provide advocacy support for the theatres and the theatre programs and projects to the wider community. • To provide a forum for discussion on policy and programming issues required. • To assist management to secure sponsorship, grants and donations to support the program at both the Laycock Street Theatre and the Peninsula Theatre. • To support management in the ongoing development of the theatres. • To assist with the development and delivery of the YIPA program and the further development of future youth theatre programs. • In undertaking the Committees duties, include sustainable climate change adaption and mitigation actions as a response to climate change. In the implementation of this duty ensure consistency with Council's Climate Change Policy.
Meetings	Quarterly, or as required.
Appointed Minute No	6 Aug 96, (630/97); 26 Aug 97, (253/97)
Reviewed Minute No	27 Oct 98, (198/98); 26 Oct 99, (199/99); 27 Jun 00, (134/00); 5 Dec 00, (273/00); 11 Dec 01, (269/01); 25 Feb 03, (64/2003); 11 May 04, (104/2004); 23 Nov 04, (2004/362); 11 Oct 05, (2005/900); 28 Mar 06 (2006/220); 7 Nov 06 (2006/853); 7 Nov 07 (2007/716); 6 Nov 07 (2007/718); 4 Nov 08 (2008/733); 3 March 09 (2009/151); 24 Nov 09 (2009/787); 27 Jul 10 (2010/552); 2 Nov 10 (2010/746); 23 Aug 11 (2011/447); 22 Nov 11 (2011/591); 4 Dec 2012 (2012/724); 7 May 2013 (2013/235); 5 Nov 2013 (2013/616); 9 Dec 2014 (2014/706); 10 Nov 2015 (2015/518)

THE THEATRES ADVISORY COMMITTEE	
Type of Committee	Council Committee - Advisory Committee of Council

Committees and Advisory Groups Administrative Structure

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
STATUTORY COMMITTEES								
Bushfire Management Committee <i>OM 10/10/2012 - D03158047</i>	Councillor Troy Councillor Taylor (<i>Alternate</i>)	As required by Terms of reference/Charter	As required by Terms of reference /Charter	Senior Planner, Property & Economic Development Department	Bi Annually March/October Before and after fire season	9.00am	Rafferty's Resort - Rafferty's Rd, Cams Wharf	2 hours
Centennial Coal/Myuna Colliery Community Consultative Committee <i>OM 10/10/2012 - D03158047</i> <i>Email F2010/01590</i>	Staff as nominated by the Chief Executive Officer - <i>Director Development and Building</i>	Nerida Manley <i>Ph. 4970 0263</i> <i>0427 15647</i> <i>Nerida Manley @centennialcoal.com.au</i> Roger Davis Mine Manager Myuna Colliery <i>02 49700221</i>		Determined by external body/group. <i>Mr Gerard Martin is the Government Appointed Chair of this Committee - gerardmartin28@bigpond.com</i>	4 times a year	3.00pm	Myuna Colliery	
Consultative Committee <i>OM 10/10/2012 -</i>	Staff as nominated by the Chief Executive Officer (CC Mtg 17-07-13- D03628676 voting delegates)	As per Charter	All recommendations through to	Councillor Services Officer	At least Monthly <i>3rd Wednesday of the month</i>	8.30am-9.30am	Tim Farrell/ Wilfred Barrett	1 Hour

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
STATUTORY COMMITTEES								
<p><i>D03158047</i> <i>Charter March 1 2012</i></p> <p><i>*note Charter currently being updated to include above resolution</i></p> <p>Note: Councillors welcome by way of appointment but cannot vote.</p>	<p>*7 reps from Management:</p> <ul style="list-style-type: none"> • Director Infrastructure & Operations • Director Community & Recreation • HR Manager • IR Manager • 1 USU Outdoor Rep • 1 Indoor Rep • 1 DEPA rep • 1 APESMA rep 		HR Manager and Chairperson (or any other member or members the Committee may decide)				Rooms	
<p>Fire Control District Liaison Committee</p> <p><i>OM 10/10/2012 - D03158047</i></p>	Councillor Taylor Councillor Troy		To Director (Council if required)	<i>Senior Planner</i>	Quarterly 3 rd Tuesday		Fire Control Charmh aven	2 Hours
<p>CEO Performance Review Panel</p> <p><i>OM 10/10/2012 - D03158047</i></p>	All Councillors			<i>Manager Human Resources</i>				
<p>Heritage Committee Ordinary meeting *OM 26/06/2013- <i>D03438433</i></p> <p><i>OM 10/10/2012 - D03158047</i></p>	<p>Councillor Taylor *</p> <ul style="list-style-type: none"> • At least 3 community reps • Staff as nominated by 	<i>Agenda to be distributed 3 days prior to meeting</i>	<i>Councillors for Information</i>	<p><i>Heritage Committee Facilitator</i></p> <p><i>Strategic Planner</i></p>	Quarterly 1 st Monday	9.30am	<i>Wyong civic centre</i>	

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
STATUTORY COMMITTEES								
OM 14/11/2012 – D0189460 Adopted - Terms of Reference - D03178872	the Chief Executive Officer							
Joint Regional Planning (Hunter & Central Coast) Panel OM 10/10/2012 - D03158047 *Note – no staff representatives on Panel)	Councillor Eaton Councillor Best Councillor Taylor (1 st alternate) Councillor Troy (2 nd alternate - from 14/10/15)			Senior Administration Support Officer, Development & Building Department	Meetings as advised Calendar of possible meeting dates available on website http://www.jrpp.nsw.gov .au/Meetings/tabid/82/l anguage/en- AU/Default.aspx	Varies	Varies	Varies
Local Traffic Committee OM 10/10/2012 - D03158047	Councillor Taylor Councillor Webster (1 st alternate) Councillor Eaton (2 nd alternate - from 14/10/15) 1 Council Representative 1 RMS Representative 1 NSW Police Force Rep Local Member of Parliament	Agenda compiled by Committee Admin Officer	To Director (Council if required)	Committee & Administration Support Officer, Roads & Drainge, Assets and Planning - Department Infrastructure & Operations	2 nd Wednesday, every 2 nd month – commencing Feb	9.00am	Tim Farrell/ Wilfred Barrett Rooms	1 hour

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
STATUTORY COMMITTEES								
Lake Coal (<i>Chain Valley Colliery</i>) Consultative Committee <i>Email F2010/01590</i> Lake Coal (<i>Mannering Colliery</i>) Community Consultative Committee	Staff as nominated by the Chief Executive Officer - <i>Director Building and Development</i>	<i>Chris Ellis, LDO Lake Coal, CV Colliery cellis@ldo.com.au -</i> <i>as above</i>		Determined by external body/group. <i>Margaret McDonald Hill is the Government appointed independent Chair for both these Committees -</i> <i><margaret888@pacific.net.au></i>	Twice a year		Chain Valley Colliery (Conference Room), Located off Ruttleys Rd,.	
Tuggerah Lakes Estuary, Coastal and Floodplain Management Committee <i>OM 10/10/2012 - D03158047</i> <i>OM 14/11/2012 - D0189460</i>	The Mayor (as per clause 260(2) Local Gov. (General) Reg. 2005) Councillor Taylor (joint chair) Councillor Troy (joint chair) Councillor Webster <ul style="list-style-type: none"> • 3 Community Reps • 3 Staff Representatives • Office of Environment & Heritage Representatives • SES Representative (to be invited when relevant topics listed) • Local Aboriginal Community Rep Representative (to be invited when relevant 	Agenda – submitted to Secretary 14 days before meeting. Secretary - Minutes	To Council	Infrastructure management Department staff member – Manager Waterways & Asset Management <i>Councillor Services Officer</i>	Must not exceed 3 months but will usually be Monthly. <i>1st Thursday of each month (Except Jan)</i>	5.00 pm - 7.00 pm	Tim Farrell/ Wilfred Barrett Rooms	2 Hours

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
STATUTORY COMMITTEES								
Charter - D03292368 (Adopted – OM 23/1/2013)	topics listed) • Commercial Fishing Industry Rep Representative (to be invited when relevant topics listed)							

Strategic Committee								
<p>Audit & Risk Committee</p> <p>OM 10/10/12- D03158047</p> <p>OM 13/11/13 -D03293319**</p> <p>Terms of Reference (D03167888) adopted OM 10/10/12 - D03158047</p> <p>*(for the term of Council to Sept 2016 see T.O.R.)</p>	<p>*Cr Eaton – Mayor</p> <p>*Cr Webster -(Dep Mayor)</p> <p>**Cr Taylor (1st alternate - from 14/10/15)</p> <p>Cr Vincent (2nd alternate - from 13/3/13)</p> <p>Jason Masters (Chair) (External Member)</p> <p>Glenn Harris - External Member (appointed 13/11/13)</p>	<p>Formal reports in accordance with Code of Meeting Practice</p>	<p>To Council (within 4 weeks after each meeting)</p>	<p>Councillor Services Officer</p>	<p>Meet at least 4 times a year and to receive draft financial statements</p> <p>3rd Wednesday Quarterly</p> <p>Extraordinary meeting 1st Wednesday in October for Financial Reports only</p>	<p>9.30am</p>	<p>Tim Farrell/ Wilfred Barrett</p>	<p>Approx 3 hours</p>
<p>Employment and Economic Development Committee (EEDC)</p> <p>Terms of Reference D03178869</p> <p>OM 10/10/12- D03158047</p> <p>OM 14/11/12 – D03189460</p> <p>OM 12/12/12 – D03214124</p>	<p>Councillors Only</p> <p>Cr Best (Chair), Cr Taylor (from 14/10/15), CR Webster, Cr Greenwald Cr Troy Cr Eaton (from 12/12/12)</p>	<p>Formal reports in accordance with Code of Meeting Practice</p>	<p>To Council</p>	<p>Councillor Services Officer</p>	<p>Meet Quarterly</p> <p>1st Wednesday Bi Monthly effective 06/03/2013-23/12/2013</p>	<p>4.00pm</p>	<p>Tim Farrell/ Wilfred Barrett</p>	<p>Approx 3 hours</p>

Advisory Groups								
Beach Advisory Group OM 10/10/12 - D03158047 Terms of Reference D03242252	<i>Staff as nominated by the Chief Executive Officer</i> External 2 Reps – CCCLS 1 Rep - Wyong Shire SLSC Internal Manager – Sport and Leisure Operations Manager - Natural areas (Chair) Lifeguard Co-ordinator	List of tabled items	To Director (and Council if required)	Staff Member reporting to Advisory Group Facilitator - Department Community & Recreation	As Required			
Grants Advisory Group OM 10/10/12 - D03158047 OM 14/11/12 – D03189460	Cr Eaton Cr Webster Cr Matthews (<i>from 14/10/15</i>) Manager, Community Partnerships and Planning		To Director (and Council if required)	Staff Member reporting to Advisory group Facilitator - Department Community & Recreation	As Required		Tim Farrell and Wilfred Barrett Rooms	Approx 2 Hours
Multicultural Advisory Group Terms of Reference D03218713 OM 10/10/12 - D03158047	Cr Eaton Cr Vincent Cr Webster	Agenda Distributed 3 days prior to meeting Set by group Facilitator	<i>Facilitator to determine if any individual recommendations are required to report to Council</i>	Staff Member reporting to Advisory Group Facilitator - Department Community & Recreation	Quarterly		Wyong Civic Centre	
Sports Advisory Group OM 14/11/2012 - D03180066	Cr Eaton Cr Matthews (<i>from 14/10/15</i>) Cr Troy Cr Taylor		To Director (Council if required)	Staff Member reporting to Advisory group Facilitator - - Department Community & Recreation	As Required			Approx 1 hour

Attachment 2

Database of the COmmittee of Advisory Groups of the former Wyong Shire Council

Status of Women Advisory Group <i>OM 10/10/12 - D03158047</i>	Cr Webster Cr Matthews Cr Troy Cr Taylor <i>(from 14/10/15)</i>		To Director (Council if required)	Staff Member reporting to Advisory group Facilitator - - Department Community & Recreation	3 rd Thursday Bi Monthly		Tim Farrell and Wilfred Barrett Rooms	Approx 1 Hour
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Working Party								
Art House Working Party <i>OM 10/10/12 - D03158047</i>	Cr Eaton Cr Webster	List of tabled items	Sent to all Councillors for information	Department of origin <i>Stuart Slough</i>	As required			
Soldiers Point Headland Working Party. <i>(OM 28-08-13 - D03702220)</i>	Staff Member as nominated by the Chief Executive Officer	List of tabled items	To strategic Committee or Council	Senior Officer Terrestrial Ecology and Sustainability – Property & Economic Development Department	As required			

Scroll down to next page to view details regarding - External Bodies or Groups

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
External Bodies or Groups –								
Central Coast Group Training <i>OM 10/10/12 - D03158047</i>	Councillor Eaton	Determined by external body/ group.		Determined by external body/group	Annually November		CCGT Board Room Tuggerah	Not a regular committee. Duration varies
Central Coast Tourism <i>OM 10/10/12 - D03158047</i>	CEO or delegate	Determined by external body/ group.		Determined by external body/group	Bi Monthly 3 rd Friday AGM – Dec	6-7	Kariong Visitors Centre	1 Hour
Greater Toukley Vision Inc <i>OM 10/10/12 - D03158047</i>	Councillor Troy (<i>from 14/10/15</i>)	Determined by external body		Determined by external body/group	Monthly 3 rd Monday	5.30pm- 7.30pm	250 Main Toukley	2 Hours
Public Libraries NSW – Metropolitan <i>OM 10/10/12 - D03158047</i>	Staff as nominated by the Chief Executive Officer	Determined by external body/ group.		Determined by external body/group				
Regional Development Australia - Central Coast <i>OM 10/10/12 - D03158047</i>	Councillor Webster	Determined by external body/ group.		Determined by external body/group				
The Entrance Town Centre Management Corporation Board <i>OM 10/10/12 - D03158047</i>	Councillor Webster Councillor Eaton	Determined by external body/ group.		Determined by external body/group	Monthly 4 th Tuesday	7am – 9am	The Entrance Visitor information centre	2 hours

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
Wyong Council Community Environment Network and WyCare Liaison Group <i>OM 10/10/12 - D03158047</i>	Councillor Troy	Determined by external body/ group.		Determined by external body/group				
Wyong Regional Chamber of Commerce <i>Elected September 2014 - D11709272</i>	Councillor Taylor Councillor Greenwald (alternate)	Determined by external body/ group.		Determined by external body/group	2 nd Wednesday	5.30pm-7.00pm	Wyong Race club	1.5 hours
Central Coast Regional Organisation of Councils Executive Group (CCROC) <i>OM 10/10/12 - D03158047</i>	Mayor, Deputy Mayor, Councillor Taylor (<i>from 14/10/15</i>)	Determined by external body/ group.		Determined by external body/group				
Hunter Central Coast Regional Environmental Management Strategy Information Committee (REMS) <i>OM 10/10/12 - D03158047</i>	1 staff member as nominated by the Chief Executive Officer	Determined by external body/ group.		Determined by external body/group				
Central Coast Business Mentor Services Board (trading as Central Coast Business Enterprise Centre) <i>OM 10/10/12 - D03158047</i>	1 staff member as nominated by the Chief Executive Officer							

Committee/ Advisory Group	Participation	Agenda/ Minutes	Reporting	Admin Support	Meeting	Time	Place	Duration
CCROC – Joint Wyong and Gosford OM 16-05-13D03379986 Terms of Reference D03391933	2 Chief Executive Officers 2 Mayors 2 Deputy Mayor Gosford and Wyong Councils. Gosford – Councillor McKinna (Chair – when Gosford hosting meeting) Councillor Doyle, Councillor Macfadyen (alternate) Wyong Councillor Eaton (Chair – when Wyong hosting meeting). Councillor Lloyd Taylor. (Each Council is to nominate their own alternates.)	Minutes – Alternate Agenda – Sue McKellar (Gosford Mayors PA)	To Council after Joint Meeting	Paul Anderson Gosford Council Wyong Councillor Services Sonia Witt	Alternate Wyong/Gosford As required 3 rd Wednesday March/June/Sept/Dec	9am-11.00am	AlternateWyong Tim Farrell/ Wilfred Barrett Committee rooms Gosford Council	Approx 2 hours



Item No: 3.6
Title: Interim Salary Arrangement for Council
Department: Interim General Manager

25 May 2016 Extraordinary Council Meeting

D12340065

Report Purpose:

A report on the salary arrangement frameworks for the Council, and related matters.

Recommendation:

- 1 That Council receive and note this report.**
- 2 That Council resolves to engage Winton Consulting Pty Limited to provide services to assist in the harmonisation of the salary systems of the former Wyong Shire Council and the former Gosford City Council.**
- 3 That Council notes, for the purposes of s. 55(3)(i) of the Local Government Act 1993, that due to the following extenuating circumstances, a satisfactory result would not be achieved by inviting tenders for these services:**
 - a The amalgamation of the former Wyong and Gosford local government areas on the 12 May 2016 has created an urgent need to harmonise the salary systems and key HR policies of the former Wyong Shire Council and former Gosford City Council and leaves insufficient time to invite tenders;**
 - b The ability for Winton Consulting Pty Limited to provide the services of Dr Rod Harrison PhD ,who brings extensive experience as a (former) member of the NSW Industrial Relations Commission.**

Content:

The harmonisation of the salary systems and key HR policies of the former Wyong Shire Council (WSC) and former Gosford City Council (GCC) are top priorities for year one of the new Central Coast Council (the Council).

The Executive team of the Council have identified that the early establishment of a constructive and productive organisational culture is essential to the proper functioning of the Council, and that any barriers to this need to be dealt with. Continuing with the differing salary systems and HR policies will divide the merged teams and may be an impediment to delivering services effectively to the community.

3.6 Interim Salary Arrangement for Council (contd)

The *Local Government (State) Award 2014* applies to most employees of the Council and clause 7 of that Award requires that the Council have a salary system. Collaboration between the two organisations has so far indicated that there is a great deal of difference between the salary systems and policies of the two former Councils and to bring the two sets closer together, skilled advice and support is required.

Winton Consulting Pty Limited ("Winton") has recently engaged the services of a former Deputy President of the NSW Industrial Relations Commission, Dr Rod Harrison PhD. Rod has worked with many Hunter and Central Coast Councils over many years to assist them build salary systems as well as resolve issues related to existing salary systems. Rod has also built solid, positive relationships on both sides of the industrial space that would be of significant benefit in the context of this project. A copy of Rod's biography is set out below:

"Biography of Dr Rod Harrison, PhD

More than 40 years' experience in issue and dispute resolution has given Rod a rich and distinguished career in the field, with a plethora of achievements to his name in the maritime industry, coal mining, transport, construction, manufacturing, energy and government sectors. With 28 years as a member of the NSW Industrial Commission and the Federal Tribunal, now the Fair Work Commission, under his belt, his knowledge and sage wisdom have guided some landmark work and decisions, including the establishment of the Hunter Valley Coal Chain and the "Hunter Model" of dispute resolution – a model favouring cooperative and collaborative problem-solving over the traditional adversarial model.

Accredited as an experienced and qualified Mediator under the Australian National Mediator

Standards, Rod's experience has helped many and varied organisations navigate their way through complicated structural change to positions of profitability and employee engage and includes:

- § A central role in the Hunter Model, which saw more than \$15 billion in coal chain infrastructure and other works completed ahead of schedule and under budget with no lost time due to industrial disputes and an exemplary safety record;*
- § A key role in the introduction of collaborative industrial relations and interest-based bargaining in the NSW power industry and NSW local government;*
- § Facilitating local and international workshops, including a High Level Symposium on Employment Relations in Gaborone and a one-day workshop for conciliators and mediators appointed pursuant to the Industrial Legislation of Botswana. During his tenure with the Industrial Tribunals, as Commissioner and Deputy President, Rod heard and resolved more than 8000 cases by conciliation, mediation and arbitration. Rod said he was driven by helping organisations and individuals improve and optimise their working relationships through interest-based bargaining."*

3.6 Interim Salary Arrangement for Council (contd)

Our view is that the specialist skills and networks offered by Rod, combined with the local government focus of Winton, provide an unparalleled fit for Council's requirements. Further, there is a lack of suitably experienced or qualified consultants that are familiar with the Central Coast/Hunter region and with established relationships with the external parties that are key stakeholders in this process.

On this basis, it is highly recommended that the Council resolves to not invite tenders for this contract, under section 55 (3) (i) of the *Local Government Act 1993*, which states *inter alia* that the requirement to invite tenders before entering in to a contract does not apply to:

"...a contract where, because of extenuating circumstances...a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders".

The scope of the engagement of Winton is that it analyse the existing industrial arrangements in place within each former Council, harmonises the key HR policies of those former Councils, and builds an interim salary arrangement framework against which hiring and internal transfer of staff can occur. Not proceeding with this engagement would mean that the functioning of the new Council would be under threat, with no pay and entitlement structure against which to hire and transfer staff and the new Council not complying with the *Local Government (State) Award 2014*.

The cost of the proposed engagement is \$216,605 inclusive of GST. It is proposed that the Council endorses the engagement of Winton to complete this important program of work, under the exception provided by s. 55(3)(i) of the *Local Government Act 1993*.

It is noted that on the 11 May 2016 the governing body of the former Wyong Shire Council resolved the following:

"That Council resolve to engage a consultancy firm to advise on the harmonisation of the salary systems to support the merger of Wyong Shire Council and Gosford City Council and delegate to the Mayor and the Acting Chief Executive Officer the engagement".

Proposal:

It is recommended that Council engage Winton Consulting Pty Limited to provide services to Council to assist with the harmonisation of the salary systems of the former Wyong Shire Council and the former Gosford City Council.

Consultation:

Consultation is not required.

3.6 Interim Salary Arrangement for Council (contd)

Financial Impact:

The anticipated cost of the engagement is \$216,605 inclusive of GST.

Attachments

Nil.

Item No: 3.7
Title: Code of Meeting Practice and Location of Council Meetings
Department: Interim General Manager

25 May 2016 Ordinary Council Meeting

D12339019



Report Purpose:

The purposes of this report are to propose that Council publicly exhibit an amended Code of Meeting Practice, and to propose amended arrangements for future ordinary meetings of the Council so that ordinary meetings of the Council are held at Wyong and Gosford on an alternating basis.

Recommendation:

- 1** *That Council resolve, in accordance with Clause 2.1.9 of the current Code of Meeting Practice, to conduct future Ordinary Meetings of Council at the Council Chambers at the following locations:*
 - a** *For ordinary meetings to be held on the second Wednesday of any month, at the Council Chambers of the former Gosford City Council (located at 49 Mann Street, Gosford) with the first such meeting to commence at 5pm on Wednesday 8 June 2016 and no such meeting to be held in January of any year; and*
 - b** *For ordinary meetings to be held on the fourth Wednesday of any month, at the Council Chambers of the former Wyong Shire Council, (located at 2 Hely Street, Wyong) with the first such ordinary meeting to commence at 5pm on Wednesday 22 June 2016 and no such meeting to be held in December of any year.*
- 2** *That Council resolve, for the purposes of clause 9.3.1 of the current Code of Meeting Practice, that all future ordinary and extraordinary meetings of the Council are to be audio recorded.*
- 3** *That Council do each of the following in respect to the draft Code of Meeting Practice that is Attachment 1 to this report:*
 - a** *Give public notice of the draft Code, which must specify that submissions may be made to Council for a period of not less than 42 days from the date on which the draft Code is first publicly exhibited by Council; and*
 - b** *Publicly exhibit the draft Code for not less than 28 days and in accordance with that public notice.*
- 4** *That a further report be provided to Council for consideration of any submissions received in respect to the draft Code of Meeting Practice.*
- 5** *That Council request that the Interim General Manager provide a report to Council on potential webcasting of meetings of the Council.*

3.7 Code of Meeting Practice and Location of Council Meetings (contd)

Content:

At about 12.10pm on 12 May 2016 the *Local Government (Council Amalgamations) Proclamation 2016* ("the Proclamation") was made, resulting in the constitution of the Central Coast Council, and the dissolution of the former Gosford City Council and the former Wyong Shire Council: ss. 218A and 219 of the *Local Government Act 1993* ("the LG Act").

Clause 8 of the Proclamation states:

The code of meeting practice of the former Wyong Shire Council is to be the code of meeting practice of the new council until it is amended or replaced in accordance with the Act.

Amongst other things, the current Code of Meeting Practice ("the Current Code") provides that meetings of the Council *may* be audio recorded, and that ordinary meetings of the Council are to be held as follows:

- On the second and fourth Wednesdays of each month, from February to November (inclusive);
- On the second Wednesday in December;
- On the fourth Wednesday in January;
- Meetings are to be held in the Council Chambers of the former Wyong Shire Council, at 2 Hely Street, Wyong; and
- Meetings are to commence at 5pm and conclude at 9pm.

Sub-section 360(3) of the LG Act provides that meetings of the Council must be conducted in accordance with the Current Code. That means that, at present, all meetings of the Council must be held in the Council Chambers of the former Wyong Shire Council at Wyong.

The purposes of the LG Act include providing for an open system of local government and to encourage the effective participation of local communities in the affairs of local government: ss. 7(a) and 7(c) of the LG Act. The Central Coast local government area is large, comprising of the former Gosford and Wyong local government areas. Holding meetings of the Council only in the Council Chambers of the former Wyong Shire Council at Wyong is not consistent with those purposes, as it makes it more difficult for members of the public that live in the southern parts of the Central Coast local government area to attend those meetings.

It is appropriate for meetings of the Council to be held, on an alternating basis, in the Council Chambers of the former Gosford City Council located in Gosford, and in the Council Chambers of the former Wyong Shire Council located in Wyong.

In the short to medium term that can be effected by the Council resolving, pursuant to cl. 2.1.9 of the Current Code, to alter the location of subsequent ordinary meetings of the Council so that those meetings alternate between the Gosford and Wyong locations. However, it is desirable for that alternating arrangement to be more permanently effected by formally amending the Current Code in accordance with ss. 361, 362 and 363 of the LG Act, which require that:

3.7 Code of Meeting Practice and Location of Council Meetings (contd)

- The draft amended Code of Meeting Practice be publicly notified, with the public notice to specify that submissions may be made to the Council concerning the draft amended Code not less than 42 days after the date that the draft amended Code is placed on public exhibition, which must be considered by the Council before it determines whether or not to adopt that draft amended Code; and
- The draft amended Code being placed on public exhibition for not less than 28 days and in accordance with the public notice.

Meetings of the governing body of the former Wyong Shire Council were audio recorded. Meetings of the governing body of the former Gosford City Council were not usually audio recorded. It is useful for the Council to formally resolve whether or not its meeting will be audio recorded. Audio recording of meetings of the Council provides an important record of those meetings, which may contain information that is accessible under the *Government Information (Public Access) Act 2009*, and allow for accurate minutes of those meetings to be taken.

It is also worth considering whether meetings of the Council might be broadcast by way of webcast or similar means, which will provide an additional means for the public to observe the making of decisions by Council and encourage public participation in Local Government on the Central Coast.

Current Status:

The Current Code applies to all meetings of the Council: s. 360(3) of the LG Act. It requires that all of those meetings are held in the Council Chambers of the former Wyong Shire Council, located at 2 Hely Street, Wyong.

Proposal:

(a) Resolution to vary the location of future ordinary meetings of the Council

It is recommended that the Council resolve, pursuant to cl. 2.1.9 of the Current Code, to hold future ordinary meetings of Council as follows:

- Ordinary meetings held on the second Wednesday of any month to be held at the Council Chambers of the former Gosford City Council (located at 49 Mann Street, Gosford), with the first such meeting to commence at 5pm on Wednesday 8 June 2016 and no such meetings to be held in the month of January.
- Ordinary meetings held on the fourth Wednesday of any month to be held at the Council Chambers of the former Wyong Shire Council (located at 2 Hely Street, Wyong), with the first such ordinary meeting to commence at 5pm on Wednesday 22 June 2016 and no such meetings to be held in the month of December.

This will provide the public with more equitable access to and participation in Council Meetings. It is proposed that the venue for Ordinary meetings of Council alternate between the Council Chambers at Wyong (2 Hely Street) and Gosford (49 Mann Street).

Council can resolve to amend the location of Council meetings at any time in the future.

3.7 Code of Meeting Practice and Location of Council Meetings (contd)

(b) Proposed amendment of the Current Code of Meeting Practice

As provided in the Proclamation, the Code of Meeting Practice of the former Wyong Shire Council is the Code of Meeting Practice that applies to meetings of the Central Coast Council until such time as that Current Code is amended or replaced in accordance with the LG Act. The requirements of ss. 361, 362 and 363 of the LG Act have been summarised above.

A draft amended Code of Meeting Practice is attachment 1 to this report. It is recommended that the draft amended Code of Meeting Practice be publicly notified and publicly exhibited, following which Council will consider any submissions received before determining whether or not to adopt that draft amended Code.

The recommended amendments are shown in the attachment with additions in underline text and deletions in ~~strike through text~~. The following is a summary of the proposed amendments:

- Inclusion of a definition of 'Administrator' at 1.5 to provide clarity to the community and staff as to how the Code applies to an Administrator.
- Changes to reference to Wyong Shire Council to Central Coast Council.
- Clarification of venues to specify addresses where appropriate.
- Provision for the rotation of venue, in accordance with the above proposed resolution.
- Correction of minor drafting issues.

(c) Webcasting and Audio Recording

The Central Coast Council covers a significant geographic area, and the timing of meetings may not always allow for members of the public to attend and participate in those meetings. Webcasting can be a low cost solution that allows the public to see how decisions that affect their local community are made. Given the proposed rotation of venue, it may be appropriate to give consideration to the webcasting of future meetings of Council to provide an additional means for members of the public to participate in and observe the decision made in those meetings. This promotes open and transparent decision making as well as encouraging public participation in those decisions.

It is proposed that a report be provided to Council setting out the feasibility or otherwise of webcasting of meetings of Council, including the cost, governance and legal implications.

It is also proposed that meetings of the Council be audio recorded, to assist in the keeping of accurate minutes of those meetings and to provide for the keeping of an additional type of information concerning those meetings which may be accessible under the *Government Information (Public Access) Act 2009*.

Consultation:

It is proposed that the draft amended Code of Meeting Practice be placed on public exhibition and be the subject of public notification, in accordance with ss. 361, 362 and 363 of the LG Act, and that a further report be provided to Council for consideration of any submissions made during that period.

No other consultation is required or proposed.

Options:

3.7 Code of Meeting Practice and Location of Council Meetings (contd)

Council may determine there is no need for meetings of the Council to alternate between the Gosford and Wyong locations, and so not resolve to alter the location of such meetings or to initiate the amendment of the Current Code. *This is not recommended.*

Council may also resolve that there is no need for audio recording or webcasting of its meetings. *That is not recommended.*

Critical dates/Timeframes

The LG Act provides that Council place the draft amended Code of Meeting Practice on public exhibition for a period of at least 28 days. Council is further required to specify a period of at least 42 days during which submissions may be made to Council. Accordingly, it is likely that the draft amended Code of Meeting Practice would be on public exhibition for the period from 30 May 2016 to 27 June 2016, with submissions can be made during the period from 30 May 2016 to 18 July 2016.

A further report would be provided to Council on 27 July 2016, to allow Council to consider any such submissions and whether to adopt the draft amended Code.

Financial Impact:

The recommendation contained in this report has no financial impact on Council.

Attachments

- 1 Draft Code of Meeting Practice D12340148

AUTHORITY	NAME & TITLE
CHIEF EXECUTIVE OFFICER <u>INTERIM GENERAL MANAGER</u>	<i>Rob Noble, Interim General Manager</i>

CERTIFIED A TRUE COPY OF POLICY ADOPTED BY COUNCIL

AUTHOR SIGNATURE	
COUNCIL RESOLUTION DATE	27 JANUARY 2016

History of Revisions:

Version	Date	TRIM Doc. #	ECM Doc. #
1	November 2011- 17 May 2016	D02903525 XXXXXXXX	22650159
2	November 2012	D03180087	
3	October 2014 (as per Council resolution 26/8/2013)	D11738375	
4	10 December 2014	D11747236	
5	27 January 2016	D12287017	

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1 GENERAL

1.1 Making of this Code

This Code is made under the Local Government Act, 1993 and in accordance with the Local Government (General) Regulation, 2005 and subsequent amendments.

1.2 Citation

This Code may be cited as the "Code of Meeting Practice".

1.3 Scope and Objectives

Scope

- 1.3.1 This Code sets out the standing orders for the conduct of proceedings at Council and Committee meetings.
- 1.3.2 Council and any Committees of Council of which all members are Councillors MUST conduct their meetings in accordance with this Code (Section 360 of the Local Government Act, 1993).
- 1.3.3 The provisions of this Code are substantially based on the provisions of the Local Government Act, 1993 and Part 10 (Meetings) of the Local Government (General) Regulation, 2005, subsequent amendments and Council policy decisions.

Objectives

- 1.3.4 To provide a structure for the orderly and efficient proceedings of meetings in order to earn the respect of the ~~Shire's~~ Council's ratepayers, residents and visitors.
- 1.3.5 To assist Councillors and Staff with their obligations to conduct themselves at meetings to accepted standards of behaviour, make positive contributions to the issues being considered and maintain good working relationships with each other.
- 1.3.6 To enable meetings to be held in an environment that facilitates respect shown for the views of others and regard for the due process of law, reasonableness and fairness.
- 1.3.7 To support the basic organisation principle of Councillors not involving themselves in the day-to-day administration of Council matters. Meetings should address matters of policy, direction, resource allocation, statutory decisions and other appropriate Council issues.

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1.4 Amendment to the Code

This code may only be amended by means of a new code adopted under the procedures contained in Division 1 - Part 2 - Chapter 12 of the Local Government Act 1993 except where an amendment is proposed that reflects a change to the Local Government Act 1993 or the Local Government (General) Regulation 2005 and such change will be made automatically and a report on the changes will be submitted to a meeting of the Council without need for further public notification.

1.5 Definitions

In this Code unless inconsistent with the context:

Administrator means any Administrator appointed in accordance with the Local Government Act 1993. Where an Administrator has been appointed to Central Coast Council all references to the Mayor and Councillors, and Council apply to the Administrator ~~where -noting that the Administrator has all the functions of the Council.~~

agenda means a list of items for consideration at a meeting together with reports and other attachments relating to those items.

amendment means a motion moved as an alternative to the original motion.

chairperson

- (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the Local Government Act 1993; and
- (b) in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by clause 267 of the Local Government (General) Regulation 2005.

charter means a document setting out the purpose, membership, objectives and life of a committee established by Council.

Council means the Central Coast Council ~~of the Shire of Wyong~~

Committee means a Committee established by Council in accordance with clause 260 of the Local Government (General) Regulation 2005.

confidential session is a meeting of Council or a Committee from which the media and the public has been excluded by a resolution carried in accordance with section 10(A) of the Local Government Act 1993.

council chamber includes the public gallery, the foyer areas on the relevant ground floor and the surrounds. ~~first floor immediately adjacent to the meeting room.~~

Councillor means a councillor of the Central Coast Council ~~Shire of Wyong~~

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and includes the Mayor.

Deputy Mayor means the Deputy Mayor of the Central Coast Council Shire of Wyong.

due notice means:

- (a) a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting;
- (b) provided to the members of the Council or Committee 5 days prior to the meeting.

EP&A Act means the Environmental Planning and Assessment Act 1979

exception method means a method used to consider a group of reports as one resolution of Council which has the effect of adopting the staff recommendation for each report, without alteration, as Council's resolution for each report with the following conditions:

- A resolution of Council to use the Exception Method
- The exclusion of reports nominated by Councillors to be considered individually
- The exclusion of matters where a councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest;
- The exclusion of motions to close part of a meeting, or to determine that a document before the Council is to remain confidential.

General Manager is the General Manager of Central Coast Council Wyong Shire Council, or in the absence of that person, the employee designated to act for the General Manager.

Mayor means the Mayor of the Central Coast Council Shire of Wyong.

meeting room means:

- Civic Centre Wyong (2 Hely Street Wyong) - That area of the ground floor and inside the doors of the area generally referred to as the Meeting Room, but does not include the public gallery.
- Committee Rooms Wyong (Civic Centre 2 Hely Street Wyong) First Floor - Inside the doors of the Committee Room being used for the meeting.
- Council Chambers Gosford (49 Mann Street, Gosford) First Floor - Inside the doors of the Council Chambers being used for the meeting.
- Any Other Location - Inside the doors of the room being used for the meeting, but does not include any area set aside for the public, media

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representatives or guests.

misbehaviour for the purposes of this Code means, any of the following:

- (a) a contravention by the Councillor of the Local Government Act, 1993 or the Local Government (General) Regulation 2005,
- (b) a failure by the Councillor to comply with an applicable requirement of a code of conduct as required under section 440 (5) of the Local Government Act 1993,
- (c) an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council, but does not include a contravention of the disclosure requirements.

original Motion means the motion before the meeting at the time.

planning decision means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* :

(a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but

(b) not including the making of an order under Division 2A of Part 6 of that Act.

Minutes means the record of the proceedings of any meeting of the council and its committees.

negatived motion means an unsuccessful motion.

quorum means the minimum number of members needing to be present to constitute a valid meeting.

record means a document including any written or printed material or object (including a sound recording, coded storage device, magnetic tape, compact or floppy disc, microfilm, photograph, film, map, plan or model of a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of Council and, in particular, includes the minutes of meetings of Council or of a Committee of Council.

the Regulation means the Local Government (General) Regulation, 2005.

the Act or **this Act** means the Local Government Act, 1993 unless specified.

this Code means the Central Coast Council Shire of Wyong Code of Meeting Practice.

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Urgency in respect of motions, means a matter which calls for immediate action or attention which cannot be dealt with at a subsequent scheduled meeting of the Council.

1.6 Other Definitions

Except as otherwise provided, expressions used in this code which are defined in the dictionary at the end of the Act have meanings set out in the dictionary of the Act.

1.7 Legislation

References to Act and Regulation

1.7.1 This code is made pursuant to ~~section Clause~~ 360(2) of the Act.

The Council and a Committee of which all members are Councillors must conduct its meetings in accordance with this Code in accordance with ~~section Clause~~ 360(3) of the Act.

This code incorporates relevant provisions of the Act and Regulation. Words appearing in italics are a direct quote from the Act or Regulation.

2 CONVENING, NOTICE AND FREQUENCY OF COUNCIL AND COMMITTEE MEETINGS

2.1 Notice of Meetings

Notice of meeting to Councillors

2.1.1 A meeting of Council or a Committee cannot be held unless due notice has been given to all members in accordance with the definition in this Code.

2.1.2 Section 367 of the Act

(2) *Notice of less than 3 days may be given of an extraordinary meeting called in an emergency. The General Manager would decide what an emergency is.*

(3) *A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and the business papers in that form.*

Notice of Meetings to the Public

2.1.3 Section 232 of the Regulation

(1) *This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.*

(2) *A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.*

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Frequency of
Ordinary Meetings
of Council and
Committees

- (3) *The notice must specify the time and place of the meeting.*
- (4) *Notice of more than one meeting may be given in the same notice.*
- (5) *This clause does not apply to an extraordinary meeting of a council or committee.*

2.1.4 Section 365 of the Act

Council is required to meet at least 10 times each year, each time in a different month.

2.1.5 Ordinary meetings of Council will be held as follows:

- on the second and fourth Wednesday of the months February to November inclusive.
- on the fourth Wednesday in January
- on the second Wednesday of December.

2.1.6 Where scheduled meetings of Council fall on a Public Holiday, the meeting will be held on the day immediately after the Public Holiday.

2.1.7 Ordinary meetings will commence at 5:00pm.

2.1.8 Council may alter the time and date of a meeting of Council by resolution at a prior ordinary meeting without notice being given provided the requirements of clause 241 of the Regulation are complied with.

2.1.9 Ordinary meetings of Council and the Committees, of which all Councillors are members, will be held in the Council Chambers as follows, unless the Council or a Committee by resolution decides to meet in another location:-

- Where an ordinary meeting is held on the second month of any month in accordance with clause 2.1.5, in the Council Chambers of the former Gosford City Council, at 49 Mann Street, Gosford; and
- Where an ordinary meeting is held on the fourth month of any month in accordance with clause 2.1.5, in the Council Chambers of the former Wyong Shire Council, at 2 Hely Street, Wyong.

Nothing in this clause 2.19 requires any meeting of Council to be held at times other than those set out in clause 2.15 above, and specifically nothing in this clause 2.19 requires any meeting of the Council to be held on the fourth

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Wednesdya in December or the second Wednesday of January.

2.1.92.1.10 Rescheduling of Meetings - Where four or more Councillors indicate their intention to attend any seminar or the like which clashes with a Council or Committee meeting, the date of that meeting will be altered by the Mayor to ensure the availability of the maximum number of Councillors possible.

2.1.102.1.11 Ordinary Meetings of Council will conclude at 9.00pm.

2.1.112.1.12 Council can suspend standing orders to allow the meeting to continue.

2.1.122.1.13 The Chairperson will defer any remaining business to the next ordinary meeting or to an extraordinary meeting if that is the will of Council.

2.2 Convening of Meetings

Convening of
Extraordinary
Meetings

2.2.1 Section 366 of the Act

"If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of Council to be held as soon as practicable, but in any event within 14 days after receipt of the request."

2.2.2 The Mayor can be one of the two Councillors making the written request but must firstly receive the written request from another Councillor, with the Councillors' signature attached, prior to signing the request for an extraordinary meeting.

2.2.3 The extraordinary meeting can be held on the same day as a previously scheduled meeting of Council. However, each meeting must be dealt with separately.

2.2.4 Extraordinary meetings may also be held when there is so much business to be dealt with that an additional meeting is required.

2.2.5 The General Manager must ensure that the agenda for an Extraordinary Meeting of a council deals only with the matters stated in the notice of the Meeting. Other business ruled by the Chairperson to be of great urgency may also be dealt with at the meeting but only after the business in the agenda is finished.

Convening of
Extraordinary
Meetings for the

2.2.6 Section 290 of the Act

"The election of the Mayor by Councillors is to be held:

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Election of Mayor

- (a) *if it is the first election after an ordinary election of Councillors - within three weeks after the ordinary election; or*
- (b) *if it is not that first election or an election to fill a casual vacancy - during the month of September; or*
- (c) *if a casual vacancy occurs in the office of a mayor elected by the councillors, the vacancy is to be filled at a meeting of the Council to be held within 14 days after the occurrence of the vacancy."*

2.2.7 The Extraordinary Meeting for the election of the Mayor after an ordinary election of the Council will be held on a Wednesday at 5:00 pm within three weeks of the declaration of the poll.

2.2.8 The Extraordinary Meeting for the election of the Mayor (other than after an ordinary election of the Council or to fill a casual vacancy) will be held on a Wednesday in September commencing at 5:00 pm.

2.2.9 The Extraordinary Meeting for the election of the Mayor to fill a casual vacancy will be held on a Wednesday, commencing at 5:00 pm, not less than 7 days or more than 14 days after the casual vacancy occurs.

2.2.10 Due notice for an Extraordinary Meeting for the election of the Mayor is to be given in accordance with this Code.

2.2.11 The election of the Mayor is to be conducted in accordance with Schedule 7 of the Regulation.

Convening of
Extraordinary
Meetings of the
Election of Deputy
Mayor

2.2.12 The election of Deputy Mayor will take place at the same meeting at which the Mayor is elected and will be conducted immediately after the conclusion of the election of the Mayor.

2.2.13 The appointment of the Returning Officer, calling of nominations, order of candidates on ballot papers, method of voting for the position of Deputy Mayor will be the same as for the election of the Mayor or determined in the same manner where a casual vacancy in the position of Deputy Mayor only is to be filled.

2.2.14 Where the Deputy Mayor is elected to fill a casual vacancy in the position of Mayor the position of Deputy Mayor will automatically become vacant and an election to fill the vacancy will be held at that same meeting notwithstanding the fact that notice of the election was not given in the

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notice calling the meeting.

- 2.2.15 Where a casual vacancy occurs in the position of Deputy Mayor (other than in the clause above) an election for the position of Deputy Mayor will be held at the next ordinary meeting of the Council subject to due notice being given.

3 AGENDAS AND BUSINESS PAPERS FOR COUNCIL AND COMMITTEE MEETINGS

3.1 Agendas and Business Papers for Council and Committee Meetings

Content

3.1.1 Clause 240 of the Regulation

- (1) *The General Manager must ensure that the business paper for a meeting of Council or a Committee states:*
- (a) *all matters to be dealt with arising out of the proceedings of former meetings of Council;*
 - (b) *if the Mayor is the Chairperson - any business that the Mayor may decide to put before the meeting without notice; and*
 - (c) *any business of which due notice has been given that has not been excluded under Clause 240 (2) of the Regulation.*
- (2) *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.*
- (3) *The General Manager must cause the business paper for a meeting of Council or a Committee to be prepared as soon as practicable before the meeting.*
- (4) *The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.*
- (5) *Nothing in this clause limits the powers of the chairperson under clause 243.*

3.2 Staff Reports and Recommendations

General Manger's

3.2.1 All staff reports are to be made to the General Manager
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authority for staff reports and recommendations	who will exercise discretion on their presentation to Council or Committee.
	3.2.2 Where two or more feasible alternatives arise from a staff report, the General Manager may decide the alternative to be recommended to Council or a Committee for consideration.
	3.2.3 To facilitate the choice of an alternative, in those cases when all alternatives comply with existing policies, the alternatives should be clearly defined.
	3.2.4 Items of correspondence and other issues may be referred to Committees to obtain expressions of opinion or guidelines for subsequent reporting.
Recommendations for staff reports	3.2.5 Staff reports should include a single recommendation: <ul style="list-style-type: none"> (a) where clearly defined policy exists; or (b) where there are professional grounds to support the recommendation in the absence of, or despite a clearly defined policy.
Identification and numbering of staff reports	3.2.6 Each report is identified by the full name of the originating Departmental Director, the Service Unit Manager and the author.
	3.2.7 Report items Council and Committee meetings are numbered consecutively for each meeting.
	3.2.8 Questions on Notice will be numbered consecutively for each calendar year.

3.3 Confidential Matters

Confidential matters circulated separately	3.3.1 If, in the opinion of the General Manager, business to be transacted at a meeting of Council or of a Committee is a kind of business that is likely to take place when the meeting is closed to the public, the business may be included in a confidential business paper, report or attachment marked confidential and circulated separately.
Confidential matters referred to in business paper	3.3.2 If a confidential business paper, report or attachment is prepared the business must be referred to in the ordinary business paper prepared for the same meeting in accordance with Section 9 of the Act.

3.4 Confidential information not to be disclosed

Disclosure and misuse of information	3.4.1 Section 375 of the Act <ul style="list-style-type: none"> (1) <i>A person must not disclose any information</i>
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obtained in connection with the administration or execution of this Act unless that disclosure is made:

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act, or
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
- (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
- (e) with other lawful excuse.

(1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

(1B) Subsection (1A) does not apply to:

- (a) the report of a committee of a council after it has been presented to the council, or
- (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
- (c) disclosure made in circumstances prescribed by the regulations, or
- (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

3.5 Councillor Requests for reports

- | | |
|--|---|
| Councillor request for EP&A Act Part 4 Application | 3.5.1 Councillors may request that a Part 4 application under the EP&A Act be brought before Council. Requests shall be in writing to the General Manager, and signed by a minimum of two Councillors. |
| | 3.5.2 A request for a Part 4 application to be brought before Council is a formal request for the General Manager not to exercise his standard delegation to determine a Part 4 application under the EP&A Act. |

3.6 Availability of Items on Agenda

- | | |
|----------------------------------|--|
| Removal of items from the agenda | 3.6.1 Once the agenda for a meeting has been sent to councillors an item of business on the agenda cannot be |
|----------------------------------|--|
- [draft Code of Meeting Practice](#)

- removed from the agenda prior to the meeting.
- Items unavailable to certain Councillors
- 3.6.2 Where a councillor is, or in the opinion of the General Manager is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is a kind of business referred to in section 10Aa of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person.
- Late Reports
- 3.6.3 As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The General Manager is authorised to submit late agenda items. Late reports should only be forwarded in the case of necessity and are to be forwarded to Councillors via email as well as in hard copy no later than midday on the day prior to the meeting at which the item is to be considered.
- 3.6.4 For matters not listed on the agenda of meetings and where less than (5) days notice has been provided in accordance with this Code, a motion of urgency will need to be passed by the Council prior to the matter being considered. The motion of urgency is to include the reason why the matter is considered to be urgent.
- 3.6.5 Minor amendments or additional information relating to matters already being dealt with by Council do not require a motion of urgency however are required where possible to be provided to Council in hard copy no later than midday on the day of the meeting.

3.7 Agendas and Business Papers for Extraordinary Meetings

3.7.1 Clause 242 of the Regulation

- (1) *The general manager must ensure that the agenda for an extraordinary meeting of a council deals only with the matters stated in the notice of the meeting.*
- (2) *Despite subclause (1), business may be transacted at an extraordinary meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:*
- (a) *a motion is passed to have the business transacted at the meeting, and*
- (b) *the business proposed to be brought forward is ruled by the chairperson to be of great urgency.*

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Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) *Despite clause 250 (limitation on the number of speeches), only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.*

Notices of Motion not permitted on Agendas and Business Papers for Extraordinary Meetings

- 3.7.2 A notice of motion signed by a Councillor may be dealt with only at an ordinary council meeting or a committee where all members are councillors.

3.8 Access and Availability of Agendas and Business Papers

Access to Agendas and Business Papers

- 3.8.1 Section 9 of the Act

- (2) *A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.*

- (2A) *In the case of a meeting whose 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:*

- (a) *the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and*
 (b) *the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.*

- (3) *The copies are to be available to the public as nearly as possible to the time they are available to councillors.*

- (4) *The copies are to be available free of charge.*

- (5) *A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.*

Web Access to Agendas and Business Papers

- 3.8.2 Agendas and Business Papers will be posted on the [Central Coast Council's WSC](#) website as soon as possible after electronic distribution to the Councillors.

- | | |
|---|---|
| Media access to Agendas and Business Papers | 3.8.3 Accredited members of the media may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors. |
| Commercial or other access to Agendas and Business Papers | 3.8.4 Other persons or organisations may access copies of business papers of Council and Committee meetings (other than confidential meetings) at Council libraries or Civic Centre, or on the <u>Central Coast Council's WSC</u> website. |
| Community groups access to Agendas and Business Papers | 3.8.5 Community groups may obtain on a regular basis, copies of business papers of Council and Committee meetings (other than confidential meetings) free of charge, after distribution to the Councillors as follows: <ul style="list-style-type: none"> (a) The community group must formally register its interest in writing on an annual basis. (b) Each group being restricted to one copy of the business paper for each meeting. (c) The business papers being available through a branch library nominated by the community group with every endeavour being made to have the business paper in that library by 2.00 pm on the Friday prior to the Council or Committee meeting. (d) Those community groups registering their interest be formally advised that Council reserves the right to deal with any matter properly before it at any meeting irrespective of whether or not that community group received prior advice of that item. |

Note: For the purpose of this resolution, community groups are defined as Chambers of Commerce, Community Precinct Committees, Progress Associations, Ratepayer Associations and the like.

4 ATTENDANCE AT COUNCIL AND COMMITTEE MEETINGS

4.1 Quorum

- | | |
|---------------------|--|
| Absence of a quorum | 4.1.1 Clause 233 of the Regulation <ul style="list-style-type: none"> (1) <i>A meeting of Council or a Committee must be adjourned if a quorum is not present:</i> <ul style="list-style-type: none"> (a) <i>within half an hour after the time designated for the holding of the meeting; or</i> (b) <i>at any time during the meeting.</i> |
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- (2) *In either case, the meeting must be adjourned to a time, date and place fixed:*
- (a) *by the Chairperson; or*
 - (b) *in his or her absence - by the majority of the Councillors present; or*
 - (c) *failing that, by the General Manager.*
- (3) *The General Manager must record in 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 the meeting of Council or a Committee, together with the names of the Councillors present.*

4.2 Presence and Departure at Council and Committee Meetings

Leave of absence	4.2.1 Clause 235A of the Regulation
	<p>(1) <i>A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.</i></p> <p>(2) <i>A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.</i></p>
Presence at meetings	4.2.2 Clause 235A of the Regulation
	<i>A Councillor cannot participate in a meeting of Council or a Committee unless personally present at the meeting and is present in the meeting room.</i>
Departure from meetings	4.2.3 Councillors are required to give prior notice of their intended departure, to the Chairperson, before retiring from a meeting of the Council for the remainder of that meeting.
	4.2.4 Where the Council or a Committee of Council resolves that a Councillor with a disclosed pecuniary interest or conflict of interest will retire from the meeting and will not be present during discussion and voting on that matter the Councillor will be excluded from being present in the area defined in this Code as the Council Chamber.

4.3 Seating in the Chamber

Seating in the Chamber	4.3.1 In the Council Chamber the Mayor will sit at the front table with the Deputy Mayor immediately opposite with 4
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Councillors on each side of the Deputy Mayor. The other 8 Councillors shall mutually agree on their seating positions and, where no agreement can be reached the Mayor will decide the seating positions.

4.4 Entitlement to Attend Committee Meetings

Mayor member of each Committee	4.4.1	The Mayor is a member of each Committee and entitled to attend all meetings of Committees.
Non member Councillor attendance at Committee meeting	4.4.2	<p>Clause 263 of the Regulation</p> <p><i>A Councillor who is not a member of a Committee is entitled to attend and speak at a meeting of a Committee; however the Councillor is not entitled:</i></p> <p>(a) <i>to give notice of business for inclusion in the business paper for the meeting; or</i></p> <p>(b) <i>to move or second a motion at the meeting; or</i></p> <p>(c) <i>to vote at the meeting.</i></p>

4.5 Attendance of the General Manager

Attendance and Participation of General Manager at Council or Committee Meetings	4.5.1	<p>Section 376 of the Act</p> <p>(1) <i>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 the members are councillors.</i></p> <p>(2) <i>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.</i></p> <p>(3) <i>However, 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 the employment of the general manager.</i></p>
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4.6 Attendance and Exclusion from Council and Committee Meetings

Attendance of the Public	4.6.1	<p>Section 10 of the Act</p> <p>(1) <i>Except as provided by this clause:</i></p> <p>(a) <i>Everyone is entitled to attend a meeting of Council and those of its Committees of which all the members are Councillors, except as provided by this clause.</i></p> <p>(b) <i>A Council must ensure that all meetings of the Council and of such Committees are open to the public.</i></p>
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- (2) *A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:*
- (a) *by a resolution of the meeting;*
 - (b) *by a ruling of the Chairperson if the Council has, by resolution, authorised the Chairperson to exercise the power of expulsion.*
- (3) *A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.*

Exclusion of the Public

4.6.2 Section 10A of the Act

- (1) *Council, or a Committee of which all the members are Councillors, may close to the public so much of its meeting as comprises:*
- (a) *the discussion of any of the matters listed in sub-clause (10A) (2); or*
 - (b) *the receipt or discussion of any of the information so listed.*
- (2) *The matters and information are the following:*
- (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:*
 - *prejudice the commercial position of the person who supplied it; or*
 - *confer a commercial advantage on a competitor of the Council; or*
 - *reveal a trade secret;*
 - (e) *information that would, if disclosed, prejudices the maintenance of law;*
 - (f) *matters affecting the security of Council, Councillors, Council staff or Council property;*

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- (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.*
- (3) *A council, or a committee of the council of which all the members are councillors, 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.*
- (4) *A Council, or a committee of Council of which all members are Councillors, 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.*
- 4.6.3 It is the policy of Council that matters be considered in confidential session only where the matter before the Council is of a nature to significantly impact upon Council's legal position.
- 4.6.4 Clause 252 of the Regulation
- (1) *A representation at a council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.*
- (2) *That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.*
- 4.6.5 Representations may be made by speakers with a genuine interest and be limited to one speaker. The speaker shall be allotted two minutes.
- 4.6.6 Section 10B of the Act
- (1) *A meeting is not to remain closed during the discussion of anything referred to in section 10(A)(2) of the Local Government Act 1993:*
- Representations by members of the Public – Closure of part of meeting
- Closure of Parts of Meetings – Further Limitations

- (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 (other than Councillors), 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 public interest.*
- (2) *A meeting is not to be closed during the receipt and consideration of information or advice referred to in section (10A)(2)(g) of the Local Government Act 1993 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.*
- (3) *If a meeting is closed during the discussion of a motion to close another part of the meeting to the public, the consideration of the motion must not include 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 section 10A(2) of the Local Government Act 1993.*
- (4) *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) *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.*
- (5) *In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant guidelines issued by the Director-General.*

Note: The matters in 10A and the limitations in 10B are provided side by side in a table to assist clarity. See Schedule 2.

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Notice of Closure
of Parts of
Meetings Not
Required in Urgent
Cases

4.6.7 Section 10C of the Act

- (1) *Part of a meeting of a council, or of a committee of the council of which all the members are councillors, 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 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 section 10A(2) of the Local Government Act 1993, and*
 - (b) *the council or committee, after considering any representations made under section 10A(4) of the Local Government Act 1993, 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.*

Specifying
Grounds for
Closing Part of a
Meeting

4.6.8 Section 10D of the Act

- (1) *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.*
- (2) *The grounds must specify the following:*
- (a) *the relevant provision of section 10A(2) of the Local Government Act 1993,*
 - (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 (other than Councillors), the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

Public access to
correspondence
and reports

4.6.9 Section 11 of the Act

- (1) *A council and a committee of which all the members are councillors 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*

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submitted to, the meeting.

- (2) *This section does not apply if the correspondence or reports:
 - (a) *relate to a matter that was received or discussed, or*
 - (b) *were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.**

- (3) *This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.*

5 CONDUCT OF COUNCIL MEETINGS

5.1 Chair of Meetings of Council and Committees	
Chair of Meetings of Council	<p>5.1.1 Section 369 of the Act</p> <p>(1) <i>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.</i></p> <p>(2) <i>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.</i></p>
Chair of Meetings of Committees	<p>5.1.2 The Chairperson of each Committee meeting must be:</p> <p>(a) the Mayor; or</p> <p>(b) if the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or</p> <p>(c) if Council does not elect such a member - a member of the Committee elected by the Committee.</p> <p>5.1.3 Council may elect a member of a Committee as Deputy Chairperson of the Committee. If Council does not elect a Deputy Chairperson of such a committee, the Committee may elect a Deputy Chairperson.</p> <p>5.1.4 If neither the Mayor nor the Deputy Chairperson of a Committee 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.</p>
Election of Temporary Chairperson at Council and Committee Meetings	<p>5.1.5 Clause 236 of the Regulation</p> <p>(1) <i>If no Chairperson is present at a meeting of Council or a Committee at the time designated for the holding of the meeting, the first business of the meeting must be election of a Chairperson to preside at the meeting.</i></p> <p>(2) <i>The election must be conducted;</i></p> <p>(a) <i>by the General Manager or, in his or her absence, an employee of Council designated by the General Manager to conduct the election, or,</i></p> <p>(b) <i>if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.</i></p>

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- (3) *If, at an election of a chairperson, 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.*
- (4) *For the purposes of subclause (3), the person conducting the election must:*
- (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.*
- (5) *The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.*

5.2 Rights and Duties of the Chairperson of Meetings of Council and Committees

Chairperson to have precedence

5.2.1 Clause 237 of the Regulation

When the Chairperson rises during a meeting of Council or a Committee:

- (1) *any Councillor then speaking or seeking to speak must immediately resume his or her seat; and*
- (2) *every Councillor present must be silent to enable the Chairperson to be heard without interruption.*

Chairperson's Duty With Respect to Motions

5.2.2 Clause 238 of the Regulation

- (1) *It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.*
- (2) *The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.*
- (3) *Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.*

5.2.3 The Chairperson may refuse to put motions and amendments which are not stated in clear terms.

5.3 Order of Business at Meetings of Council and Council Committees	
Requirements for the Order of Business at Ordinary, Extraordinary and Committee Meetings	<p>5.3.1 Clause 239 of the Regulation</p> <p>(1) <i>At an ordinary meeting of Council (other than an Extraordinary Meeting) the general order of business is (except as provided by the Local Government (General) Regulation 2005) as fixed by the Council's Code of Meeting Practice or if its Code of Meeting Practice does not fix the general order of business as fixed by resolution of the Council (Clause 239(1) of the Local Government (General) Regulation 2005).</i></p> <p>(2) <i>The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.</i></p> <p>(3) <i>Despite clause 250, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.</i></p>
Order of Business for Ordinary Meetings-	<p>5.3.2 The general order of business for Ordinary Meetings of Council will be:</p> <p>(a) Opening Prayer</p> <p>(b) Acknowledgement of Country</p> <p>(c) Apologies/Requests for leave of absence</p> <p>(d) Report on Disclosure of Pecuniary and Non-Pecuniary Interests</p> <p>(e) Report on Proposed Inspections</p> <p>(f) Report on Proposed Briefings</p> <p>(g) Report of Address by Invited Speakers</p> <p>(h) Notice of Intention to Deal with Matters in Confidential Session</p> <p>(i) Confirmation of Ordinary Meeting Minutes</p> <p>(j) Confirmation of Extraordinary Meeting Minutes</p> <p>(k) Confirmation of Confidential Meeting Minutes</p> <p>(l) Business Arising out of the Minutes</p> <p>(m) Minutes of the Mayor</p> <p>(n) Consider Motion of Urgency for Late Items</p> <p>(o) Consider Motion for Exception Method</p> <p>(p) Reports of Directors and General Manager</p> <p>(q) Reports of Delegates</p> <p>(r) Information Reports</p> <p>(s) Question of which due notice has been given</p> <p>(t) Answers to Questions without on Notice</p> <p>(u) Notices of Motion</p> <p>(v) Notices of Rescission</p> <p>(w) Motions of Urgency</p> <p>(x) Questions on Notice</p> <p>(y) Correspondence</p>

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- (z) Confidential Items
- 5.3.3 At the discretion of the Mayor, Council can meet informally with staff in a non-decision making mode to discuss Shire wide issues of significance for approximately 30 minutes on those occasions where the Ordinary Meeting of Council concludes at a reasonable hour.
- Order of Business of Extraordinary Meetings - after a Local Government Election - fixed by this Code
- 5.3.4 The General Order of Business at the Extraordinary meeting of Council held after the ordinary election of Councillors for the election of the Mayor, will be:
- (a) Opening prayer
 - (b) Acknowledgement of Country
 - (c) Apologies
 - (d) Consideration of the Policy relating to payment of fees and expenses and provision of facilities to Councillors
 - (e) Determine method of voting to be used for election of the Mayor and Deputy Mayor
 - (f) Election of Mayor
 - (g) Election of Deputy Mayor
 - (h) Determine Committees for the term of the Council
 - (i) Election of Committee members for the term of
 - (j) Election of Committee Deputy Chairpersons for the term of the Council if the Committees are established.
 - (k) Determine delegation of Authorities to Committees for the term of Council
 - (l) Election of Delegates and Representatives for the term of the Council.
 - (m) Determination of Times and Dates of meetings for the term of the Council.
 - (n) Consideration of the Code of Meeting Practice having regard to item (m) above.
 - (o) Setting venue and date for the briefing of Councillors.
- Order of Business of Extraordinary Meetings – Election of Mayor – other than the year of a Local Government Election
- 5.3.5 The General Order of Business at the Extraordinary Meeting of the Council held annually, other than the year of the Ordinary Election of Councillors, for the election of the Mayor, will be:
- (a) Opening prayer
 - (b) Acknowledgement of Country
 - (c) Apologies
 - (d) Mayoral Report for past term
 - (e) Determine the method of voting to be used for the election of Mayor and Deputy Mayor
 - (f) Election of Mayor
 - (g) Election of Deputy Mayor

5.4 Transaction of Business at Meetings of Council and Committees

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Giving notice of business

5.4.1 Clause 241 of the Regulation

- (1) Council must not transact business at a meeting of Council or a Committee;
 - (a) unless a Councillor has given notice of the business in accordance with this Code; or
 - (b) unless a Councillor has given notice of the business in accordance with this code; and
 - (c) unless contained in a report by the General Manager or a Department Director through the General Manager; and
 - (d) notice of the business has been sent to the Councillors in accordance with this Code.
- (2) Sub clause (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 as provided by clause 236(1) of this Code;
 - (c) is a Mayoral minute;
 - (d) is a motion for the adoption of recommendations of a Committee.
- (3) Despite sub clause (1) business may be transacted at a meeting of Council when due notice of the business has not been given to Councillors, but only if:
 - (a) a motion (which may be moved without notice) is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.
- (4) Despite clause 34 of this Code, only the mover of a motion referred to in sub clause 3 above can speak to the motion before it is put.

Business not to be transacted for reports on Inspections and Briefings

5.4.2 Business arising from reports on inspections and briefings must not be transacted unless there is a business item addressing a specific item elsewhere in the business paper of the meeting.

5.5 Motions and Resolutions of Council

Motions and Resolutions

5.5.1 A Council must resolve transactions by resolution of a vote

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	by the majority.
	5.5.2 A motion put and seconded by Councillors must be debated and voted upon in accordance with this Code and the Act/Regulations.
	5.5.3 A motion must be seconded by another Councillor before debate can proceed.
	5.5.4 Motions may be made only in respect of an agenda item, by Notice of Motion, Mayoral minute or by Urgency so determined and resolved by the Council.
Motions to be Moved/Seconded	5.5.5 Clause 246 of the Regulation <i>A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243(2) and 250(5).</i>
	5.5.6 Despite the clause above, the chairperson may allow the mover of a motion to speak briefly before calling the motion to be seconded in order to indicate the general nature of the motion. <i>Note: Schedule 3 is a flowchart representing the progress of motions at a meeting.</i>
Secunder may reserve the right to speak.	5.5.7 The seconder of a motion or an amendment may reserve the right to speak later in the debate.
Debate of motion and amendment	5.5.8 It is permissible to debate the motion and an amendment concurrently.
Content of Amendment	5.5.9 An amendment is not allowed if it amounts to a direct negative which if carried would have the same effect as negating the motion.
	5.5.10 Every proposed amendment must be relevant to the motion under discussion and not be in similar terms to an amendment which has been lost.
Withdrawal of Amendment	5.5.11 An amendment may be withdrawn or modified by the mover with the consent of the seconder.
Recording of Motions and Amendments	5.5.12 Motions and Amendments that are proposed but not seconded are not in order and are not entered in the minutes.
Further amendments	5.5.13 Clause 247 of the Regulation <i>If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected</i> draft Code of Meeting Practice

amendment was moved, and so on, but no more than one motion and one proposed amendment can be before Council at any one time.

- 5.5.14 If several amendments are proposed, each should be moved, seconded, debated and voted upon prior to the next. Amendments should be debated in the order in which they were put to the meeting.
- Foreshadowed amendments 5.5.15 Members may notify the Chairperson (foreshadow) of their intention to move further amendments and the tenor of their content.
- 5.5.16 Foreshadowed amendments are not recorded in the minutes.

5.6 Mayoral Minutes

- Mayoral Minute entitlement 5.6.1 Clause 243 of the Regulation
- (1) *If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to 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.*
- (2) *Such a minute, when put to the 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 the minute without the motion being seconded.*
- (3) *A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.*
- 5.6.2 It is considered better practice for the Mayoral Minute to be included as part of the Business Paper.
- Content of Mayoral Minutes 5.6.3 Mayoral Minutes should not be used to introduce, without notice, matters that need research or a lot of consideration by the Councillors.
- Mayoral Minute amendment by Councillors 5.6.4 Mayoral Minutes are able to be amended by the Mayor and Councillors. However, Councillors should avoid making changes which do not comply with clause above.

5.7 Notices of Motion and Notices of Motion to Rescind

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Form of lodgement and content of notice of motion	5.7.1 Notices of Motion and Notices of Motion to Rescind, shall be lodged in writing with the Corporate Governance Unit by 9.30 am on the second Monday preceding a meeting.
General Manager may amend notice of motion	5.7.2 The General Manager may on his or her own initiative make such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In such event the General Manager will, as soon as is practicable, inform the author of the notice of motion of the action which the General Manager has taken and the reasons for that action.
Limitation on number of notices of motion	5.7.3 A Councillor must not have more than 3 notices of motion on the business paper at the same time.
Order of notices of motion	5.7.4 All notices of motion will be dated and numbered as received and will be entered by the General Manager upon the business paper in the order in which they are received.
Absence of mover - notice of motion	<p>5.7.5 Clause 245 of the Regulation</p> <p>(1) <i>In the absence of a Councillor who has placed a notice of motion on the business paper for a meeting of Council or a Committee:</i></p> <p>(a) <i>any other Councillor may move the motion at the meeting; or</i></p> <p>(b) <i>the Chairperson may defer the motion until the next meeting of Council or Committee at which the motion can be considered.</i></p>
Adoption of unopposed notices of motion	5.7.6 The Chairperson may call over the notices of motion on the business paper in the order in which they appear thereon and, in the absence of any objection, move a motion that all such motions be adopted.
Speakers on Notices of Motion and Notices of Rescission are permitted	<p>5.7.7 A speaker may address Council in relation to the notice of motion or the notice of motion to rescind subject to the prior approval of the Mayor in the first instance and ratified by the full Council.</p> <p>5.7.8 The speaker's time for address be limited to 5 minutes (unless Council extends) and question and answer session be limited to 10 minutes with a total limitation of time for the invited speaker to 15 minutes.</p>

5.8 Rescinding or Altering Resolutions	
Notice of Motion to Rescind	<p>5.8.1 Section 372 of the Act</p> <p>(1) <i>A resolution passed by Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.</i></p>
Deferral of Actioning resolutions pending consideration of Rescission Motions	<p>5.8.2 Section 372 of the Act</p> <p>(2) <i>If 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.</i></p> <p>5.8.3 If notice of motion to rescind a resolution is given by 9:30 am on the fifth calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.</p>
Negated motion not to be considered without due notice	<p>5.8.4 Section 372 of the Act</p> <p>(3) <i>If a motion has been negated by Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.</i></p>
Signature of 3 Councillors required if less than 3 months	<p>5.8.5 Section 372 of the Act</p> <p>(4) <i>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 negated by Council, must be signed by three Councillors if less than three months has elapsed since the resolution was passed, or the motion was negated, as the case may be.</i></p>
Subsequent negated motions and subsequent negated rescission motions not to be considered again within 3 months	<p>5.8.6 Section 372 of the Act</p> <p>(5) <i>If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as previously negated motion, is negated, no similar motion may be brought forward within three months. This sub clause may not be evaded by substituting a motion differently worded, but in principle the same.</i></p>
Motions to alter or rescind may be moved on reports of Committees	<p>5.8.7 Section 372 of the Act</p> <p>(6) <i>A motion to which this clause applies may be moved on the report of a Committee of Council and any such report</i></p>

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must be recorded in the minutes.

Not applicable to motions of adjournment	5.8.8	Section 372 of the Act (7) <i>The provisions of this clause concerning negatived motions do not apply to motions of adjournment.</i>
When motions to alter or rescind are considered	5.8.9	All Notices of Motion to rescind a resolution are to be determined at the next scheduled ordinary meeting of the Council. In the event the Mayor is of the opinion that the rescission motion needs to be dealt with more urgently, then the provisions of this code apply.

5.9 Rules of Debate

Irrelevant Speech	5.9.1	In speaking to any motion or amendment Councillors are to confine their remarks strictly to such motion or amendment, and shall not introduce irrelevant matters or indulge in needless repetition. In this matter, the chairperson's ruling is final and not open to challenge.
Debate	5.9.2	Clause 250 of the Regulation
Right of Reply	(1)	<i>A Councillor who, during a debate at a meeting of Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment. No new arguments or material should be raised during the 'right of reply'.</i>
Right to Speak	(2)	<i>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.</i>
	(3)	<i>A Councillor must not, without the consent of Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, 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 5 minutes on that motion or amendment, to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.</i>
Putting the amendment and motion	(4)	<i>Despite Subclause (1) a Councillor may move that a motion or an amendment be now put:</i> <i>(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</i>

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- (b) *if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.*
- (5) *The Chairperson must immediately put to the vote, without debate, a motion moved under sub clause (4). A seconder is not required for such a motion.*
- (6) *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 his or her right of reply under sub clause (1).*
- (7) *If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.*
- Order of Speech 5.9.3 The seconder of a motion speaks after the mover and may choose to hold over their speaking rights until later in the debate. However a procedural motion could be passed putting an end to debate before the seconder has spoken.
- Explanation of previous speech 5.9.4 With the permission of the Chairperson explanation of some material part of a previous speech in the same debate may be given by a councillor who has already spoken, but no new matter may be introduced.
- Interruption of Speaker 5.9.5 A speaker will not be interrupted except on a point of order.
- 5.9.6 A speaker interrupted by a point of order shall resume their seat until the Chairperson has ruled on the point of order whereupon the speaker shall proceed with the debate.
- Mode of Address 5.9.7 A Councillor may, when in a Council or Committee meeting, address or refer to other Councillors by their official designations (ie Mayor, Chairperson or Councillor, as the case may be) or by their first name or surname (ie Mayor Bob or Mayor Graham).
- 5.9.8 At Meetings of the Council, Councillors, may choose to:
- (a) sit or stand when speaking.
- (b) read from notes when speaking

NOTE: When speaking, Councillors should first indicate whether they are asking questions or speaking to a motion or amendment.

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- Motions of Dissent
- 5.9.9 Clause 248 of the Regulation
- (1) *A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, and the motion is seconded, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.*
- (2) *If a motion of dissent is carried, 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 discharged as out of order, the Chairperson must restore the motion or business to the business paper and proceed with it in due course.*
- (3) *Despite clause 34 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.*
- 5.9.10 If the voting on a motion of dissent is equal the Chairperson may exercise a casting vote.
- 5.9.11 The wording for a motion of dissent will be in the form:-
- “I move dissent from the Chairperson's ruling in respect of “(insert matter of dissent and item number and heading or other detail as appropriate)”.
- Motions on Adjournment
- 5.9.12 A motion for adjournment of a Council or Committee meeting must be seconded.
- 5.9.13 Discussion will not be permitted on any motion for adjournment of the Council or a Committee meeting.
- 5.9.14 If a motion to adjourn is negatived the business of the meeting shall proceed and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- 5.9.15 A motion for adjournment may specify the time, date and place of the adjourned meeting. However, if a motion for adjournment does not specify those matters, the Chairperson, in consultation with the general manager, shall make a make a determination those matters.

5.10 Voting

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- Voting Entitlements of Councillors
- 5.10.1 Section 370 of the Act
- (1) *Each Councillor is entitled to one vote at a Council meeting.*
- 5.10.2 Each Councillor who is the member of the Committee is entitled to one vote at a Committee meeting.
- Casting Vote
- 5.10.3 Section 370 of the Act
- (2) *The person presiding at a meeting of Council or a Committee has, in the event of an equality of votes, a second or casting vote*
- 5.10.4 Before a Chairperson exercises a casting vote, they must have exercised their vote in their own right.
- Voting at Council or Committee meetings
- 5.10.5 A Councillor who is absent from the Meeting room when a vote on a motion is put to the meeting is not counted as having cast a vote. This includes absences due to declaration of interest.
- 5.10.6 Clause 251 of the Regulations
- (1) *A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*
- (2) *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.*
- (3) *The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.*
- (4) *When a division on a motion is demanded, 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 respectively recorded in the council's minutes.*
- (5) *Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

Note: Part 11 of this Regulation provides that a council is to

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resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that ballot has its normal meaning of secret ballot.

5.10.7 Nothing in this Code would stop the use of other open means for voting, such as a display of voting on an electronic board, at a Council or a Committee meeting.

Voting on
Planning Decisions

5.10.8 Section 375 A of the Act

(2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, 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.

(3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

(4) 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, and is to include the information required by the regulations.

(5) This section extends to a meeting that is closed to the public.

Decisions of the
Council

5.10.9 Section 371 of the Act

A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.

5.10.10 Section 374 of the Act

Proceedings at a meeting of 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 disclose a pecuniary 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 section 451, or*

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	(e) a failure to comply with the code of meeting practice.
Right to demand a division	5.10.11 Clause 251(3) of the Regulation (3) <i>The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.</i>
Motion to Recommit	5.10.12 If prior to the completion of a meeting, a councillor considers that a decision made earlier is lacking in judgement or precision or any relevant consideration has been overlooked, the councillor may at any time seek leave from the chairperson to move a motion to recommit the item. 5.10.13 If the motion to recommit is carried, the item shall be reconsidered.
Exception Method	5.10.14 Council may resolve to consider items of business via the Exception Method other than the following items of business: (a) Report on Disclosure of Pecuniary and Non-Pecuniary Interests; (b) Matters where a councillor has declared a pecuniary interest or a significant non-pecuniary conflict of interest; and/or (c) Motions to close part of a meeting, or to determine that a document before the Council is to remain confidential. 5.10.15 The method of adoption of reports by Exception will be as follows: (a) The Chairperson will call for a motion that indicates the manner in which Reports will be considered as follows: <ul style="list-style-type: none"> • <i>“That Council use the exception method to deal with the balance of the Agenda.”</i> (b) Should Council resolve to consider the reports individually the meeting will proceed in accordance with adopted meeting practice. (c) Should Council resolve to consider the reports by nominated exception the Chairperson will: <ul style="list-style-type: none"> • Invite Councillors to call the report and page number of any report they may

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require to be excluded from the general resolution and adopting the remainder of the reports and recommendations in total.

- Seek a mover and seconder for the following motion:

“That with the exception of report numbers ..., ..., and ... Council adopt the recommendations contained in the remaining reports.”

- The Chairperson will then call the excluded items in order of how each were listed on the business paper and call the Councillor who nominated the item to move a motion in respect of the item.

Actioning the
Decisions of
Council

5.10.16 Except where otherwise required by the terms or clear intention of a resolution, effect will not be given to any resolution of Council until 9.30 am on the fifth calendar day after the date of the meeting at which the resolution was passed.

5.11 Disclosure of Pecuniary and Non- Pecuniary Interests and Special Disclosures

Pecuniary Interest	<p>5.11.1 Section 448 of the Act</p> <p>(1) <i>For the purposes of this Chapter, a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.</i></p> <p>(2) <i>A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.</i></p>
Councillor responsibility to disclose Pecuniary Interest	<p>5.11.2 Section 451 of the Act</p> <p>(1) <i>A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.</i></p> <p>(2) <i>The councillor or member must not be present at, or in sight of, the meeting of the council or committee:</i></p> <p style="margin-left: 40px;">(a) <i>at any time during which the matter is being considered or discussed by the council or committee, or</i></p> <p style="margin-left: 40px;">(b) <i>at any time during which the council or committee is voting on any question in relation to the matter.</i></p> <p>(3) <i>For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.</i></p> <p>(4) <i>Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:</i></p> <p style="margin-left: 40px;">(a) <i>the matter is a proposal relating to:</i></p> <p style="margin-left: 80px;">(i) <i>the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or</i></p>
Special Disclosures – Planning Instruments	

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(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and

(a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and

(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.

(5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:

*(a) be in the form prescribed by the regulations, and
(b) contain the information required by the regulations.*

Note: The code of conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

Knowledge of
Pecuniary Interest

5.11.3 Section 457 of the Act

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Disclosure by
Advisor

5.11.4 Section 456 of the Act

- (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.*
- (2) The person is not required to disclose the person's interest as an adviser.*

Non-Pecuniary
Interest

5.11.5 A Councillor who has a non-pecuniary interest in any matter with which Council is concerned, and who is present at a meeting of Council or a Committee at which the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as

practicable.

- 5.11.6 Declaration of interest forms must include reasons for declaring significant and insignificant declarations.
- 5.11.7 Where insignificant conflict is declared, the Councillor must provide reasons why they choose to remain in the Chamber and participate in discussion and voting i.e. why the conflict has not influenced them in carrying out their public duty.
- 5.11.8 Council's Code of Conduct provides guidance to Councillors on how to manage their obligations with regards to Pecuniary and Non-Pecuniary Interests.
- Disclosures to be recorded 5.11.9 Section 453 of the Act
- A disclosure made at a meeting of Council or a Committee must be recorded in the minutes of the meeting.*

5.12 Letters, Submissions or Petitions

- Presentation of Letters, Submissions or Petitions 5.12.1 Letters, Submissions or Petitions must not be presented or read by Councillors at a meeting of the Council or a Committee of the Council if they relate to items on that meetings business paper which require a decision to be made.
- 5.12.2 Any petition presented to the council or its committees must comprise fewer than 50 words (not including signatories) and not be disrespectful, nor use offensive language or include statements made with malice.
- 5.12.3 Any Councillor who presents a petition on behalf of the petitioners, is to confine himself/herself to reading the petition and advising the number of signatories attached to it.

5.13 Confidential Session of Council or Committee

- Provisions of Code also apply to Confidential session 5.13.1 All the provisions of this Code relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of Council or a Committee of which all members are Councillors when in Confidential Session.
- Making resolution of confidential session public 5.13.2 Clause 253 of the Regulation
- If a 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 part of the meeting has ended.*

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How confidential session resolutions are reported

- 5.13.3 It is not necessary to report the proceedings in full but any recommendations of the Confidential Session must be reported.
- 5.13.4 Council must ensure that a report of the proceedings is recorded in the Council's minutes. However, Council is not taken to have adopted the report until a motion for adoption has been made and passed.
- 5.13.5 The decision of Council taken in a closed session of Council will be placed on public display the morning following the meeting including the names of Councillors who voted in favour or against closing the meeting.

5.14 Questions

Questions to staff and employees

- 5.14.1 Clause 249 of the Regulation
- (1) *A councillor:*
- (a) *may, through the chairperson, put a question to another councillor, and*
- (b) *may, through the general manager, put a question to a council employee.*
- (2) *However, 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.*
- (3) *The councillor must put every such question directly, succinctly and without argument.*
- (4) *The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.*

Questions on Notice

- 5.14.2 A Councillor may ask two Questions On Notice at an ordinary meeting of Council. A written copy of each question asked must be handed by the Councillor to the General Manager, or in his or her absence to the most senior member of staff present at the meeting.

Reasonable notice of Question on Notice

- 5.14.3 A Councillor or a Council employee to whom a question is put is entitled to be given reasonable notice of the question (i.e. a Question (given) On Notice) and, in particular, sufficient notice to enable reference to be made to other persons or to documents before answering the question.

Content of Question on

- 5.14.4 An individual Councillor may not request a staff report. Staff reports to Council may only be generated by way of a [draft Code of Meeting Practice](#)

Notice	Council resolution.
Chairperson authority – Question on Notice	<p>5.14.5 A Councillor must put every such question directly, succinctly and without argument.</p> <p>5.14.6 The Chairperson must not permit discussion (debate) on any reply or refusal to reply to a Question on Notice put to a Councillor or Council employee.</p> <p>5.14.7 A Question On Notice will not be accepted, if in the opinion of the Chairperson, it would:</p> <ul style="list-style-type: none"> (a) normally require the presentation of a report after consideration by a Committee or by the General Manager; (b) be regarded as a sensitive issue or be one not likely to have the total support of Council; or (c) require the commitment or redirection of significant resources. <p>5.14.8 Those questions not accepted, may later be put forward as a Notice of Motion in accordance with this code.</p> <p>5.14.9 The Chairperson shall determine if a Question is to be accepted by 5.00pm on the day following the meeting at which the Question on Notice was put.</p>
Responses to Questions on Notice	<p>5.14.10 The form of responses to Questions is at the discretion of the person answering the question and may be by way of an answer or a comprehensive report to Council.</p> <p>5.14.11 Where a comprehensive report is not provided in answer to a Question on Notice, the answer cannot be the subject of debate at that meeting. Any motion concerning this answer must be given due notice in accordance with the provisions of Clause 241(1) of the Regulation 2005.</p> <p>5.14.12 Where a comprehensive report is provided as an answer to a Question on Notice it may be the subject of debate and a motion may be brought forward as long as it directly relates to the question and the report in response.</p> <p>5.14.13 Responses to a Question On Notice should be directed to the Councillor at a future ordinary meeting of Council held on the second or fourth Wednesday of the month.</p>
Questions on Notice to be	5.14.14 Questions asked at meetings will be recorded in the

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recorded in
Minutes

minutes of that meeting.

5.15 Information Reports

- | | |
|---------------------|---|
| Information Reports | 5.15.1 The recommendations of information reports are, so far as adopted by Council, resolutions of Council. |
| Invited Speakers | 5.15.2 Any person may address the Council in accordance with procedures that the Council may determine. |
| | 5.15.3 Council may, by resolution, vary meeting practice to allow consideration of any item relating to the Invited Speaker to be dealt with following an Invited Speaker's address. |
| | 5.15.4 An invited speaker must not, without the consent of Council, speak for longer than five minutes. However, questions to speakers are allowed to clarify the position of the speaker or statements made. Questions to speakers are to be shared by Councillors in order to ensure equity. Each Councillor is allowed one question until all of the Councillor questions have been exhausted or the time limit expires. |
| | 5.15.5 The total time allowed for speakers, including extensions of speaking time and Councillor questions, is limited to 30 minutes. The Chairperson has the ultimate discretion to decide on any issues regarding speakers and questions. |

6 KEEPING ORDER AT MEETINGS

6.1 Responsibility and Authority for Keeping Order at Meetings

Chairperson keeps order

- 6.1.1 The Chairperson has both the responsibility and authority to ensure order at meetings.
- 6.1.2 The Chairperson, without the intervention of any other Councillor, shall ensure Councillors during debate relevantly keep to the matter before the meeting whether it be a motion, an amendment, a point of order or a personal explanation.
- 6.1.3 Clause 255 of the Regulation
- (1) *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.*
 - (2) *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.*
 - (3) *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.*
 - (4) *The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.*

6.2 Points or Questions of Order

Examples of Points or Questions of Order

- 6.2.1 Some examples of points of order are:
- (a) personal remarks about other Councillors
 - (b) departing from procedures contained within Council's Code of Meeting Practice
 - (c) breaching Councils Code of Conduct
 - (d) referring to irrelevant subject matter during the course of debate
 - (e) improper decorum such as offensive language or behaviour
 - (f) discussing matters not before the Council
 - (g) factual errors
- 6.2.2 Examples which are NOT points of order are:
- (a) disagree with the opinion of another Councillor
 - (b) disagreeing with a ruling by the Chair

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6.3 Acts of Disorder

Examples of Acts of Disorder (the Act)

6.3.1 Clause 256 of the Regulation

- (1) *A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:*
- (a) *contravenes the Act or any regulation in force under the Act, 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 committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter, or*
 - (d) *insults or makes personal reflections on or imputes improper motives to any other councillor, or*
 - (e) *says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.*

6.3.2 In accordance with Clause 256 (1)(a) of the Regulation a Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee displays conduct as described in Schedule 6A of the Act.

6.3.3 Schedule 6A of the Act

- 1 *Conduct that contravenes all or specified provisions of this Act or the regulations in all or specified circumstances; or*
- 2 *Conduct that is detrimental to the pursuit of the charter of a Council; or*
- 3 *Improper or unethical conduct; or*
- 4 *Abuse of power and other misconduct; or*
- 5 *Action causing, comprising or involving any of the following:*
 - (a) *intimidation, harassment or verbal abuse*
 - (b) *discrimination, disadvantage or adverse treatment in relation to employment*

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- (c) *prejudice in the provision of a service to the community*
- 6 *Conduct of a Councillor causing, comprising or involving any of the following:*
- (a) *directing or influencing, or attempting to direct or influence, a member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate*
- (b) *an act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council*
- Examples of Acts of Disorder – this Code
- 6.3.4 Further examples of Acts of Disorder are:
- (a) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee fails to turn off a mobile telephone, or other electronic device, or attempts to use a mobile telephone when entering or in the Council Chambers or a Committee Room or any other location where a meeting of Council or a Committee of Council is being held.
- Acts of Disorder at Committee meetings
- 6.3.5 The provisions of section apply to meetings of committees of the council in the same way as they apply to meetings of the council, in accordance with 270 of the Regulation.

6.4 Dealing with Disorder

How Chairperson may deal with disorder	<p>6.4.1 Clause 256 of the Regulation</p> <p>(2) <i>The chairperson may require a councillor:</i></p> <p>(a) <i>to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or</i></p> <p>(b) <i>to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or</i></p> <p>(c) <i>to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).</i></p> <p><i>Note : Subclause (1) Examples of Acts of Disorder earlier in this Code.</i></p>
	<p>6.4.2 The chairperson may also require a councillor to cease the action ruled to be an act of disorder.</p>
How the Council may deal with disorder	<p>6.4.3 Clause 256 of the Regulation</p> <p>(3) <i>A councillor may, as provided by section 10 (2)(a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under subclause (2). 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.</i></p> <p>6.4.4 No authority to expel a person is granted to the chairperson and it shall be necessary for the Council or Committee to decide if that person is to be expelled.</p>
Adjournment as a result of Disorder	<p>6.4.5 Clause 257 of the Regulation</p> <p>(1) <i>If disorder occurs at a meeting of Council or a Committee, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. Council or the Committee, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.</i></p>
Council may expel a member of the Public	<p>6.4.6 Clause 257 of the Regulation</p>

for disorderly conduct	(2) Council or a Committee may, as provided by Section 10(2) (a) or (b) of the Local Government Act 1993, expel a member of the public from a Council or Committee meeting on the ground that the member is engaging in or has, at the meeting, engaged in disorderly conduct.
Provisions regarding disorder are also applicable at Committee meetings	6.4.7 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

6.5 Maintenance of Public Order at Meetings

Chairperson authority regarding public disorder	6.5.1 The chairperson presiding at any meeting of the Council or Committee may require any member of the public to leave the meeting if it is believed on reasonable grounds that the behaviour of that member of the public is likely to prejudice the orderly conduct of the meeting if that person is permitted to remain.
Examples of public disorder	6.5.2 Behaviour likely to prejudice orderly conduct includes: <ul style="list-style-type: none"> - the person being dressed to a standard that is inappropriate for the meeting - the display any sign at a meeting (including clothing) which, in the opinion of the chairperson, appears to attempt to influence any decision to be made at any meeting or makes comment on any Council matter - the use of any electronic device including mobile phones, computers and recording devices - attempting to address the meeting without permission - verbal or physical action disrupting the conduct of the meeting.

6.6 Power to Remove Persons from Meeting after Expulsion

Power to remove Councillor or other person as a result of Council Resolution	6.6.1 Clause 258 of the Regulation <p><i>If a Councillor or a member of the public fails to leave the place where a meeting of Council or Committee is being held:</i></p> <p>(a) immediately after the Council has passed a</p>
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resolution expelling the Councillor or member from the meeting, or

- (b) *where the Council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting,*

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 from that place and, if necessary, restrain the Councillor or member from re-entering that place.

- 6.6.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.
- 6.6.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

7 MINUTES

7.1 Minutes

Accurate Minutes of Council and Committees are to be taken and signed

7.1.1 Section 375 of the Act

- (1) *Council and each Committee must ensure that full and accurate minutes are kept of the proceedings of each meeting of Council and of each Committee.*
- (2) *The minutes must, when they have been confirmed at a subsequent meeting of Council or a Committee of which all its members are Councillors, be signed by the Chairperson of that subsequent meeting.*

7.1.2 For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

7.1.3 In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Matters to be recorded in Minutes

7.1.4 The General Manager must ensure that the minutes of Council meetings record:

Record	Provision
Details of each motion moved at a council meeting and of any amendments moved to it.	Clause 254 (a) of the Regulation
The names of the mover and seconder of the motion or amendment.	Clause 254 (b) of the Regulation
Whether the motion or amendment is passed or lost.	Clause 254 (c) of the Regulation
A disclosure of interest made at a meeting of a council or council committee.	Section 453 of the Act
A special disclosure of interest made at a meeting of council or committee including the individual schedule, in full as completed by the Councillor.	Sec 453 of the Act and Clause 195A and schedule 3A of the Regulation

The circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during the meeting of Council or a Committee, together with the names of the Councillors present.	Clause 233(3) of the Regulation
When a division on a motion is demanded, the names of those who vote for the motion.	Clause 251(4) of the Regulation
A councillor's dissenting vote if requested by that Councillor.	Clause 251(2) of the Regulation
Report by the General Manager on the proceedings of the confidential session.	This Code
Planning decisions - Whenever Council approves a development application contrary to the advice of staff, the resolution of approval must include a statement of dissent to place on the public record its reasons for departing from the staff advice.	This Code
Planning Decisions 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.	375A of the Act
Resolutions to Recommit - the original resolution of the item - the resolution to recommit the item - the final resolution for the item (in the same section of the minutes regardless of where in the meeting they individually occurred.	This Code
The date, time and venue of the meeting. Names of the members present Apologies tendered and accepted Arrival and departure times of members The names and speaking periods of invited speakers.	This Code
Questions on Notice	This Code

Amendments not seconded are out of order and not required to be recorded in the minutes. Foreshadowed amendments are not required to be recorded in the minutes.	This Code
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Minutes of Committees 7.1.5 The General Manager must ensure that the minutes of Committee meetings of which all members are Councillors record all of the items in the above Clause as well as:

- (a) the recommendations of the staff.
- (b) recommendations of the Committee that are to be submitted to Council.
- (c) resolutions of the Committee made under delegated authority.

Alteration of Minutes 7.1.6 Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.

Format and Signature of Minutes 7.1.7 On each sheet of the Council or Committee minute book there will be placed a heading setting out:

- (a) the nature of the meeting;
- (b) the date of the meeting; and
- (c) the page number.

7.1.8 Immediately after the conclusion of the last minute of a meeting of Council there will be placed a certificate to be signed by the Chairperson of the meeting at which the minutes are confirmed in or to the following effect:

"This is the final page of the Minutes comprising pages numbered to of the meeting of the (insert Council/.....Committee as appropriate) held on and confirmed on

.....
 (This signature must be an original signature). Chairperson"

7.1.9 At the bottom of each page of the minutes of a meeting of the council or a Committee there will be placed a certificate signed by the Chairperson of the meeting when the minutes are confirmed or by the General Manager or his/her delegate if they are in attendance at the meeting when the minutes are

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confirmed, in/or to the following effect:

"This is page number of the Minutes of the Meeting of the (insert Council/.....Committee as appropriate) held on

.....
Chairperson"

This certificate must be signed (personally or by rubber stamp facsimile of the person's signature affixed personally).

Inspection of Original Minutes

7.1.10 Clause 272 of the Regulation

- (1) *An inspection of the minutes of Council or a Committee Meeting of which all its members are Councillors, is to be carried out under the supervision of the General Manager or an employee of Council designated by the General Manager to supervise inspections of those minutes.*
- (2) *The General Manager must ensure that the minutes of Council and any minutes of a Committee Meeting are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.*

7.1.11 Copies of Minutes of the Council and Committees will be available on the website of the Council as part of the business paper for the subsequent meeting.

7.2 Business Arising from Minutes

Business Arising from minutes

7.2.1 Any business arising from consideration of the Minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.

8 COMMITTEES

8.1 Committees of Council

Council May Appoint and Dissolve Committees

8.1.1 Section 375 of the Act

- (1) *A council may, by resolution, establish such committees as it considers necessary.*

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- (2) *A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.*
- (3) *The quorum for a meeting of a committee 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
- 8.1.2 Clause 261 of the Regulation
- A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.*
- 8.1.3 A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.
- 8.1.4 If Council, by resolution, delegates authority to the Committee to make decisions, then any decisions made by the Committee under such authority will be decisions of Council. (in accordance with Section 49(6) of the NSW Interpretation Act 1987)
- Absence from Committee Meetings
- 8.1.5 (1) A member (other than the Mayor) ceases to be a member of a committee if the member:
- (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (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.
- (2) Subclause (1) does not apply in respect of a committee that consists of all of the members of the council.
- Note: The expression "year" means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act*
- 8.1.6 For temporary absences, such as illness an alternate Councillor can be appointed to act in the place of the committee member. An alternate or acting member

- has the authority and role of the committee member. Alternate members would be elected or appointed under Clause 260 of the Local Government (General) Regulation, 2005, from among the Councillors. When acting as a committee member, an alternative member would form part of the committee's quorum.
- Procedure in Committees
- 8.1.7 Clause 265 of the Regulation
- (1) *Subject to subclause (3), each committee of a council may regulate its own procedure.*
 - (2) *Without limiting subclause (1), a committee of a council may decide that, 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.*
 - (3) *Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).*
- 8.1.8 The provisions of this Code shall apply to all Committees of Council unless otherwise specified in its Charter.
- Committees Reporting to Council
- 8.1.9
- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
 - (2) The recommendations of a committee of the council are, so far as adopted by the council, resolutions of the council.
 - (3) If a committee of a 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:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of the council.

9 MISCELLANEOUS

9.1 Matters not covered by this Code

- 9.1.1 Where at a Council meeting matters arise which are not provided for in this code, resort will be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.

9.2 Non – Official Recording of meeting of council or committee

Electronic recording of meetings of council or committee prohibited without permission

9.2.1 Clause 273 of the Regulation

- (1) *A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.*
- (2) *A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.*
- (3) *If any such person, after being notified of a resolution or direction expelling him or her 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.*
- (4) *In this clause, "tape recorder" includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.*

NOTE: The power to expel by the Chairperson, under Section 10(2)(b) of the Local Government Act 1993, applies to this clause.

9.3 Official Audio Recording of Council and Committee Meetings

Recording of Meetings by Council secretariat staff

- 9.3.1 Meetings of Council and Committees, may be audio recorded by the Council.

Purpose of recordings of

- 9.3.2 The purpose of Audio recording meetings of Council

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meetings	and Committees is to ensure the accurate compilation of Minutes of those meetings and to verify their accuracy upon confirmation of those Minutes.
Participants not protected by privilege	9.3.3 Proceedings of meetings of Council or its Committees are not protected by "privilege". This exposes any participant to the possibility that they may defame another person. Were Council to reproduce any such defamatory statement it would leave itself open to a charge of defamation. For this reason, access by members of the public to audio recordings of meetings is subject to determination by the Public Officer in accordance with section 12 of the Local Government Act 1993.
Notice to speakers and meeting attendees regarding official recordings of meetings	9.3.4 At the commencement of each recorded meeting, the Chairperson is to make a statement to the effect that the meeting is being recorded. Prior to any address to a meeting by a member of the public, the Chairperson is to specifically counsel the speaker advising them to speak to the business before the meeting and to refrain from making personal imputations. The speaker is to be made aware that the audio recording is generally available to the public under section 12 of the Local Government Act 1993.
	9.3.5 Appropriate signs shall be displayed in the Council Chamber (or any rooms utilised for audio recording of Council/Committee Meetings) alerting attendees to the fact that the proceedings are being recorded.
Access to Official Recordings of Council and Committee meetings	9.3.6 Access to audio recordings (or requests for transcripts) by Councillors and members of the Public will be determined by the Public Officer in accordance with section 12 of the Local Government Act 1993 and Central Coast Council's WSC policy for Access to Audio Recordings of Council and Committee meetings.
Destruction of recordings	9.3.7 An audio recording will be destroyed at the expiration of seven years. The seven years will commence from day the original recording was made.

9.4 Council Seal

Use of Council seal	9.4.1 Clause 400 of the Regulation
	(4) <i>The seal of a council must not be affixed to a document unless the document relates to the</i>

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business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

- (5) *For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.*

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11 AMENDMENTS**11.1 Schedule 1****CODE OF MEETING PRACTICE**

Adoption	Pages Amended	Date
Adopted Code	NA	September 2003 May 2016
Subsequent Amendment		
Updated entire Manual due to new regulations – (Local Government (General) Regulation 2005 – Adopted September 1 2005	All Pages	April 19 2006
Updated changes as per Council Report 529 October 26 2005 which included: Motions of Urgency Reports of Directors and General Manager Notices of Motion Deletion of Clause 22 (3)(c)	All Pages	April 19 2006
Major review with Mandatory Changes and changes recommended by the Department of Local Government	All Pages	9 May 2007
Updated changes as per Council Report 309 25 July 2007 which included: Election of Mayor – Calling of Extraordinary Meeting How Subsequent Amendments May be Moved	14 and 32	1 August 2007
Updated changes as per Rescission Motion 373 12 September 2007 which included: How Subsequent Amendments may be Moved. Election of Mayor – Calling of Extraordinary Meeting Speakers on Notice of Motion and Rescission Motions	14 and 32	12 September 2007
Updated changes as per Council Report 050 resolution of 13 February 2008 under Clause 22 Order of Business for Notices of Motion, Notices of Rescission and Motions of Urgency	26 and 27	12 March 2008
Various Amendments at request of Councillors	All pages	9 March 2011
Entire document review in conjunction with Department of Local Government Meetings Practice Note No 16 August 2009	All Pages	9 March 2011
Updated changes as per Mayoral Minute 2.1 resolution of 23 November 2011 under Clause 2.1 Notice of Meetings	11	23 November 2011
PROPOSED Various amendments including re-ordering of Chapter 5.	All pages	14 November 2012

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Amend Clause 2.2.8 – Date of Mayoral Election	12	Council resolution 28 August 2013 Amended after exhibition October 2014
Include New clause 5.15.5 – Invited Speakers items may be brought forward		Council resolution 24 September 2014
Amend various clauses relating to Due notice, exception method, Special interest disclosures	Various	Council resolution 27 January 2016

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11.2 Schedule 2

Matter – Section 10A	Restriction – Section 10B
(2)(a) personnel matters concerning particular individuals	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(b) personal hardship of any resident or ratepayer	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(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 council, or	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security. and (1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(d) commercial information of a confidential nature that would, if disclosed: (iii) reveal a trade secret	(1)(a) Only for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security.
(2)(e) information that would, if disclosed, prejudice the maintenance of law.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*

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Matter – Section 10A	Restriction – Section 10B
(2)(f) matters affecting the security of the council, councillors, council staff or council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.* and (2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest.*
(3) so much of its meeting as comprises a motion to close another part of the meeting.	(3) must not include any consideration of the matter or information to be discussed

* Determining Public Interest

When determining whether it would be in the public interest to close part of a meeting it is irrelevant that:

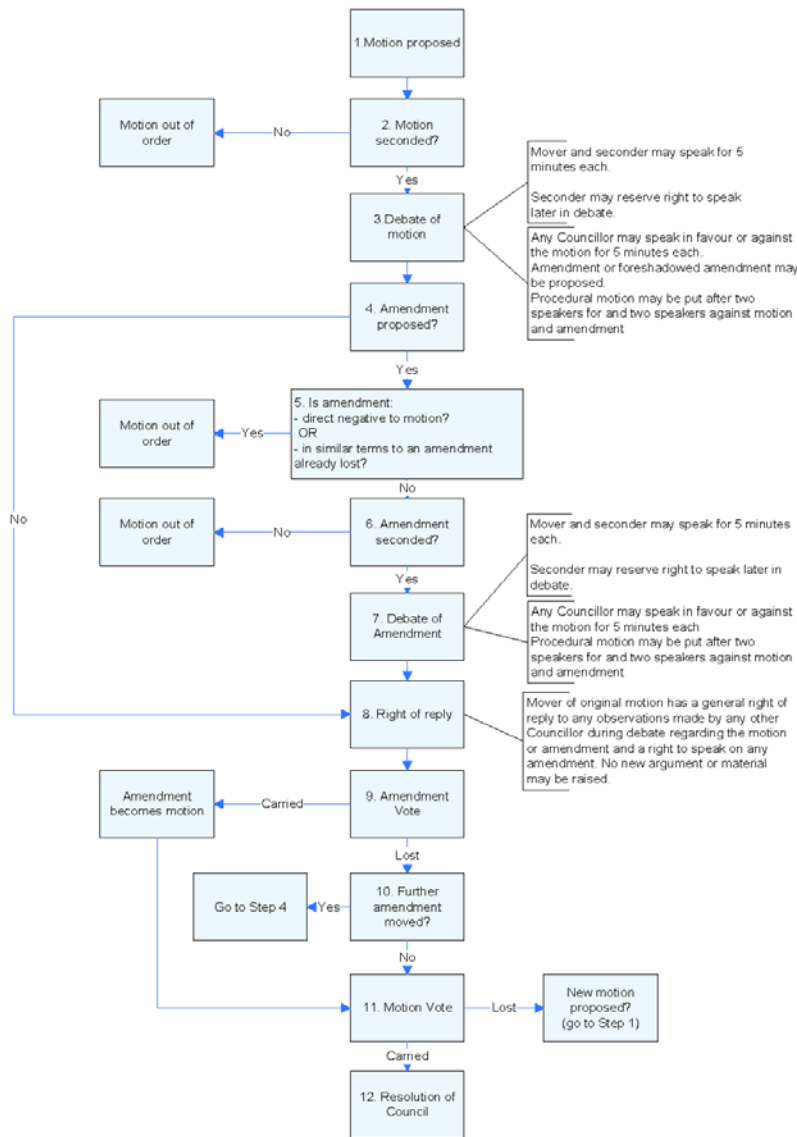
- (a) a person may misinterpret or misunderstand the discussion,
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

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11.3 Schedule 3

Motions and Amendments





Item No: 3.8
Title: Interim Organisation Structure of Council
Department: Interim General Manager

25 May 2016 Extraordinary Council Meeting

D12340131

Report Purpose:

A report on the proposed interim organisation structure of Council.

Recommendation:

- 1** *That Council determine, pursuant to s. 332(1) of the Local Government Act 1993, that the interim organisation structure of Council is as set out in attachment 1 to this report.*
- 2** *That Council delegate to the Interim General Manager, pursuant to s. 377(1) of the Local Government Act 1993, the function of determining positions within that interim organisation structure that are within any Directorate.*

Content:

At about 12.10pm on 12 May 2016 the Local Government (Council Amalgamations) Proclamation 2016 ("the Proclamation") was made, resulting in the constitution of the Central Coast Council, and the dissolution of the former Gosford City Council and the former Wyong Shire Council ("the Former Councils"): ss. 218A and 219 of the Local Government Act 1993 ("the LG Act"). Clause 29 of the Proclamation states that "(t)he initial organisation structure of a new council is, as far as practicable, to be a composite of the organisation structures of each of the former councils".

Since 12 May 2016 the organisation structure of Council has been "a composite" of the organisation structures of the Former Councils. The organisation structures of the two Former Councils are quite different, with a different management hierarchy and significantly different assignment of functions and responsibilities. This has, not surprisingly, manifested itself in less than optimal decision making within Council since 12 May 2016. It is necessary that Council determine an interim organisation structure to address the significant difficulties created by the indistinct composite of the organisation structures of the two Former Councils that applies by the operation of cl. 29 of the Proclamation.

The interim organisation structure set out in attachment 1 to this report is intended to provide a short to medium term solution to the abovementioned difficulties. It is expected that there will be a need for further organisation structures to be made in the future, as the merger and improvement of systems and processes of the Former Councils proceeds.

The adoption of the proposed interim organisation structure will not contravene ss. 354F – 354I (inclusive) of the LG Act.

Proposal:

It is recommended that Council determine that the interim organisational structure of Council is as set out in attachment 1 to this report.

Consultation:

There is a possibility that Council will need to consult under cl. 39 of the *Local Government (State) Award 2014* if the change to the organisational structure of Council is likely to have significant effects on the employment of employees that are subject to that Award.

Financial Impact:

The nett financial impacts have not been quantified but are anticipated to confer a significant long term nett fiscal benefit to Council, by virtue of more efficient and effective management of the affairs of Council.

Attachments

- 1 Proposed Interim Organisational Structure (To be distributed under separate cover)