



W A V E R L E Y
C O U N C I L

COUNCIL MEETING

A meeting of WAVERLEY COUNCIL will be held at Waverley Council Chambers
Cnr Paul Street and Bondi Road, Bondi Junction at:

7.00 PM, TUESDAY 16 APRIL 2019

A handwritten signature in black ink, appearing to read 'R. B. McLeod'.

Ross McLeod
General Manager

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AGENDA

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager will read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor will read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

1. Apologies/Leaves of Absence

2. Declarations of Pecuniary and Non-Pecuniary Interests

3. Addresses by Members of the Public

4. Confirmation and Adoption of Minutes

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The following matters are proposed to be dealt with in closed session and have been distributed to Councillors separately with the agenda:

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CONFIRMATION AND ADOPTION OF MINUTES CM/4.1/19.04



Subject: Confirmation of Minutes - Council Meeting - 19 March 2019

TRIM No.: SF19/325

Author: Richard Coelho, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That the minutes of the Council Meeting held on 19 March 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

Introduction/Background

The minutes of the Council meeting must be submitted to Council for confirmation, in accordance with section 375 of the *Local Government Act 1993*.

Attachments

1. Council Meeting Minutes - 19 March 2019



**MINUTES OF THE WAVERLEY COUNCIL MEETING
HELD AT WAVERLEY COUNCIL CHAMBERS, CNR PAUL STREET AND BONDI ROAD, BONDI JUNCTION ON
TUESDAY, 19 MARCH 2019**

Present:

Councillor John Wakefield (Mayor) (Chair)	Bondi Ward
Councillor Dominic Wy Kanak (Deputy Mayor)	Bondi Ward
Councillor Sally Betts	Hunter Ward
Councillor George Copeland	Waverley Ward
Councillor Leon Goltsman	Bondi Ward
Councillor Tony Kay	Waverley Ward
Councillor Elaine Keenan	Lawson Ward
Councillor Steven Lewis	Hunter Ward
Councillor Paula Masselos	Lawson Ward
Councillor Will Nemes	Hunter Ward

Staff in attendance:

Ross McLeod	General Manager
Rachel Hensman	Acting Director, Waverley Life
Peter Monks	Director, Waverley Futures
Emily Scott	Director, Waverley Renewal
Jane Worthy	Internal Ombudsman

At the commencement of proceedings at 7.04 pm, those present were as listed above, with the exception of Cr Wy Kanak, who arrived at 7.09 pm, and Cr Lewis, who arrived at 7.16 pm.

At 11.21 pm, Cr Kay left the meeting and did not return.

PRAYER AND ACKNOWLEDGEMENT OF INDIGENOUS HERITAGE

The General Manager read the following Opening Prayer:

God, we pray for wisdom to govern with justice and equity. That we may see clearly and speak the truth and that we work together in harmony and mutual respect. May our actions demonstrate courage and leadership so that in all our works thy will be done. Amen.

The Mayor read the following Acknowledgement of Indigenous Heritage:

Waverley Council respectfully acknowledges our Indigenous heritage and recognises the ongoing Aboriginal traditional custodianship of the land which forms our Local Government Area.

AT THIS STAGE IN THE PROCEEDINGS, THE FOLLOWING MOTION WAS MOVED BY CR GOLTSMAN AND SECONDED BY CR KAY:

That the recording of this meeting be made publicly available as soon as practical.

THE MOTION WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

1. Apologies/Leaves of Absence

Apologies were received and accepted from Cr O'Neill.

Cr Burrill was previously granted leave of absence by Council for this meeting.

2. Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and the following were received:

- 2.1 Cr Betts declared significant non-pecuniary interest in Item CM/8.8/19.03 – NSW Government Support in Waverley, and informed the meeting that she is on the management board of WAYS, and will leave the meeting for the consideration and vote on this item.
- 2.2 Cr Betts declared significant non-pecuniary interest in Item CM/8.10/19.03 – NSW Government Grants – Benefits to Waverley, and informed the meeting that she is on the management board of WAYS, and will leave the meeting for the consideration and vote on this item.
- 2.3 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item CM/7.5/19.03 – Ocean Lovers Festival – Grant, and informed the meeting that he is the president of the Local Government Aboriginal Network and made a submission via Council's Have Your Say website. Cr Wy Kanak advised that he will leave the meeting for the consideration and vote on this item.
- 2.4 Cr Wy Kanak declared a less than significant non-pecuniary interest in Item CM/8.14/19.03 – Local Government Aboriginal Network Conference 2019, and informed the meeting that he is the president of the Local Government Aboriginal Network.

- 2.5 Cr Copeland declared a pecuniary interest in Item CM/5.1/19.03 – Bondi Pavilion Conservation and Restoration Project – Development Application, and informed the meeting that he has a part-time job at the Pavilion, and will leave the meeting for the consideration and vote on this item.

3. Addresses by Members of the Public

- 3.1 A resident – CM/8.1/19.03 – RESCISSION MOTION – CM/7.13/19.02 – Bronte Cutting Pedestrian Link Project.
- 3.2 I Ash – CM/8.4/19.03 – Bronte Cutting – Planting Plan for Burnt Vegetation.
- 3.3 T Golan – CM/8.9/19.03 – Bondi Beach Playground Improvements and Petition.

4. Confirmation and Adoption of Minutes

CM/4.1/19.03 Confirmation of Minutes - Council Meeting - 19 February 2019 (SF19/325)

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That the minutes of the Council Meeting held on 19 February 2019 be received and noted, and that such minutes be confirmed as a true record of the proceedings of that meeting.

CM/4.2/19.03 Adoption of Minutes - Waverley Traffic Committee Meeting - 28 February 2019 (SF19/328)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Kay

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 February 2019 be received and noted, and that the recommendations contained therein be adopted.

Save and except the following:

TC/V.04/19.02 – Ramsgate Avenue, Bondi Beach – Temporary Loss of Parking for Site Compound.

And that this item be dealt with separately below.

CM/4.2.1/19.03 Ramsgate Avenue, Bondi Beach – Temporary Loss of Parking for Site Compound (A03/0042-04)

This item was saved and excepted by Cr Kay.

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Kay

That that Council Officer's proposal be adopted subject to the word 'extend' in clause 2 being replaced with 'adjust', such that the proposal now reads as follows:

That Council:

1. Approves the installation of a temporary, on road compound and associated temporary loss of 16 angle parking spaces on Ramsgate Avenue, Bondi Beach subject to:
 - (a) A site meeting being held with Council, Councils contractor (once appointed), NSW Police and Sydney Buses to discuss traffic management during the works.
 - (b) A Traffic Control Plan being submitted to the Executive Manager, Creating Waverley prior to works commencing on the compound.
2. Delegates authority to the Executive Manager, Creating Waverley, to adjust the length and duration of, or remove, the site compound, as necessary.

5. Mayoral Minutes**CM/5.1/19.03 Bondi Pavilion Conservation and Restoration Project - Development Application (A15/0272)**

Cr Copeland declared a pecuniary interest in this item, and informed the meeting that he has a part-time job at the Pavilion. Cr Copeland was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That:

1. Council notes the imminent lodgement of a development application for the Bondi Pavilion Conservation and Restoration Project is expected to be early April 2019.
2. Council undertakes a minimum 28-day period of community consultation on the development application, including a public forum and appropriate information materials, online and in print.
3. Council notes the requirement for the development application to be referred to the NSW Heritage Office for comment, prior to the determination of the DA.
4. Council notes that the town planning assessment will be undertaken by an external independent planning consultant.
5. Council notes that the Sydney Eastern City Planning Panel is the consent authority for the

development application.

6. Council anticipates that the development application will be determined by late 2019.
7. Council expects project commencement in February 2020 immediately after the peak summer period.
8. The Mayor and Deputy Mayor release a media statement on this mayoral minute.

CM/5.2/19.03 Waverley Oval - Indoor Cricket Nets Facility (A19/0215)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

That Council:

1. Notes that Easts Cricket Club has recently approached Council with a proposal to build an indoor cricket practice net facility and associated amenities on the area immediately south of the Phil O'Sullivan–Bob Horsell Grandstand at Waverley Oval above the indoor sports facility and astrourfed tiered seating structure.
2. Requests officers to undertake discussions with representatives of Easts Cricket Club to examine the potential of building a cricket practice net facility and associated amenities, including a pre-feasibility study.
3. Notes that these discussions will be undertaken consistent with the recently adopted Capital Partnership Probity Guidelines for joint projects with community groups.
4. Considers the following important:
 - (a) The need for toilet and changing facilities that can be accessed by other sports activities at Waverley Park, with specific emphasis on adequate female facilities.
 - (b) The net area and associated space be usable for other purposes than cricket practice nets.
 - (c) The material of the structure be lightweight, and that the structure, when viewed from the oval and from public areas within the park, does not present as a bulky, intrusive or oversized addition to the Grandstand.
 - (d) The design does not impact on the current use of the existing indoor sports facility.
5. Notes that East Cricket Club is seeking sources of revenue and grants separate from Council and has the support of both Cricket NSW and Cricket Australia.
6. Notes that the indoor cricket practice net facility at the Sydney Cricket Ground will be reduced from 12 lanes to four lanes as part of the redevelopment of the precinct, known as the Sydney Football Stadium redevelopment.
7. Notes that the facility would be owned and managed by Waverley Council.
8. Requests that the plans be presented at a Councillor workshop, after which Council will release documentation to allow thorough public consultation.

9. Notes that a report will be submitted to Council detailing the architectural plans, budget elements and community impacts, including the results of the public consultation, at a future Council meeting for Council's consideration and deliberation.

6. Obituaries

The victims of the Christchurch mosque shootings.

Council rose for a minute's silence for the souls of people generally who have died in our Local Government Area.

7. Reports

CM/7.1/19.03 Status of Mayoral Minutes and Notices of Motion (SF18/691)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That:

1. Council receives and notes this report on the status of mayoral minutes and notices of motion adopted by Council from September 2012 to December 2018.
2. Finalised mayoral minutes and notices of motion from September 2012 to September 2017 be removed from future quarterly reports.

CM/7.2/19.03 Fees and Charges - New Fee for Planning Proposals - Post-exhibition (A18/0511)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council adopts following fees in the Rezoning: Local Environment Plans section of the Pricing Policy, Fees and Charges 2018–19:

1. Minor Planning Proposal: Local Planning Panel fee — \$2,200.
2. Major Planning Proposal: Local Planning Panel fee — \$2,200.
3. Complex Planning Proposal: Local Planning Panel fee — \$11,275.

CM/7.3/19.03 Investment Portfolio Report - February 2019 (A03/2211)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council:

1. Receives and notes the Investment Summary Report for February 2019 attached to this report.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

CM/7.4/19.03 Campbell Parade Streetscape - Concept Design (A18/0718)**MOTION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That:

1. Council prepares concept designs for the Campbell Parade Streetscape upgrade based on a combination of the design approaches 'squeeze the street' and 'tweak the edges'.
2. Council prepares detailed plans for the Ben Buckler commercial area (also known as the North Bondi bus terminus), the corner of Francis Street and Campbell Parade. The detailed designs will articulate the concept design.
3. Council recognises the mixed residential/commercial nature of these locations, and design outcomes will consider outdoor seating for retail outlets, patrons and commercial waste management within the principle of minimisation of negative impacts on adjacent residential amenity.
4. The concept design for Campbell Parade, and the detailed plans for the Ben Buckler commercial area, the corner of Francis Street and Campbell Parade, be returned to Council for consideration separately as prepared.

AMENDMENT

Mover: Cr Goltsman

Seconder: Cr Kay

That the Motion be adopted subject to the addition of the following clause:

'Council officers, through the design process, seek to minimise an overall parking loss.'

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Betts, Goltsman, Kay and Nemesh.**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

CM/7.5/19.03 Ocean Lovers Festival - Grant (SF18/3733)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item, and informed the meeting that he is the president of the Local Government Aboriginal Network and made a submission via Council's Have Your Say website. Cr Wy Kanak was not present at, or in sight of, the meeting for the consideration and vote on this item.

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Goltsman

That Council grants \$16,435 in financial assistance to Avviso Public Relations for the use of Council facilities during the Ocean Lovers Festival 2019, in accordance with section 356 of the *Local Government Act 1993*.

CM/7.6/19.03 Bondi Winter Magic Ice Rink 2019-2021 - Licence (A18/0328)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That:

1. Council authorises the General Manager, or delegated representative, to negotiate and enter into a licence agreement on behalf of Council with Abundance International for the delivery of Event Management Services for the Bondi Winter Magic Ice Rink each year for three weeks during the July school holidays for the period 2019 to 2021 on the Bondi Pavilion forecourt. The licence fee for the event will be charged each year as the maximum amount under the Pricing Policy, Fees and Charges for off-peak season High Impact Events.
2. Council notes that the agreement will include a provision to vary the location of the ice rink during the Bondi Pavilion restoration project, and that officers will work with the event provider, in consultation with Ward Councillors, to identify a suitable location for the ice rink each year.
3. The General Manager work with Abundance International to mitigate any environmental impacts from the engines used to provide the ice facility.

CM/7.7/19.03 Ewell Street, Bondi and North Bondi Area 10 Resident Parking Scheme Surveys - Additional Information (A03/2581)**MOTION (WITHDRAWN)**

Mover: Cr Wakefield

Seconder: Cr Copeland

That:

1. Council notes its previous decision to undertake a review of the policy, process and procedures for the creation of resident parking schemes to ensure that the concerns of residents are better balanced with the need to apply a strategic approach to parking scheme management.
2. Until the review is undertaken, Council does not:
 - (a) Introduce a resident parking scheme in Ewell Street, Bondi.

- (b) Proceed with expanding the boundaries of Resident Parking Scheme Area 10.

MOTION / DECISION

Mover: Cr Wakefield

Seconder: Cr Keenan

That this item be deferred to a future meeting.

CM/7.8/19.03 Voluntary Planning Agreement - 629-631 Old South Head Road, Rose Bay (DA-82/2016)

MOTION / DECISION

Mover: Cr Lewis

Seconder: Cr Wakefield

That Council:

1. Notes that the development application for 629–631 Old South Head Road, Rose Bay, was approved by the Land and Environment Court on 27 March 2017 after Council’s planning department refused the application on 24 August 2016.
2. Endorses the draft Planning Agreement attached to this report applying to land at 629–631 Old South Head Road, Rose Bay. The draft Planning Agreement offers a total monetary contribution of \$439,356.17 with \$395,420.55 (90%) to go towards the improvement and regeneration of parks and reserves in the Rose Bay/Dover Heights area and \$43,935.62 (10%) to go to Waverley’s Affordable Housing Program, in accordance with Council’s Planning Agreement Policy 2014.
3. Authorises the Mayor and General Manager to sign and execute the agreement and affix the Council seal to the documentation.
4. Prepares a report outlining the proposed expenditure of this VPA in the vicinity of 629–631 Old South Head Road undertaking new capital works programs and/or general upgrade programs, which might include road, footpath, verge and landscape works.

Division

For the Motion: Crs Betts, Copeland, Goltsman, Kay, Lewis, Masselos, Nemesh and Wakefield.

Against the Motion: Crs Keenan and Wy Kanak.

At 9.34 pm, the meeting adjourned for a short break.

At 9.47 pm, the meeting resumed.

CM/7.9/19.03 SSROC Supplier Panel - Cleaning and Inspection of Gross Pollutant Traps and Ancillary Services (SF19/1171)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield

Seconder: Cr Wy Kanak

That Council:

1. Treats the attachment to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(d)(i) of the *Local*

Government Act 1993. The attachment contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.

2. Adopts the SSROC-approved suppliers below as a supplier panel for the Cleaning and Inspection of Gross Pollutant Traps and Ancillary Services for a period of three years with two one-year options, commencing on 1 April 2019:
 - (a) Alford's Point Drain Inspections (subsidiary company: JJ Coleman Plumbing Pty Ltd).
 - (b) Ecosol Pty Ltd.
 - (c) Optimal Stormwater Pty Ltd.
 - (d) Pipe Management Australia Pty Ltd.
 - (e) R A Bell Environmental and Company (trading as Bell Environmental).
 - (f) Total Drain Cleaning Services Pty Ltd.
 - (g) ToxFree Australia Pty Ltd.

CM/7.10/19.03 Tender Evaluation - North Bondi Civil Infrastructure Asset Renewal (A19/0044)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Hibernian Contracting Pty Ltd as the preferred tenderer for the supply of contractor services at North Bondi Civil Infrastructure Asset Renewal for the sum of \$4,865,368.86 (excluding GST).
3. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Hibernian Contracting Pty Ltd for a six-month contract.
4. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

CM/7.11/19.03 Tender Evaluation - Waverley Park Landscape Lighting (SF19/430)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield
Seconder: Cr Wy Kanak

That Council:

1. Notes that no tenders were received in response to the Waverley Park Landscape Lighting Tender.
2. Under clause 178 of the *Local Government (General) Regulation 2005*, cancels the tender process for the Waverley Park Landscape Lighting Contract, and proceeds with a request for quotations.

8. Notices of Motion**CM/8.1/19.03 RESCISSION MOTION - CM/7.13/19.02 - Bronte Cutting Pedestrian Link Project (SF18/3282)****MOTION**

Mover: Cr Kay
Seconder: Cr Betts

That the Rescission Motion be adopted.

THE MOTION WAS PUT AND DECLARED LOST.

Division

For the Motion: Crs Betts, Goltsman, Kay and Nemesh.

Against the Motion: Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

A resident addressed the meeting.

CM/8.2/19.03 Intersection of Blair Street and Wairoa Avenue, North Bondi - Pedestrian Safety (A03/0042-04)**MOTION**

Mover: Cr Wakefield
Seconder: Cr Lewis

That Council undertakes an investigation of measures to improve pedestrian safety in the vicinity of the intersection of Blair Street and Wairoa Avenue.

AMENDMENT

Mover: Cr Goltsman
Seconder: Cr Kay

That the Motion be adopted subject to being amended to read as follows:

‘That Council undertakes an investigation of measures to improve pedestrian safety in the vicinity of the intersection of Blair Street and Wairoa Avenue, subject to a pedestrian count to validate the investigation.’

THE AMENDMENT WAS PUT AND DECLARED LOST.

Division**For the Amendment:** Crs Betts, Goltsman, Kay and Nemesh.**Against the Amendment:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

THE MOTION WAS THEN PUT AND DECLARED CARRIED.

Division**For the Motion:** Crs Copeland, Kay, Keenan, Lewis, Masselos, Nemesh, Wakefield and Wy Kanak.**Against the Motion:** Crs Betts and Goltsman.**DECISION:** That the Motion be adopted.**CM/8.3/19.03 Beautification of Roundabouts, Traffic Islands and Other Traffic Devices (A05/0530)****MOTION / UNANIMOUS DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Prepares a concept plan for the beautification of the traffic islands on the corner of Macpherson Street and Evans Street, Bronte, incorporating suitable landscaping.
2. Provides costings to undertake the work.
3. Officers prepare a report for consideration by Council prior to submission to the Traffic Committee.

CM/8.4/19.03 Bronte Cutting - Planting Plan for Burnt Vegetation (A18/0246)**MOTION / DECISION**

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Develops a comprehensive planting plan for the burnt vegetation area in Bronte Cutting that includes:
 - (a) Clearing details, including which trees will be cut down.
 - (b) Interim steps to stop erosion and slippage during works.
 - (c) Timetable for works.
 - (d) Planting schedule.
2. Undertakes a community information campaign before any works commences, including any cutting down of existing trees.

Division**For the Motion:** Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

Against the Motion: Crs Betts, Goltsman, Kay and Nemesh.

I Ash addressed the meeting.

CM/8.5/19.03 Bronte Beach - Installation of External Showers (A02/0337)

MOTION / UNANIMOUS DECISION

Mover: Cr Masselos

Seconder: Cr Keenan

That Council:

1. Investigates the installation of outdoor cold-water showers at Bronte Beach.
2. Makes recommendations as to suitable locations.
3. Considers this within the Bronte Park Plan of Management, including ensuring risk reduction such as no water runoff on to the promenade or beach.
4. Officers report to Council, detailing options, budget and timelines.

CM/8.6/19.03 Jessie Street Reserve - Native Food Garden and Indigenous Learning Centre (A19/0171)

This Notice of Motion was withdrawn at the meeting by Cr Masselos.

MOTION (WITHDRAWN)

That Council:

1. Develops Jessie Street Reserve (corner of Murray Street and Belgrave Street, Bronte), in partnership with the La Perouse Local Aboriginal Land Council, into a native food garden and indigenous learning centre to enhance local understanding of local indigenous culture and increase indigenous business and employment. To be used by local students and residents.
2. Plans and designs a native garden with an education area that will require extensive landscaping to make the most of a small place. Consideration be given to safety, as it is located next to a busy road, and to security, to ensure it is not misused at night and causes concern for neighbours.
3. Employs the services of a local indigenous business like Indigigrow, a newly established native nursery in La Perouse, with the capacity to plan, plant and maintain the garden.
4. Makes an initial concept available to residents for feedback.

CM/8.7/19.03 Pedestrian Safety in Hewlett Street, Bronte (A03/0543)**MOTION / UNANIMOUS DECISION**

Mover: Cr Wakefield

Seconder: Cr Copeland

That Council investigates improving the safety of pedestrians crossing at the intersection of Hewlett Street and Alfred Street at Hewlett Street Park, with a report to be prepared for consideration by the Waverley Traffic Committee.

CM/8.8/19.03 NSW Government Support in Waverley (A03/2167-02)

Cr Betts declared significant non-pecuniary interest in this item, and informed the meeting that she is on the management board of WAYS. Cr Betts was not present at, or in sight of, the meeting for the consideration and votes on this item.

MOTION

Mover: Cr Goltsman

Seconder: Cr Nemesh

That Council:

1. Notes the following grants and additional services delivered to the Waverley local government area from the NSW State Government in:
 - (a) February 2019 for \$100,000 for upgrades to Clark Reserve, Vaucluse, playground and planting along coastal fencing.
 - (b) February 2019 for \$300,000 for the upgrade to Bondi Beach playground.
 - (c) December 2018 of \$500,000 for North Bondi Surf Life Saving Club for their Advanced Lifesaving Facility.
 - (d) 2018 of \$20,000 to Jewish House for front garden landscaping and painting.
 - (e) 2017 of \$15,000 to Jewish House for new fencing and relocation of security cameras.
 - (f) 2018 of \$20,000 to B'Nei Akiva Sydney for pathway construction and kitchen renovations.
 - (g) 2017–2018 of \$35,000 to Our Big Kitchen for office upgrade for a volunteer common area.
 - (h) 2018 of \$20,000 to WAYS for an after-school care bus.
 - (i) 2017 for \$15,000 to The Wayside Chapel Bondi to install a new lift.
 - (j) 2017 for \$20,000 for new carpets at John Saunders function centre at The Central Synagogue.
 - (k) November 2016 of \$225,000 for Waverley Council to develop a flood management plan.
 - (l) 2017 of \$5,000 for Eastern Suburbs Cricket Club Inc for wicket covers and hessian undercovers.
 - (m) 2017 of \$5,000 to Bondi Surf Bathers Life Saving Club for surf sports equipment.
 - (n) September 2018 for the 333 turn-up-and go bus service from North Bondi to Circular Quay.

- (o) September 2018 for BRIDJ on-demand bus service transporting residents from Bondi and Dover Heights to Rose Bay Ferry Wharf.
2. Further notes the NSW Government support for our local schools:
- (a) Since 2011, over \$1.5 million in funding was provided to Bondi Public School, including upgrades to playground and sports fields and new solar PV system.
 - (b) Since 2011, over \$1.2 million in funding was provided to Bondi Beach Public School, including fencing, out-of-hours care Services and green room.
 - (c) Since 2011, over \$3 million was provided to Rose Bay Secondary College for the newly completed upgrade to the school façade and administration area, and the recent announcement to fully fund replacement of the two multi-use sports courts.
 - (d) Since 2011, over \$4 million was provided to Wairoa School for the art room upgrade and the installation of 14 new classrooms.
3. Writes to Member for Vaucluse, Gabrielle Upton MP, to thank and acknowledge her efforts, and to express its appreciation for the valuable contribution these grants and services are delivering for the Waverley community

AMENDMENT

Mover: Cr Wakefield
Seconder: Cr Lewis

That the Motion be adopted subject to:

1. The addition of the following clauses before clause 3:
- (a) 'Respectfully points out that the NSW Government refused to refund over \$1 million in direct expenses incurred by Council in the failed amalgamation attempt.'
 - (b) 'Notes that the Member for Vaucluse was the Minister for Local Government when the NSW Government refused to refund this money.'
2. The amendment of clause 3 to read as follows:
- 'Writes to Member for Vaucluse, Gabrielle Upton MP, to thank and acknowledge her efforts, and to express its appreciation for the valuable contribution these grants and services are delivering for the Waverley community, and requests that the Minister reconsider refunding Council's wasted expenditure on the amalgamation process.'

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

Division

For the Amendment: Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

Against the Amendment: Crs Goltsman, Kay and Nemesh.

THE MOTION AS AMENDED NOW READS AS FOLLOWS:

That Council:

1. Notes the following grants and additional services delivered to the Waverley local government area

from the NSW State Government in:

- (a) February 2019 for \$100,000 for upgrades to Clark Reserve, Vaucluse, playground and planting along coastal fencing.
- (b) February 2019 for \$300,000 for the upgrade to Bondi Beach playground.
- (c) December 2018 of \$500,000 for North Bondi Surf Life Saving Club for their Advanced Lifesaving Facility.
- (d) 2018 of \$20,000 to Jewish House for front garden landscaping and painting.
- (e) 2017 of \$15,000 to Jewish House for new fencing and relocation of security cameras.
- (f) 2018 of \$20,000 to B'Nei Akiva Sydney for pathway construction and kitchen renovations.
- (g) 2017–2018 of \$35,000 to Our Big Kitchen for office upgrade for a volunteer common area.
- (h) 2018 of \$20,000 to WAYS for an after-school care bus.
- (i) 2017 for \$15,000 to The Wayside Chapel Bondi to install a new lift.
- (j) 2017 for \$20,000 for new carpets at John Saunders function centre at The Central Synagogue.
- (k) November 2016 of \$225,000 for Waverley Council to develop a flood management plan.
- (l) 2017 of \$5,000 for Eastern Suburbs Cricket Club Inc for wicket covers and hessian undercovers.
- (m) 2017 of \$5,000 to Bondi Surf Bathing Life Saving Club for surf sports equipment.
- (n) September 2018 for the 333 turn-up-and go bus service from North Bondi to Circular Quay.
- (o) September 2018 for BRIDJ on-demand bus service transporting residents from Bondi and Dover Heights to Rose Bay Ferry Wharf.

2. Further notes the NSW Government support for our local schools:

- (a) Since 2011, over \$1.5 million in funding was provided to Bondi Public School, including upgrades to playground and sports fields and new solar PV system.
- (b) Since 2011, over \$1.2 million in funding was provided to Bondi Beach Public School, including fencing, out-of-hours care Services and green room.
- (c) Since 2011, over \$3 million was provided to Rose Bay Secondary College for the newly completed upgrade to the school façade and administration area, and the recent announcement to fully fund replacement of the two multi-use sports courts.
- (d) Since 2011, over \$4 million was provided to Wairoa School for the art room upgrade and the installation of 14 new classrooms.

3. Respectfully points out that the NSW Government refused to refund over \$1 million in direct expenses incurred by Council in the failed amalgamation attempt.

4. Notes that the Member for Vaucluse was the Minister for Local Government when the NSW

Government refused to refund this money.

- Writes to Member for Vaucluse, Gabrielle Upton MP, to thank and acknowledge her efforts, and to express its appreciation for the valuable contribution these grants and services are delivering for the Waverley community, and requests that the Minister reconsider refunding Council's wasted expenditure on the amalgamation process.

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

For the Motion: Crs Goltsman, Kay and Nemesh.

Against the Motion: Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

CM/8.9/19.03 Bondi Beach Playground Improvements and Petition (A02/0621)

MOTION / UNANIMOUS DECISION

Mover: Cr Goltsman

Seconder: Cr Betts

That:

- Council officers consult stakeholders, Ward Councillors and Cr Burrill on an interim upgrade of the existing or new play equipment and the priority of which equipment should be upgraded to generally make the playground safer, and that these works take place as soon as possible.
- Additionally, officers report back to Council with a future concept plan.
- A representative of the recent 'Mothers of Bondi' petition, Ms Talia Golan or her alternate, be included within the stakeholder group.
- Council notes that the NSW Government has recently given Council \$300,000 under the Stronger Communities Fund to fund priority upgrade works as an interim measure in the Bondi Beach playground.
- Council notes that a full upgrade of the playground to a regional playground is due to commence in 2021–22, following the completion of the Bondi Pavilion Conservation Upgrade project.
- Council notes the recent online petition by the 'Mothers of Bondi' addressing urgent safety issues and upgrades to existing equipment.

T Golan addressed the meeting.

CM/8.10/19.03 NSW Government Grants - Benefits to Waverley (A03/2167-02)

Cr Betts declared significant non-pecuniary interest in this item, and informed the meeting that she is on the management board of WAYS. Cr Betts was not present at, or in sight of, the meeting for the consideration and votes on this item.

MOTION

Mover: Cr Goltsman

Seconder: Cr Kay

That Council:

1. Notes secured funding since late October's announcement of State Government funding for the Bondi Junction Cycleway of:
 - (a) \$5,300,000 to Waverley Council for construction of the Bondi Junction Cycleway.
 - (b) \$400,000 to Waverley Council for the upgrade of Marlborough Park at Bronte.
 - (c) \$345,000 to the Bronte Surf Club as a contribution towards a new club house.
 - (d) \$280,000 to Waverley Council for the upgrade of Varna Park playground at Waverley.
 - (e) \$150,000 to Tamarama Surf Club for the second stage of redevelopment.
 - (f) \$75,000 to Easts Cricket Club for the upgrade of cricket facilities at Waverley Park.
 - (g) \$30,000 to WAYS for refurbishment of the WAYS Youth Training and Wellness Centre.
 - (h) \$20,000 to Bronte Bowling Club for the installation of solar panels.
 - (i) \$9,490 to Jewish House for capital equipment purchases for Accommodation Vacluse.
 - (j) \$6,000 to Waverley Men's Shed for enrolment of members in mental health courses.
 - (k) \$5,000 to Double Bay Diamonds Netball Club for subsidised registration fees for players.
 - (l) \$5,000 to Easts Cricket Club for the purchase of four sight screen covers.
 - (m) \$5,000 to Waverley Rugby Football and Sporting Club for the purchase of shirts for Fluoro Rugby Day.
 - (n) \$4,000 to Waverley SES for mental health and first aid training.
 - (o) \$3,480 to Eastern Suburbs Soccer Club Inc for the purchase of shirts for Fluoro Rugby Day.
 - (p) \$2,500 to Eastern Suburbs Soccer Club Inc for subsidising uniforms and equipment.
 - (q) \$2,000 to Easts Cricket Club for the upgrade of the club's website to drive participation.
 - (r) \$2,000 to Eastern Suburbs Soccer Club Inc for the provision of opportunities for junior referees to gain accreditation.
 - (s) \$1,950 to Waverley Rugby Football and Sporting Club for the provision of foundation and developing coach courses.

(t) \$1 million to Easts Rugby Club for new women's change facilities.

2. Writes to the Member for Coogee, Bruce Notley-Smith MP, to thank and acknowledge his efforts, and to express its appreciation for the valuable contribution these grants and services are delivering for the Waverley community.

AT THIS STAGE IN THE PROCEEDINGS, CR LEWIS MOVED A PROCEDURAL MOTION, SECONDED BY CR MASSELOS, THAT THE ITEM LAY ON THE TABLE.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

Division

For the Procedural Motion: Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

Against the Procedural Motion: Crs Goltsman and Kay.

Cr Nemesh was not present for the vote on the procedural motion.

LATER IN THE MEETING, CR WAKEFIELD MOVED A PROCEDURAL MOTION, SECONDED BY CR KEENAN, THAT THE ITEM BE TAKEN FROM THE TABLE.

THE PROCEDURAL MOTION WAS PUT AND DECLARED CARRIED.

THE MOTION WAS THEN PUT AND DECLARED LOST.

Division

For the Motion: Crs Goltsman, Kay and Nemesh.

Against the Motion: Crs Copeland, Keenan, Lewis, Masselos, Wakefield and Wy Kanak.

CM/8.11/19.03 Diamond Bay Road and Old South Head Road, Vaucluse - Intersection Improvement (A03/0639)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Wakefield

That Council investigates improving the vehicle safety of the left and right hand turn out of Diamond Bay Road into Old South Head Road. This might be achieved by the construction of a roundabout, or by squaring off the corner and through improved line marking.

CM/8.12/19.03 South Head Cemetery (A02/0151)

MOTION / UNANIMOUS DECISION

Mover: Cr Lewis

Seconder: Cr Wakefield

That Council:

1. Undertakes an improvement program around the perimeter of South Head Cemetery, including tidying current plantings, extra plantings as appropriate, weeding, lawn patching and re-turfing.
2. Notes that it has spent approximately \$400,000 since 2011 on replacing the cemetery wall along

Burge Street and the removal of all the trees and their replacement along the street frontage of Burge Street.

CM/8.13/19.03 Clarke Reserve - Grant Funding (A04/2119)

MOTION / UNANIMOUS DECISION

Mover: Cr Nemesh

Seconder: Cr Betts

That Council:

1. Notes and acknowledges that:
 - (a) The NSW Government has provided Council a \$100,000 grant to make further improvements to Clarke Reserve in Vacluse.
 - (b) This money is in addition to the \$150,000 already allocated by Council bringing the total investment of \$250,000.
 - (c) The upgrade of the Reserve is due to commence in the second half of 2019.
2. Writes to the Member for Vacluse, Gabrielle Upton MP, thanking her for the contribution of the grant, which will be used to improve local amenity.
3. Officers consult the Diamond Bay/Vacluse Precinct and nearby residents within the Diamond Bay/Vacluse Precinct catchment area, notifying them of the additional funding being provided and seeking feedback.

CM/8.14/19.03 Local Government Aboriginal Network Conference 2019 (A03/0027)

Cr Wy Kanak declared a less than significant non-pecuniary interest in this item, and informed the meeting that he is the president of the Local Government Aboriginal Network.

MOTION / UNANIMOUS DECISION

Mover: Cr Wy Kanak

Seconder: Cr Wakefield

That Council:

1. In consultation with First Nations Peoples and through a motion at the 2019 Local Government Aboriginal Network (LGAN) Conference, requests Local Government New South Wales (LGNSW) to lobby the NSW Government to effectively resource and re-create a specialist identified position within the State public service, in the department of what is currently called the Office of Local Government, to enhance and develop the capacity within NSW local government for the employment and access of Aboriginal Torres Strait Islander Peoples.
2. Continues to fund and support the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF), the Local Government Aboriginal Network Annual Conference, and the Policy Officer (Aboriginal) role within the administration of LGNSW.
3. In consultation with First Nations Peoples, promotes the 'Collaborate' program currently featured on the LGNSW website <<http://collaboratensw.org/>>, especially those initiatives within 'Collaborate',

which seek to interest and train more Aboriginal and Torres Strait Islander peoples in the process of being candidates for the 2020 NSW local government elections.

4. Receives and notes the following short report on the recent activities of LGAN by Cr Wy Kanak, President, LGAN:

1. Introduction

Working as a First Nations Waverley boondiboondi Bondi Ward Councillor in NSW local government and chairman of the Eastern Region Local Government Aboriginal Torres Strait Islander Forum (ERLGATSIF), Cr Wy Kanak has become the president of the NSW Local Government Aboriginal Network (2017–2019).

2. Context

Through the Policy Officer (Aboriginal) position at Local Government New South Wales (LGNSW), Cr Wy Kanak has been working with the President of LGNSW, Cr Linda Scott (City of Sydney), on First Nations Aboriginal community-related matters across NSW Local Government.

3. Discussion

One of the ongoing matters of discussion has been the NSW Local Government Aboriginal Network, of which Cr Wy Kanak is currently President. LGAN seeks to hold an annual conference to bring together a community of interest, including Aboriginal Torres Strait Islander peoples working as councillors at NSW councils, or in or with these councils. The 2018 Conference was hosted by Narrabri Shire Council at the Crossing Theatre.

4. LGNSW

The meeting with the President of LGNSW covered topics such as:

- *The future duties and relationship of the LGNSW Policy Officer (Aboriginal) position with LGAN.*
- *The 'Collaborate' program, accessible through the LGNSW website: <<http://collaboratensw.org/>>.*
- *An element of 'Collaborate' is encouraging more First Nations Aboriginal Torres Strait Islander peoples to put their hand up as candidates for NSW elected councillor positions in the lead-up to the 2020 NSW local government elections.*
- *Re-engaging the NSW Aboriginal Lands Council (NSWALC) as potential members of LGNSW.*
- *Re-engaging with the NSW Office of Local Government (OLG) to perhaps, upon consultation, reinstate a previous identified Aboriginal position that used to be part of an arrangement whereby the former Department of Local Government resourced this internal position and also funded and supported the LGAN. President Scott suggested a motion from a Council to be discussed at the 2019 Annual Conference along the lines of potentially reinstating this kind of support to LGAN would be an explorable option.*

5. Recommendation

That Council:

1. *In consultation with First Nations Peoples and through a motion at the 2019 Local Government Aboriginal Network (LGAN) Conference, requests Local Government New South Wales (LGNSW) to lobby the NSW Government to effectively resource and re-create a specialist identified position within the State public service, in the department of what is currently called the Office of Local Government, to enhance and develop the capacity within NSW local government for the employment and access of Aboriginal Torres Strait Islander Peoples.*
2. *Continues to fund and support the Eastern Region Local Government Aboriginal and Torres Strait Islander Forum (ERLGATSIF), the Local Government Aboriginal Network Annual Conference, and the Policy Officer (Aboriginal) role within the administration of LGNSW.*
3. *In consultation with First Nations Peoples, promotes the 'Collaborate' program currently featured on the LGNSW website <<http://collaboratensw.org/>>, especially those initiatives within 'Collaborate', which seek to interest and train more Aboriginal and Torres Strait Islander peoples in the process of being candidates for the 2020 NSW local government elections.*

CM/8.15/19.03 Neighbour Day 2019 - Challenging Loneliness (A19/0173)

MOTION

Mover: Cr Wy Kanak
 Seconder: Cr Copeland

That:

1. Council promotes and supports, with a program of social media activity, 'Neighbour Day' on Sunday, 31 March 2019, which focuses this year on 'Challenging Loneliness'.
2. The 'Challenging Loneliness' program is to include:
 - (a) Inviting the community of Waverley to engage through social media with Neighbour Day's website and suggested activities attached to this motion.
 - (b) Continuing to support programs and activities through the Mill Hill Seniors Centre focused on 'Challenging Loneliness'.
3. The Mayor and Deputy Mayor release a joint media statement alerting the community to this year's Neighbour Day theme and activity focus.

AMENDMENT

Mover: Cr Goltsman
 Seconder: Cr Betts

That the Motion be adopted subject to the addition of the following clause:

'Officers facilitate a Mayor's Neighbourhood Day event at 10 am on Sunday, 31 March, or other suitable date, at a Council venue.'

THE AMENDMENT WAS PUT AND DECLARED CARRIED.

THE MOTION AS AMENDED NOW READS AS FOLLOWS:

That:

1. Council promotes and supports, with a program of social media activity, 'Neighbour Day' on Sunday,

31 March 2019, which focuses this year on 'Challenging Loneliness'.

2. The 'Challenging Loneliness' program is to include:
 - (a) Inviting the community of Waverley to engage through social media with Neighbour Day's website and suggested activities attached to this motion.
 - (b) Continuing to support programs and activities through the Mill Hill Seniors Centre focused on 'Challenging Loneliness'.
3. The Mayor and Deputy Mayor release a joint media statement alerting the community to this year's Neighbour Day theme and activity focus.
4. Officers facilitate a Mayor's Neighbourhood Day event at 10 am on Sunday, 31 March, or other suitable date, at a Council venue.

THE MOVER AND SECONDER OF THE MOTION AS AMENDED THEN ACCEPTED AMENDMENTS TO CLAUSE 4 SUCH THAT THE MOTION NOW READS AS FOLLOWS:

That:

1. Council promotes and supports, with a program of social media activity, 'Neighbour Day' on Sunday, 31 March 2019, which focuses this year on 'Challenging Loneliness'.
2. The 'Challenging Loneliness' program is to include:
 - (a) Inviting the community of Waverley to engage through social media with Neighbour Day's website and suggested activities attached to this motion.
 - (b) Continuing to support programs and activities through the Mill Hill Seniors Centre focused on 'Challenging Loneliness'.
3. The Mayor and Deputy Mayor release a joint media statement alerting the community to this year's Neighbour Day theme and activity focus.
4. Officers facilitate a Mayor's Neighbourhood Day event on Sunday, 31 March, or other suitable date, at Waverley Library.

THE MOTION WAS THEN PUT AND DECLARED CARRIED UNANIMOUSLY.

UNANIMOUS DECISION: That the Motion be adopted.

9. Urgent Business

CM/9.1/19.03 Bus Stops and Shelters at 185 and 246 Military Road, Dover Heights (SF18/2209)

Council resolved to deal with this matter as an item of urgent business.

MOTION / UNANIMOUS DECISION

Mover: Cr Betts
Seconder: Cr Nemesh

That:

1. Council notes that there is a difference of opinion between Council and Sydney Buses and local residents about the actual location of the fatality in Military Road on 26 December 2018.
2. Council notes that there is photographic proof that the fatality took place near Lancaster Road and not Myuna Road, therefore having negligible impact on where bus stops and shelters are placed two or three blocks away, as stated by Sydney Buses.
3. Council agrees that all construction and installation works to install bus stops and shelters at 185 and 246 Military Road be postponed until further investigation takes place in view of the incorrect assumptions used by Sydney Buses in its decision-making process regarding the relocation of these two bus stops and shelters.
4. A report comes back to Council with a recommendation.

10. Closed Session

CM/10/19.03 Closed Session

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That:

1. Council moves into closed session to deal with the matter listed below, which is classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reason specified:

CM/10.1/19.03 CONFIDENTIAL REPORT - General Manager's Report - Senior Staff Appointments - Process and Consultation

This matter is considered to be confidential in accordance with section 10A(2)(a) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

At 11.14 pm, Council moved into closed session.

CM/10.1/19.03 CONFIDENTIAL REPORT - General Manager's Report - Senior Staff Appointments - Process and Consultation (SF19/1377)

MOTION / UNANIMOUS DECISION

Mover: Cr Wakefield
Seconder: Cr Masselos

That:

Council treats this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as it relates to a matter specified in section 10A(2)(a) of the *Local Government Act 1993*. The report contains personnel matters concerning particular individuals (other than councillors).

Council receives and notes this report.

The General Manager give consideration to comment and feedback provided at the meeting on the proposed senior staff appointments.

At 11.21 pm, during the consideration of this item, Cr Kay left the meeting and did not return.

11. Resuming in Open Session

CM/11/19.03 Resuming in Open Session

MOTION / DECISION

Mover: Cr Wakefield
Seconder: Cr Goltsman

That Council resumes in open session.

Cr Kay was not present for the consideration and vote on this item.

At 11.22 pm, Council resumed in open session.

Resolutions from closed session made public

In accordance with clause 253 of the Local Government (General) Regulation 2005, when the meeting resumed in open session the Chair announced the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.

12. Meeting Closure

THE MEETING CLOSED AT 11.23 PM.

.....
SIGNED AND CONFIRMED
MAYOR
16 APRIL 2019

CONFIRMATION AND ADOPTION OF MINUTES CM/4.2/19.04



Subject: Adoption of Minutes - Waverley Traffic Committee Meeting - 28 March 2019

TRIM No.: SF19/328

Author: Richard Coelho, Governance and Internal Ombudsman Officer

RECOMMENDATION:

That Part 1 of the minutes of the Waverley Traffic Committee Meeting held on 28 March 2019 be received and noted, and that the recommendations contained therein be adopted.

Introduction/Background

The Waverley Traffic Committee (WTC) is not a committee of Council. The WTC operates under delegation from the Roads and Maritime Services (RMS), an agency of the NSW Government. It is advisory only and has no decision-making powers.

The purpose of the WTC is to make recommendations and provide advice to Council on the technical aspects of proposals to regulate traffic on local roads in Waverley. The recommendations of the WTC must be adopted by Council before they can be implemented.

Part 1 of the minutes of WTC meetings must be submitted to Council for adoption in accordance with clause 18 of the Waverley Traffic Committee Charter.

Council has the opportunity to 'save and except' any of the recommendations listed in Part 1 of the minutes for further consideration in accordance with clause 18.1 of the Charter.

Attachments

1. Waverley Traffic Committee Minutes - 28 March 2019

**MINUTES OF THE WAVERLEY TRAFFIC
COMMITTEE MEETING HELD AT WAVERLEY
COUNCIL CHAMBERS, CNR PAUL STREET AND
BONDI ROAD, BONDI JUNCTION ON
THURSDAY, 28 MARCH 2019**



Voting Members Present:

Cr J Wakefield	Waverley Council (Chair)
Snr Cst A Birchansky	NSW Police – Eastern Suburbs Police Area Command – Traffic Services
Mr B Borger	Roads and Maritime Services – Traffic Management (South East Precinct)
Ms J Zin	Representing Gabrielle Upton, MP, Member for Vaucluse

Also Present:

Mr B Gidies	Sydney Buses (Eastern Region)
Mr D Joannides	Waverley Council – Executive Manager, Creating Waverley
Mr G Garnsey	Waverley Council – Manager, Transport and Development
Mr C Handsaker	Waverley Council – Manager, Customer Parking
Mr K Mowad	Waverley Council – Senior Traffic Engineer
Mr S Samadian	Waverley Council – Traffic Engineer

At the commencement of proceedings at 10.03am, those present were as listed above.

Apologies

Apologies were received and accepted from Cr Tony Kay and Mr Bruce Morrow, representing Bruce Notley-Smith, MP, Member for Coogee.

Declarations of Pecuniary and Non-Pecuniary Interests

The Chair called for declarations of interest and none were received.

Adoption of previous Minutes by Council - 28 February 2019

The recommendations contained in Part 1 - Matters Proposing That Council Exercise Its Delegated Functions - of the Minutes of the Waverley Traffic Committee meeting held on 28 February 2019 were adopted by Council at its meeting on 19 March 2019 with one minor change to Item TC/V.04/19.02 - Ramsgate Avenue, Bondi Beach - Temporary Loss of Parking for Site Compound such that the word 'extend' in clause 2 was replaced with the word 'adjust'.

PART 1 – MATTERS PROPOSING THAT COUNCIL EXERCISE ITS DELEGATED FUNCTIONS

NOTE: The matters listed under this part of the agenda propose that Council either does or does not exercise the traffic related functions delegated to it by the RMS. The recommendations made by the Committee under this part of the agenda will be submitted to Council for adoption.

TC/C STATE ELECTORATE OF COOGEE**TC/C.01/19.03 Busby Parade, Bronte - One Way direction (A03/0042-04)****COUNCIL OFFICER'S PROPOSAL:**

That Council:

1. Receives and notes the contents of this report.
2. Takes no further action with regard to the installation of a one-way direction in Busby Parade, Bronte.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: NSW Police representative, RMS representative and Waverley Council representative (Chair).

TC/C.02/19.03 Sandridge Street, Bondi - Change to Part-Time Bus Zone (A02/0225-02)**COUNCIL OFFICER'S PROPOSAL:**

That Council changes the existing full time 'Bus Zone' restrictions on Sandridge Street, Bondi outside 42 Fletcher Street to 'Bus Zone Sat – Sun; 2P 8am - 10pm Mon – Fri Permit Holders Excepted Area 11'.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to the addition of the following clause:

"Regular patrols of the bus zone by Council's parking enforcement officers be instituted".

Voting members present for this item: NSW Police representative, RMS representative and Waverley Council representative (Chair).

TC/V STATE ELECTORATE OF VAUCLUSE**TC/V.01/19.03 Proposed changes to parking restrictions in Bondi Beach (SF17/2767)****COUNCIL OFFICER'S PROPOSAL:**

That Council replace signage associated with ticket parking within Queen Elizabeth Drive and Park Drive to reflect the changes to meter operating times as shown in the table below.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to it reading as follows:

“That Council replaces signage associated with ticket parking within Queen Elizabeth Drive, Park Drive and Campbell Parade, Bondi Beach to reflect the changes to the proposed meter operating times as shown in the table below:

Area			Current Time Restrictions	Proposed Time Restrictions
QUEEN ELIZABETH DRIVE AND PARK DRIVE NORTH			P Ticket 7am - 7pm Jun - Aug 7am - 10pm Sept - May Beach Permit Holders Excepted Except as Signed	P Ticket 7am - 7pm Beach Permit Holders Excepted Except as Signed
PARK DRIVE SOUTH			4P Ticket 8am - 10pm No Stopping Area 11pm - 6am	4P Ticket 8am - 7pm No Stopping Area 11pm - 6am
CAMPBELL PARADE (NOVEMBER TO APRIL)				
Side of Street	Between Streets		Current Time Restrictions	Proposed Time Restrictions
Western Side	Francis St	Sir Thomas Mitchell Road	½ P Ticket 8am to 6pm 4P Ticket 6pm to 10pm	½ P Ticket 8am to 7pm 3P Ticket 7pm to 10pm
Western Side	Francis St	Sir Thomas Mitchell Road	Loading Zone 6.30am to 6pm Mon to Sat	Loading Zone 6.30am to 7pm Mon to Sat
			1/2P Ticket 8am to 6pm Sunday	1/2P Ticket 8am to 7pm Sunday
			4P Ticket 6pm to 10pm	3P Ticket 7pm to 10pm
Western Side	Sir Thomas Mitchell Road	Lamrock Ave	½ P Ticket 8am to 6pm 4P Ticket 6pm to 10pm	½ P Ticket 8am to 7pm 3P Ticket 7pm to 10pm
Western Side	Lamrock Ave	Hall St	Truck Zone 6.30am to 6pm Mon to Sat	Truck Zone 6.30am to 7pm Mon to Sat
			1/2P Ticket 8am to 6pm Sunday	1/2P Ticket 8am to 7pm Sunday
			3P Ticket 6pm to 9pm	2P Ticket 7pm to 9pm
Western Side	Lamrock Ave	Hall St	½ P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	1/2P Ticket 8am to 7pm 2P Ticket 7pm to 9pm
Western Side	Hall St	Roscoe St	½ P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	1/2P Ticket 8am to 7pm 2P Ticket 7pm to 9pm

Western Side	Roscoe St	Curlewis St	Truck Zone 6.30am to 6pm Mon to Sat	Truck Zone 6.30am to 7pm Mon to Sat
			1/2P Ticket 8am to 6pm Sunday 3P Ticket 6pm to 9pm	1/2P Ticket 8am to 7pm Sunday 2P Ticket 7pm to 9pm
Western Side	Curlewis St	Beach Rd	½ P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	½ P Ticket 8am to 7pm 2P Ticket 7pm to 9pm
Western Side	Beach Rd	Wairoa Ave	½ P Ticket 8am to 6pm 4P Ticket 6pm to 10pm	½ P Ticket 8am to 7pm 3P Ticket 7pm to 10pm
Eastern Side	Beach Road	Curlewis St	2P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	2P Ticket 8am to 7pm 2P Ticket 7pm to 9pm
	Curlewis St	Roscoe St	2P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	2P Ticket 8am to 7pm 2P Ticket 7pm to 9pm
	Curlewis St	Roscoe St	Taxi Zone 8am to 6pm	Taxi Zone 8am to 7pm
			3P Ticket 6pm to 9pm	2P Ticket 7pm to 9pm
	Hall St	Queen Elizabeth Drive	2P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	2P Ticket 8am to 7pm 2P Ticket 7pm to 9pm

CAMPBELL PARADE (MAY TO OCTOBER)

Side of Street	Between Streets		Current Time Restrictions	Proposed Time Restrictions
Western Side	Francis St	Sir Thomas Mitchell Road	½ P Ticket 8am to 6pm 4P Ticket 6pm to 10pm	½ P Ticket 8am to 7pm 3P 7pm to 10pm
Western Side	Francis St	Sir Thomas Mitchell Road	Loading Zone 6.30am to 6pm Mon to Sat	Loading Zone 6.30am to 7pm Mon to Sat
			1/2P Ticket 8am to 6pm Sunday 4P Ticket 6pm to 10pm	1/2P Ticket 8am to 7pm Sunday 3P 7pm to 10pm
Western Side	Sir Thomas Mitchell Road	Lamrock Ave	½ P Ticket 8am to 6pm 4P Ticket 6pm to 10pm	½ P Ticket 8am to 7pm 3P 7pm to 10pm
Western Side	Lamrock Ave	Hall St	Truck Zone 6.30am to 6pm Mon to Sat	Truck Zone 6.30am to 7pm Mon to Sat
			1/2P Ticket 8am to 6pm Sunday	1/2P Ticket 8am to 7pm Sunday

			3P Ticket 6pm to 9pm	2P 7pm to 9pm
Western Side	Lamrock Ave	Hall St	½ P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	1/2P Ticket 8am to 7pm 2P 7pm to 9pm
Western Side	Hall St	Roscoe St	½ P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	1/2P Ticket 8am to 7pm 2P 7pm to 9pm
Western Side	Roscoe St	Curlewis St	Truck Zone 6.30am to 6pm Mon to Sat	Truck Zone 6.30am to 7pm Mon to Sat
			1/2P Ticket 8am to 6pm Sunday 3P Ticket 6pm to 9pm	1/2P Ticket 8am to 7pm Sunday 2P 7pm to 9pm
Western Side	Curlewis St	Beach Rd	½ P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	½ P Ticket 8am to 7pm 2P 7pm to 9pm
Western Side	Beach Rd	Wairoa Ave	½ P Ticket 8am to 6pm 4P Ticket 6pm to 10pm	½ P Ticket 8am to 7pm 3P 7pm to 10pm
Eastern Side	Beach Road	Curlewis St	2P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	2P Ticket 8am to 7pm 2P 7pm to 9pm
	Curlewis St	Roscoe St	2P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	2P Ticket 8am to 7pm 2P 7pm to 9pm
	Curlewis St	Roscoe St	Taxi Zone 8am to 6pm	Taxi Zone 8am to 7pm
			3P Ticket 6pm to 9pm	2P 7pm to 9pm
	Hall St	Queen Elizabeth Drive	2P Ticket 8am to 6pm 3P Ticket 6pm to 9pm	2P Ticket 8am to 7pm 2P 7pm to 9pm

Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).

The Committee considered a supplementary report on this matter from the Manager, Customer Parking issued and uploaded to Council's website prior to the meeting.

TC/V.02/19.03 Anzac Day - Ramsgate Avenue and Campbell Parade, North Bondi – Temporary Road Closure (A02/0216)

COUNCIL OFFICER'S PROPOSAL:

That Council approves the Transport Management Plan for the temporary closure of Ramsgate Avenue and Campbell Parade, North Bondi on 25 April 2019 between 4am and 8am as per the submitted Transport Management Plans (TMP), subject to:

1. The applicant shall:
 - a) Submit the Transport Management Plan to the Roads and Maritime Services for the approval of the Traffic Management Centre.
 - b) Provide Public Liability Insurance for the event.
 - c) Obtain NSW Police Force approval and assessment of the event classification.
 - d) Notify the State Transit Authority, NSW Ambulance Service and NSW Fire & Rescue (Bondi, Woollahra and Randwick Fire Stations) not less than seven (7) days prior to the event.
 - e) Notify local residents and businesses at least seven (7) days prior to the event.
 - f) Use only RMS-accredited Traffic Controllers to regulate traffic.
 - g) Cover all costs associated with traffic control.
 - h) Submit a copy of the approved R.O.L to the Executive Manager, Creating Waverley prior to the event taking place.
2. The Executive Manager, Creating Waverley being delegated authority to audit the TMP and cancel the approval if required.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to adding the words "dated 22 March 2019 tabled at the meeting and attached to Council's file" after "Transport Management Plan" in the first sentence.

Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).

TC/V.03/19.03 Hardy Street, North Bondi - Installation of 'P Disability Only' Zone (A18/0719)

COUNCIL OFFICER'S PROPOSAL:

That Council Installs a 6.5 m long 'P Disability Only' zone outside 24 Hardy Street, North Bondi.

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted.

Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).

TC/CV ELECTORATES OF COOGEE AND VAUCLUSE**TC/CV.01/19.03 Further 15 Minute 'Drop In' Zones (SF17/2767)****COUNCIL OFFICER'S PROPOSAL:**

That Council introduces free 15 minute 'drop in' zones at the following locations:

1. Bondi Junction (4 spaces):
 - (a) Hollywood Avenue, Bondi Junction – western side of Hollywood Avenue, adjacent to 241 Oxford Street extending 16.5 m south from the current Mail Zone (3 spaces).
 - (b) Pine Lane, Bondi Junction – northern side of Pine Lane at the intersection with Hollywood Avenue extending 6.5 m east of the current No Stopping (1 space).
2. Bondi Beach (4 spaces):
 - (a) Northern side of Hall Street outside 51–53 Hall Street between existing driveways (3 spaces).
 - (b) Campbell Parade – western side of Campbell Parade outside 110 Campbell Parade extending 6.5 m south of the current Taxi Zone (1 space).

WTC RECOMMENDATION (UNANIMOUS SUPPORT):

That the Council Officer's Proposal be adopted subject to inserting "P" before "15 minute" in the first sentence.

Voting members present for this item: Representative of the Member for Vaucluse, NSW Police representative, RMS representative and Waverley Council representative (Chair).

THE MEETING CLOSED AT 10.33AM

.....
SIGNED AND CONFIRMED
MAYOR
16 April 2019

MAYORAL MINUTES CM/5/19.04



WAVERLEY
COUNCIL

Subject: Mayoral Minutes
Author: Mayor of Waverley, Cr John Wakefield

Mayoral minutes are permissible at Waverley Council meetings under the provisions of the *Local Government (General) Regulation 2005* and Council's Code of Meeting Practice. Clause 243 of the Regulation and clause 9.1 of the Code state:

If the mayor is the chairperson at a meeting of 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 Council or of which Council has official knowledge.

Such a minute, when put to the meeting, takes precedence over all business on 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.

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 Council, a resolution of Council.

As noted in Council's Code of Meeting Practice, mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice given to the councillors.

OBITUARIES
CM/6/19.04



W A V E R L E Y
COUNCIL

Subject: Obituaries
Author: Ross McLeod, General Manager

Brian O'Neill
Peter Coleman

The Mayor will ask Councillors for any obituaries.

Council will rise for a minute's silence for the souls of people generally who have died in our Local Government Area.

REPORT

CM/7.1/19.04



Subject: Draft Operational Plan 2019-20 and Proposed Pricing Policy and Schedule of Fees and Charges 2019-20

TRIM No: A18/0477

Author: Sneha Sabu, Co-ordinator, Corporate Planning and Reporting

Director: Ross McLeod, General Manager

RECOMMENDATION:

That Council adopts for public exhibition:

1. The draft Operational Plan 2019-20, including the Statement of Revenue Policy, at Attachment 1 in accordance with the *Local Government Act 1993*.
2. The Rating Structure for 2019–20 contained on page 63 of the draft Operational Plan 2019–20 at Attachment 1 together with the proposed Pricing Policy and Schedule of Fees and Charges 2019–20 at Attachment 2. In accordance with sections 497, 516, 518, 529 (2)(d), 534, 535 and 548(3) of the *Local Government Act*, the following rates and charges is set for every parcel of rateable land within the Waverley local government area for the period of 1 July 2019 to 30 June 2020:
 - (a) That an ordinary rate of zero point one one five eight nine cents (0.11589) in the dollar subject to a minimum rate in accordance with section 548(3) of the Act, per assessment on all rateable land categorised Residential in accordance with section 516 of the Act and sub categorised Ordinary in accordance with section 529(2)(b) of the Act
 - (b) That an ordinary rate of zero point five four five two seven cents (0.54527) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Ordinary in accordance with section 529 (2)(d) of the Act
 - (c) That an ordinary rate of zero point eight eight eight one five cents (0.88815) in the dollar on all rateable land categorised Business in accordance with section 518 of the Act and sub categorised Bondi Junction in accordance with section 529(2)(d) of the Act
3. The Domestic Waste Management Service Charge set at \$562 per service per annum for the period 1 July 2019 to 30 June 2020 in accordance with section 496 of the *Local Government Act*.
4. The Stormwater Management Service Charge contained on page 66 of the draft Operational Plan 2019–20 in accordance with section 496A of the *Local Government Act* for the period of 1 July 2019 to 30 June 2020 as tabled below:

Stormwater Management Service Charge		
Category	Unit	Fee or Charge
Residential property	per property	25.00
Residential strata property	per property	12.50
Business property	per 350 m2 (or part thereof)	25.00
Business strata property	per 350 m2 (or part thereof) levied equally to	25.00

	strata unit entitlement with a minimum of \$5	
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1. Executive Summary

This report is seeking Council approval to place the draft Operational Plan including the Budget, Statement of Revenue Policy, Stormwater Management Service charge and the proposed Pricing Policy and Schedule of Fees and Charges 2019–20 and Rating Structure on public exhibition for the period 24 April 2019 to 21 May 2019. A further report will be presented to the Council at its meeting in June 2019 which reports on any public submissions received and sets out any proposed changes in response to these submissions, prior to the final adoption of these documents.

2. Introduction/Background

The Integrated Planning and Reporting (IP&R) Framework consists of an inter-related hierarchy of plans which aims to ensure a more sustainable local government sector. Waverley Council has in place a hierarchy of integrated plans consisting of a Community Strategic Plan (*Waverley Community Strategic Plan 2018-2029*), a Delivery Program (*Delivery Program 2018–21*) and an Operational Plan.

Every year the Council is required to develop an Operational Plan (which is a sub-plan of the Delivery Program) setting out the specific activities (services and projects) it will undertake in that year.

The *Operational Plan 2019-20* sets out the key activities (deliverables), actions, budgets and performance measures Waverley Council will employ during the 2019–20 financial year. The Operational Plan includes Stormwater Management Service charge and the Statement of Revenue Policy which sets out Council’s rating policy. Accompanying this plan is also the proposed Pricing Policy and Schedule of Fees and Charges 2019–20 which sets out the fees and charges Waverley Council is proposing to levy over the coming financial year.



Figure 1. Integrated planning and reporting framework.

3. Relevant Council Resolutions

Nil.

4. Discussion

In accordance with section 406 of the *Local Government Act*, the Office of Local Government (OLG) has published Guidelines and a Manual to support the administration of integrated planning and reporting. The Community Strategic Plan *Waverley Community Strategic Plan 2018-2029*, the *Delivery Program 2018-2021* and the *Operational Plan 2019-20* were developed in accordance with the OLG Guidelines and Manual.

The Operational Plan has a one-year timeframe. The OLG suggests that the Operational Plan be defined as a sub plan of the Delivery Program that spells out the 'actions' to be undertaken in a particular year.

The IPR manual also requires that actions identified in the Delivery Program be carried through to the Operational Plan. Waverley Council's Operational Plan 2019-20 carries forward the 'deliverables' from the Delivery Program and includes the action required to 'deliver' on what we said we would.

The Operational Plan is also required to include a budget for the year and Statement of Revenue Policy. This includes rating information and proposed Pricing Policy and Schedule of Fees and Charges 2019-20, which are based on the budget prepared for Council.

5. Financial impact statement/Timeframe/Consultation

Financial impact statement

The key deliverables, projects and activities in the Operational Plan 2019-20 are costed in the Long Term Financial Plan (LTFP).

Consultation/timeframe

The steps in the process towards adoption of the draft Operational Plan including the budget, Statement of Revenue Policy and the proposed Pricing Policy and Schedule of Fees and Charges 2019-20 are as follows:

Council Meeting – 16 April 2019

- Council adopts the draft Operational Plan including the Budget, Statement of Revenue Policy, Stormwater Management Service charge and the proposed Pricing Policy and Schedule of Fees and Charges 2019-20 for purposes of public exhibition

Public Exhibition – Exhibition dates: 24 April 2019 to 21 May 2019

- The draft Operational Plan including the Budget, Statement of Revenue Policy, Stormwater Management Service charge and the proposed Pricing Policy and Schedule of Fees and Charges 2019-20 is to be placed on public exhibition for a period of at least 28 days, as per statutory requirement.

Council Meeting – 18 June 2019

- Council adopts the draft Operational Plan including the Budget, Statement of Revenue Policy, Stormwater Management Service charge and the proposed Pricing Policy and Schedule of Fees and Charges 2019-20 as required under the Integrated Planning and Reporting framework.

6. Conclusion

Before adopting the Operational Plan and Pricing Policy, Fees and Charges, Council must place these documents on public exhibition for a statutory period of 28 days. This report is seeking Council approval to place the draft Operational Plan including the budget, Statement of Revenue Policy, Stormwater Management Service charge and the proposed Pricing Policy and Schedule of Fees and Charges 2019–20 on public exhibition. The submission period is likely to close on 21 May 2019.

Once the submission date is closed a further report will be presented to the Council incorporating any public comment at its meeting in June 2019 where Council will be required to adopt the final plans. These documents will become effective on 1 July 2019.

7. Attachments

1. Draft Operational Plan 2019-20 (under separate cover) [⇒](#)
2. Proposed Pricing Policy and Schedule of Fees and Charges 2019-20 (under separate cover) [⇒](#)

REPORT
CM/7.2/19.04

Subject: Draft 2019-20 Budget and Long Term Financial Plan (LTFP 5.1)

TRIM No: SF18/4964

Author: Teena Su, Executive Manager, Financial Waverley

Director: Ross McLeod, General Manager

RECOMMENDATION:

That Council:

1. Notes that the 2019–20 Draft Budget and the Long Term Financial Plan (LTFP 5.1) have been prepared in line with the objectives contained in the Community Strategic Plan (CSP), the 2019–20 Draft Operational Plan, the Financial Sustainability performance objective set for the organisation by Council, and the Integrated Planning and Reporting requirements within the *Local Government Act 1993* (including the requirement to run a ‘balanced budget’).
2. Notes that the LTFP will be amended annually as more accurate information comes to hand and program, income and expenditure forecasts become more accurate and that Council will consider and utilise a range of options for achieving balanced budgets over the life of LTFP 5.1 likely including realising efficiencies and cost reductions within Council operations, borrowing to fund capital expenditure items with intergenerational benefits, applying reserve funds earlier than forecast in LTFP 5, reducing or rescheduling the capital expenditure program and increasing revenue to fund specific programs and initiatives.
3. Notes the approach being included in LTFP 5.1 to signal the possible use of borrowing in future years to part fund some capital expenditure projects that provide significant intergenerational benefits.
4. Asks staff to explore options for the reintroduction of an Environment Levy to fund key environmental outcomes and initiatives and report back to Council on the merits and optimal timing and quantum of any such levy.
5. Adopts, for the purposes of public exhibition, the draft budget estimates of income and expenditure, including capital expenditure, for the financial year 2019/20 as detailed in this report and in Attachments 1 and 2.
6. Adopts, for the purposes of public exhibition, the Draft Long Term Financial Plan (LTFP 5.1) for an 11-year period from 2019–20 to 2029–30 including Income Statement, Balance Sheet, Statement of Cash Flow, Reserve Balances, Assumptions and Sensitivity Analysis, as detailed in Attachment 3.
7. Authorises the General Manager to make any necessary editorial and content changes to the Operational Plan, draft 2019–20 Budget and LTFP documentation for public exhibition in order to give effect to Council resolutions.

1. Executive Summary

The Council is required to prepare an Operational Plan, Budget and updated Long Term Financial Plan (LTFP) each year under the Integrated Planning and Reporting regime set out in the Local Government Act 1993. Council has also set its own policy objectives aimed at ensuring it remains financially sustainable.

This report presents the draft Budget and LTFP 5.1 to be considered by Council for adoption and public exhibition. The Operational Plan and Fees and Charges documentation is presented in a report presented earlier in the agenda. The Operational Plan and draft Budget, and LTFP 5.1, have been prepared based on the Community Strategic Plan and the related program of policy objectives, initiatives and service levels developed by Council over time.

For the 2019/20 financial year the Draft Budget projects a budget surplus of \$68k, with an overall Operating Surplus (excluding Depreciation) of \$18.17m. This is in line with Council's focus of implementing its Delivery Program and continuing to deliver a balanced budget.

In line with Council's Operational Plan and Delivery Program, Council forecasts operational spending \$115.21m together with capital expenditure of \$42.12m in 2019/20 (a total of \$157.33m). Total income is expected to be \$133.38m from operating income and \$13.15m from capital income (a total of \$146.53m). After transfers to and from reserves, it is proposed to utilise \$11.29m of reserve funds on the proposed capital works program.

In terms of the Long Term Financial Plan (LTFP 5.1), it is noted that individual financial year forecasts will be varied on an annual basis as more accurate information comes to hand and program, income and expenditure forecasts become more accurate. In particular, the LTFP 5.1 outlines that Council will consider and utilise a range of options for achieving balanced budgets over the life of the Plan that may vary from forecasts at this time. These are likely to include combinations of realising efficiencies and cost reductions within Council operations, borrowing to fund capital expenditure items with intergenerational benefits, applying reserve funds earlier than forecast in LTFP 5, reducing or rescheduling the capital expenditure program and increasing revenue to fund specific programs and initiatives.

Council is forecasting a balanced budget returning small budget surpluses every year for the next 11 years to 2029/30 with operating surplus (excluding depreciation) that enable significant contributions to capital expenditure/reserve. It is noted that at this time that Council is signalling that it will apply reserve funds to undertake a capital works program that has increased in comparison with LTFP 5.1, and that it is likely to utilise borrowing to part fund capital projects such as the Council accommodation project, the benefits of which will be realised over an intergenerational timespan.

Staff are also recommending that Council explore the re-introduction of an environment levy as a revenue increase initiative. Such an initiative would enable Council to ensure that vital environmental initiatives are undertaken, including proposed new gross pollutant traps, bush land revegetation programs, energy efficient lighting upgrades and a range of other initiatives. Environment programs of this kind have enjoyed strong community support and feature within the Community Strategic Plan.

LTFP 5.1 enables all asset backlogs identified in the adopted SAMP 5 (Strategic Asset Management Plan) to be addressed and all asset class conditions to be brought up to the community satisfactory standard, while also ensuring Council will maintain a backlog ratio below the benchmark of two percent (2%) as set out by the Office of Local Government over the life of the LTFP.

As noted above Council has a range of scenarios available to it to achieve balanced budgets in each year. The LTFP 5.1 is currently based on a scenario whereby Council is projected to apply reserve funds to implement its program and maintain an acceptable cash position throughout the LTFP period and forecasts \$84.5m in cash holdings in 2029/30, including a reserve balance of \$75.1m. Council can determine at any

stage through the life of the LTFP whether it is happy with this rate of drawn down on reserves or whether it wishes to adjust its approach by using tools such as loan or levies.

2. Introduction/Background

Each year the Council is required under the Integrated Planning and Reporting regime set out in the *Local Government Act 1993* to develop an Operational Plan which includes the draft budget estimates of income and expenditure, including capital expenditure. The Operational Plan is a sub plan of the Delivery Program. Accompanying this Plan is the Pricing Policy Schedule of Fees & Charges. These draft documents are required to be publicly exhibited for a period of 28 days, and any submissions are to be considered prior to their final adoption by Council. It is proposed that submissions be considered and the documents be adopted at Council's 18 June 2019 meeting.

The Draft 2019/20 Budget and LTFP 5.1 have been compiled based on the *Waverley Community Strategic Plan 2018-2029* and the related program of policy objectives, initiatives and service levels developed by Council over time.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 27 September 2018	CM/8.8/18.09	<p>That Council:</p> <ol style="list-style-type: none"> <li data-bbox="624 943 1445 1256">1. Expresses its concern and dissatisfaction that the State Government Pensioner Concession Rates Rebate has remained at \$250 since 1993, and makes strong representations to the State Government to provide greater assistance to pensioners struggling under cost of living increases, and requests the government release the IPART Reports on 'Compliance and Red Tape Review' and 'Review of the Local Government Rating System' that were handed to the government in 2016. <li data-bbox="624 1301 1445 1503">2. As part of its deliberations for developing its 2019–20 Budget, receives a report on the financial implications of increasing its voluntary contribution to the Pensioner Concession Rates Rebate so that the total rebate equates to 25% of the average pensioner's rates charge in the Waverley local government area. <li data-bbox="624 1547 1445 1615">3. Notes that Council currently has an additional rebate program available for financially disadvantaged ratepayers.

4. Discussion

4.1 2019/20 Draft Budget

Meeting community and Council's objectives and aspirations within constrained resource is a financial sustainability challenge facing Council now and in the coming years.

Council's approach to this is to apply financial discipline and strategies to ensure Council continues to remain financially sustainable in the long term. Strategies include:

- Examining costs of operations and more efficient ways to deliver services,
- Delivering operating surpluses through prudent budgeting so as to fund infrastructure capital works - in accordance with Strategic Asset Management Plan (SAMP5),
- Reducing or rescheduling the capital expenditure program where consistent with Council and community objectives,
- Utilising financial management techniques that assist with financial sustainability, and
- Looking for ways to maximise revenues within legal, affordability and Council policy constraints.

The 2019/20 Budget has been set to continue the delivery of the 2018-20 Delivery Program and other priority projects raised during the year. Significant reductions in budget proposals have already been realised through organisational budget review and savings process.

The draft 2019/20 Budget incorporates all components of Council's services and activities:

- Operational Services
- Environmental Action Plan
- Capital Works Program including SAMP and the Facility Building Renewal/Upgrade Program.

It is proposed that Council will spend \$115.21m in the delivery of recurrent operations, an increase of \$2.39m (2.1%) on the 2018/19 original budget. Operating income is expected to be \$133.38m, which represents an increase of \$3.12m (2.4%) on the 2018/19 Original Budget.

An operating surplus before depreciation expense is projected at \$18.17m to be available for capital spending.

An expected Capital Works Program expense totalling \$40.37m is part funded from operating surplus, capital income and reserve funds.

Table 1 below summaries the 2019/20 Budget.

Table 1. 2019/20 Budget.

Table 1 Budget Statement - \$'000	2018/19 Original Budget	Draft 2019/20 Budget	\$ change on 2018/19 Original Budget	% change on 2018/19 Original Budget
Operating Revenue				
Rates & Annual Charges	62,260	64,380	2,120	3.4%
Investment Income	3,974	3,865	(109)	-2.7%
User Charges	37,358	38,283	925	2.5%
Other Revenues	18,643	17,937	(706)	-3.8%
Grants Subsidies & Contributions - Operational	8,030	8,915	885	11.0%
Total Operating Revenue	130,266	133,381	3,115	2.4%
Operating Expense				
Employee Costs	(65,783)	(68,036)	2,253	3.4%
Materials & Contracts	(23,941)	(24,308)	368	1.5%
Borrowing Expenses	(101)	(89)	(11)	-11.4%
Operating Expenses	(22,997)	(22,777)	(220)	-1.0%
Total Operating Expense	(112,821)	(115,210)	2,389	2.1%
Net Operating Surplus (excl. Depreciation)	17,444	18,170	726	4.0%
Capital Income				
Proceeds from Assets Disposal	439	471	32	7.3%
Grants Subsidies & Contributions - Capital	15,645	12,675	(2,970)	-19.0%
Total Capital Income	16,084	13,146	(2,938)	-22.3%
Capital Expense				
Capital Works Program	(30,371)	(40,375)	10,003	32.9%
Other Capital Expense	(2,164)	(1,741)	(423)	-19.5%
Total Capital Expense	(32,535)	(42,115)	9,580	22.7%
Net Capital Income/(Expense)	(16,451)	(28,969)	6,642	22.9%
Loan Repayment - Principle	(412)	(423)	11	2.8%
Total Net Revenue/(Expense)	582	(11,222)	11,804	
Reserves transfer (to)/from	(535)	11,290	11,825	
Net Budget Surplus/(Deficit)	47	68	21	44.8%

Estimated income

Rates and Domestic Waste Annual Charges income is projected to be \$64.38m. This includes the new Stormwater Management Service Charge, an increase of 3.4% on the 2018/9 original budget. The council rates are calculated based on the approved IPART Rate Pegging limit of 2.7%, the January 2019 rateable property information and also taking into consideration potential future movement in the rateable property from apartment building developments in the LGA.

The Domestic Waste Annual Charge is proposed to increase by \$14 (2.55%) to \$562 in 2019/20. This increase is necessary to ensure the Charge keeps in pace with its operating cost increases from the mandatory 2.5% salaries/wages Award increase and the increasing waste and recycling charges in the current contracts, the withdrawal of the EPA waste exemption which may mean Council is required to pay landfill rates, and an increasing recycling gate fee in line with the current contract.

The Stormwater Management Service Charge is intended as a mechanism for NSW councils to raise income to invest in improving the stormwater systems in urban areas. Since 2006, Waverley Council has been able to levy a Stormwater Management Service Charge (The Levy) under the Local Government Amendment (Stormwater) Act 2005 No 70. However Waverley Council is levying this Charge for the first time from 2019/20 financial year. The Levy is capped in the legislation at \$25 per property for residential properties and \$12.50 for lots in a strata scheme. Commercial properties will be charged at \$25 per 350m² of impervious surface area per property. A minimum charge of \$5 will be applied to strata commercial property when the levy calculation is less than \$5.

The revenue raised from the Stormwater Levy will be allocated to projects/activities in relation to capacity and water quality as well as works that arise from the Catchment Flood Study. This levy is expected to generate \$533,022 per annum.

Income from Car Parks and On-Street Parking totalling to \$27.59m, showing an increase of 1.6% (\$441k) on the 2018/19 Original Budget.

Income from building construction market such as fees from DA, Hoarding Construction Permit, Temporary Truck Zone Permit, s94A and Planning Agreement, are forecasted to be \$9.56m, showing a decrease of \$4.8m (33.4%) on the 2018/19 original budget, or a decrease of \$3.95m (29.2%) on the 2017/18 actual. In recent years Council's budget has benefited from a booming construction market. The boom of the construction market is unlikely to continue in the long run and a softer market in the near future may have a negative financial impact on Council's ability to sustain its current level of spending. The budget has been set with this in mind.

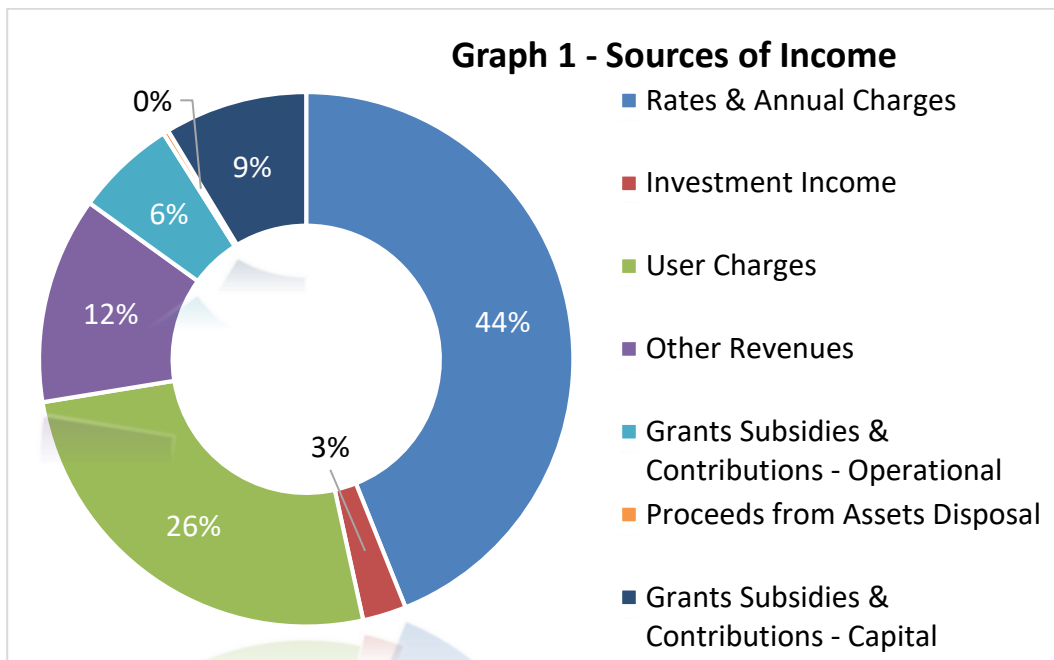
Income from property rental, from the residential and commercial markets, is expected to be \$6.37m, showing a decrease of \$74k (1.1%) on the 2018/19 Original Budget. The main contributor to this reduction is from the expected closure of the Bondi Pavilion Building and its commercial areas from May 2020 to make way for the Bondi Pavilion Upgrade Project. Hence the budgeted income and expense for the Bondi Pavilion building site are budgeted for ten months in 2019/20.

Income from Early Education Centres is expected to be \$7.84m, showing an increase of \$225k (3.0%) on the 2018/19 Current Approved Budget.

Investment income is expected to be \$3.87m, showing a decrease of \$109k (2.7%) on the 2018/19 original budget. The decline in this income item is as a direct result of the reserves balance expected to be lower than the 2018/19 level due to projected capital expenditure drawing from reserves. This income source is expected to decline further in future years as council progresses with the LTFP Capital Works Program delivery.

Income from grants for the Capital Works Program is expected to be at \$8.40m.

Total income expected from operation and capital is \$146.53m in 2019/20, an increase of \$177k (0.1%) on the 2018/19 Original Budget, graph 1 illustrates the allocations of income.



Graph 1. Sources of income.

Estimated expenses

Employee costs including indirect costs such as workers compensation premium and staff training, etc. has increased by \$2.25m (3.4%) to \$68.04m in 2019/20. This is higher than the Local Government (State) Award increase of 2.5%. It is a direct result from the conversion of some temporary positions to full-time, the creation of some new positions to meet service demands and a higher than anticipated workers compensation premium projected to be \$3.26m. Where positions have moved from temporary to permanent these have been expressed as reductions in temporary budgets.

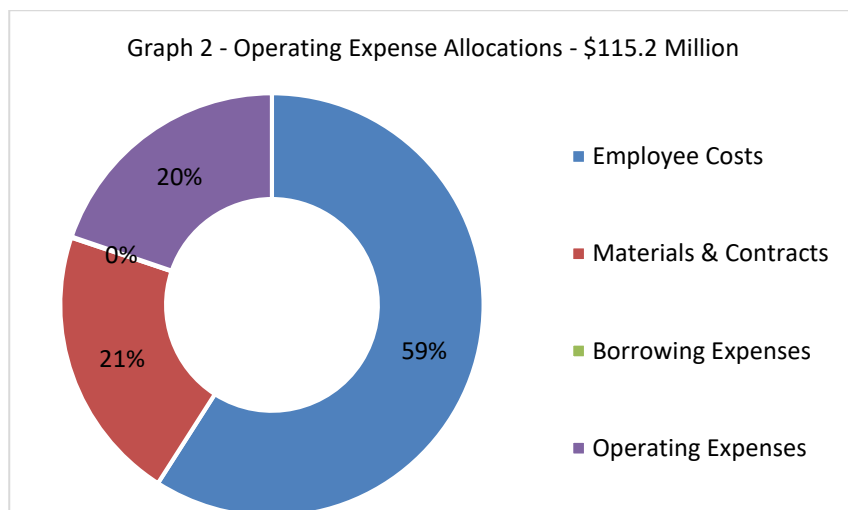
Materials and Contracts have increased by \$367k (1.5%) from the current year’s original budget to \$24.31m in 2019/20. The increase is lower than the projected CPI in line with the efficiency target of 0.5% lower than CPI.

Other Operating Expenses have decreased by \$220k (1%) from the current year’s original budget to \$22.8m in 2019/20.

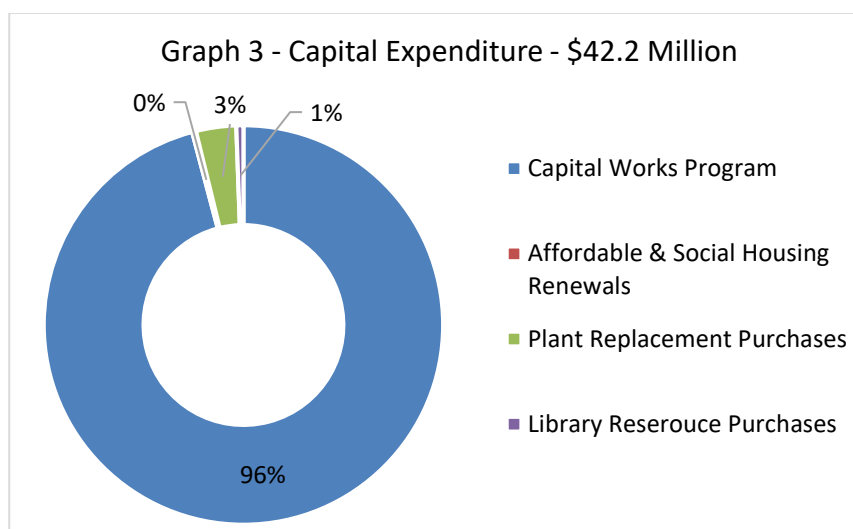
The proposed Capital Works Program has an estimated cost of \$40.37m. These proposed programs will be funded from various sources such as expected grants & contributions, general funds from operating income and reserve funds.

Total expenses forecasted at \$157.33m from operational program (\$115.2m) and capital expense (\$42.12m) in 2019/20, which is an increase of \$11.97m (8.2%) on the 2018/19 Original Budget.

Graphs 2 and 3 illustrates the allocations of operating and capital expense.



Graph 2. Operating expense allocations.



Graph 3. Capital expenditure.

2019/20 Capital Works Program

The Draft Capital Works Program comprises expenditure of \$40.37m as summarised in table 2 and illustrated the funding sources for the program.

Table 2. 2019/20 Capital Works Program.

Table 2 Capital Works Program	2019/20 - \$'000		
	Program Expenditure	Grant Money	Council Funds
Renewal	16,399	1,196	15,203
Renewal/Upgrade	21,251	8,785	12,466
Upgrade/Expansion	345	345	0
New	2,380	0	2,380
Total	40,375	10,325	30,049

A detailed listing of the 2019/20 capital works program and its funding sources is provided in Attachment 2.

2019/20 Loans

The draft 2019/20 budget proposes the following:

- No new borrowing,
- Loan repayment (principle),
- An outstanding loan balance as at 30 June 2020, projected to be \$2.92m.

2019/20 Key initiatives

1. New income source

A Stormwater Management Service Charge (The Levy) is proposed in this budget. The Levy is expected to generate \$533,022 towards funding stormwater works identified in the Capital Works Program. This new income stream is expected to be fully utilised in the same year for the identified drainage projects in the capital works program.

2. Fixed term program initiatives from 2018/19 to be continued in 2019/20:

Below are the twelve-month fixed term program initiatives which were introduced in the 2018/19 and are to be continued in 2019/20:

- Elsa Dixon Trainees Program
- A traineeship program in the area of childcare services with the uptake of four trainees

3. IT system improvement projects

A number of IT system upgrade projects, including the CRM System and a new Asset Management System, have been proposed for consideration in 2019/20. These projects will be mainly funded from reserve.

Council has a robust approach to identifying asset conditions and related investments it needs through the SAMP approach. The new Asset Management System will further enhance and support SAMP implementation and reporting and overall Asset Management quality.

Summary

The Operating Surplus before capital and depreciation is projected at \$17.72m.

The total income for 2019/20 is expected to be \$146.08m. Operating expenses are projected to be \$115.21m with capital expenditure of \$42.12m.

After reserve fund utilisation to fund the Capital Works Program expenditure, the Draft Budget projects a budget surplus of \$68k.

4.2 Long Term Financial Plan (LTFP 5.1)

This is a summary of our long-term financial planning assumptions covering revenue, expenditure, assets and our overall ability to deliver intended level of services.

The financial information has been prepared on the basis of best estimate assumptions as to the future events which the Council expects will occur and the recent economic shifts and conditions in the Australia economy. It is noted that individual financial year forecasts will be varied on an annual basis as time goes

by as more accurate information comes to hand and program, income and expenditure forecasts become more accurate.

The basis for the forecast cost indices come from independent industry advice from TCorp, Prudential Financial Adviser and local authorities to use in the budget processes consistent with the long-term financial plan (LTFP). These cost indices have been used for both operating and capital budgets as appropriate.

The LTFP covers an 11-year period. Assumptions are necessary so as to ensure that there is a consistent and justifiable basis for the preparation of the financial forecasts.

The following key assumptions applied to the LTFP 5.1 Forecasts:

Key income assumptions

- Rate Peg at 2.5% increase
- Building construction activities average over time at 2019/20 level
- No policy or legislative change impact on parking revenue
- Financial Assistant Grant remain static at the 2019/20 level
- Increase the reliance on Government grants to deliver community buildings upgrade and major infrastructure projects
- A Special Rates Variation Application at 3.6% for 2021/22 and 2022/23 financial years, an increase of 1.1% above the assumed 2.5% Rate Peg.
- Other items CPI increase where applicable.

Key expenditure assumptions

- Cost Efficiencies total to \$13.8m over a 10 year period
- Materials & Contracts increase at 0.5% lower than CPI
- Salaries/Wages increase in line with CPI after the expiry of current Award
- Fixed term positions cease where applicable and no further staffing increase
- Other items increase by CPI where applicable.

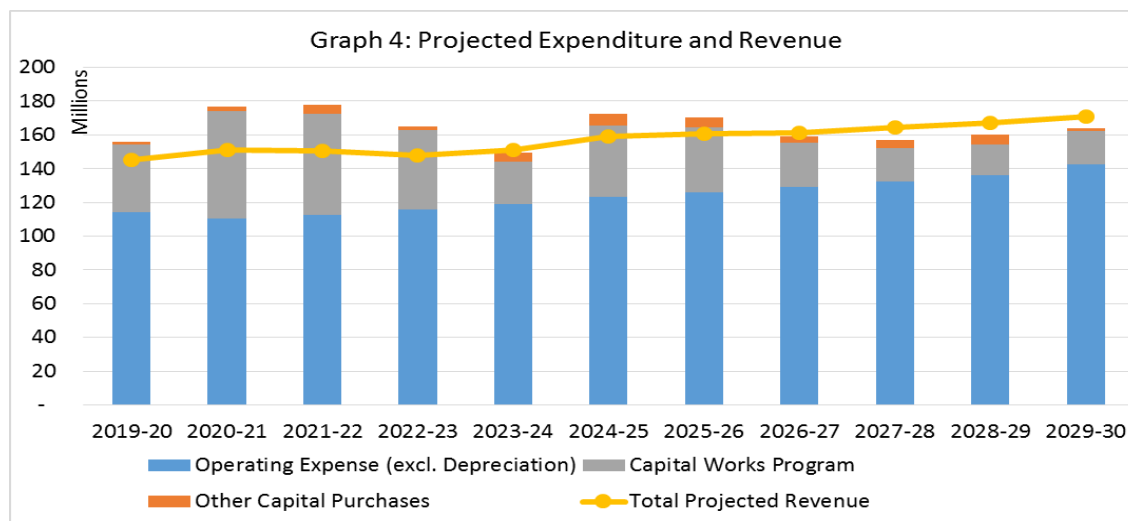
Further details on these assumptions are listed on Appendix 1 of the Long Term Financial Plan 5.1 (Attachment 3).

Balancing the budget over time

LTFP 5.1 works on the basis that Council will consider and utilise a range of options for achieving balanced budgets over the life of the Plan that may vary from forecasts at this time. These are likely to include combinations of realising efficiencies and cost reductions within Council operations, borrowing to fund capital expenditure items with intergenerational benefits, applying reserve funds earlier than forecast in LTFP 5, reducing or rescheduling the capital expenditure program and increasing revenue to fund specific programs and initiatives. Specific approaches include:

Reserve utilisation

Council is signalling that it intends apply reserve funds to undertake a capital works program that has increased in comparison with LTFP 5. This will be done so long as it provides the lowest cost of capital compared with other sources and where other considerations such as intergenerational equity or other calls of reserve funds don't inform decision making.



Graph 4. Projected expenditure and revenue.

Loans

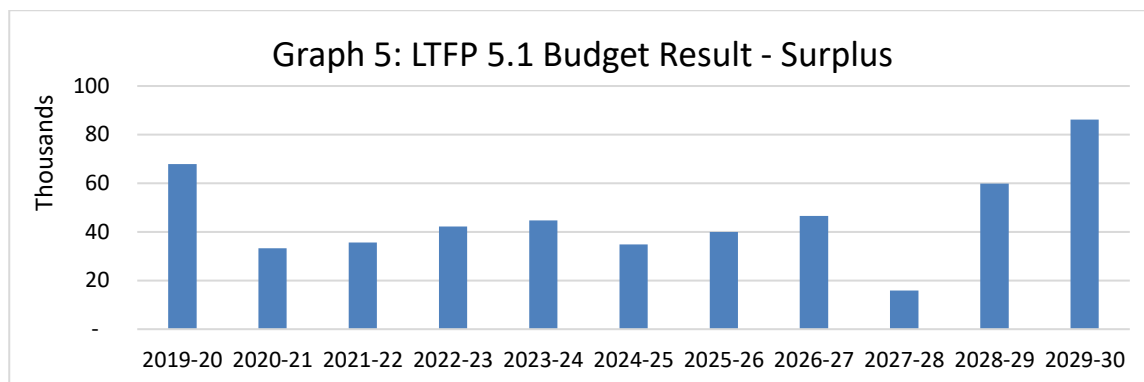
Council is signalling within the LTFP that it may utilise borrowing to part fund capital projects that have benefits which will be realised over an intergenerational timespan. One project that has been identified for possible part loan funding is the Council accommodation project. This is a project with a long life span, and it may make economic and financial sense to fund it from borrowing. A decision to use loans made by Council once project planning and delivery options have been finalised (Council may still wish to consider leasing over building/owning) and a funding analysis has been carried out.

Possible use of levies for specific purposes

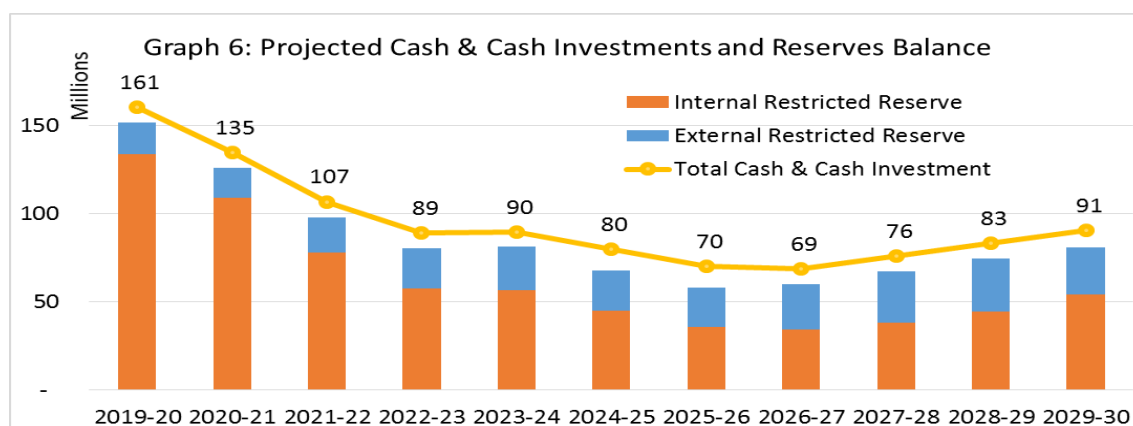
Staff are recommending that Council explore the re-introduction of an environment levy as a revenue increase initiative. Such an initiative would enable Council to ensure that vital environmental initiatives are undertaken, including proposed new gross pollutant traps, bush land revegetation programs, energy efficient lighting upgrades, electric vehicle charging stations and a range of other initiatives. Environment programs of this kind have enjoyed strong community support and feature within the Community Strategic Plan.

Staff canvassed an in-principle adoption of this initiative for the 2020/21 year at a workshop with Councillors. However, given the reduced numbers of Councillors present and a lack of unequivocal support for the proposal staff consider it would be best to provide Council with a more detailed study on the impacts and benefits of the levy proposal before formal inclusion in the LTFP occurs. Officers strongly support re-introducing a specific purpose environment levy as it will provide for a range of high value environmental initiatives as above and prevent environmental initiatives becoming subject to budget pressures from financial sustainability reviews.

Council may wish to consider other special purpose levies in future years but these are not recommended at the current time.



Graph 5. LTFP 5.1 budget result.



Graph 6. Projected cash and cash investments and reserves balance.

LTFP 5.1 Sensitivity Analysis

The Office of Local Government (OLG) guidelines for development of long-term financial plans require councils to consider optimistic and pessimistic scenarios and predict potential variations to model results. The LTFP 5 forecast is sensitive to multiple influences over any 10-year period. Sensitivity scenarios analysed in previous versions of the LTFP have been revised for LTFP 5.1.

Risks around projected income

The projections for income use the economic parameters that underpin the LTFP. These projections are prepared according to the RBA and major banks medium-term economic projection methodology. As with any medium-term projections, there is uncertainty around the assumptions underpinning the parameter projections.

The Council revenue is particularly sensitive to variations in rate pegging, which are determined by IPART, legislation and policy changes. Other income items are volatile to market condition, for example, building development related income \$9.56m generate from Truck Zone Permit, Hoarding Fee, \$7.4 Planning Agreements, \$7.12 Fixed Developer Contributions (s94A) and DA Fees. Change in the construction market condition would have a significant and compounding effect on council’s ability to deliver its program spending over time.

Risks around the projected income from car park and meters parking assumes there is no further policy changes from Council or the State Government that would adversely impact these projections.

Risks around the projected grant income (\$50.77m) to fund the LTFP capital works program spending (\$401.3m) may not eventuate. This would have a negative effect on council's financial ability to respond to the diverse and changing needs of different communities, unless council can further increase its revenue base through a special rates variation (SRV) and/or other funding alternatives to fund those services and/or infrastructure expenditure.

Risks around projected expenditure

Council spending projections comprise of 2 individual projections of operational and capital expenditure. The operational spending projection assumes the continuation of the current service level. The operational expense projections are consistent with the 2019/20 budget forward estimates and are used as the base for projecting expense over the medium/long term and cost indexation arrangements. The exception to this is the service review productivity cost saving of \$1.38 million from 2020-21 which has been set as a target to achieve in the LTFP.

The capital expenditure projections are to support the implementation of Council's Strategic Asset Management Plan (SAMP 5), Environmental Action Plan (EAP 3) and other new building and Council strategies so as to ensure the community and amenities are kept in good condition.

Risks around the assumption of service level remains unchanged in the projections. Historical and projected expenditure growth over the recent years in responding to the diverse and changing needs of different communities and deliver improved services may continue beyond FY 2019-20.

These items to be considered sensitive, and which have a material financial impact on the LTFP 5 Forecasts have been examined and applied to the sensitivity scenarios analysis, as summarised in table 3 below:

Table 3. Positive and negative effects of modelled sensitivities on financial outcomes for LTFP 5.1

Item	Optimistic Scenario		Pessimistic Scenario	
	Positive effect on modelled results - \$'000		Negative effect on modelled results - \$'000	
Rate Peg	Increase higher than current projection by 0.3%	8,906	Increase lower than current projection by 0.3%	(8,747)
S94A contributions	Increase due to growth in building development in LGA	4,336	Reduce due to growth less than projected	(3,846)
Planning Agreement contributions	Increase due to achieving additional 50% of the current projection	6,747	Achieve only 50% of the current projections	(6,747)
Staff Award rate	Increase lower than CPI by 0.5% for the next agreements	17,004	Increase higher than CPI by 0.5% for the next agreement	(17,461)
Grant Income	Grant for capital works program projects successful	0	Grant for capital works program projects is lower than the projected level by 70%	(21,244)
Staff turnover rate	Consistent with current rate	9,148	Staff turnover rate improve	0
Productivity Efficiency	Realised at current projection	0	Not realised at current projection	(13,800)
Materials & Contracts	Consistent with current projection (Increase by 0.5% lower than CPI)	0	Increase by CPI rate	(3,678)

See Appendix 4 and 5 for the financial effect of the optimistic and pessimistic factors in the LTFF 5.1 (Attachment 3).

4.3 Pensioner Rebate

Council resolved at its meeting in September 2018 to investigate the 'financial implications of increasing its voluntary contribution to the Pensioner Concession Rates Rebate so that the total rebate equates to 25% of the average pensioner's rates charge in the Waverley local government area.' The legislative annual Pensioner Rebate provided by the NSW Government is \$250 and this is currently supplemented by Waverley Council with an additional \$50 p.a. bringing the total current Pensioner Rebate to \$300. This estimated equates to 18.6% of the average pensioner's rates charge or 25.5% of the minimum pensioner's rates charge, and costs Waverley Council \$108,136 per year in 2018/19 financial year.

In addition, pensioner can apply to the financial hardship assistance up to \$150, arrange periodical payment plan, or deferment to up 19 years as per Council's Rates policy.

Officers have calculated the financial impact of increasing Council's voluntary contribution to the Pensioner Concession Rates Rebate so that the total rebate equates to 25% of the average pensioner's rates charge. To effect this change, Council need to provide an additional rebate of \$103 per year at a total cost of \$298,802, an increase of \$190,666.

In addition to the above calculations, Council officers have also written to the NSW State Government to request that it provides greater assistance to pensioners struggling under cost of living increases. Furthermore, Council has requested that the government release the IPART Reports on 'Compliance and Red Tape Review' and 'Review of the Local Government Rating System' that were handed to the Government in 2016 as per the resolution of Council. To date no response has been received. Officers recommend to maintain the \$50 additional rebate in 2019/20 financial year but will continue to lobby the State Government to increase its legislative pensioner rebate. If Council were to increase its contribution to the rebate, it would have a reasonably significant impact on operating budget which have already been reviewed closely and are considered 'tight'.

5. Financial impact statement/Timeframe/Consultation

The steps in the process towards adoption of the Budget are as follows:

Council Meeting – 16 April 2019

- The Draft Operational Plan to be considered by Council including the Revenue Policy, the Pricing Policy Schedule of Fees & Charges, Draft Budget, Draft Capital Expenditure Program and LTFF 5.1.
- Council adopts the Draft Operational Plan, Draft Pricing Policy Fees & Charges Schedule, Draft Budget and related documents for purposes of public exhibition.

Public Exhibition – Estimated exhibition dates: 24 April 2019 to 21 May 2019

- The Draft Operational Plan documents, including the Draft Revenue Policy, Draft Pricing Policy – Fees and Charges, Draft Budget and Draft Capital Expenditure Program for the 2019/20 financial year are placed on public exhibition for a period of at least 28 days, as per the statutory requirement.

Council Meeting – 18 June 2019

- Council adopts the 2019/20 Operational Plan including the Revenue Policy, the Pricing Policy Schedule of Fees & Charges, Budget and the Capital Expenditure Programs.

- Council notes the latest version of the Long Term Financial Plan (LTFP 5.1) for period 2019/20 to 2029/30.

6. Conclusion

The Draft Budget 2019/20 outlines the activities of the coming financial year. The Long Term Financial Plan (LTFP 5.1) is revised annually to incorporate the budget developed for the coming financial year and update forecasts based on new information.

Council is forecasting a budget surplus of \$68k in 2019/20 and run budget surpluses through the period until 2029/30.

The financial position of Council at the end of the LTFP 5.1 period is considered acceptable with a forecast cash and cash investment balance of \$84.5m in 2029/30, including a reserve balance of \$75.1m.

7. Attachments

1. Draft 2019-20 Budget Statement (under separate cover) [⇒](#)
2. Draft 2019-20 Capital Works Program and Funding Sources (under separate cover) [⇒](#)
3. Draft Long Term Financial Plan (LTFP 5.1) 2019/20 - 2029/30 (under separate cover) [⇒](#)

REPORT
CM/7.3/19.04

Subject: Investment Portfolio Report - March 2019

TRIM No: A03/2211

Author: Sid Ali, Revenue Co-ordinator
Teena Su, Executive Manager, Financial Waverley

Director: Ross McLeod, General Manager

RECOMMENDATION:

That Council:

1. Receives and notes the Investment Summary Report for March 2019 attached to this report.
2. Notes that all investments have been made in accordance with the requirements of section 625 of the *Local Government Act 1993* and directions from the Minister for Local Government, including Ministerial Investment Orders, and Council's Investment Policy.

1. Executive Summary

For the month of March 2019, Council's Investment Portfolio generated \$395,425 of interest.

The interest on investment budget for the 2018–19 financial year was adopted by Council at its meeting on 19 June 2018, and was set at \$3,974,000. It was revised to \$4,124,000 in the Q2 budget review process.

The interest income for the year to date figure as at 31 March 2019 is tracking at 88.92% (\$3,667,025) of the current Budget.

2. Introduction/Background

Clause 212 of the *Local Government (General) Regulation* requires that Council be provided with a written report setting out details of all money that the Council has invested under section 625 of the *Local Government Act 1993* (the Act) and certifying that these investments have been made in accordance with the Act, regulations, Ministerial Investment Orders and Council's Investment Policy.

The following table illustrates the monthly interest income received by Council and how this tracks against the Budget:

Table 1. Monthly interest income received by Council.

Month	2018/19 Budget (\$)	Actual Monthly (\$)	Actual YTD (\$)	Tracking YTD Original Budget %	Tracking Current Budget %
July	3,974,000	370,830	370,830	9.33%	
August	3,974,000	410,428	781,258	19.66%	
September	3,974,000	371,929	1,153,187	29.02%	
October	3,974,000	487,675	1,640,862	41.29%	39.79%
November	3,974,000	395,425	2,063,314	51.92%	50.03%
December	3,974,000	342,756	2,453,828	61.75%	59.50%
Q2 Amendment	150,000				
January	4,124,000	313,838	2,876,101	72.37%	69.74%
February	4,124,000	395,499	3,271,601	82.33%	79.33%
March	4,124,000	395,425	3,667,025	92.28%	88.92%

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 19 March 2019	CM/7.3/19.03	That Council: <ol style="list-style-type: none"> 1. Receives and notes the Investment Summary Report for February 2019 attached to this report. 2. Notes that all investments have been made in accordance with the requirements of section 625 of the Local Government Act 1993 and directions from the Minister for Local Government, including Ministerial Investment Orders and Council's Investment Policy.

4. Discussion

For the month of March 2019, Council's cash investment portfolio generated interest earnings of \$395,425 or 9.59% of the Current Budget of \$4,124,000.

Council's investment portfolio posted a return of 3.14% pa for the month of March versus the Ausbond Bank Bill Index benchmark return of 1.96% pa. Without market-to-market influences, Council's investment portfolio yielded 2.94% pa for the month.

Over the last 12 months, Council's investment portfolio has exceeded the Ausbond bank bill index benchmark by 0.78% pa (2.80% vs 2.02% pa).

Portfolio value

Council's investment portfolio, as at 31 March 2019, has a current market value of \$182,185,396 which represents a gain of \$1,943,602 on the \$180,241,794 face value of the portfolio with the portfolio generating a 2.89% average yield. The table below provides a summary by investment (asset) type.

Table 2. Portfolio value – Summary by investment (asset) type.

Asset Group	Face Value	Current value	\$ Gain / (Loss)	Current Yield
Bonds	\$3,000,000	\$3,101,839	\$101,839	3.50%
Cash	\$4,551,828	\$4,551,828	\$-	1.04%
Floating Rate Note	\$29,400,000	\$29,681,628	\$281,628	3.27%
Floating Rate Term Deposits	\$15,500,000	\$15,528,764	\$28,764	2.71%
Managed Funds	\$4,289,966	\$4,289,966	\$ -	3.55%
Term Deposit	\$123,500,000	\$125,031,371	\$1,531,371	2.84%
Total	\$180,241,794	\$182,185,396	\$1,943,602	2.89%

Analysis

Attached to this report is the Summary of Investment Portfolio for the period ending 31 March 2019. These reports are prepared by Council's independent financial advisor, Prudential Investment Services Corp.

Included in this report are tables showing that Council's investment portfolio for the month of March 2019 has exceeded the AusBond bank bill index by 1.18% pa (3.14% to 1.96%pa). The Portfolio outperformed the stated benchmark measure 'Rate of return on cash exceeds AusBond Bank Bill Index' as illustrated in the table below:

Table 3. Portfolio return.

Month	Portfolio Return %	Ausbond BB Index %	Variance %
Jul -18	2.98	2.26	0.72
Aug-18	3.05	1.99	1.06
Sep-18	2.75	1.94	0.81
Oct - 18	2.81	2.00	0.81
Nov-18	2.61	1.90	0.71
Dec-18	2.73	1.81	0.92
Jan-19	2.92	2.14	0.78
Feb-19	3.19	2.28	0.91
Mar-19	3.14	1.96	1.18
Average % return Over the last 12 months	2.80	2.02	0.78

Investments in ethically, socially and environmentally beneficial alternatives

As at the end of March 2019, 73.2% of Council's portfolio was invested in non-fossil fuel lending ADIs and Socially Responsible Investments, while fossil fuel lending ADIs accounted for 24.4% of the portfolio. The remaining 2.4% is invested with TCorp.

5. Financial impact statement/Timeframe/Consultation

This report has been prepared in consultation with Council's independent financial advisor, Prudential Investment Services Corp.

6. Conclusion

Council's investment portfolio has accounted a year to date total interest earning of \$3,667,025 as at 31 March 2019, and it is on track to achieve the budgeted interest of \$4,124,000.

7. Attachments

1. Investment Summary Report - March 2019 [↓](#)



WAVERLEY
COUNCIL

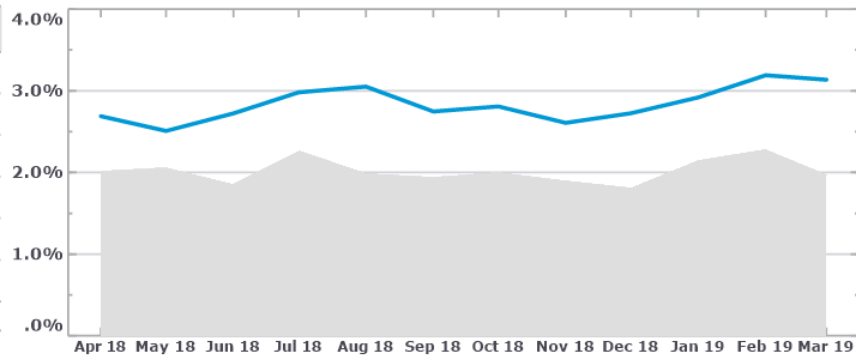
**Investment Summary Report
March 2019**

Waverley Council
Executive Summary



Investment Holdings **Investment Performance**

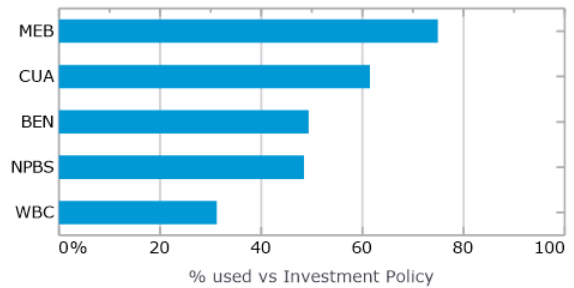
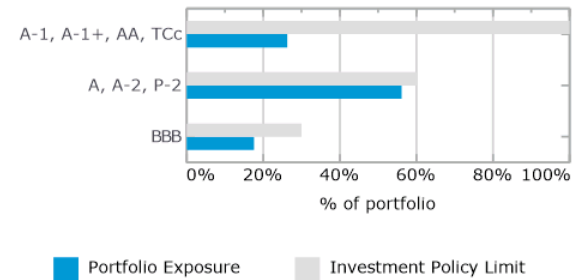
	Face Value (\$)	Current Value (\$)	Gain/ (Loss)(\$)	Current Yield (%)
Bonds	3,000,000.00	3,101,838.52	101,838.52	3.5000
Cash	4,551,827.66	4,551,827.66	0.00	1.0396
Floating Rate Note	29,400,000.00	29,681,627.91	281,627.91	3.2683
Floating Rate Term Deposits	15,500,000.00	15,528,763.93	28,763.93	2.7122
Managed Funds	4,289,966.35	4,289,966.35	0.00	3.5512
Term Deposit	123,500,000.00	125,031,371.25	1,531,371.25	2.8374
Total	180,241,794.01	182,185,395.62	1,943,601.61	2.8888



■ Portfolio Annualised Return ■ Bloomberg BB Index Annualised Return

Investment Policy Compliance

Total Credit Exposure **Highest Individual Exposures** **Term to Maturities**



Maturity Profile	Face Value (\$)	Policy Max
Between 0 and 1 Year	129,541,794	72% 100%
Between 1 and 3 Years	45,850,000	25% 50%
Between 3 and 10 Years	4,850,000	3% 30%
Total	180,241,794	



Waverley Council

Investment Holdings Report



Cash Accounts										
	Face Value (\$)	Current Yield	Institution	Credit Rating		Current Value (\$)	Deal No.			Reference
	1,804,273.39	1.1000%	Commonwealth Bank of Australia	A-1+		1,804,273.39	120789			24hr Call
	76,754.63	1.0000%	Commonwealth Bank of Australia	A-1+		76,754.63	120795			Trust Funds
	1,028,240.38	1.0000%	Commonwealth Bank of Australia	A-1+		1,028,240.38	120794			General Funds
	308,660.80	1.0000%	Commonwealth Bank of Australia	A-1+		308,660.80	120796			Cemetery Funds
	415,173.27	1.0000%	Commonwealth Bank of Australia	A-1+		415,173.27	120797			Depositor Funds
	180,583.88	1.0000%	Commonwealth Bank of Australia	A-1+		180,583.88	120799			Library CP
	532,460.08	1.0000%	Commonwealth Bank of Australia	A-1+		532,460.08	120800			Eastgate CP
	175,290.90	1.0000%	Commonwealth Bank of Australia	A-1+		175,290.90	120801			Hollywood Av CP
	30,390.33	1.0000%	Commonwealth Bank of Australia	A-1+		30,390.33	370151			Library Gift
	4,551,827.66	1.0396%				4,551,827.66				

Managed Funds										
	Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.			Reference
	2,121,711.74	4.3403%	NSW T-Corp (Cash)	TCc	Short Term Income Fund	2,121,711.74	411310			Builder Deposits
	2,168,254.61	2.7790%	NSW T-Corp (Cash)	TCc	Cash Fund	2,168,254.61	505262			
	4,289,966.35	3.5512%				4,289,966.35				

Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Apr-19	3,000,000.00	2.8300%	Rural Bank	A-2	3,000,000.00	8-May-18	3,076,293.70	536617	76,293.70	At Maturity	
9-Apr-19	1,500,000.00	2.7000%	Suncorp Bank	A-1	1,500,000.00	18-Sep-18	1,521,636.99	537139	21,636.99	At Maturity	
9-Apr-19	1,500,000.00	2.7000%	Suncorp Bank	A-1	1,500,000.00	26-Sep-18	1,520,749.32	537165	20,749.32	At Maturity	
16-Apr-19	1,500,000.00	2.7000%	Suncorp Bank	A-1	1,500,000.00	26-Sep-18	1,520,749.32	537166	20,749.32	At Maturity	
23-Apr-19	2,000,000.00	2.7700%	Westpac Group	A-1+	2,000,000.00	24-Apr-18	2,010,169.32	536548	10,169.32	Quarterly	
30-Apr-19	2,000,000.00	2.7500%	Suncorp Bank	A-1	2,000,000.00	31-Jan-19	2,009,041.10	537495	9,041.10	At Maturity	
7-May-19	1,000,000.00	2.8500%	ME Bank	A-2	1,000,000.00	24-Jul-18	1,019,598.63	536866	19,598.63	At Maturity	

Waverley Council

Investment Holdings Report



Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
7-May-19	1,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	1,000,000.00	17-Aug-18	1,017,102.74	536979	17,102.74	At Maturity	
14-May-19	1,500,000.00	2.7500%	MyState Bank	P-2	1,500,000.00	30-Nov-18	1,513,787.67	537367	13,787.67	At Maturity	
15-May-19	3,000,000.00	2.9000%	Bendigo and Adelaide Bank	A-2	3,000,000.00	18-May-17	3,075,797.26	535251	75,797.26	Annually	
21-May-19	1,500,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	1,500,000.00	21-Aug-18	1,525,202.05	536989	25,202.05	At Maturity	
28-May-19	3,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	3,000,000.00	14-Aug-18	3,051,986.30	536954	51,986.30	At Maturity	
4-Jun-19	3,000,000.00	2.8200%	Bendigo and Adelaide Bank	A-2	3,000,000.00	30-May-18	3,070,924.93	536672	70,924.93	At Maturity	
25-Jun-19	1,500,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	1,500,000.00	21-Aug-18	1,525,202.05	536990	25,202.05	At Maturity	
2-Jul-19	3,000,000.00	2.8500%	ME Bank	A-2	3,000,000.00	20-Jul-18	3,059,732.88	536862	59,732.88	At Maturity	
9-Jul-19	3,000,000.00	2.8500%	ME Bank	A-2	3,000,000.00	18-Jul-18	3,060,201.37	536857	60,201.37	At Maturity	
16-Jul-19	3,000,000.00	2.8500%	ME Bank	A-2	3,000,000.00	17-Jul-18	3,060,435.62	536856	60,435.62	At Maturity	
23-Jul-19	1,000,000.00	2.6500%	ME Bank	A-2	1,000,000.00	4-Mar-19	1,002,032.88	537598	2,032.88	At Maturity	
26-Jul-19	2,000,000.00	2.8000%	Auswide Bank	P-2	2,000,000.00	30-Oct-18	2,023,473.97	537268	23,473.97	At Maturity	
30-Jul-19	2,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	2,000,000.00	17-Aug-18	2,034,205.48	536980	34,205.48	At Maturity	
6-Aug-19	1,000,000.00	2.6500%	ME Bank	A-2	1,000,000.00	4-Mar-19	1,002,032.88	537599	2,032.88	At Maturity	
13-Aug-19	3,000,000.00	2.7500%	Bendigo and Adelaide Bank	A-2	3,000,000.00	16-Aug-18	3,051,534.25	536976	51,534.25	At Maturity	
20-Aug-19	3,000,000.00	2.7500%	ME Bank	A-2	3,000,000.00	24-Aug-18	3,049,726.03	537009	49,726.03	At Maturity	
26-Aug-19	2,000,000.00	3.2000%	Westpac Group	A-1+	2,000,000.00	24-Aug-16	2,038,575.34	534167	38,575.34	Annually	
3-Sep-19	3,000,000.00	2.7500%	ME Bank	A-2	3,000,000.00	29-Aug-18	3,048,595.89	537027	48,595.89	Annually	
10-Sep-19	3,000,000.00	2.7500%	ME Bank	A-2	3,000,000.00	31-Aug-18	3,048,143.84	537044	48,143.84	Annually	
17-Sep-19	3,000,000.00	2.7500%	ME Bank	A-2	3,000,000.00	3-Sep-18	3,047,465.75	537049	47,465.75	Annually	
24-Sep-19	3,000,000.00	2.9000%	Bank of Queensland	A-2	3,000,000.00	20-Sep-17	3,046,002.74	535796	46,002.74	Annually	
1-Oct-19	2,000,000.00	2.7500%	ME Bank	A-2	2,000,000.00	13-Sep-18	2,030,136.99	537130	30,136.99	Annually	
8-Oct-19	3,000,000.00	2.7500%	Credit Union Australia	A-2	3,000,000.00	5-Oct-18	3,040,232.88	537198	40,232.88	At Maturity	
15-Oct-19	1,500,000.00	2.8000%	Credit Union Australia	A-2	1,500,000.00	6-Nov-18	1,516,800.00	537302	16,800.00	At Maturity	
15-Oct-19	2,500,000.00	2.8000%	MyState Bank	P-2	2,500,000.00	22-Nov-18	2,524,931.51	537343	24,931.51	At Maturity	

Waverley Council

Investment Holdings Report



Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
22-Oct-19	4,000,000.00	2.8900%	ING Bank (Australia)	A-1	4,000,000.00	13-Nov-17	4,044,023.01	535953	44,023.01	Annually	
29-Oct-19	2,500,000.00	2.9700%	ING Bank (Australia)	A-1	2,500,000.00	1-Nov-17	2,530,717.12	535905	30,717.12	Annually	
5-Nov-19	3,000,000.00	2.7500%	Rural Bank	A-2	3,000,000.00	23-Oct-18	3,036,164.38	537258	36,164.38	Annually	
12-Nov-19	1,500,000.00	2.8000%	Credit Union Australia	A-2	1,500,000.00	6-Nov-18	1,516,800.00	537303	16,800.00	At Maturity	
19-Nov-19	3,000,000.00	2.8500%	Credit Union Australia	A-2	3,000,000.00	20-Nov-18	3,030,920.55	537333	30,920.55	At Maturity	
26-Nov-19	3,000,000.00	2.9000%	Credit Union Australia	A-2	3,000,000.00	5-Dec-18	3,027,887.67	537394	27,887.67	At Maturity	
10-Dec-19	3,000,000.00	2.9000%	Credit Union Australia	A-2	3,000,000.00	6-Dec-18	3,027,649.32	537399	27,649.32	Annually	
17-Dec-19	2,000,000.00	2.8500%	MyState Bank	P-2	2,000,000.00	3-Dec-18	2,018,583.56	537371	18,583.56	Annually	
7-Jan-20	1,000,000.00	2.7000%	Auswide Bank	P-2	1,000,000.00	4-Mar-19	1,002,071.23	537600	2,071.23	At Maturity	
14-Jan-20	3,000,000.00	2.7000%	Auswide Bank	P-2	3,000,000.00	14-Mar-19	3,003,994.52	537637	3,994.52	At Maturity	
28-Jan-20	2,500,000.00	2.7600%	Credit Union Australia	A-2	2,500,000.00	25-Feb-19	2,506,616.44	537562	6,616.44	At Maturity	
3-Mar-20	3,000,000.00	2.8000%	ME Bank	A-2	3,000,000.00	5-Sep-18	3,047,868.49	537069	47,868.49	Annually	
27-Oct-20	3,000,000.00	2.9000%	Rural Bank	BBB+	3,000,000.00	22-Oct-18	3,038,375.34	537252	38,375.34	Annually	
15-Dec-20	2,000,000.00	2.9500%	Credit Union Australia	BBB	2,000,000.00	18-Dec-18	2,016,810.96	537426	16,810.96	Annually	
9-Feb-21	2,500,000.00	2.9500%	Newcastle Permanent Building Society	BBB	2,500,000.00	11-Feb-19	2,509,900.68	537536	9,900.68	Annually	
23-Feb-21	2,000,000.00	2.9000%	Credit Union Australia	BBB	2,000,000.00	26-Feb-19	2,005,402.74	537565	5,402.74	Annually	
8-Jun-21	6,000,000.00	3.1500%	Westpac Group	AA-	6,000,000.00	6-Jun-18	6,013,463.01	536715	13,463.01	Quarterly	
21-Sep-21	2,500,000.00	2.8000%	Newcastle Permanent Building Society	BBB	2,500,000.00	25-Mar-19	2,501,342.47	537651	1,342.47	Annually	
8-Feb-22	3,000,000.00	3.0500%	Newcastle Permanent Building Society	BBB	3,000,000.00	19-Feb-19	3,010,278.08	537553	10,278.08	Annually	
123,500,000.00		2.8374%			123,500,000.00		125,031,371.25		1,531,371.25		

Floating Rate Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
11-Jun-19	3,000,000.00	2.6100%	Westpac Group 3moBBSW+0.76%	A-1+	3,000,000.00	14-Jun-18	3,003,861.37	536749	3,861.37	11-Jun-19	

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Floating Rate Term Deposits											
Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
18-Jun-19	4,000,000.00	2.5950%	Westpac Group 3moBBSW+0.76%	A-1+	4,000,000.00	14-Jun-18	4,003,981.37	536750	3,981.37	18-Jun-19	
10-Jun-21	3,000,000.00	2.9400%	Commonwealth Bank of Australia ¾yr@4% then BBSW+1.08%	AA-	3,000,000.00	10-Jun-16	3,005,074.52	535380	5,074.52	11-Jun-19	
16-Nov-21	3,000,000.00	2.6891%	Westpac Group 3moBBSW+0.82%	AA-	3,000,000.00	28-Nov-18	3,007,072.70	537360	7,072.70	28-May-19	Green
16-May-22	2,500,000.00	3.0500%	Westpac Group 3moBBSW+1.10%	AA-	2,500,000.00	16-May-17	2,508,773.97	535241	8,773.97	16-May-19	
15,500,000.00		2.7563%			15,500,000.00		15,528,763.93		28,763.93		

Floating Rate Notes											
Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
29-Nov-19	2,000,000.00	3.3700%	GBS Snr FRN (Nov19) BBSW+1.50%	A-2	2,000,000.00	29-Nov-16	2,009,117.50	534564	5,909.04	29-May-19	
21-Feb-20	3,000,000.00	3.0094%	BEN Snr FRN (Feb20) BBSW+1.10%	A-2	3,000,000.00	21-Nov-16	3,023,086.57	534540	9,646.57	21-May-19	
20-Mar-20	3,000,000.00	3.1200%	CUA Snr FRN (Mar20) BBSW+1.30%	A-2	3,000,000.00	20-Mar-17	3,017,147.26	534995	3,077.26	20-Jun-19	
20-Mar-20	3,200,000.00	3.1200%	CUA Snr FRN (Mar20) BBSW+1.30%	A-2	3,235,232.00	24-Nov-17	3,218,290.41	535984	3,282.41	20-Jun-19	
7-Apr-20	3,000,000.00	3.4100%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB	3,000,000.00	7-Apr-15	3,038,393.01	504013	23,543.01	8-Apr-19	
7-Apr-20	1,000,000.00	3.4100%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB	1,011,250.00	1-Dec-17	1,012,797.67	536004	7,847.67	8-Apr-19	
9-Nov-20	2,250,000.00	3.2436%	ME Bank Snr FRN (Nov20) BBSW+1.25%	BBB	2,250,000.00	9-Nov-17	2,268,414.95	535919	9,797.45	9-May-19	
12-Apr-21	1,500,000.00	3.4427%	SUN Snr FRN (Apr21) BBSW+1.38%	A+	1,500,000.00	12-Apr-16	1,531,834.02	533415	10,894.02	12-Apr-19	
16-Apr-21	2,500,000.00	3.3348%	ME Bank Snr FRN (Apr21) BBSW+1.27%	BBB	2,500,000.00	17-Apr-18	2,523,830.82	536513	17,130.82	16-Apr-19	
18-May-21	2,000,000.00	3.4300%	BoQ Snr FRN (May21) BBSW+1.48%	BBB+	2,000,000.00	18-May-16	2,034,353.70	533605	7,893.70	20-May-19	
2-Jul-21	2,100,000.00	3.4525%	TMB Snr FRN (Jul21) BBSW+1.37%	BBB	2,100,000.00	2-Jul-18	2,125,217.69	536787	17,678.69	2-Apr-19	
30-Aug-21	1,500,000.00	3.1691%	BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	BBB	1,500,000.00	30-Aug-18	1,511,352.58	536983	4,167.58	30-May-19	
25-Jan-23	1,250,000.00	3.1295%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,250,000.00	25-Jan-18	1,259,586.03	536145	7,073.53	26-Apr-19	
6-Feb-23	1,100,000.00	3.4200%	NPBS Snr FRN (Feb23) BBSW+1.40%	BBB	1,100,000.00	6-Feb-18	1,108,205.70	536174	5,565.70	6-May-19	
29,400,000.00		3.2683%			29,446,482.00		29,681,627.91		133,507.45		

Waverley Council
Investment Holdings Report



Fixed Rate Bonds											
Maturity Date	Face Value (\$)	Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield	Reference
20-Oct-20	3,000,000.00	3.5000%	SUN Snr Bond (Oct20) 3.50%	A+	3,042,780.00	18-May-18	3,101,838.52	536638	46,188.52	3.0000%	
	3,000,000.00				3,042,780.00		3,101,838.52		46,188.52	3.0000%	

Waverley Council
Accrued Interest Report - March 2019



Accrued Interest Report										
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return	
<u>Bonds</u>										
SUN Snr Bond (Oct20) 3.50%	536638		3,000,000.00	18-May-18	20-Oct-20		31	8,893.44	3.49%	
Bonds Total								8,893.44	3.49%	
<u>Floating Rate Note</u>										
GBS Snr FRN (Nov19) BBSW+1.50%	534564		2,000,000.00	29-Nov-16	29-Nov-19		31	5,724.38	3.37%	
BEN Snr FRN (Feb20) BBSW+1.10%	534540		3,000,000.00	21-Nov-16	21-Feb-20		31	7,667.79	3.01%	
CUA Snr FRN (Mar20) BBSW+1.30%	534995		3,000,000.00	20-Mar-17	20-Mar-20	24,874.03	31	8,328.45	3.27%	
CUA Snr FRN (Mar20) BBSW+1.30%	535984		3,200,000.00	24-Nov-17	20-Mar-20	26,532.30	31	8,883.68	3.27%	
NPBS Snr FRN (Apr20) BBSW+1.35%	504013		3,000,000.00	07-Apr-15	07-Apr-20		31	8,688.49	3.41%	
NPBS Snr FRN (Apr20) BBSW+1.35%	536004		1,000,000.00	01-Dec-17	07-Apr-20		31	2,896.16	3.41%	
ME Bank Snr FRN (Nov20) BBSW+1.25%	535919		2,250,000.00	09-Nov-17	09-Nov-20		31	6,198.39	3.24%	
SUN Snr FRN (Apr21) BBSW+1.38%	533415		1,500,000.00	12-Apr-16	12-Apr-21		31	4,385.90	3.44%	
ME Bank Snr FRN (Apr21) BBSW+1.27%	536513		2,500,000.00	17-Apr-18	16-Apr-21		31	7,080.74	3.33%	
BoQ Snr FRN (May21) BBSW+1.48%	533605		2,000,000.00	18-May-16	18-May-21		31	5,826.30	3.43%	
TMB Snr FRN (Jul21) BBSW+1.37%	536787		2,100,000.00	02-Jul-18	02-Jul-21		31	6,157.74	3.45%	
BOz 'SRI' Snr FRN (Aug21) BBSW+1.30%	536983		1,500,000.00	30-Aug-18	30-Aug-21		31	4,037.34	3.17%	
BEN Snr FRN (Jan23) BBSW+1.05%	536145		1,250,000.00	25-Jan-18	25-Jan-23		31	3,322.42	3.13%	
NPBS Snr FRN (Feb23) BBSW+1.40%	536174		1,100,000.00	06-Feb-18	06-Feb-23		31	3,195.12	3.42%	
Floating Rate Note Total						51,406.33		82,392.90	3.30%	
<u>Floating Rate Term Deposits</u>										
Westpac Group	535380		3,000,000.00	10-Jun-16	10-Jun-21	20,539.23	31	6,828.15	2.68%	
Westpac Group	536750		4,000,000.00	14-Jun-18	18-Jun-19	27,544.44	31	9,184.21	2.70%	
Commonwealth Bank of Australia	535380		3,000,000.00	10-Jun-16	10-Jun-21	22,675.56	31	7,566.34	2.97%	

Waverley Council
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Accrued Interest Report										
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return	
Westpac Group	535380	Green	3,000,000.00	10-Jun-16	10-Jun-21		31	6,851.68	2.69%	
Westpac Group	535241		2,500,000.00	16-May-17	16-May-22		31	6,476.02	3.05%	
Floating Rate Term Deposits Total						70,759.23		36,906.40	2.80%	
Managed Funds										
Short Term Income Fund	411310	Builder Deposits	2,121,711.74	01-Dec-15			31	6,904.09	4.34%	
Cash Fund	505262		2,168,254.61	30-Jul-15			31	4,554.56	2.78%	
Managed Funds Total								11,458.65	3.55%	
Term Deposits										
Westpac Group	536438		2,500,000.00	14-Mar-18	12-Mar-19	16,153.42	11	2,019.17	2.68%	
Suncorp Bank	536756		2,500,000.00	19-Jun-18	19-Mar-19	52,356.16	18	3,452.05	2.80%	
Suncorp Bank	537138		1,500,000.00	18-Sep-18	26-Mar-19	20,971.23	25	2,773.97	2.70%	
Rural Bank	536617		3,000,000.00	08-May-18	02-Apr-19		31	7,210.69	2.83%	
Suncorp Bank	537139		1,500,000.00	18-Sep-18	09-Apr-19		31	3,439.73	2.70%	
Suncorp Bank	537165		1,500,000.00	26-Sep-18	09-Apr-19		31	3,439.73	2.70%	
Suncorp Bank	537166		1,500,000.00	26-Sep-18	16-Apr-19		31	3,439.73	2.70%	
Westpac Group	536548		2,000,000.00	24-Apr-18	23-Apr-19		31	4,705.21	2.77%	
Suncorp Bank	537495		2,000,000.00	31-Jan-19	30-Apr-19		31	4,671.24	2.75%	
ME Bank	536866		1,000,000.00	24-Jul-18	07-May-19		31	2,420.55	2.85%	
Bendigo and Adelaide Bank	536979		1,000,000.00	17-Aug-18	07-May-19		31	2,335.62	2.75%	
MyState Bank	537367		1,500,000.00	30-Nov-18	14-May-19		31	3,503.42	2.75%	
Bendigo and Adelaide Bank	535251		3,000,000.00	18-May-17	15-May-19		31	7,389.04	2.90%	
Bendigo and Adelaide Bank	536989		1,500,000.00	21-Aug-18	21-May-19		31	3,503.42	2.75%	
Bendigo and Adelaide Bank	536954		3,000,000.00	14-Aug-18	28-May-19		31	7,006.85	2.75%	

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Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Bendigo and Adelaide Bank	536672		3,000,000.00	30-May-18	04-Jun-19		31	7,185.20	2.82%
Bendigo and Adelaide Bank	536990		1,500,000.00	21-Aug-18	25-Jun-19		31	3,503.42	2.75%
ME Bank	536862		3,000,000.00	20-Jul-18	02-Jul-19		31	7,261.65	2.85%
ME Bank	536857		3,000,000.00	18-Jul-18	09-Jul-19		31	7,261.64	2.85%
ME Bank	536856		3,000,000.00	17-Jul-18	16-Jul-19		31	7,261.65	2.85%
ME Bank	537598		1,000,000.00	04-Mar-19	23-Jul-19		28	2,032.88	2.65%
Auswide Bank	537268		2,000,000.00	30-Oct-18	26-Jul-19		31	4,756.16	2.80%
Bendigo and Adelaide Bank	536980		2,000,000.00	17-Aug-18	30-Jul-19		31	4,671.23	2.75%
ME Bank	537599		1,000,000.00	04-Mar-19	06-Aug-19		28	2,032.88	2.65%
Bendigo and Adelaide Bank	536976		3,000,000.00	16-Aug-18	13-Aug-19		31	7,006.85	2.75%
ME Bank	537009		3,000,000.00	24-Aug-18	20-Aug-19		31	7,006.85	2.75%
Westpac Group	534167		2,000,000.00	24-Aug-16	26-Aug-19		31	5,435.61	3.20%
ME Bank	537027		3,000,000.00	29-Aug-18	03-Sep-19		31	7,006.85	2.75%
ME Bank	537044		3,000,000.00	31-Aug-18	10-Sep-19		31	7,006.85	2.75%
ME Bank	537049		3,000,000.00	03-Sep-18	17-Sep-19		31	7,006.85	2.75%
Bank of Queensland	535796		3,000,000.00	20-Sep-17	24-Sep-19		31	7,389.04	2.90%
ME Bank	537130		2,000,000.00	13-Sep-18	01-Oct-19		31	4,671.24	2.75%
Credit Union Australia	537198		3,000,000.00	05-Oct-18	08-Oct-19		31	7,006.85	2.75%
Credit Union Australia	537302		1,500,000.00	06-Nov-18	15-Oct-19		31	3,567.12	2.80%
MyState Bank	537343		2,500,000.00	22-Nov-18	15-Oct-19		31	5,945.21	2.80%
ING Bank (Australia)	535953		4,000,000.00	13-Nov-17	22-Oct-19		31	9,818.08	2.89%
ING Bank (Australia)	535905		2,500,000.00	01-Nov-17	29-Oct-19		31	6,306.16	2.97%
Rural Bank	537258		3,000,000.00	23-Oct-18	05-Nov-19		31	7,006.85	2.75%

Waverley Council
Accrued Interest Report - March 2019

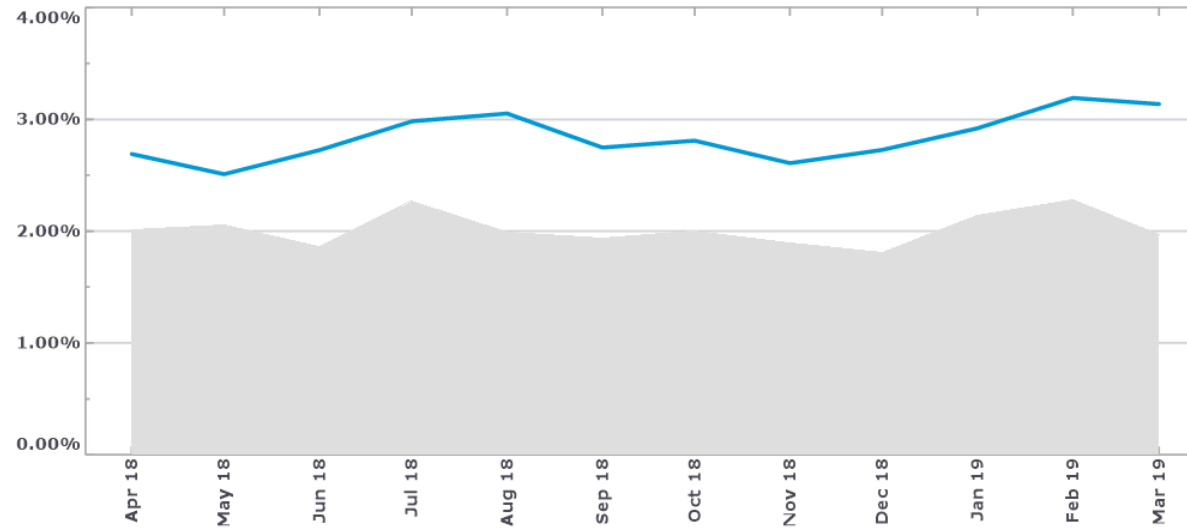


Accrued Interest Report										
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return	
Credit Union Australia	537303		1,500,000.00	06-Nov-18	12-Nov-19		31	3,567.12	2.80%	
Credit Union Australia	537333		3,000,000.00	20-Nov-18	19-Nov-19		31	7,261.65	2.85%	
Credit Union Australia	537394		3,000,000.00	05-Dec-18	26-Nov-19		31	7,389.04	2.90%	
Credit Union Australia	537399		3,000,000.00	06-Dec-18	10-Dec-19		31	7,389.05	2.90%	
MyState Bank	537371		2,000,000.00	03-Dec-18	17-Dec-19		31	4,841.09	2.85%	
Auswide Bank	537600		1,000,000.00	04-Mar-19	07-Jan-20		28	2,071.23	2.70%	
Auswide Bank	537637		3,000,000.00	14-Mar-19	14-Jan-20		18	3,994.52	2.70%	
Credit Union Australia	537562		2,500,000.00	25-Feb-19	28-Jan-20		31	5,860.28	2.76%	
ME Bank	537069		3,000,000.00	05-Sep-18	03-Mar-20		31	7,134.24	2.80%	
Rural Bank	537252		3,000,000.00	22-Oct-18	27-Oct-20		31	7,389.04	2.90%	
Credit Union Australia	537426		2,000,000.00	18-Dec-18	15-Dec-20		31	5,010.96	2.95%	
Newcastle Permanent Building Society	537536		2,500,000.00	11-Feb-19	09-Feb-21		31	6,263.69	2.95%	
Credit Union Australia	537565		2,000,000.00	26-Feb-19	23-Feb-21		31	4,926.03	2.90%	
Westpac Group	536715		6,000,000.00	06-Jun-18	08-Jun-21	46,602.74	31	16,052.05	3.15%	
Newcastle Permanent Building Society	537651		2,500,000.00	25-Mar-19	21-Sep-21		7	1,342.47	2.80%	
Newcastle Permanent Building Society	537553		3,000,000.00	19-Feb-19	08-Feb-22		31	7,771.23	3.05%	
Term Deposits Total						136,083.55		297,721.23	2.84%	
						258,249.11		437,372.62	2.94%	

Waverley Council
Investment Performance Report



Annualised Monthly Return (Marked to Market)



■ Portfolio Annualised Return ■ AusBond BB Index Annualised Return

Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Mar 2019	3.14%	1.96%	1.18%
Last 3 Months	3.04%	2.12%	0.92%
Last 6 Months	2.86%	2.01%	0.85%
Financial Year to Date	2.87%	2.03%	0.84%
Last 12 months	2.80%	2.02%	0.78%



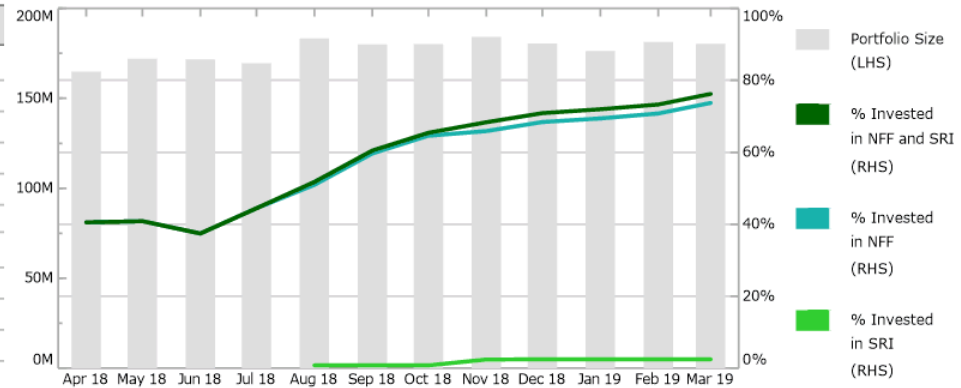
Waverley Council
Environmental Commitments Report - March 2019



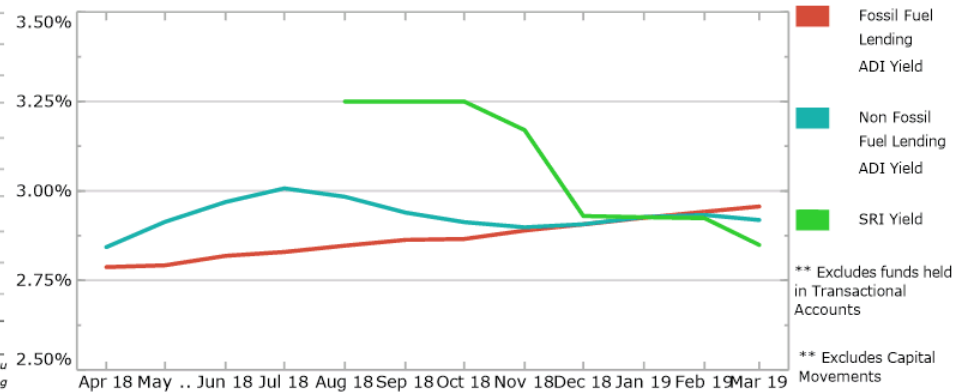
Current Breakdown **Historical Portfolio Exposure to NFF Lending ADIs and SRIs**

ADI Lending Status *	Current Month (\$)	Previous Month (\$)
Fossil Fuel Lending ADIs		
Bank of Queensland	5,000,000	5,000,000
Commonwealth Bank of Australia	7,551,828	10,675,373
ING Bank (Australia)	6,500,000	6,500,000
Westpac Group	19,500,000	22,000,000
	38,551,828 21.4%	44,175,373 24.4%
Non Fossil Fuel Lending ADIs		
Auswide Bank	6,000,000	2,000,000
Bendigo and Adelaide Bank	22,250,000	22,250,000
Credit Union Australia	27,700,000	27,700,000
Greater Bank	2,000,000	2,000,000
Members Equity Bank	33,750,000	31,750,000
MyState Bank	6,000,000	6,000,000
Newcastle Permanent Building Society	13,100,000	10,600,000
Rural Bank	9,000,000	9,000,000
Suncorp Bank	11,000,000	15,000,000
Teachers Mutual Bank	2,100,000	2,100,000
	132,900,000 73.7%	128,400,000 70.8%
Other		
NSW T-Corp (Cash)	4,289,966	4,278,508
	4,289,966 2.4%	4,278,508 2.4%
Socially Responsible Investments		
Bank Australia (Sustainability)	1,500,000	1,500,000
Westpac Group (Green TD)	3,000,000	3,000,000
	4,500,000 2.5%	4,500,000 2.5%
	180,241,794	181,353,881

* source: <http://www.marketforces.org.au>
Percentages may not add up to 100% due to rounding

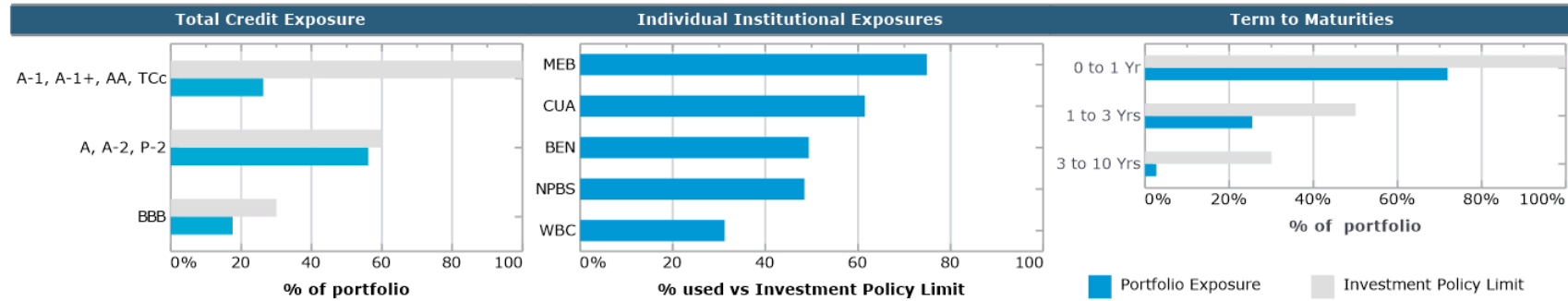


Weighted Average Yield - FF vs NFF Lending ADIs vs SRIs



** Excludes funds held in Transactional Accounts
** Excludes Capital Movements

Waverley Council
Investment Policy Compliance Report



	Credit Rating	Face Value (\$)	Policy Max
Short Term	A-1	13,000,000	
Short Term	A-1+	15,551,828	
Short Term	TCc	4,289,966	
Long Term	AA	14,500,000	
		47,341,794	26% 100% ✓
Short Term	A-2	84,700,000	
Short Term	P-2	12,000,000	
Long Term	A	4,500,000	
		101,200,000	56% 60% ✓
Long Term	BBB	31,700,000	
		31,700,000	18% 30% ✓
		180,241,794	100%

✓ = compliant
✗ = non-compliant

	% used vs Investment Policy Limit
Members Equity Bank (A-2, BBB)	75% ✓
Credit Union Australia (A-2, BBB)	61% ✓
Bendigo and Adelaide Bank (A-2, BBB+)	49% ✓
Newcastle Permanent Building Society (A-2, BBB)	48% ✓
Westpac Group (A-1+, AA-)	31% ✓
Suncorp Bank (A-1, A+)	24% ✓
Rural Bank (A-2, BBB+)	20% ✓
ING Bank (Australia) (A-1, A)	18% ✓
MyState Bank (P-2, Baa1)	13% ✓
Auswide Bank (P-2, Baa2)	13% ✓
Bank of Queensland (A-2, BBB+)	11% ✓
Commonwealth Bank of Australia (A-1+, AA-)	10% ✓
Teachers Mutual Bank (A-2, BBB)	8% ✓

	Face Value (\$)	Policy Max
Between 0 and 1 Year	129,541,794	72% 100% ✓
Between 1 and 3 Years	45,850,000	25% 50% ✓
Between 3 and 10 Years	4,850,000	3% 30% ✓
	180,241,794	

Detailed Maturity Profile	Face Value (\$)	
00. Cash + Managed Funds	8,841,794	5%
01. Less Than 30 Days	9,500,000	5%
02. Between 30 Days and 60 Days	13,000,000	7%
03. Between 60 Days and 90 Days	11,500,000	6%
04. Between 90 Days and 180 Days	35,000,000	19%
05. Between 180 Days and 365 Days	51,700,000	29%
06. Between 365 Days and 3 Years	45,850,000	25%
07. Between 3 Years and 5 Years	4,850,000	3%
	180,241,794	

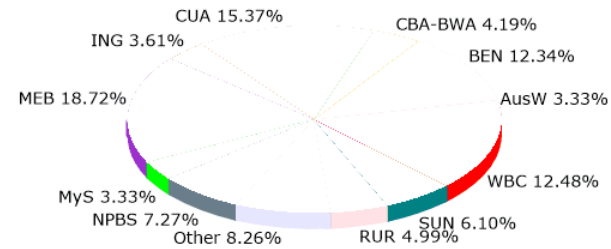
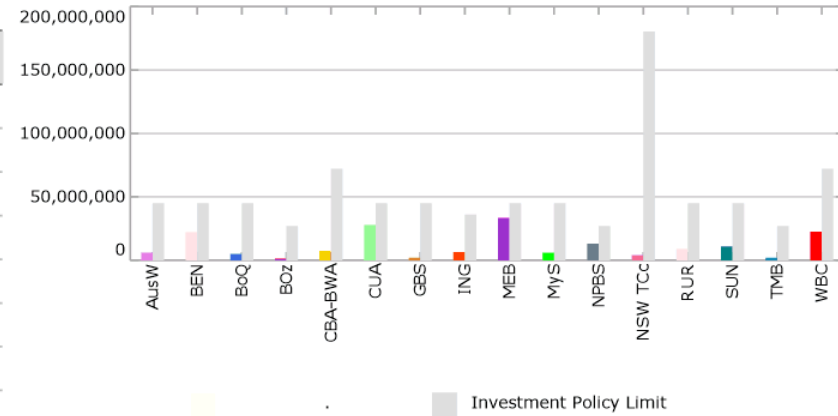


Waverley Council
Individual Institutional Exposures Report



Individual Institutional Exposures **Individual Institutional Exposure Charts**

Parent Group	Credit Rating	Portfolio Exposure (\$)	Investment Policy Limit (\$)
Auswide Bank	P-2, Baa2	6,000,000	45,060,449
Bank Australia	A-2, BBB	1,500,000	27,036,269
Bank of Queensland	A-2, BBB+	5,000,000	45,060,449
Bendigo and Adelaide Bank	A-2, BBB+	22,250,000	45,060,449
Commonwealth Bank of Australia	A-1+, AA-	7,551,828	72,096,718
Credit Union Australia	A-2, BBB	27,700,000	45,060,449
Greater Bank	A-2, BBB	2,000,000	45,060,449
ING Bank (Australia)	A-1, A	6,500,000	36,048,359
Members Equity Bank	A-2, BBB	33,750,000	45,060,449
MyState Bank	P-2, Baa1	6,000,000	45,060,449
Newcastle Permanent Building Society	A-2, BBB	13,100,000	27,036,269
NSW T-Corp (Cash)	Tcc	4,289,966	180,241,794
Rural Bank	A-2, BBB+	9,000,000	45,060,449
Suncorp Bank	A-1, A+	11,000,000	45,060,449
Teachers Mutual Bank	A-2, BBB	2,100,000	27,036,269
Westpac Group	A-1+, AA-	22,500,000	72,096,718
		180,241,794	



Waverley Council Cash Flows Report



Current Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
4-Mar-19	537598	ME Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
	537599	ME Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
	537600	Auswide Bank	Term Deposits	Settlement Face Value - Paid	-1,000,000.00
				<u>Deal Total</u>	<u>-1,000,000.00</u>
				Day Total	-3,000,000.00
6-Mar-19	536715	Westpac Group	Term Deposits	Interest - Received	46,602.74
				<u>Deal Total</u>	<u>46,602.74</u>
				Day Total	46,602.74
11-Mar-19	535380	Commonwealth Bank of Australia	Floating Rate Term Deposits	Interest - Received	22,675.56
				<u>Deal Total</u>	<u>22,675.56</u>
				Day Total	22,675.56
12-Mar-19	536438	Westpac Group	Term Deposits	Maturity Face Value - Received	2,500,000.00
		Westpac Group	Term Deposits	Interest - Received	16,153.42
				<u>Deal Total</u>	<u>2,516,153.42</u>
				Day Total	2,516,153.42
14-Mar-19	536749	Westpac Group	Floating Rate Term Deposits	Interest - Received	20,539.23
				<u>Deal Total</u>	<u>20,539.23</u>
	537637	Auswide Bank	Term Deposits	Settlement Face Value - Paid	-3,000,000.00
				<u>Deal Total</u>	<u>-3,000,000.00</u>
				Day Total	-2,979,460.77
18-Mar-19	536750	Westpac Group	Floating Rate Term Deposits	Interest - Received	27,544.44
				<u>Deal Total</u>	<u>27,544.44</u>
				Day Total	27,544.44
19-Mar-19	536756	Suncorp Bank	Term Deposits	Maturity Face Value - Received	2,500,000.00

Waverley Council - Investment Summary Report



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Waverley Council Cash Flows Report



Current Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Received</u>
		Suncorp Bank	Term Deposits	Interest - Received	52,356.16
				<u>Deal Total</u>	<u>2,552,356.16</u>
				Day Total	2,552,356.16
20-Mar-19	534995	Credit Union Australia	Floating Rate Note	Coupon - Received	24,874.03
				<u>Deal Total</u>	<u>24,874.03</u>
	535984	Credit Union Australia	Floating Rate Note	Coupon - Received	26,532.30
				<u>Deal Total</u>	<u>26,532.30</u>
				Day Total	51,406.32
25-Mar-19	537651	Newcastle Permanent Building Society	Term Deposits	Settlement Face Value - Paid	-2,500,000.00
				<u>Deal Total</u>	<u>-2,500,000.00</u>
				Day Total	-2,500,000.00
26-Mar-19	537138	Suncorp Bank	Term Deposits	Maturity Face Value - Received	1,500,000.00
		Suncorp Bank	Term Deposits	Interest - Received	20,971.23
				<u>Deal Total</u>	<u>1,520,971.23</u>
				Day Total	1,520,971.23
				Net Cash Movement for Period	-1,741,750.88

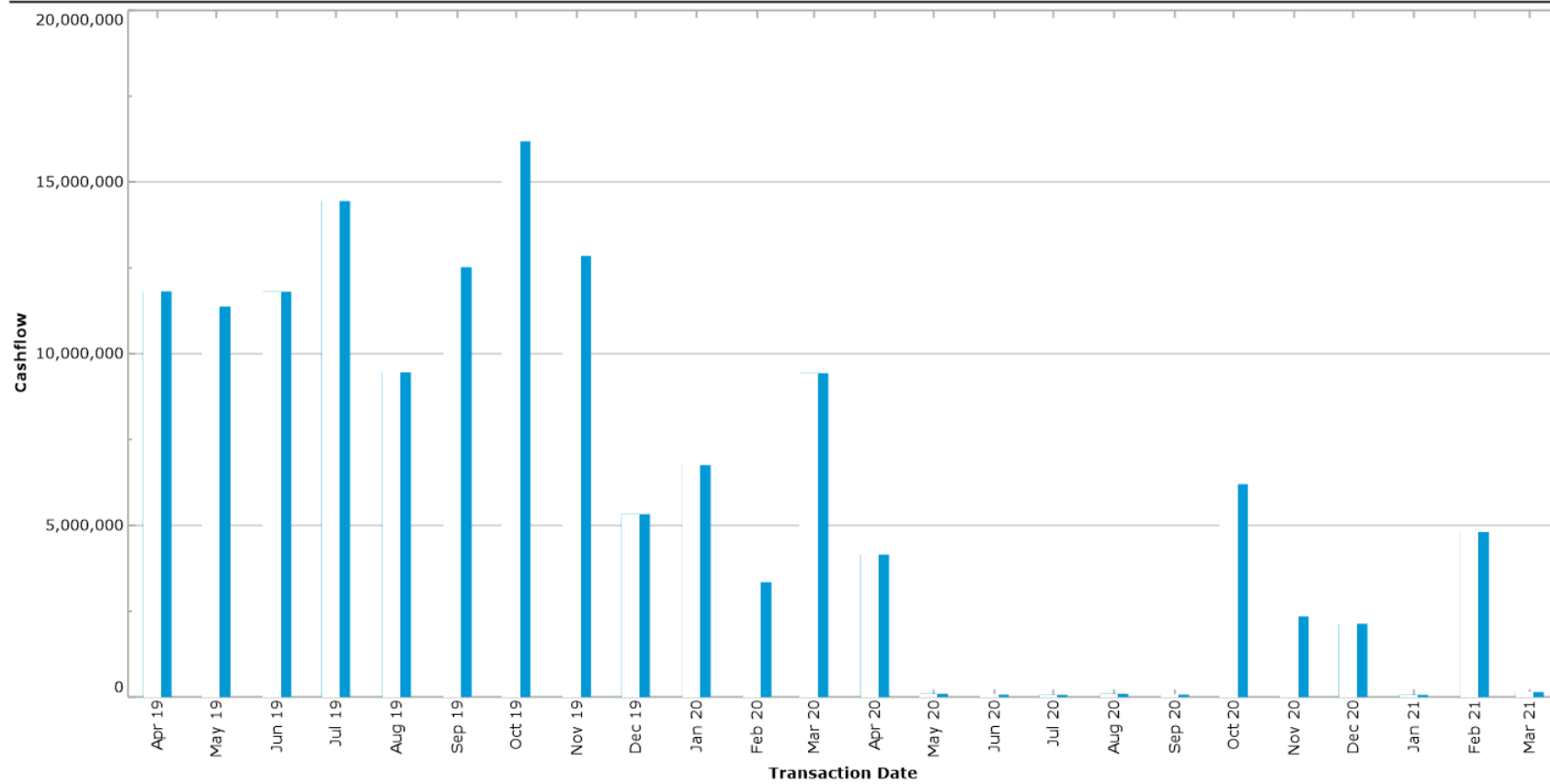
Next Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
2-Apr-19	536617	Rural Bank	Term Deposit	Maturity Face Value - Received	3,000,000.00
		Rural Bank	Term Deposit	Interest - Received	76,526.30
				<u>Deal Total</u>	<u>3,076,526.30</u>
	536787	Teachers Mutual Bank	Floating Rate Note	Coupon - Received	17,877.33
				<u>Deal Total</u>	<u>17,877.33</u>
				Day Total	3,094,403.63
8-Apr-19	504013	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	25,504.93
				<u>Deal Total</u>	<u>25,504.93</u>

Waverley Council Cash Flows Report



Next Month Cashflows					
<u>Transaction Date</u>	<u>Deal No.</u>	<u>Cashflow Counterparty</u>	<u>Asset Type</u>	<u>Cashflow Description</u>	<u>Cashflow Due</u>
	536004	Newcastle Permanent Building Society	Floating Rate Note	Coupon - Received	8,501.64
				<u>Deal Total</u>	<u>8,501.64</u>
				Day Total	34,006.58
9-Apr-19	537139	Suncorp Bank	Term Deposit	Maturity Face Value - Received	1,500,000.00
		Suncorp Bank	Term Deposit	Interest - Received	22,524.66
				<u>Deal Total</u>	<u>1,522,524.66</u>
	537165	Suncorp Bank	Term Deposit	Maturity Face Value - Received	1,500,000.00
		Suncorp Bank	Term Deposit	Interest - Received	21,636.99
				<u>Deal Total</u>	<u>1,521,636.99</u>
				Day Total	3,044,161.64
12-Apr-19	533415	Suncorp Bank	Floating Rate Note	Coupon - Received	12,450.31
				<u>Deal Total</u>	<u>12,450.31</u>
				Day Total	12,450.31
16-Apr-19	536513	ME Bank	Floating Rate Note	Coupon - Received	20,556.99
				<u>Deal Total</u>	<u>20,556.99</u>
	537166	Suncorp Bank	Term Deposit	Maturity Face Value - Received	1,500,000.00
		Suncorp Bank	Term Deposit	Interest - Received	22,413.70
				<u>Deal Total</u>	<u>1,522,413.70</u>
				Day Total	1,542,970.68
23-Apr-19	536548	Westpac Group	Term Deposit	Maturity Face Value - Received	2,000,000.00
		Westpac Group	Term Deposit	Interest - Received	13,508.49
				<u>Deal Total</u>	<u>2,013,508.49</u>
	536638	Suncorp Bank	Bonds	Coupon - Received	52,500.00
				<u>Deal Total</u>	<u>52,500.00</u>
				Day Total	2,066,008.49
26-Apr-19	536145	Bendigo and Adelaide Bank	Floating Rate Note	Coupon - Received	9,752.89
				<u>Deal Total</u>	<u>9,752.89</u>
				Day Total	9,752.89
30-Apr-19	537495	Suncorp Bank	Term Deposit	Maturity Face Value - Received	2,000,000.00
		Suncorp Bank	Term Deposit	Interest - Received	13,410.96
				<u>Deal Total</u>	<u>2,013,410.96</u>
				Day Total	2,013,410.96
				Net Cash Movement for Period	11,817,165.19

Waverley Council Cash Flows Report



REPORT
CM/7.4/19.04

Subject: General Manager's Delegations

TRIM No: SF19/137

Author: Jane Worthy, Internal Ombudsman

Director: Ross McLeod, General Manager

RECOMMENDATION:

That:

1. Council delegates/sub-delegates to the General Manager the Functions in accordance with the Instrument of Delegation to the General Manager attached to this report at Attachment 1.
2. Peter Monks be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
3. Should Peter Monks be unable or unwilling to act as General Manager at any time, Emily Scott be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, with such appointment to cease upon the return to work of the General Manager or by other resolution of the Council.
4. Any person acting as General Manager pursuant to this resolution has all the functions, delegations and sub-delegations given to the General Manager by the Council.
5. Authorises the Mayor and Deputy Mayor to affix the Council Seal to the Instrument of Delegation to the General Manager.

1. Executive Summary

Council adopted the Instrument of Delegation for the General Manager, Ross McLeod, when he commenced his position in July 2018, granting Mr McLeod:

- All delegable functions under section 377 of the *Local Government Act 1993* (The Act) with the exception of those functions Council has delegated to the Waverley Local Planning Panel.
- All Council's Policy Authorisations.

The purpose of this report is to update the Instrument of Delegation to the General Manager to reflect the proposed arrangements for an acting General Manager when the General Manager is on leave or unable to undertake his duties. A few other amendments to the Instrument are also proposed for Council's consideration.

2. Introduction/Background

The *Local Government Act 1993* (the Act), and other legislation relevant to local government, authorises Council to undertake a range of functions. In most cases the relevant Acts grant those obligations and powers directly on the Council as a body.

Section 377 of the Act allows the elected Council to delegate, by Council resolution, authority to the General Manager to make most of the decisions and perform most of the functions required for Council to operate on a day to day basis. The General Manager in turn sub-delegates all or some of these delegations to relevant Council officers as they relate to their role.

According to section 377, a council may, by resolution, delegate to the General Manager or any other person or body (not including another employee of the council) any of the functions of the council, other than:

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

In turn, section 378 of the Act allows the General Manager to sub-delegate some or all the functions and powers to relevant employees.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Extraordinary Council 3 July 2018	CM/4.1/18.07E	That Council adopts the Instrument of Delegation to the General Manager attached to this Mayoral Minute.

4. Discussion

Council is currently rolling out a new delegations register which will improve the General Managers ability to subdelegate and for staff to be more aware of their delegations. The register is made up of two parts:

- **Delegations**

This part contains all the delegations that flow directly from legislation.

- **Authorisations**

This part contains delegations that stem from policy or practice and are specific to Waverley Council. To distinguish them from legislative delegations these are called authorisations.

The changes proposed in this report relate to the delegations, policy authorisations and to the non-delegable function of the appointment of an acting General Manager.

Appointment of acting General Manager

Under section 377(1)(a) of the Act, only the Council can appoint the General Manager. There is a legal view that this also applies to any person acting in the role. Council can do this in two ways, either by resolution on a case-by-case basis, or by resolving to appoint in advance a specified person to act as General Manager in the event the General Manager is absent. Council can address the issue of that person being unable to act as General Manager by resolving to appoint a second named person in that eventuality. The resolution can specify that these arrangements only apply when the General Manager is away for a specified number of days.

In the past, Council has not had a standing arrangement. While longer-term acting General Managers have been appointed by Council, it has been common practice for the General Manager to appoint an Acting General Manager for short absences. There are different views on the legal robustness of this and the General Manager wished to remove any room for legal doubt. This report recommends that Council rectify this anomaly.

Legislative delegations

Under recent changes to the Act, Council now has a limited opportunity to delegate the acceptance of some tenders (s377 (i)). Council has previously delegated this function to the Operations and Community Services Committee and this report recommends that Council also delegate this to the General Manager with some limitations.

It should be noted that Council can only delegate the acceptance of tenders, not the rejection or negotiation of tenders and only where the tender will not affect staff, that is, where the tender is for the outsourcing of services currently being offered by Council employees.

In order to minimise the time delays in awarding some contracts, particularly over the end of year holiday period, it is recommended Council delegate to the General Manager the ability to accept tenders in accordance with s377(1)(i) for contracts with a total contract value (including GST) of up to:

- \$2.5 million during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Operations and Community Services Committee meeting of the following year); and
- \$500,000 for the rest of the year.

Policy Authorisations

This report recommends the following changes to the General Managers policy authorisations:

- At its meeting of July 2017, Council resolved to give authority to the General Manager to write off debts up to \$2,500 (including GST) without a resolution of Council under clause 213(2) of the *Local Government (General) Regulation 2005*. This resolution needs to be specifically reflected in the new delegations register and the General Managers Instrument of Delegation.
- The inclusion of a policy authorisation to allow the General Manager to approve purchases of less than \$150,000 with fewer than the required number of quotes specified in the interim purchasing procedure. Currently this limit is set at \$20,000.

5. Financial impact statement/Timeframe/Consultation

There is no financial or timing impact of these changes. The Instrument of Delegation to the General Manager will take effect as soon as it is adopted by Council. No consultation is necessary.

6. Conclusion

This report recommends Council:

- Appoints Peter Monks as acting General Manager when the General Manager is on leave or unable to undertake his duties.
- Appoints Emily Scott as the alternative acting General Manager when Peter Monks is unable or unwilling to act as General Manager at any time.
- Adopts the updated Instrument of Delegation to the General Manager and authorises the Mayor and Deputy Mayor to execute the Instrument under Council Seal.

7. Attachments

1. Instrument of Delegation to the General Manager - Ross McLeod [↓](#) .

Waverley Council

Instrument of Delegation to

General Manager



On Tuesday, 16 April 2019 the Waverley Council (“Council”) resolved that:

1. All previous delegations of Functions the subject of this Instrument be revoked.
2. The person who from time to time holds the position of General Manager of Council (“General Manager”), being at the date of this instrument Ross McLeod, be delegated authority under section 377 of the LG Act, to exercise and/or perform on behalf of Council the Council’s Functions under all Legislation in force and as amended from time to time:
 - a. **Subject to** any condition or limitation on a Function specified in Schedule 1; and
 - b. **Excluding** those Functions:
 - i. that are expressly prohibited from delegation as listed under Section 377 of the LG Act;
 - ii. which are expressly required by legislation to be exercised by a resolution of the Council.
3. The General Manager be sub-delegated authority to exercise and/or perform on behalf of Council the Functions delegated to the Council under, and in accordance with, the instrument of delegation to the Council set out in **Schedule 2, excluding** those Functions which pursuant to the terms of the delegation to the Council may not be sub-delegated.
4. The General Manager be conferred authority to carry out the Policy Authorities listed in **Schedule 3** and undertake any administrative actions necessary to carry out those Policy Authorities.
5. The General Manager be delegated any Function which is taken to be conferred or imposed on the Council pursuant to section 381(1) of the LG Act.
6. In the absence of the General Manager that the person/persons appointed to act as General Manager by resolution made on 16 April 2019 assume all Functions, delegations, and sub-delegations of the General Manager for the period only of the absence of the General Manager unless otherwise resolved by the Council.
7. These delegations and authorities are subject to, and are to be exercised in accordance with:
 - a. the requirements of the relevant Legislation;
 - b. any conditions or limitations set out in Schedule 1 and Schedule 3; and
 - c. any resolution or policy, procedure or budget adopted from time to time by the Council.
8. These delegations and authorities are effective from the date of the Resolution of the Council and remain in force until amended or revoked by a resolution of the Council.
9. In this delegation:
 - “Functions” means powers, authorities, duties and functions and anything ancillary or related to the exercise or performance thereof.
 - “Legislation” means legislation enacted by the parliament of New South Wales and the parliament of the Commonwealth of Australia, including an Act, regulation made under an Act, by-law, rule or ordinance.
 - “LG Act” means the Local Government Act 1993 as amended.

Schedule 1: Limitations

Part A – Limitations applicable to specific statutory Function (if any)	
<i>Environmental Planning and Assessment Act 1979</i>	All functions delegated by Council to the Waverley Local Planning Panel (WLPP)
<i>Local Government Act 1993, s377(i)</i>	Council delegates to the General Manager the authority to accept tenders in accordance with s377(i) for contracts with a total contract value (incl GST) of up to: <ul style="list-style-type: none"> • \$2.5M during the Council end of year recess (i.e. from the day following the last Council meeting of the calendar year until the first Operations and Community Services meeting of the following year); and • \$500,000 for the rest of the year.
Part B – General Limitations	
N/A	

Schedule 2: Instruments of Delegation to Council

Delegator	Instrument Name	Date Of Instrument
Roads & Maritime Services	Delegation to Councils -Regulation of Traffic	31 October 2011
NSW Food Authority	Instrument of appointment of a Category B enforcement agency	1 July 2008

Schedule 3: Policy Authorities

Code	Policy Authority	Conditions / Limitations (if any)
1A. Assets - Disposal	Asset disposal Authority to approve the disposal of assets up to the value of \$1,000,000 in accordance with Council's Asset Disposal Policy and Asset Disposal Procedure. Note: This authorisation does not apply to the disposal of real property, civil fixed assets or financial investments.	Approval must not be given without consideration of a recommendation from the Director of the relevant business area.
2. Assets - Public reserves and playing fields - use of	Public reserves and playing fields – use of Authority to determine applications for permission to use public reserves, and playing fields, including Crown land, which is under the care, control and management of the Council, subject to payment of the hiring charges as determined by Council and/or in accordance with the adopted Schedule of Fees and Charges.	N/A

3. CCTV - Destruction of Records	Destruction of records Authority to approve the destruction of recorded CCTV footage in accordance with the <i>State Records Act 1998 and Council's Records Management Policy</i> .	N/A
4. CCTV - Extraction of Records	Extraction of Records Authority to approve the extraction of CCTV footage from Council's CCTV cameras.	N/A
5. Communication - Media	Media Authority to communicate with the media on behalf of Council subject to consultation with the Mayor. Note: This Policy Authority is subject to other exemptions approved by the General Manager on a case by case basis.	N/A
6. Finance - Bank account maintenance	Bank account maintenance Authority to act as a signatory to a bank account maintained by Council.	N/A
7. Finance - Bank Guarantees	Bank guarantees Authority to accept payment of security, by way of either a deposit or bank guarantee, authorise the drawing of monies paid as security and authorise the release of any payment security for all other guarantees except those related to a condition imposed by development consent.	N/A
8. Finance - Cheque signing & EFT	Cheque signing & electronic transfer of funds Authority to sign cheques drawn from Council's bank account and authorise the electronic transfer of funds from Council's bank accounts with the relevant financial institution.	N/A
9A. Finance Unlimited	Expenditure - \$Unlimited Authority to approve all expenditure and/or purchase orders up to and including this amount subject to the following limitations: (a) the expenditure must be in accordance with the adopted budget; (b) the expenditure must not involve the acceptance of a tender which is required under the Local Government Act 1993 to be invited and accepted only by the Council; and (c) the expenditure must not require a resolution of the Council under the Local Government Act 1993 and associated Regulation.	N/A
14A Finance	Procurement exemption - Purchases under \$150, 000	N/A

	<p>Authority to approve a purchase of less than \$150,000 with fewer than the required number of quotes specified in Council's Interim Purchasing Procedure.</p> <p>* General Manager only</p>	
15. Finance - Deposits/Bonds	<p>Security deposits/bonds – determine terms and conditions</p> <p>Authority to determine the terms and conditions of a security deposit or bond in their area of responsibility.</p>	N/A
16. Finance - Deposits/Bonds - drawing of monies	<p>Security deposits/bonds – drawing of monies</p> <p>Authority to approve the refund/drawing of monies held in security deposit or bond.</p>	N/A
9B Finance – Debt write off	<p>Debt Write Off</p> <p>Authority to write off debts up to the value of \$2,500 (including GST) without a resolution of Council in accordance with clause 213(2) of the Local Government General Regulation 2005</p> <p>*General Manager only</p>	As per Council resolution CM/7.5/17.07
17. Governance - Complaints	<p>Complaints</p> <p>Authority to act as complaints coordinator, in accordance with the Procedures for the Administration of the Model Code of Conduct.</p>	N/A
18. Governance - Councillor interaction	<p>Councillor interaction</p> <p>Authority to:</p> <p>(a) Provide information and documents relating to the position holder's area of responsibility to Councillors to enable them to carry out their civic office functions; and</p> <p>(b) Contact, and be contacted by, Councillors about matters relating to the position holder's area of responsibility.</p>	N/A
19. Grants & Sponsorship - Incoming grants- execute	<p>Incoming grants – execute</p> <p>Authority to make applications for grant funding and undertake all required actions to facilitate the grant including, but not limited to, acceptance, milestone reports and acquittals, in the position holder's area of responsibility.</p>	N/A
20. Grants & Sponsorship - Outgoing Grants - execute	<p>Outgoing grants – execute</p> <p>Authority to assess applications for outgoing grant funding and undertake all required actions to facilitate the grant including, but not limited to, acceptance of the grant, in the position holder's area of responsibility.</p>	N/A

21. Grants & Sponsorship - Sponsorship - Incoming	Sponsorship - incoming Authority to approve incoming sponsorship in the position holder's area of responsibility.	N/A
22. Grants & Sponsorship - Sponsorship - Outgoing	Sponsorship – outgoing Authority to approve outgoing sponsorship in the position holder's area of responsibility.	N/A
23. Leave - Special leave with pay	Leave - Special leave with pay Authority to approve Special leave with pay. *General Manager only	N/A
24. Leave - Defence and Jury service	Leave - Defence and Jury service Authority to approve defence and jury service leave.	N/A
25. Leave - Carer's, sick, annual, long service and study leave and time sheets	Leave - Carer's, sick, annual, long service and study leave and time sheets Authority to approve: <ul style="list-style-type: none"> • Carer's, sick, health and wellbeing, annual leave, long service leave • Study leave as per allocation approved by Learning and Culture partner • Flex sheets and casual time sheets 	N/A
26. Overtime and Time in lieu	Overtime and Time in lieu Authority to approve overtime and time in lieu.	N/A
27. Salary - Commencing salary up to mid -point	Salary - Commencing salary up to mid-point Authority to offer commencing salary up to mid-point of salary grade.	N/A
28. Salary - Commencing salary beyond mid-point	Salary - Commencing salary beyond mid-point Authority to offer commencing salary beyond mid-point of salary grade.	N/A
29. Salary - Higher duties up to mid-point of salary	Salary - Higher duties up to mid-point of salary Authority to approve higher duties allowance up to mid-point of salary grade.	N/A
30. Salary - Higher duties above mid-point of salary	Salary - Higher duties above mid-point of salary Authority to approve higher duties allowance above mid-point of salary grade.	N/A
31. Disciplinary action - Termination	Disciplinary action - Termination Authority to terminate employment. * General Manager only	N/A
32. Disciplinary action - Demotion and suspension	Disciplinary action - Demotion and suspension Authority to: <ul style="list-style-type: none"> • Demote employee • Suspend employee with or without pay In consultation with the HR partner.	N/A

33. Disciplinary action - Issue formal written warning	Disciplinary action - Issue formal written warning Authority to issue formal written warning in consultation with the HR partner.	N/A
34. Disciplinary action - Issue performance improvement notice	Disciplinary action - Issue Performance Improvement Notice Authority to issue Performance Improvement Notice in consultation with the HR partner.	N/A
35. Industrial Relations - Act on behalf of Council	Industrial relations - Act on behalf of Council Authority to act on Council's behalf in resolving industrial disputes.	N/A
36. Industrial Relations - Correspond with Unions	Industrial Relations - Correspond with Unions Authority to correspond with Unions on industrial and staff issues.	N/A
37. Industrial Relations - Correspond with Union on Public Interest Disclosures (PIDs)	Industrial Relations - Correspond with Union on Public Interest Disclosures (PIDs) Authority to correspond with Unions on Protected Disclosures investigations.	N/A
38. Industrial Relations - Negotiate with Unions	Industrial Relations – negotiate with unions Authority to negotiate with unions in conjunction with the Executive Manager People and Culture or the Manager People, Culture and Learning.	N/A
39. Leave without pay - For up to 2 weeks	Leave without pay - For up to 2 weeks Authority to approve leave without pay for up to 2 weeks.	N/A
40. Leave without pay- For 2 weeks to 6 months	Leave without pay- For 2 weeks to 6 months Authority to approve leave without pay for 2 weeks - 6 months.	N/A
41. Leave without pay - In excess of 6 months	Leave without pay - In excess of 6 months Authority to approve leave without pay in excess of 6 months. * General Manager only	N/A
42. Staff Establishment	Staff Establishment Authority to approve change to staff establishment: <ul style="list-style-type: none"> • Create new position • Convert position from full-time position to part-time • Convert part-time position to full-time • Change position title *General Manager only	N/A
43. Recruitment - Manager level	Recruitment – Manager level Authority to approve recruitment to a staff establishment position up to and including Manager level.	Executive Managers must consult with their Director prior to appointment.

		The General Counsel must consult with the General Manager prior to appointment.
44. Recruitment - Executive Managers level	Recruitment – Executive Manager level Authority to approve appointment to staff establishment position of Executive Manager after consultation with the General Manager.	N/A
44A. Recruitment - Director level	Recruitment – Director level Authority to approve appointment to staff establishment position of Director after consultation with Council. * General Manager only	
45. Recruitment - Casual agency employee	Recruitment - Casual agency employee Authority to engage casual agency employee.	N/A
46. Salaries and wages	Salaries and wages Authority to approve the payment of the salaries and wages of staff in accordance with the Annual Operational Plan & Budget.	N/A
47. Insurance - Insurance claims	Insurance claims Authority to determine insurance claims (including signing deeds of release) valued up to insurance deductible.	N/A
48. Legal - Contract variations	Contract variations Authority to approve variations to a contract where: (a) the total contract value of the accumulated variation/s to the contract does not exceed 10% of the total contract value; and (b) is within the position holder's expenditure delegation; and (c) the adjusted total contract value does not exceed Council's approved budget	General Manager to approve any accumulated value of variation/s that exceeds the total contract value.
49. Legal - Contracts - execute over \$50K	Contracts – execute over \$50,000 Authority to execute (sign) any contract, licence, lease or deed including exercising options, in circumstances where: (a) the total contract value, including options and GST and is more than \$50,000; and (b) the Total Contract Value is within the position holder's expenditure delegation; and	N/A

	(c) the Total Contract Value is within an approved Council budget; and (d) the Council’s seal is not required to be affixed; and (d) a resolution of the Council is not required to authorise the execution of the contract.	
50. Legal - Contracts - execute under \$50K	Contracts – execute under \$50,000 Authority to execute (sign) any contract, licence, lease or deed including exercising options, in circumstances where: (a) the total contract value, including options and GST and is less than \$50,000; and (b) the Total Contract Value is within the position holder’s expenditure delegation; and (c) the Total Contract Value is within an approved Council budget; and (d) the Council’s seal is not required to be affixed; and (e) a resolution of the Council is not required to authorise the execution of the contract.	N/A
52. Legal - Contracts - review	Contracts - review Authority to provide legal review of any contract, licence, lease or deed for execution, or other legal documents.	N/A
53. Legal - Legal advice	Legal advice Authority to seek legal advice on non-litigation matters from lawyers on Council’s Legal Services Panel, in the position-holder’s area of responsibility.	When seeking legal advice on non-litigation matters from lawyers not on Council’s Legal Services Panel, approval must be given by the General Manager or General Counsel.
54. Legal - Legal representation	Legal representation Authority to legally represent Council in all jurisdictions including the local court, Land and Environment Court, District Court, Federal Court, Supreme Court, High Court, commissions and tribunals, in the position-holder’s area of responsibility.	N/A
55. Legal - Litigation	Litigation Authority to instruct lawyers to initiate and/or defend the following matters on behalf of Council in the position holder’s area of responsibility, in relation to the position holder’s expenditure authority, in consultation with the General Manager: <ul style="list-style-type: none"> • planning matters • non-regulatory matters 	N/A

56. Legal - Settle Claims	<p>Settle claims Authority to settle claims and legal matters in the position holder’s area of responsibility, in consultation with the General Manager.</p>	N/A
57. Legal - Subpoena	<p>Subpoena Authority to provide Council documents and records requested under subpoena.</p>	N/A

Pursuant to a Resolution of the Council at its Council Meeting of 16 April 2019,

.....
 Councillor John Wakefield
 Mayor

.....
 Councillor Dominic Wy Kanak
 Deputy Mayor

Date:

Date:

Review date:

General Manager’s acknowledgement of Delegations of Authority

I Ross Barry McLeod, currently employed by the Council in the position of General Manager, do hereby acknowledge that I have read and understood this Instrument of Delegation and that I will perform these delegations and authorities in accordance with this Instrument of Delegation and my position description.

 Ross McLeod
 General Manager of Waverley Council
 Date:

REPORT
CM/7.5/19.04

Subject: Council Accommodation

TRIM No: A04/1931

Author: Fleur Mellor, Acting Manager, Urban Design and Heritage

Director: Peter Monks, Director, Waverley Futures

RECOMMENDATION:

That Council:

1. Recognises that the existing Council Chambers building is nearing the end of its economic life.
2. Further investigates the construction of a new Council Chambers on the Bondi Road site.
3. Requests that a detailed Project Plan, including costings and a timeline, to deliver the new Council Chambers be presented to a future Council meeting.
4. Investigates what amendments to the Waverley Local Environment Plan are required in order to facilitate the proposed redevelopment of the current site for a new Council Chambers, including the incorporation of the car park adjacent to the Chamber site within the proposed redevelopment, providing that full public access to the area is maintained as part of any redevelopment, and a report be presented to a future Council meeting to initiate any necessary amendments.

1. Executive Summary

Council needs a new Council Chambers. The purpose of this report is to determine the preferred site to enable further detailed investigations to occur for one site in particular.

Council's services and administration functions are currently housed in some 20 different locations, resulting in issues relating to efficiency, reduced collaboration, quality of facilities and insufficient space for growth. There would be significant benefits from co-locating the majority of Council functions into a single larger building.

Investigations on a new Council Chambers have continued in recent years, initially as part of the Bondi Junction Civic Heart project and subsequently as a separate study. During 2018, different options for a Council Chambers building were investigated and workshopped with Councillors including renovating and increasing the capacity of the existing Council Chambers building, building a new and larger Council Chambers on the existing site (corner of Paul Street and Bondi Road), building on the Officeworks (14–26 Ebley Street), Spotlight (65 Ebley Street) and Rowe Street (Oxford Street) sites.

Following the Council workshop held on 28 August 2018, the feasibility of demolishing the current Chambers building to enable the construction of a new Council Chambers on the current site be further investigated. For the purposes of comparison, a new Council Chambers on the Officeworks site was also investigated, as either the sole occupant of the site or as one tenant in an overall development.

Options for both the Bondi Road and the Officeworks sites were prepared and it was ascertained that both sites have the potential to accommodate a new Council Chambers of around 5,800 m². A Planning Proposal would be required at the Bondi Road site to increase the FSR from the existing 2:1 to approximately 3.4:1 to accommodate a GFA of 5,800 m². An increase in the Height of Building (HoB) is also required from the existing 20m to 28m.

This information was presented to a Councillor workshop held in December 2018. Further alternative uses for the Council Chambers site were requested to be considered, however, as the existing Council Chambers site, which is located on Crown Lands, is specifically gazetted for use as Council Chambers and is zoned for the purposes of public administration, potential for development on the site for uses other than public administration or Council Chambers is limited.

Because of the continued historic use of the site as Council Chambers coupled with the restricted zoning and Crown Lands restrictions, the Bondi Road site is considered to be the preferred site for further investigation. Further, this enables greater flexibility for future options to be pursued for the Officeworks site, including considering how it could best support the Knowledge and Innovation Hub project.

Should Council endorse the current site for the purposes of the development of the new Council Chambers, Project Waverley will then prepare the tender documents to commence the process of selecting a Head Contractor. A key part of the brief, which will be incorporated as part of the tender, will be the pursuit of design excellence, five-Green Star, a response to context such as celebrating the park context and most importantly an efficiency of design and value for money.

Council will also need to commence the the process for amending the height and FSR provisions of the LEP to enable suitable building to be permitted on the current site.

2. Introduction/Background

The condition of the current Council Chambers

The first Waverley Council meeting was held at the current Chambers site in 1861. A new Chambers building was constructed and opened in 1914. Alterations were carried out on the original building in the 1930s with alteration works and additions being undertaken in 1962, 1976, 1977 and 1983. See Figure 1.

The continual alterations and additions made to the building have meant the current building is poorly configured, does not lend itself to easy conversion to a contemporary office space due to limited floor plates, provides an inefficient design and use of space. In addition, many of the major building elements are old and coming towards the end of useful life. This includes air conditioning, concrete spalling to the structural elements, water-proofing, electricals and plumbing. The deficiency in the building was demonstrated in early 2018 when the building had to be closed to allow for asbestos to be remediated within the building.

Consultants undertook an asset condition assessment on the Chambers in 2017, which provided the building with an overall condition index rating of 2.44 category rating of good/fair. This indicates the deterioration of a number of building elements with a functional performance impact on the building.

The consultant's report estimated that Council will need to expend \$3.91 million in the next 10 years to maintain the building in a satisfactory condition. In addition to this, it has recently been identified that the air conditioning system needs to be fully replaced which itself would cost an estimated \$2 million. Further additional costs will be incurred in the short term to rectify concrete spalling and water-proofing issues.

The current Council Chambers, in addition to requiring extensive work, is not well planned and as a result provides a standard of office accommodation that does not meet the needs of the present or future Council. As the building has been added to over time, there are many spaces that could easily be

considered to be sub-standard. For example, redundant spaces now used for meeting rooms are not fit for purpose with limited natural light, and bathroom facilities do not meet the needs of the staff and disabled access is limited.

Further Council services and administrative functions are currently housed in some 20 different locations within and outside the local government area (LGA), resulting in numerous inefficiencies in providing Council's services. The consolidation of many of these services would help address many inefficiencies. The separation of Council staff causes a number of issues including:

- Teams split between floors and in some cases in separate buildings, resulting in reduced collaboration and more 'siloed' approach to working amongst teams.
- Reduced efficiency with time wasted travelling between buildings.
- No capacity for growth in staff numbers.

Workshops held in 2018 highlighted the need to be rigorous in regard to the selection of a preferred site to accommodate a new Council Chambers. Options for the refurbishment of the existing Council Chambers and alternative sites such as Rowe Street and Spotlight were explored and discounted. A consolidated Council Chambers on the Bondi Road or the Officeworks site were prioritised for further investigation with the view to accommodating significant benefits including:

- Closer physical proximity between teams, encouraging greater communication, collaboration and productivity.
- A more unified and collaborative workplace culture.
- Improved facilities benefiting employee satisfaction and productivity.
- Cost saving on leased office spaces e.g. Grafton Street.
- Stronger Council presence in the community.
- New civic amenities including Council Chambers, public gallery, civic function space, conference/meeting rooms, Mayor's office and shared Councillors' office.

Through exploration of options and a review of advantages and disadvantages for the two short-listed sites, the existing Council Chambers is nominated as the preferred site for further investigation.

Despite the benefits of new Council accommodation, it is not without its challenges including financial implications of new development, potential relocation of Council staff for a transition period, and potential impacts to productivity during such a move. Communicating with and finding consensus amongst the community and Council will also be a key challenge. A new Council Chambers will, however, be an opportunity for the community to instil pride and ownership in a building properly designed for its use that is long overdue.



Figure 1. Site plan.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 17 July 2018	CM/7.3/18.07	That Council defers consideration of this matter to allow a workshop detailing and analysing the need for an organisational strategy of Council’s future accommodation requirements for office, Chambers, meeting rooms, community space and operational property.
Operations and Community Services Committee 7 November 2017	OC/5.3/17.11	That Council: <ol style="list-style-type: none"> 1. Adopts the Waverley Innovation and Knowledge Hub Steering Group charter attached to this report. 2. Agrees to seek nominations from community members and industry experts to join the Waverley Innovation and Knowledge Hub Steering Group, noting that nominees will be appointed following a separate report to Council as soon as practicable. 3. Supports the primary objectives of the Waverley Innovation and Knowledge Hub Project as: <ol style="list-style-type: none"> (a) Adaptive reuse of the heritage-listed Boot Factory suitable for an innovation hub.

		<p>(b) Establishing an innovation and knowledge hub at the Boot Factory and Waverley Library.</p> <p>(c) Involvement of the local community in decision-making processes.</p> <p>(d) Building partnerships and supporting local creative, professional, science and technology industries.</p> <p>(e) Establish a place function around the Boot Factory and Waverley Library in accordance with place-making principles.</p>
Council 19 May 2015	CM/7.6/15.05	<p>That Council:</p> <p>1. Endorses the following project objectives and strategies in order to create an inviting community, cultural and civic heart in Bondi Junction:</p> <p>Objectives</p> <ul style="list-style-type: none"> • Plan for Council's current and future cultural, service and community facilities needs in Bondi Junction ensuring library, seniors, community and children's services are delivered in appropriate locations in Bondi Junction with facilities that meet community needs; • Attract civic related activities that are currently lacking in Bondi Junction or may add vitality and activity to the space; • Adaptively reuse the Council owned heritage listed boot factory; • Do not significantly increase traffic congestion and vehicle movements in Bondi Junction; • Include best practice environmental sustainability initiatives. <p>Strategies</p> <ul style="list-style-type: none"> • Develop a plan for land which includes Council owned property contained within the block bound by Spring, Ebley, Newland and Denison Streets (The Site); • Create activity on the site that contributes to the economy of Bondi Junction and improves Bondi Junction's performance as a lifestyle based urban centre; • Investigate the construction of a landmark building/s with excellent design quality which instils pride and ownership by the community, and maintains the amenity of nearby residential properties; and

		<ul style="list-style-type: none"> • Create outdoor plazas and ensure open space areas are safe and engaging. <ol style="list-style-type: none"> 2. Endorses the following staged approach to master planning for The Site: <ul style="list-style-type: none"> • Stage 1: Project Initiation and Visioning • Stage 2: Background Studies and Options • Stage 3: Architectural Brief • Stage 4: Concept Designs and Naming Competition • Stage 5: Detailed Design • Stage 6: Construction 3. Calls for open tenders for stage 2 of the project as detailed in Section 6.3.1 of this report. 4. Adopts the Community Engagement Plan Framework for Stage 2 of the project (Attachment 4) and prepares a community engagement plan for each stage of the project as it progresses. 5. Will not make a final decision on the consolidation of administrative functions and offices until after a decision about amalgamation is finalised. 6. Re-establishes the Investment Strategy Review Working Group to provide guidance as necessary.
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4. Discussion

Over a series of Councillor Workshops held in 2018, a number of key issues were raised including a need to fully understand the need for, and if pursued, the requirements for a new Council Chambers. These considerations are addressed below.

Council has also recently embarked on a project to develop a new Strategic Property Framework. As part of this project, a number of relevant studies have commenced including a review of Council’s commercial properties listed in the Investment Property Portfolio and a staff accommodation review.

Reasons for the need for a new Council Chambers

Economic life of building

Council’s Strategic Asset Management Plan 5 (SAMP 5) includes a 10-year program of capital expenditure totalling \$4,541,800 to maintain the building in a good to fair condition. This figure does not include adequate allowance for the asbestos removal that would be required on replacement of the air conditioning system which is programmed to be undertaken in 2020 or other initiatives including lighting upgrades, water saving measures and other improvements. Even if these works are carried out, the existing Council Chambers would not meet the current needs of the Council.

Efficiencies

Staff are currently distributed across the LGA in several locations and this results in a duplication of key services that could be consolidated in one central location.

Opportunities to use other properties

A consolidation of the majority of the staff into one location will enable the review of the other locations with the potential achievement of a higher return in alignment with the Strategic Property Framework. Importantly the utilisation of the Bondi Road site will enable the opportunity to explore the Officeworks site for alternate uses as appropriate.

Council Chamber requirements

A base case for the numbers of staff to be collocated.

Around 300 staff are proposed to be consolidated into one location. The assumptions regarding staff consolidation and whether the estimated floor space needs are adequate will be undertaken as part of the detailed design process to ensure each department/ section has the appropriate areas and facilities for their working needs.

Functional requirements

The new Council Chambers building will include desks and communal working space for the staff, supporting amenities, a Mayor's office, shared Councillors' facilities, Council Chambers and potentially a significant multi-purpose meeting space for Council and the public to use. Car parking will also be included, with the option of two levels of 40 car parking spaces to be confirmed. The exact requirements will be prepared by an expert consultant as part of the next stage of the project however it is envisaged that approximately 5,800 m² will be required.

Costs

Based on independent architectural advice, a building of around 5,800 m² would cost approximately \$39 million. Each level of carparking would cost approximately a further \$3 million per level. The level of car parking to be provided will be determined when staff numbers are confirmed as part of the next phase and a business case prepared to help establish the viability of one or two levels of carparking.

Approach

Any new building should embody and represent the expectations for built form across the entire LGA. The building should be green star rated, inclusive, innovative, offer a quality experience for those that use and visit the site and incorporate design excellence. These inclusions will be further developed in the next phase as part of the development of the brief.

Options considered as possible sites for new Chambers

During 2017–2018, different options for a Council Chambers building were investigated including renovating and increasing the capacity of the existing Council Chambers building, a new and larger Council Chambers on the existing site (corner of Paul Street and Bondi Road), the Officeworks (14–26 Ebley Street), Spotlight (65 Ebley Street) and Rowe Street (Oxford Street Mall). Through a process of evaluation, the options were narrowed down to a new Council Chambers on the Officeworks site or on the current Bondi Road site.

Officeworks

- Located on Ebley Street, the site currently houses a large-scale warehouse. At the rear of the site is the heritage-listed Boot Factory, and the Mill Hill Centre. To the west of the site is Waverley Library on the corner of Ebley and Denison Street.
- The Officeworks site has a permissible FSR of 4:1 and a height of 32 m.
- With a site area of 2,404 m² a permissible GFA of 9,616 m² could be accommodated.

Council Chambers

- Located on the corner of Bondi Road and Council Street, the site currently includes the four-storey Council Chambers with vehicular access off Bondi Road. Access to an at-grade carpark not within the site boundary is located off Paul Street. To the site's east is Waverley Park and to the south a State heritage-listed reservoir owned and operated by Sydney Water. Directly to the east of the site is a Sydney Water easement connecting to the reservoir.
- The existing Council Chambers site is gazetted as Crown Lands for the purposes of public administration.
- The Bondi Road site has a permissible FSR of 2:1 and a height of 20 m.
- With a site area of 1,689 m² a permissible GFA of 3,378 m² is allowed.

Rowe Street

- The Rowe Street ramp on Oxford Street Mall was initially included as a potential site for consideration. However, it has since been excluded due to the fact that Council does not own the entire development site. While options for developing this site are being investigated a part of the Rowe Street Interchange Access project, it is likely to be more complex and/or involve a longer development time frame than the other stand-alone sites.

Pros and cons of each option

Officeworks

- Size. There is adequate GFA on the site to accommodate the Council Chamber needs without the need for amendment to the FSR or other controls.
- Zoning. The site is zoned B4 Mixed Use.
- Alternative uses. In addition to the Council Chambers use, a wide range of mixed uses are permissible.
- Context. There is the potential to create connections to the adjoining sites, for example the Boot Factory building, which may be of benefit to the Knowledge and Innovation Hub project. Height should be located on the west of the site which would not impact the solar access requirements to Clementson Park.

Council Chambers

- Size. The existing GFA is not sufficient to accommodate the Council Chamber needs, and an amendment to the FSR would be required.
- Zoning. The site is zoned as Special Infrastructure and has been specifically gazetted for use as a Council Chambers.
- Alternative uses. Officers have recently engaged a consultant to provide advice on specific alternate uses of the current site. This advice indicates that it would be extremely difficult to provide a use other than a Council Chambers, or uses ancillary to this use, such as parking. This is because the site has restricted use both from the planning zoning (zoned as Public Administration) and from its Reserve purpose (Council Chambers). To change the zoning an amendment to the LEP

would be needed and approval from the Minister would be required to change its Reserve purpose. Regarding alternative community or recreational uses, even if an amendment to the planning restrictions was possible, there are a very limited number of other uses that would be viable, or functional because of the limitations of the size of the site.

- Context. There are potential ocean and parkland views. The site is adjacent to a Sydney Water easement (to the east) which restricts site interface with the Park. To the south the car park is located on land designated as Waverley Park. Adjacent conservation areas may limit the size and scale of any redevelopment.

Opportunity cost/economic returns

- Figures provided by Councils' consultant JLL say that the potential development value for the Officeworks site is around \$42 million. Building a Council Chambers on the site, even as part of a joint venture, reduces the potential return from this key investment property.
- If the Officeworks site became a Council Chambers, then the existing Chamber site would become somewhat redundant due to its current limitations in zoning and reserve purpose, the limited potential alternatives would not provide any substantial return or economic benefit to Council to Council.

Preferred option

Based on the assessment of the two proposed options, the existing Bondi Road site is the preferred site for a new Council Chambers. This is supported by the work that was carried out for the Bondi Junction 2030 Vision project, where the community preferred the existing Bondi Road site for a new Council Chambers building, as opposed to a site in the centre of Bondi Junction. Further, the existing Bondi Road site has a historical connection to the Council Chambers use, and with the existing planning constraints regarding zoning and the reserve land use, there are limited options for an alternate use on the site. Even if it were possible to create greater flexibility from a planning perspective, the size of the site and the limitations in regard to access to public transport and parking, would render any other use unfeasible. This also ensures that the Officeworks site is unencumbered for an alternative use where there is greater flexibility.

Planning Issues associated with preferred option

A Council Chambers use is permissible within the Bondi Road site. This is a result of part of Waverley Park being gazetted for use as a Council Chambers in 1913.

The Council Chambers site is currently zoned as SP2 Infrastructure in the Waverley Local Environment Plan (LEP) 2012.

SEPP Infrastructure 2007 states that 'Development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zone.' SP2 Infrastructure is a prescribed zone.

The area surrounding the site to the south is part of the Waverley Park and is zoned as RE1 Public Recreation. The area directly to the east of the site is an easement dedicated to Sydney Water which is zoned as SP2 Special Infrastructure.

If the existing Council Chambers site area was increased to the south to include the adjacent car park, an additional 556 m² would be added resulting in a total 2,245m². The car park does not have any FSR applied to it under the LEP as it is currently zoned RE1. The car park is part of a separate title for the park. A change to the LEP would be required to allow for that area to be developed. A change to the Crown Land title would also be required to separate the car park from the current title to include it within the land related to the Council Chambers. If the permissible FSR was extended across the carpark site that would allow for a maximum development of 4,490 sqm.

In order for the site to accommodate the required GFA of around 5,800 m² for a Council use, a Planning Proposal would be required to amend the FSR and potentially the height. Preliminary assessment indicates that the FSR would need to increase from the existing 2:1 to 3.4:1. Height of Building (HoB) would also need to increase from the existing 20 m to 28 m.

Project delivery

Should Council endorse the Council Accommodation Project at the current Chambers site, a high-level Project Brief will be developed which details the proposed scope, cost, schedule and project team responsible for progressing the project.

The project delivery will be in accordance with Council Project Management Guidelines and be Project managed by the Project Waverley department and supported by a nominated Project Control Group (PCG). The Project Manager will then complete the initiation of the project by developing the Project Plan which sets out the project controls to be in place for the successful delivery of the project. The first key milestone will be procurement of head consultant services for the concept and detail design of the project. The head consultant's first task would be to work with the PCG and key stakeholders to finalise the staff to be collocated, special requirements and functional relationships. The usual stages of design, DA and construction would then progress. Consultation with Councillors would be undertaken at all key milestones.

5. Financial impact statement/Timeframe/Consultation

The project is a capital works project and is identified in the Long-term Financial Plan with \$33 million allocated. The current budget expectation is of \$39–45 million depending on the extent of basement carparking to be provided as part of the project.

It is envisaged that through the commercial property review currently being undertaken, analysis will be made of the current performance of Council's portfolio. The review will also provide information relating to potential improved returns that will inform future strategic Council decisions in the property area. The funds raised through possible improved returns or disposal of assets will assist in meeting any shortfall in the costs of a new Chambers building.

Timeframe

Upon endorsement of carrying out further investigations for the existing Bondi Road site, a program will be prepared which will outline the preparation of a tender package to engage a head contractor later in 2019. At the same time work will commence in relation to initiation of a Planning Proposal for an amendment to the FSR for the site and potentially the height.

Consultation

Consultation will be carried out as required for the Planning Proposal and Development Application. Consultation will focus on staff, Councillors and the community.

6. Conclusion

Council is well overdue for a new Council Chambers building. The existing Council Chambers requires substantial repair and maintenance work; however, this would not address the building's lack of amenity and poor layout, which is sub-standard for current office and Council accommodation needs.

Through a rigorous analysis undertaken throughout 2018, it is clear that the Bondi Road site is the preferred site for further investigation, including an analysis of staff numbers and spatial requirements.

It is recommended that the Bondi Road site is selected as the preferred site for further investigation for a new Council Chambers building.

7. Attachments

Nil.

REPORT CM/7.6/19.04



Subject: Code of Meeting Practice - Public Exhibition

TRIM No: SF17/3020

Author: Jane Worthy, Internal Ombudsman

Director: Ross McLeod, General Manager

RECOMMENDATION:

That Council:

1. Endorses the draft Waverley Code of Meeting Practice attached to this report for the purposes of public exhibition for 28 days with a 42-day submission period, as required by section 361 of the *Local Government Act 1993*.
2. Holds a Councillor briefing session on the proposed new Code during the exhibition period.
3. Receives a further report at the June Council meeting considering submissions received and presenting the final version of the Code for adoption.

1. Executive Summary

The purpose of this report is to seek Council's endorsement of a new draft code of meeting practice for public exhibition, in accordance with State Government requirements. The new draft code is attached to this report at Attachment 1.

Amendments made to the *Local Government Act 1993* (the Act) in August 2016 provide for a model code of meeting practice (Model Code) to be prescribed by the *Local Government (General) Regulation 2005* (the Regulation), replacing the meetings provisions which were previously contained within the Regulation.

The Model Code was prescribed on 14 December 2018, and, although councils have until 12 months after the next ordinary election to adopt the Model Code, if Council fails to adopt it before 14 June 2019 the transitional provisions mean that any provisions in our current Code that are inconsistent with the Model Code will automatically cease to exist.

The Model Code contains mandatory and non-mandatory provisions. The attached draft Waverley Code of Meeting Practice (Draft Code) contains the mandatory provisions and some of the non-mandatory provisions.

In order to comply with the exhibition requirements and the 14 June adoption deadline, the Draft Code must be on exhibition by mid-April 2019.

It should be noted that, following some Councillors raising questions about minuting practices, Council staff will also be undertaking a review of minuting, but this review does not form part of this report.

2. Introduction/Background

Prior to the Model Code being prescribed, there was no uniform set of meeting rules for councils beyond those prescribed under the Act and the Regulation. These were fairly limited and enabled significant variability in meeting practices across the state.

In developing the Model Code, the NSW Office of Local Government (OLG) was seeking to do a number of things including:

- Promoting that the principle object of Council meetings is to ensure decisions are made in the best interests of the Council and the community.
- Promoting more accessible, orderly, effective and efficient meetings.
- Ensuring consistency with the Act.
- Promoting consistency in council meeting procedures across the state.
- Promoting greater flexibility in the conduct of meetings.
- Simplifying the language.
- Modernising the rules to accommodate current and emerging technologies.

Following a consultation process, the final Model Code was prescribed and the meeting provisions previously contained within the Regulation were repealed.

Council is now required to adopt a new code that incorporates the mandatory provisions. These provisions cannot be amended.

The non-mandatory provisions cover areas of practice that are common to most councils but may operate slightly differently. OLG believe these non-mandatory provisions set a benchmark for best practice. Council can choose whether to include the non-mandatory provisions in its code, either as printed in the Model Code or in an amended form.

Council cannot include anything in its code that is inconsistent with the mandatory provisions.

The Model Code (Attachment 2) shows the mandatory provisions in black font and the non-mandatory provisions in red font. Some provisions are in blue font; however, these relate only to boards of joint organisations and county councils, and are therefore not relevant to Waverley.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 12 December 2017	CM/8.6/17.12	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the Office of Local Government (OLG) released its draft Model Code of Meeting Practice for public consultation on 6 December 2017 with a closing date for submissions of 16 March 2018. 2. Notes Waverley's proposed new Code of Meeting Practice will be presented to Council following OLG's release of the final Model Code. 3. Officers ensure the draft Waverley Code of Meeting Practice includes the following: <ol style="list-style-type: none"> (a) An Order of Business for Council that has

		<p>Questions with Notice and places Notice of Motions at the beginning of the paper before staff reports.</p> <p>(b) An 'Open Forum' of no more than 15 minutes' duration to allow members of the public to address Council on matters of public importance, prior to the commencement of the meeting.</p> <p>(c) A three-minute limit on each address by a member of the public.</p> <p>(d) Recent Council decisions affecting the Code.</p>
Council 8 August 2017	CM/7.14/17.08	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes this report. 2. Agrees to postpone a comprehensive review of its Code of Meeting Practice until after the release of the Model Code of Meeting Practice by the Office of Local Government late in 2017.

4. Discussion

The Model Code contains the following changes to previous requirements:

- New meeting principles.
- Optional rules for pre-meeting councillor briefings.
- A new requirement for meetings to be webcast.
- New rules limiting the use of mayoral minutes without notice to cases of urgency.
- The informal acceptance of amendments.
- Optional rules requiring a staff report for motions seeking decisions that do not align with Council's integrated planning and reporting (IP&R) requirements.
- Optional rules allowing multiple items to be adopted in a block.
- Optional rules allowing rescission motions to be dealt with at the same meeting in cases of urgency and allowing matters to be recommitted to correct an error.
- Optional rules placing time limits on meetings.

To ensure Council meets its statutory exhibition and adoption deadlines, a two-step process is being undertaken. The first step is for Council to endorse for exhibition purposes the attached Draft Code, which incorporates the mandatory provisions of the Model Code and most of the non-mandatory provisions, some as proposed by the Model Code and some in an amended form. Attachment 3 provides an explanatory table of the non-mandatory provisions that have been included in the Draft Code, including any modifications made to those provisions from the Model Code.

To assist Councillors to review the document, the following colour coding has been maintained from the Model Code:

- The mandatory provisions are in black (a few of these have been slightly modified for grammatical reasons).
- The non-mandatory provisions are in red.

- Provisions relating to joint organisations and county councils are in blue. These have all been struck out because they do not apply.

This colour coding will be removed in the final version of the code. The Model Code is structured very differently to Council's current Code, and it is therefore not possible to create a straight comparison or mark-up to show the differences.

The second step is to undertake further enhancements to the usability of the document during the exhibition period ready for Council's consideration following exhibition and feedback. These enhancements will not be inconsistent with the Model Code, and will include:

- Personalising the introduction for Waverley.
- Improving the usability of the document by reformatting it to make it easier to use, including adding subheadings, more specific page references and re-numbering to reflect changes due to deletions.
- Adding a reference to each clause that identifies its source.
- The inclusion of supplementary provisions that reflect current custom and practice at Waverley, where they are relevant and not inconsistent with the Model Code. These are those provisions referred to as 'Council Policies' in the current Code, as well the 'Notes' from the current Code.

Attachment 4 provides an explanatory table of which of the old 'Council Policies' and 'Notes' are proposed for inclusion in the final Draft Code and which are not and why they are not. 'Council Policies' were in effect supplementary provisions in that they were in addition to meeting provisions in the Act and Regulation. Because they were adopted as part of the Code, they were enforceable/mandatory. Council 'Notes', however, were added for explanatory purposes or to add clarity, and were therefore not enforceable.

5. Financial impact statement/Timeframe/Consultation

Under the transitional provisions of the Act, Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code no later than 12 months after the next ordinary election, which is September 2020. Until Council adopts a new code, the current code remains in force up until 14 June 2019. If Council fails to adopt a new Code by this date, any provision that is inconsistent with a mandatory provision of the Model Code will automatically cease to have any effect to the extent of the inconsistency. In order to avoid this complex situation, Council must adopt a new Code by 14 June 2019. OLG has advised that a delay in the adoption of the code of up to a month to accommodate Council's meeting schedule is acceptable.

Section 361 of the Act requires Council to exhibit its draft code of meeting practice for a period of at least 28 days, and provide members of the community at least 42 days in which to comment on the draft code. It is proposed to place the Draft Code on Council's 'Have Your Say' page on our website and at the Customer Service Centre, and seek feedback from the precincts. Councillors may also provide feedback to staff following a briefing session to be held during the exhibition period.

There is minimal additional cost to Council in adopting the new code and costs related to training/exhibition will be covered in the Governance budget.

6. Conclusion

Council is required to adopt a new code of meeting practice based on the Model Code by 14 June 2019. It is proposed that this be done in a two-stage process. This report, recommending the endorsement of the attached Draft Code for public exhibition, is the first step. During exhibition, a Councillor briefing session will be held and further enhancements to the document will be undertaken to improve usability. The final version will be presented at the June Council meeting for adoption.

7. Attachments

1. Draft Waverley Code of Meeting Practice [↓](#)
2. Model Code of Meeting Practice [↓](#)
3. Table of non-mandatory provisions [↓](#)
4. Table of supplementary provisions and notes [↓](#)



WAVERLEY
COUNCIL

CODE OF MEETING PRACTICE

DRAFT

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1 INTRODUCTION

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

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the third Tuesday of each month and its committee meetings on the first Tuesday of each month, with the exception of January. Meetings will normally be held at the Council Chambers but may be held at or adjourned to other times or venues should that be expedient for the conduct of business.

~~3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.~~

~~**Note: Councils must use either clause 3.1 or 3.2**~~

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

~~**Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.**~~

~~**Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.**~~

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

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

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

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

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

Notice to councillors of ordinary council meetings

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

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

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **to the General Manager by 3.00 pm on the second Friday** before the meeting is to be held.

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

- 3.12 **If the general manager considers that a notice of motion submitted by a councillor for consideration at**

an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a General Manager's comment in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

~~3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:~~

~~(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or~~

~~(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.~~

Questions with notice

3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.

3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

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

- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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

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

Availability of the agenda and business papers to the public

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

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

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

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

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

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

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

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

Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

~~Pre-meeting briefing sessions~~

- ~~3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.~~

~~3.33 — Pre-meeting briefing sessions are to be held in the absence of the public.~~

~~3.34 — The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.~~

~~3.36 — Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.~~

~~3.37 — Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.~~

4 PUBLIC FORUMS AND ADDRESSES BY MEMBERS OF THE PUBLIC

~~4.1 — The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.~~

~~4.2 — Public forums are to be chaired by the mayor or their nominee.~~

~~4.3 — To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **[date and time to be specified by the council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes~~

~~to speak on, and whether they wish to speak 'for' or 'against' the item.~~

- ~~4.4 — A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.~~
- ~~4.5 — Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.~~
- ~~4.6 — The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.~~
- ~~4.7 — No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.~~
- ~~4.8 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.~~
- ~~4.9 — If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.~~
- ~~4.10 — Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum.~~

~~The general manager or their delegate may refuse to allow such material to be presented.~~

~~4.11 The general manager or their delegate is to determine the order of speakers at the public forum.~~

~~4.12 Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.~~

~~4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.~~

~~4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.~~

~~4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.~~

~~4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.~~

~~4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.~~

~~4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.~~

~~4.19 When addressing the council, speakers at public forums must comply with this code and all other~~

~~relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.~~

~~4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.~~

~~4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.~~

~~4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.~~

~~4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.~~

~~**Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**~~

Public forum

- 4.1 Council will hold a public forum of no more than 15 minutes' duration prior to the commencement of each ordinary Council meeting to allow members of the public to make oral submissions on matters of public importance.
- 4.2 Public forums are not part of Council meetings and are not live streamed or minuted.
- 4.3 Public forums are to be chaired by the mayor or their nominee.
- 4.4 A person wishing to address Council at a public forum must register by 3.00 pm on the day of the meeting. Registrations received after 3.00 pm will not be accepted.
- 4.5 A maximum of five speakers will be permitted to address Council at each public forum.
- 4.6 Each address must be no longer than 3 minutes in duration.
- 4.7 The address must relate to the matter that the person has registered to speak about. The chairperson will call to order any speaker who fails to comply with this requirement. If the speaker fails to comply with chairperson's call to order, the chairperson may withdraw that speaker's right to address the public forum.
- 4.8 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.9 The General Manager may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons to the applicant in writing for a decision to refuse an application.
- 4.10 When addressing the public forum, speakers must comply with this code.

Addresses by members of the public

- 4.11 Council permits members of the public to make oral submissions at Council and Committee meetings on items of business to be considered at the meeting.
- 4.12 A person wishing to address a meeting must register by 3.00 pm on the day of the meeting.
- 4.13 Late requests to address Council or a Committee meeting, and requests received after the commencement of a Council or Committee meeting, will be determined by the chairperson.
- 4.14 Each address must be no longer than 3 minutes in duration.
- 4.15 The address must relate to an item of business to be considered at the meeting. The chairperson will call to order any speaker who fails to comply with this requirement. If the speaker fails to comply with chairperson's call to order, the chairperson may withdraw that speaker's right to address the meeting.
- 4.16 Speakers cannot ask questions of the council, councillors or council staff.
- 4.17 When addressing Council, speakers must comply with this code.

5 COMING TOGETHER

Attendance by councillors at meetings

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

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

5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.

~~5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.~~

~~**Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.**~~

5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended

under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

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

The quorum for a meeting

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

Note: Clause 5.9 reflects section 368(1) of the Act.

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

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a

quorum) at or arising during a meeting of the council, together with the names of the councillors present.

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

Entitlement of the public to attend council meetings

- 5.16 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.16 reflects section 10(1) of the Act.

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

Note: Clause 5.18 reflects section 10(2) of the Act.

Note: Council does not have a standing resolution giving the chair the power of expulsion.

Webcasting of meetings

- 5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

~~**Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.**~~

~~**Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio-visual recording of the meeting or an audio recording of the meeting.**~~

~~**Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.**~~

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for **at least two years**. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

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

Note: Clause 5.23 reflects section 376(1) of the Act.

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

Note: Clause 5.24 reflects section 376(2) of the Act.

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

Note: Clause 5.25 reflects section 376(3) of the Act.

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

6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

7 MODES OF ADDRESS

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

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business is as fixed by resolution of the council.
- 8.2 ~~The general order of business for an ordinary meeting of the council shall be: [councils may adapt the following order of business to meet their needs]~~

- ~~01 Opening meeting~~
- ~~02 Acknowledgement of country~~
- ~~03 Apologies and applications for a leave of absence by councillors~~
- ~~04 Confirmation of minutes~~
- ~~05 Disclosures of interests~~
- ~~06 Mayoral minute(s)~~
- ~~07 Reports of committees~~
- ~~08 Reports to council~~
- ~~09 Notices of motions/Questions with notice~~
- ~~10 Confidential matters~~
- ~~11 Conclusion of the meeting~~

Note: Councils must use either clause 8.1 or 8.2.

- 8.3 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

~~Note: If adopted, Part 13 (Dealing with items by exception) allows council to deal with items of business by exception.~~

- 8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and

- (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

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

identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Reports of committees of council

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

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

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

Amendments to motions

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

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

Foreshadowed motions

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

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to

speaking on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original

motion has exercised their right of reply under clause 10.20.

- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

~~Participation by non voting representatives in joint organisation board meetings~~

- ~~10.31 Non voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.~~

~~**Note: Under section 400T(1)(c) of the Act, non voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.**~~

~~**Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.**~~

11 VOTING

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

~~**Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.**~~

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

~~11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.~~

~~**Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.**~~

~~**Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.**~~

Voting at council meetings

11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

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

~~11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.~~

~~**Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.**~~

Voting on planning decisions

11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12–11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.

12 COMMITTEE OF THE WHOLE

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the

recommendation made in the business paper or that they wish to speak on.

- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- ~~13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.~~
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature

that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

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

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

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

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

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

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **3.00 pm on the day of the meeting** at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general

manager or their delegate must give reasons in writing for a decision to refuse an application.

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

Expulsion of non-councillors from meetings closed to the public

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code,

any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

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

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

Resolutions passed at closed meetings to be made public

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

meeting.

- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

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

Questions of order

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

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

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

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

How disorder at a meeting may be dealt with

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

~~Expulsion from meetings~~

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

~~15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.~~

~~**Note: Councils may use either clause 15.14 or clause 15.15.**~~

~~15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.~~

MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

2018



MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

2018

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1 Introduction

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

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

The provisions of the Model Meeting Code that are not mandatory are indicated in red font.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.

In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

2 Meeting Principles

2.1 Council and committee meetings should be:

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

3 Before the Meeting

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will be held on the following occasions: **[council to specify the frequency, time, date and place of its ordinary meetings].**
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 3.2

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

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Note: Under section 400T of the Act, boards of joint organisations are required to meet at least four (4) times each year, each in a different quarter of the year.

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

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

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

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

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

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

- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **[council to specify notice period required]** business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

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

Agenda and business papers for ordinary meetings

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

the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

- identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- states the grounds under section 10A(2) of the Act relevant to the item of business.

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

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

Availability of the agenda and business papers to the public

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

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

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

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

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

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

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

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

Agenda and business papers for extraordinary meetings

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

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

(a) a motion is passed to have the business considered at the meeting, and

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

- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.

- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

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

4 Public Forums

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **[date and time to be specified by the council]** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 A person may apply to speak on no more than **[number to be specified by the council]** items of business on the agenda of the council meeting.
- 4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.7 No more than **[number to be specified by the council]** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than **[number to be specified by the council]** days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed **[number to be specified by the council]** minutes to address the council. This time is to be strictly enforced by the chairperson.

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- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to **[number to be specified by the council]** minutes.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **[number to be specified by the council]** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.
- Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.**



5 Coming Together

Attendance by councillors at meetings

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

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

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 [The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives \(or some representatives\) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.](#)

Note: Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of

such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

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

The quorum for a meeting

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

Note: Clause 5.9 reflects section 368(1) of the Act.

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

Note: Clause 5.10 reflects section 368(2) of the Act.

- 5.11 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.12 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor,

cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

- 5.16 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 5.16 reflects section 10(1) of the Act.

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

Note: Clause 5.18 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council

and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.19 All meetings of the council and committees of the council are to be webcast on the council's website.

Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.

Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19-5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19-5.22.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

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

Note: Clause 5.23 reflects section 376(1) of the Act.

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

Note: Clause 5.24 reflects section 376(2) of the Act.

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

Note: Clause 5.25 reflects section 376(3) of the Act.

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

6 The Chairperson

The chairperson at meetings

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

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

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

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

Election of the chairperson in the absence of the mayor and deputy mayor

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

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

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

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

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

7 Modes of Address

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

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8 Order of Business for Ordinary Council Meetings

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

8.2 The general order of business for an ordinary meeting of the council shall be:
[councils may adapt the following order of business to meet their needs]

01 Opening meeting

02 Acknowledgement of country

03 Apologies and applications for a leave of absence by councillors

04 Confirmation of minutes

05 Disclosures of interests

06 Mayoral minute(s)

07 Reports of committees

08 Reports to council

09 Notices of motions/Questions with notice

10 Confidential matters

11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under [8.1/8.2] **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

8.4 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

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

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9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

answer a question put to them through the general manager at the direction of the general manager.

9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

Staff reports

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

Reports of committees of council

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

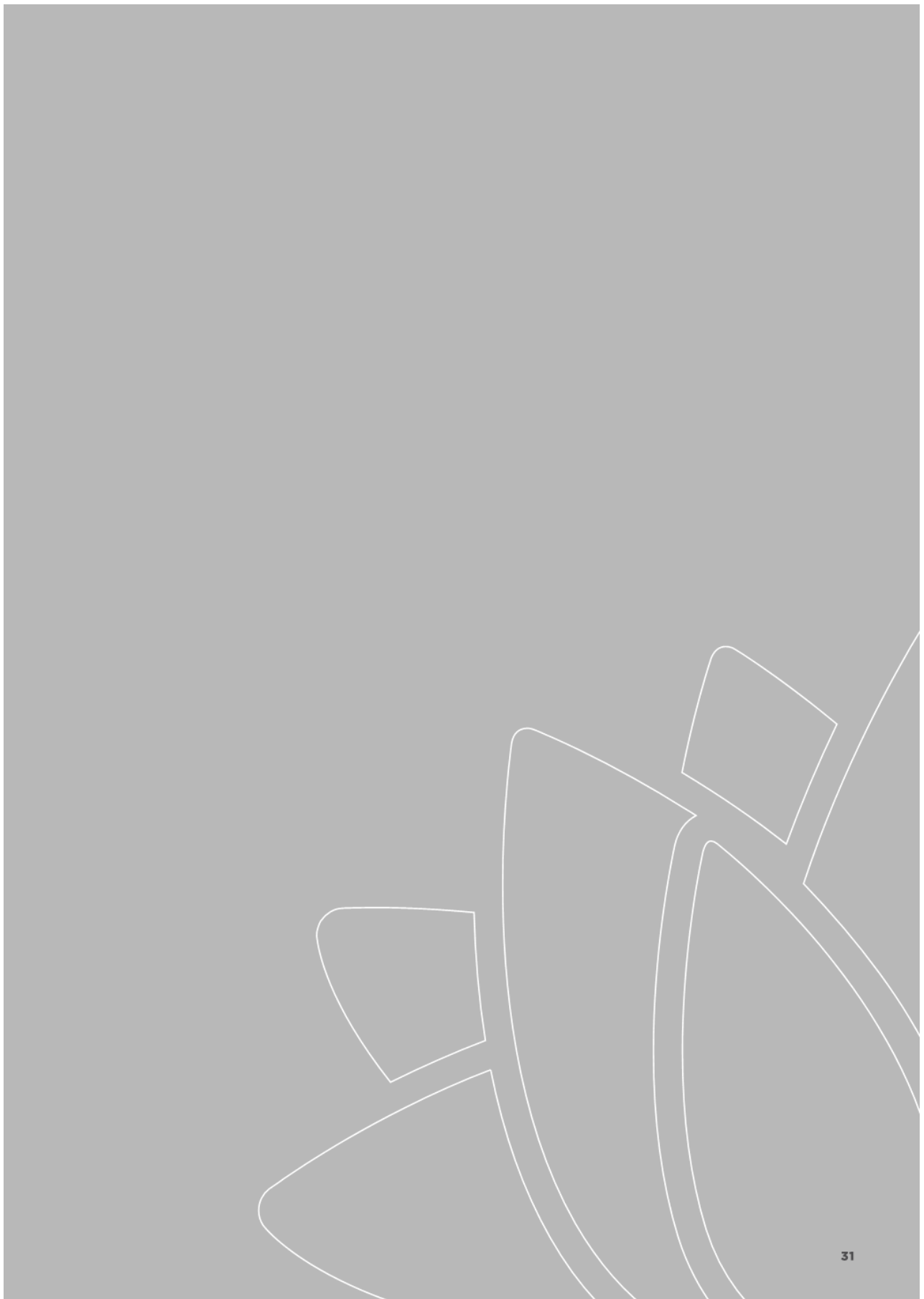
9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to



10 Rules of Debate

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

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

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

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- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

Participation by non-voting representatives in joint organisation board meetings

10.31 Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion.

Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.

Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.

11 Voting

Voting entitlements of councillors

- 11.1 Each councillor is entitled to one (1) vote.

Note: Clause 11.1 reflects section 370(1) of the Act.

Note: Under section 400T(1) of the Act, voting representatives of joint organisation boards are entitled to one (1) vote each at meetings of the board.

- 11.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 11.2 reflects section 370(2) of the Act.

- 11.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

- 11.4 A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.

Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion

- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

- 11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

- 11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

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

- 11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12-11.14 apply also to meetings that are closed to the public.

Note: Clauses 11.12-11.15 reflect section 375A of the Act.

Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.



12 Committee of the Whole

- 12.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 12.1 reflects section 373 of the Act.

- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 10.20–10.30 limit the number and duration of speeches.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 Dealing with Items by Exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

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

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

14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

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

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

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

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.

14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.

14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

14.15 The general manager (or their delegate) is to determine the order of speakers.

14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

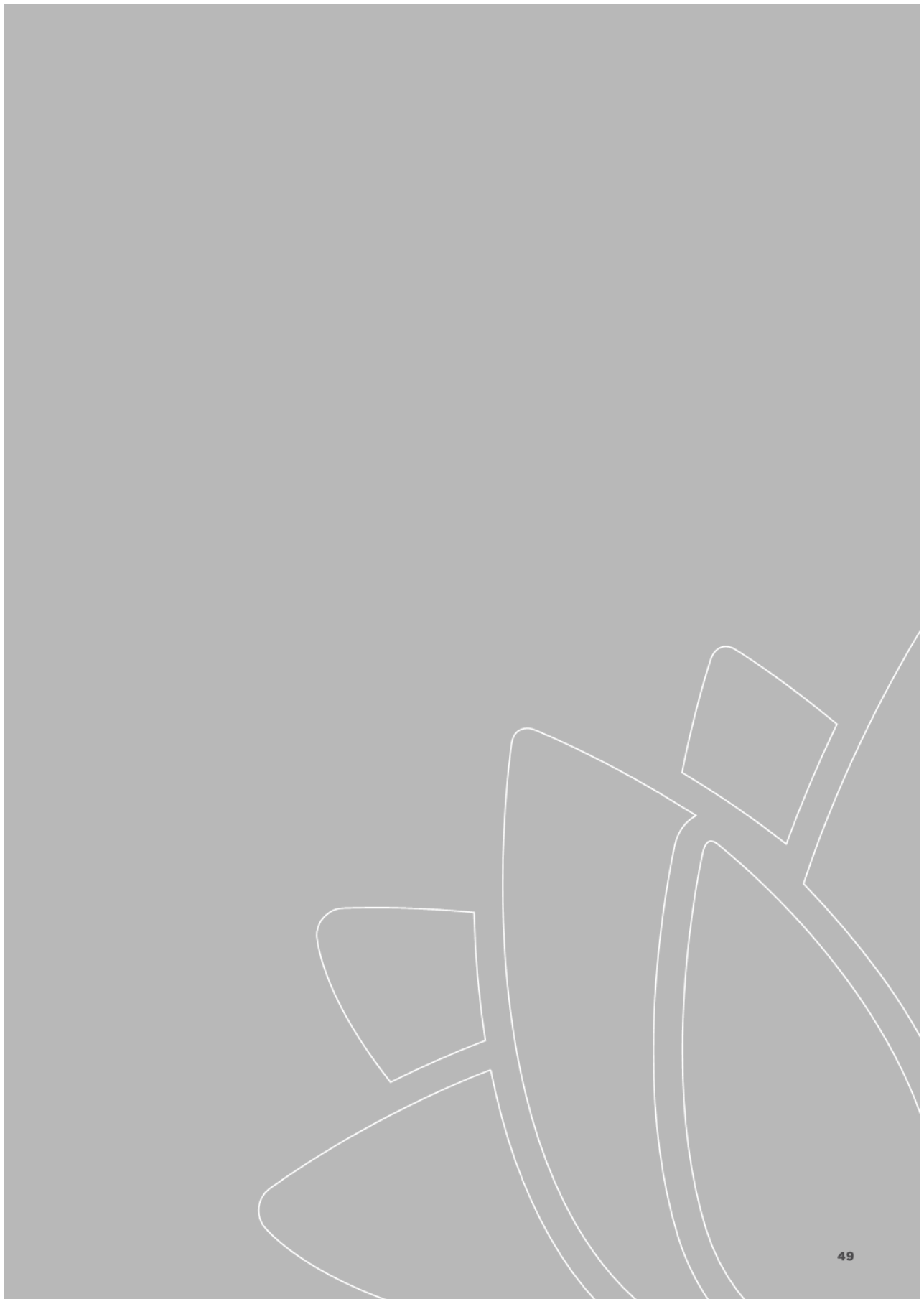
- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,

- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

Resolutions passed at closed meetings to be made public

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



15 Keeping Order at Meetings

Points of order

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

Questions of order

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

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 15.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 15.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

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

How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

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

15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

16 Conflicts of Interest

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

17 Decisions of the Council

Council decisions

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

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

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

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

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

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

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

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

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

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

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

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

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

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

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

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **[council to specify the period of time]** after the meeting at which the resolution was adopted.

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

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

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

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

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

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

Recommitting resolutions to correct an error

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

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or

(b) to confirm the voting on the resolution.

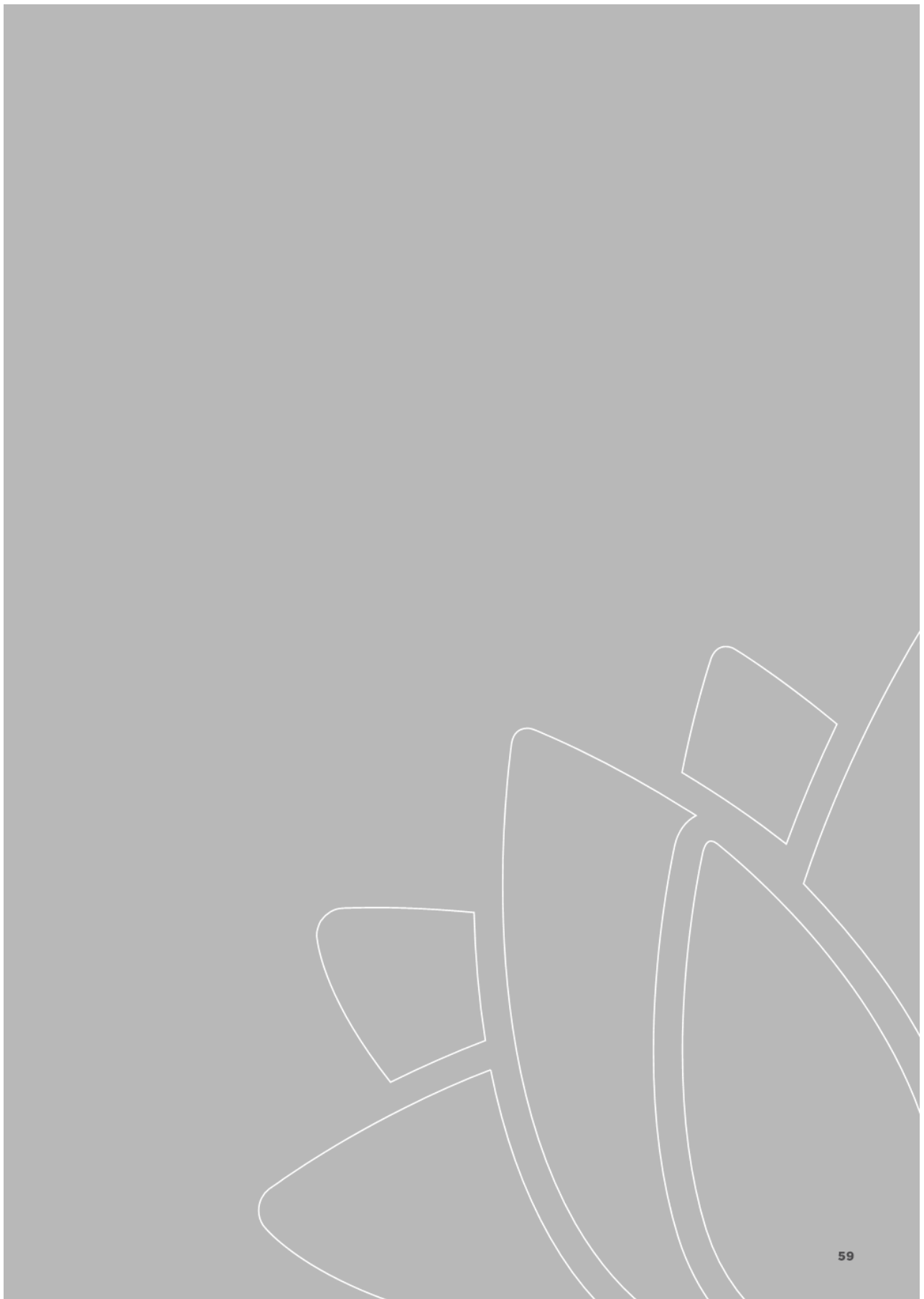
17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

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

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

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

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



Model Code of Meeting Practice for Local Councils in NSW

18 Time Limits on Council Meetings

- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 After the Meeting

Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

Access to correspondence and reports laid on the table at, or submitted to, a meeting

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

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

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

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

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

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

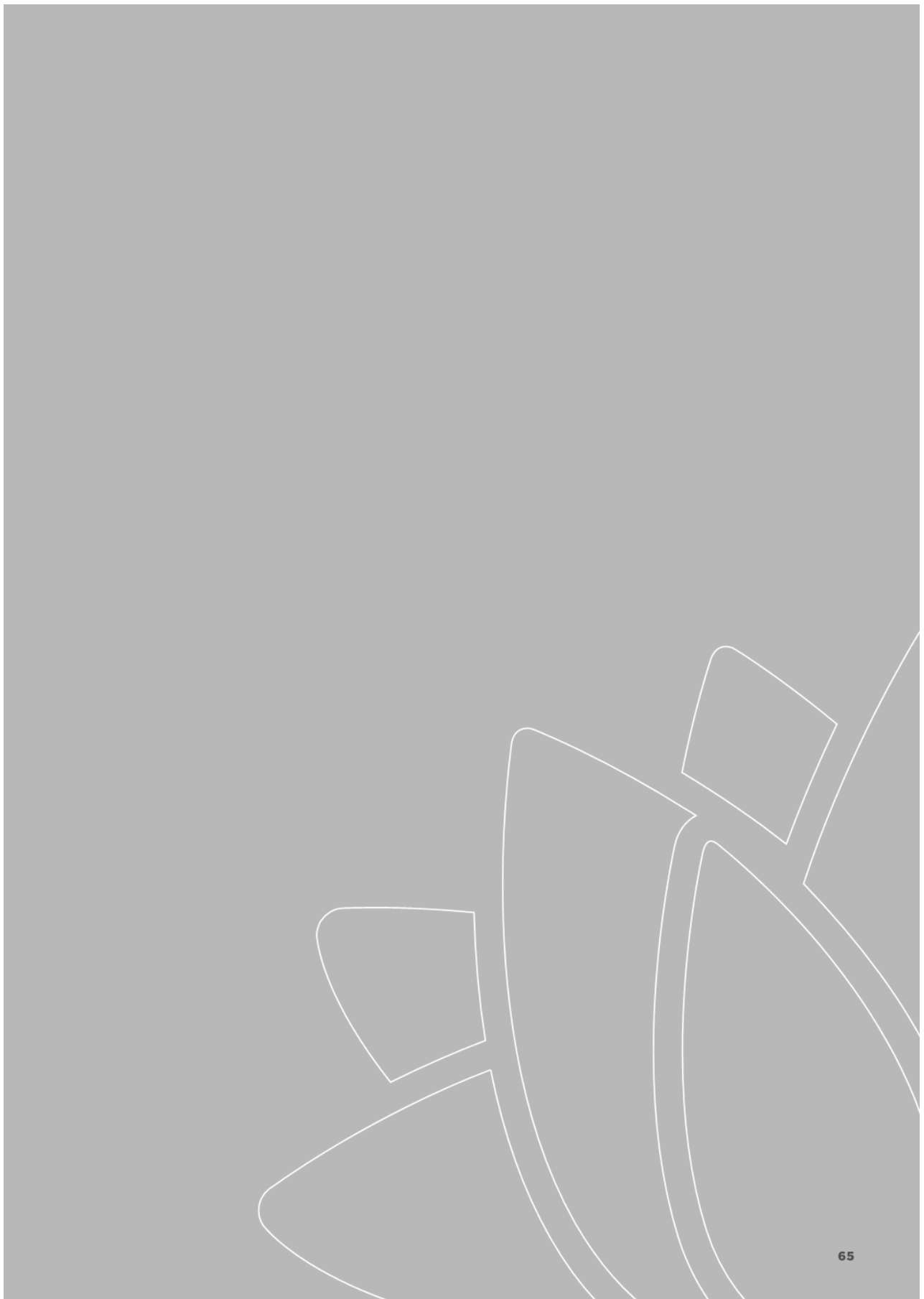
Model Code of Meeting Practice for Local Councils in NSW

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

Implementation of decisions of the council

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

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



20 Council Committees

Application of this Part

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

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number - a majority of the members of the committee.

Functions of committees

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

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and

(b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

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

Non-members entitled to attend committee meetings

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

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

Chairperson and deputy chairperson of council committees

- 20.11 The chairperson of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - (c) if the council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

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

20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

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

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

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

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

21 Irregularities

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 21.1 reflects section 374 of the Act.

22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

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quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

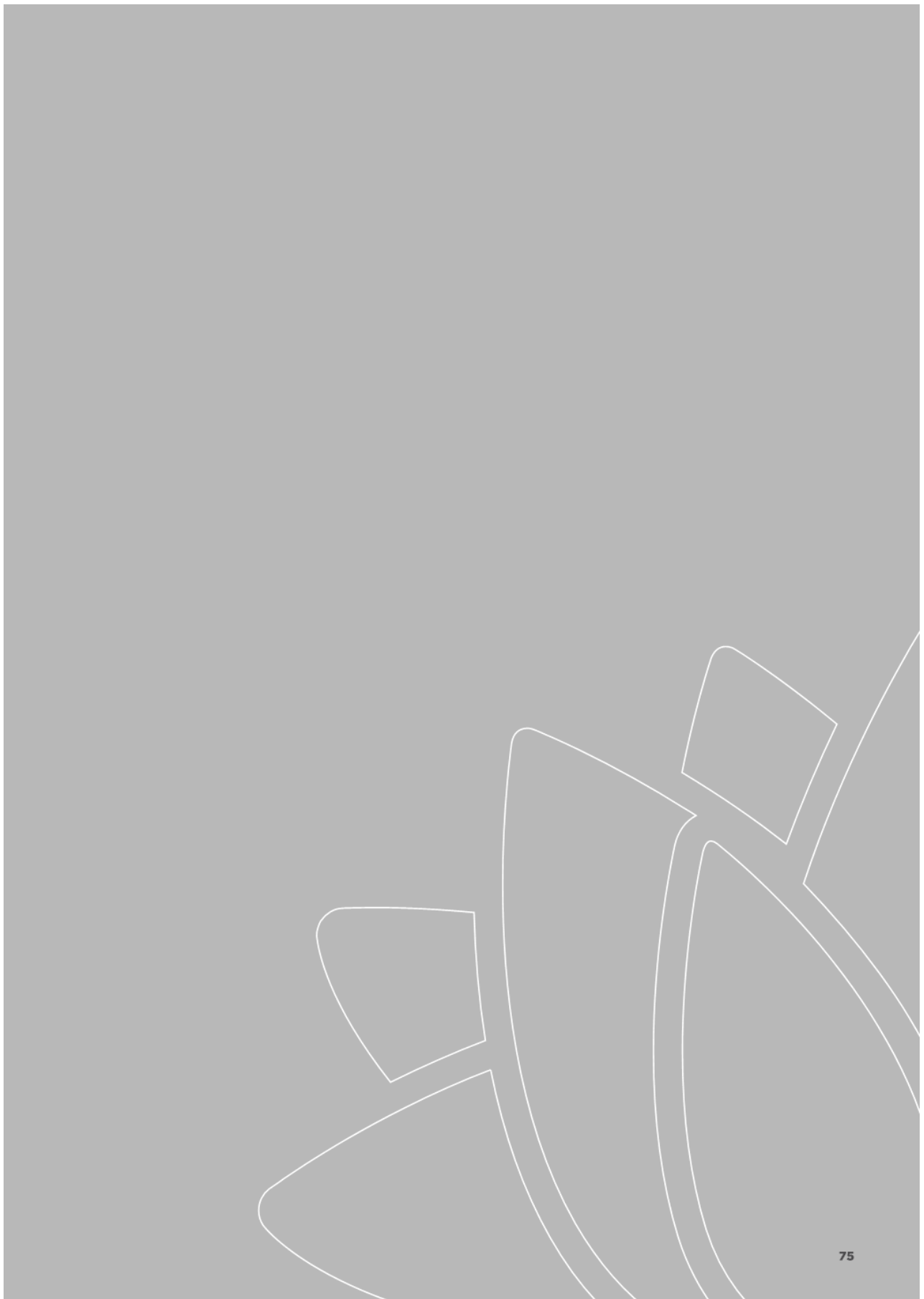




Table of non-mandatory provisions

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
3.1	<p>Timing of ordinary council meetings</p> <p>Ordinary meetings of the council will be held on the following occasions: [council to specify the frequency, time, date and place of its ordinary meetings]</p>	Yes, at cl 3.1.	<p>The provision reads:</p> <p>‘Ordinary meetings of the council will be held on the third Tuesday of each month and its committee meetings on the first Tuesday of each month, with the exception of January. Meetings will normally be held at the Council Chambers but may be held at or adjourned to other times or venues should that be expedient for the conduct of business.</p>
3.10	<p>Giving notice of business to be considered at council meetings</p> <p>A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted [council to specify notice period required] business days before the meeting is to be held.</p>	Yes, at cl 3.10.	<p>The provision reads:</p> <p>‘A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted to the General Manager by 3 pm on the second Friday before the meeting is to be held.’</p>
3.12	<p>Giving notice of business to be considered at council meetings</p> <p>If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the</p>	Yes, in an amended form at cl 3.12.	<p>This provision has been amended slightly to reflect current practice. No new practice or procedure is required.</p>

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.</p>		<p>The provision reads:</p> <p>‘If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a General Manager’s comment in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.’</p>
3.13	<p>Giving notice of business to be considered at council meetings</p> <p>A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council’s current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:</p> <ul style="list-style-type: none"> (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, 	No.	Dealt with in cl 3.12.

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p style="color: red;">defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.</p>		
3.32–3.37	<p style="color: red;">Pre-meeting briefing sessions</p> <p style="color: red;">3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.</p> <p style="color: red;">3.33 Pre-meeting briefing sessions are to be held in the absence of the public.</p> <p style="color: red;">3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.</p> <p style="color: red;">3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.</p> <p style="color: red;">3.37 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the</p>	No.	<p>Not recommended for the following reasons:</p> <ol style="list-style-type: none"> 1. Not current practice. 2. Dealt with through the workshop process. 3. Timing; the sessions would have to start at 6 pm. 4. Resourcing implications.

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	councillor who made the declaration.		
4.1–4.23	<p>PUBLIC FORUMS</p> <p>4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.</p> <p>4.2 Public forums are to be chaired by the mayor or their nominee.</p> <p>4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by [date and time to be specified by the council] before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.</p> <p>4.4 A person may apply to speak on no more than [number to be specified by the council] items of business on the agenda of the council meeting.</p> <p>4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.</p> <p>4.6 The general manager or their delegate may refuse</p>	Yes, in an amended form in section 4.	<p>In December 2017, Council resolved to introduce an 'open forum' of no more than 15 minutes' duration. The Draft Code has modified the red text to accommodate this resolution as follows:</p> <p>Public forum</p> <ul style="list-style-type: none"> • Council will hold a public forum of no more than 15 minutes' duration prior to the commencement of each ordinary Council meeting to allow members of the public to make oral submissions on matters of public importance. • Public forums are not part of Council meetings and are not live streamed or minuted. • Public forums are to be chaired by the mayor or their nominee. • A person wishing to address Council at a public forum must register by 3.00 pm on the day of the meeting. Registrations received after 3.00 pm will not be accepted. • A maximum of five speakers will be permitted to address Council at each

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.</p> <p>4.7 No more than [number to be specified by the council] speakers are to be permitted to speak ‘for’ or ‘against’ each item of business on the agenda for the council meeting.</p> <p>4.8 If more than the permitted number of speakers apply to speak ‘for’ or ‘against’ any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.</p> <p>4.9 If more than the permitted number of speakers apply to speak ‘for’ or ‘against’ any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor’s nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.</p> <p>4.10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than [number to be specified by the council] days before the public</p>		<p>public forum.</p> <ul style="list-style-type: none"> • Each address must be no longer than 3 minutes in duration. • The address must relate to the matter that the person has registered to speak about. The chairperson will call to order any speaker who fails to comply with this requirement. If the speaker fails to comply with chairperson’s call to order, the chairperson may withdraw that speaker’s right to address the public forum. • Speakers at public forums cannot ask questions of the council, councillors or council staff. • The General Manager may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons to the applicant in writing for a decision to refuse an application. • When addressing the public forum, speakers must comply with this code. <p>The Draft Code also retains the current provisions (slightly amended) regarding addresses by members of the public relating to items on the</p>

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>forum. The general manager or their delegate may refuse to allow such material to be presented.</p> <p>4.11 The general manager or their delegate is to determine the order of speakers at the public forum.</p> <p>4.12 Each speaker will be allowed [number to be specified by the council] minutes to address the council. This time is to be strictly enforced by the chairperson.</p> <p>4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.</p> <p>4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.</p> <p>4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to [number to be specified by the council] minutes.</p> <p>4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.</p> <p>4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to [number to be specified by the council] minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.</p>		<p>agenda, as follows:</p> <p>Addresses by member of the public</p> <ul style="list-style-type: none"> • Council permits members of the public to make oral submissions at Council and Committee meetings on items of business to be considered at the meeting. • A person wishing to address a meeting must register by 3.00 pm on the day of the meeting. • Late requests to address Council or a Committee meeting, and requests received after the commencement of a Council or Committee meeting, will be determined by the chairperson. • Each address must be no longer than 3 minutes in duration. • The address must relate to an item of business to be considered at the meeting. The chairperson will call to order any speaker who fails to comply with this requirement. If the speaker fails to comply with chairperson's call to order, the chairperson may withdraw that speaker's right to address the meeting. • Speakers cannot ask questions of the

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.</p> <p>4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.</p> <p>4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.</p> <p>4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.</p> <p>4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.</p> <p>4.23 Councillors (including the mayor) must declare and</p>		<p>council, councillors or council staff.</p> <ul style="list-style-type: none"> When addressing Council, speakers must comply with this code.

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.</p> <p>Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.</p>		
5.14	<p>The quorum for a meeting</p> <p>Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of</p>	Yes, at cl 5.14.	New practice.

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	as many people as possible.		
5.15	<p>The quorum for a meeting</p> <p>Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.</p>	Yes, at cl 5.15.	New practice.
5.18	<p>Entitlement of the public to attend council meetings</p> <p>Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.</p>	Yes, as an amended note under cl 5.18.	<p>The amended note reads:</p> <p>‘Council does not have a standing resolution giving the chair the power of expulsion.’</p>
7.1–7.4	<p>Mode of Address</p> <p>7.1 If the chairperson is the mayor, they are to be addressed as ‘Mr Mayor’ or ‘Madam Mayor’.</p> <p>7.2 Where the chairperson is not the mayor, they are to be addressed as either ‘Mr Chairperson’ or ‘Madam Chairperson’.</p> <p>7.3 A councillor is to be addressed as ‘Councillor [surname]’.</p> <p>7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].</p>	Yes, included at section 7.	

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
8.1–8.2	<p>Order of Business for Ordinary Council Meetings</p> <p>8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.</p> <p>8.2 The general order of business for an ordinary meeting of the council shall be: [councils may adapt the following order of business to meet their needs]</p> <p>01 Opening meeting 02 Acknowledgement of country 03 Apologies and applications for a leave of absence by councillors 04 Confirmation of minutes 05 Disclosures of interests 06 Mayoral minute(s) 07 Reports of committees 08 Reports to council 09 Notices of motions/Questions with notice 10 Confidential matters 11 Conclusion of the meeting</p> <p>Note: Councils must use <u>either</u> clause 8.1 <u>or</u> 8.2.</p>	Yes, cl 8.1 included as amended; cl 8.2 deleted.	<p>Clause 8.1 reads:</p> <p>‘The general order of business is as fixed by resolution of the council.’</p> <p>Recommended orders of business for Council and Committee meetings will be included for adoption at the June Council meeting. This approach will allow more flexibility.</p> <p>The order of business for meetings of Council is proposed to be:</p> <p>Opening Prayer and Acknowledgment of Indigenous Heritage</p> <ol style="list-style-type: none"> 1. Apologies/Leaves of Absence 2. Declarations of Pecuniary and Non-Pecuniary Interests 3. Addresses by Members of the Public 4. Confirmation and Adoption of Minutes 5. Mayoral Minutes 6. Obituaries 7. Notices of Motion 8. Questions with Notice 9. Reports 10. Urgent Business 11. Closed Session 12. Meeting Closure
8.3	The order of business as fixed under clause [8.1/8.2] [delete]	Yes, cl 8.1	

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>whichever is not applicable] may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.</p> <p>Note: If adopted, Part 13 allows council to deal with items of business by exception.</p>	included; cl 8.2 and note deleted.	
9.10	<p>Mayoral minutes</p> <p>Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.</p>	Yes, at cl 9.10.	New practice.
10.9	<p>Motions requiring the expenditure of funds</p> <p>A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.</p>	Yes, at cl 10.9.	New practice.
11.11	Voting at council meetings	No.	This provision is not considered necessary.

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.</p> <p>Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.</p>		
13.1–13.7	<p>Dealing with Items by Exception</p> <p>13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.</p> <p>13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.</p> <p>13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.</p> <p>13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the</p>	Yes, with the deletion of cl 13.4.	<p>New practice.</p> <p>The provisions read:</p> <ul style="list-style-type: none"> • The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution. • Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on. • The council or committee must not

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>order of business in accordance with clause 8.3.</p> <p>13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.</p> <p>13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.</p> <p>13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.</p>		<p>resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.</p> <ul style="list-style-type: none"> • A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper. • Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously. • Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.
14.11	<p>Representations by members of the public</p> <p>Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order</p>	Yes.	<p>The provision reads:</p> <p>'Applications must be received by [3 pm on the day of the meeting] before the meeting at which the matter is to be considered.'</p>

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by [date and time to be specified by the council] before the meeting at which the matter is to be considered.		
14.13	<p>Representations by members of the public</p> <p>No more than [number to be specified by the council] speakers are to be permitted to make representations under clause 14.9.</p>	Yes.	<p>The provision reads:</p> <p>‘No more than [three] speakers are to be permitted to make representations under clause 14.9.’</p>
14.16	<p>Representations by members of the public</p> <p>Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [number to be specified by the council] speakers to make representations in such order as determined by the chairperson.</p>		<p>The provision reads:</p> <p>‘The chairperson is to permit no more than [three] speakers to make representations in such order as determined by the chairperson.’</p>
14.17	<p>Representations by members of the public</p> <p>Each speaker will be allowed [number to be specified by the council] minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should</p>	Yes.	<p>The provision reads:</p> <p>‘Each speaker will be allowed [three minutes] minutes to make representations, and this time limit is to be strictly enforced by the chairperson’</p>

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.		
15.14–15.16	<p>Expulsion from meetings</p> <p>15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.</p> <p>15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.</p> <p>Note: Councils may use either clause 15.14 or clause 15.15.</p> <p>15.16 Clause [15.14/15.15] [delete whichever is not applicable], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.</p>	No.	The effect of not including these provisions is that all expulsions have to be by resolution of Council on a case-by-case basis.
17.10	<p>Rescinding or altering council decisions</p> <p>A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general</p>	No.	This provision is not relevant at Waverley as the elected Council does not determine development applications.

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted.		
17.12–17.14	<p>Rescinding or altering council decisions</p> <p>17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</p> <p>(a) a notice of motion signed by three councillors is submitted to the chairperson, and</p> <p>(b) a motion to have the motion considered at the meeting is passed, and</p> <p>(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</p> <p>17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.</p> <p>17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).</p>	Yes, but swap (b) and (c).	<p>Swapping (b) and (c) makes the process more logical.</p> <p>The provisions read:</p> <p>17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</p> <p>(a) a notice of motion signed by three councillors is submitted to the chairperson, and</p> <p>(b) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</p> <p>(c) a motion to have the motion considered at the meeting is passed, and</p> <p>17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.</p> <p>17.14 A motion of dissent cannot be moved against a ruling by the chairperson under</p>

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
			clause 17.12(c).
17.15–17.20	<p>Recommitting resolutions to correct an error</p> <p>17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:</p> <p>(a) to correct any error, ambiguity or imprecision in the council’s resolution, or</p> <p>(b) to confirm the voting on the resolution.</p> <p>17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.</p> <p>17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.</p> <p>17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.</p> <p>17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.</p> <p>17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.</p>	No.	The role of the Chair is to ensure that motions are correct before putting them to vote. Therefore, this provision is considered unnecessary.
18.1–18.5	Time Limits on Council Meetings	Yes.	The specified time is 11.30 pm.

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	<p>18.1 Meetings of the council and committees of the council are to conclude no later than [council to specify the time].</p> <p>18.2 If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.</p> <p>18.3 If the business of the meeting is unfinished at [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:</p> <ul style="list-style-type: none"> (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or (b) adjourn the meeting to a time, date and place fixed by the chairperson. <p>18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.</p> <p>18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:</p> <ul style="list-style-type: none"> (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as 		<p>Under the current code, Council may adjourn a meeting by resolution if the business listed on the meeting agenda has not been dealt with by 11.30 pm</p> <p>The new provisions require a resolution to continue after 11.30 pm.</p>

Model Code clause no.	Model Code clause wording	Include text in Draft Code?	Recommendation/comments
	many people as possible.		
20.24	Minutes of council committee meetings All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.	No.	Not considered necessary.

Table of supplementary provisions and notes

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Introduction from Model Meeting Code	<p>This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the <i>Local Government Act 1993</i> (the Act) and the <i>Local Government (General) Regulation 2005</i> (the Regulation).</p> <p>This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.</p> <p>Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.</p> <p>A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.</p>		Yes, in an amended form.	Wording to be finalised in step two.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>The provisions of the Model Meeting Code that are not mandatory are indicated in red font.</p> <p>A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.</p> <p>The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in blue font.</p> <p>In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.</p> <p>In adopting the Model Meeting Code, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.</p>			
Council Policy, current Code, cl 1.1(2)	<p>How often does council meet</p> <p>Council will normally hold its ordinary</p>	Yes.		Incorporated in clause 3.1 of the Draft Code.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	meetings on the third Tuesday of each month, its committee meetings on the first and fourth Tuesdays of each month and its site inspection meetings on the first or second Saturday of each month. Meetings will normally be held at the Council Chambers but may be held at or adjourned to other times or venues should that be expedient for the conduct of business.			
Note, current Code, cl 1.2(1)	<p>Calling Extraordinary Meetings</p> <p>Note: The mayor may be one of the 2 councillors who sign the request for an extraordinary meeting of Council.</p>	Yes.		Covered by mandatory clause 3.3.
Council Policy and Note, current Code cl 1.2(2)	<p>Calling extraordinary meetings</p> <p>Council may resolve to hold extraordinary meetings as and when required.</p> <p>Note: There is nothing in the regulations stating the kind of business extraordinary meetings may deal with. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required.</p>	No.	Yes, as a note.	<p>Proposed wording:</p> <p>'Note: Council may resolve to hold extraordinary meetings as and when required. The <i>Local Government Act</i> and Model Meeting Code do not specify the kind of business extraordinary meetings may deal with. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required.'</p>
Council Policy, current Code cl 2.2(6)	<p>Notifying the public of meetings</p> <p>Should a Council or Council committee meeting not start within half an hour after the time designated for the holding of the meeting, the meeting must be adjourned to a fixed time, date and place by the chairperson or, in their absence, by the majority of the</p>	No.	Yes, as a supplementary provision.	The proposed wording is the same as the wording used in the current Code with an updated cross-reference to the relevant quorum provisions of the Draft Code.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	councillors present or, failing that, by the general manager (see also section 5.2 of this Code with regard to quorum).			
Council Policy, current Code, cl 2.2(7)	<p>Notifying the public of meetings</p> <p>Should the meeting be adjourned to resume on the same day, it is sufficient notice for the chairperson to announce to the meeting the time and place of the resumption.</p>	No.	Yes, as a supplementary provision.	The proposed wording is the same as the wording used in the current Code.
Council Policy, current Code cl 2.2(8)	<p>Notifying the public of meetings</p> <p>Should the meeting be adjourned to resume on another day the provisions in section 2.2 of this Code should apply where practicable.</p>	No.	Yes, as a supplementary provision.	The proposed wording is the same as the wording used in the current Code.
Note, current Code, cl 3.2(2)	<p>Public access to council agendas</p> <p>Note: Where clause 3.2(2) of this Code applies, the agenda must indicate the reason why the meeting should be closed to the public to deal with the item of business (see section 18.4 of this Code).</p>	Yes.		Covered by mandatory provisions 3.21–3.22.
Council Policy, current Code, cl 3.5(3)	<p>Urgent Business</p> <p>For business to be considered urgent it must be of a kind:</p> <p>(a) that requires immediate action or</p>	Yes.		Covered by mandatory provision 9.3(b).

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	attention, and (b) that cannot be dealt with as a Mayoral Minute or Notice of Motion at a later meeting or by any other means.			
Council Policy, current Code cl 3.5(4)	Urgent Business The mover of the motion referred to in clause 3.5(1)(a) of this Code must, when speaking to the motion, explain why he or she believes the business to be of great urgency.	No.	Yes, as a supplementary provision.	The proposed wording is as follows to comply with mandatory provision 9.3(b) of the Model Code: 'The mover of the motion referred to in clause [x] of this Code must, when speaking to the motion, explain why he or she believes it requires a decision by the council before the next scheduled ordinary meeting of the council.'
Note, current Code, cl 4.1(4)	Who is entitled to attend meetings Note: Behaviour that may lead to a person being expelled from a meeting includes failure to apologise without reservation for assaulting or threatening to assault another councillor or person present at the meeting; or failure to withdraw a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of Council or the Council committee; or failure to retract or apologise without reservation for insulting or making personal reflections on or imputes improper motives to any other councillor.	Yes.		Covered by mandatory provision 15.17.
Notes and	Presence of councillors at council meetings	Yes.		Covered by mandatory provisions 5.2 and 16.1.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Council Policy, current Code, cl 4.3(2)	<p>Note: This means that a councillor cannot appoint a proxy to be present at a meeting on their behalf.</p> <p>(2) Present at the meeting is classified as being in the Council chamber while the meeting is in progress. [Council Policy]</p> <p>Note: A councillor who has declared a pecuniary interest in a matter before a Council meeting must not be present at, or in the sight of, the meeting while the matter is being considered – see section 8.4(3) of this Code and section 451 of the Act.</p>			In keeping with the Model Code, the Draft Code does not contain specific provisions about conflicts of interests other than cl 16.1, which refers to the Code of Conduct for conflict of interest provisions.
Council Policy, current Code, cl 4.4(1)	<p>Leave of absence from council meetings</p> <p>A councillor who is unable to attend a meeting of Council should apply for leave of absence from the Council.</p>	Yes.		Covered by mandatory provisions 5.4–5.8.
Note, current Code, cl 4.4(7)	<p>Leave of absence from council meetings</p> <p>Note: Tendering an apology at a council meeting is not the same as being granted leave of absence by Council. The acceptance of an apology by Council is simply an acknowledgement of the courtesy of the person who tendered it for notifying the meeting that they are unable to attend. By contrast, a leave of absence is a formal permission granted by way of council resolution to a councillor excusing that</p>	Yes.		Covered by mandatory provisions 5.4–5.8.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	councillor's attendance at a particular meeting.			
Note, current Code, cl 5.2	<p>What happens when a quorum is not present</p> <p>Note: Without a quorum at a meeting decisions cannot be made and any action taken will have no legal validity. The councillors present can if they wish make informal recommendations to council regarding matters on the agenda, to be considered at a later council meeting where quorum is present (see section 5.3 of this Code).</p>	No.	No.	This practice is not recommended.
Council Policy, current Code, cl 5.2(4)	<p>What happens when a quorum is not present</p> <p>If so many councillors declare a pecuniary interest in a matter that the meeting is unable to form a quorum to deal with the business before it, the councillors with the interest may apply to the Minister to allow them to participate in the discussion and the vote on that matter (see section 8.3(5) of this Code and section 458 of the Act). Formal consideration of the matter giving rise to the pecuniary interests is to be adjourned until such time as quorum is restored.</p>	Yes.		Covered by mandatory provision 16.1.
Council Policy, current Code, cl 5.3(2)	<p>Can a decision be made at a meeting where no quorum is present</p>	No.	No.	This practice is not recommended.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>(1) A quorum of councillors must be present before a council decision can be validly made.</p> <p>(2) However, there is nothing preventing councillors at a meeting where there is no quorum from making an informal recommendation to council regarding the matters on the agenda. The informal recommendation may then be considered afresh at a later meeting when a quorum is present.</p>			
Council Policy, current Code, cl 6.1(3)	<p>Who presides at meetings of council</p> <p>If the mayor declares an interest in any matter being dealt with at a Council meeting, the mayor will vacate the chair immediately prior to that item being considered and the deputy mayor will chair the meeting for the consideration of that item.</p>	Yes.		Covered by mandatory provisions 6.1–6.2.
Council Policy, current Code, cl 6.1(4)	<p>Who presides at meetings of council</p> <p>If both the mayor and deputy mayor declare an interest in any matter being dealt with at a Council meeting, the mayor will vacate the chair immediately prior to that item being considered and a chairperson will be elected to chair the meeting for the consideration of the item in accordance with section 6.2 of this Code.</p>	Yes.		Covered by mandatory provisions 6.1–6.2.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Council Policy, current Code, cl 6.1(5)	<p>Who presides at meetings of council</p> <p>All newly appointed chairpersons will within three months of their appointment complete a training course in chairing meetings.</p>	No.	No.	Training for newly appointed chairs can be dealt with under councillors' professional development program.
Council Policy, current Code, cl 6.3(2)	<p>Recognising the authority of the chairperson</p> <p>When addressing a meeting of Council, councillors and all other persons must, unless the chairperson states otherwise:</p> <p>(a). stand; and</p> <p>(b). direct their address through the chairperson.</p>	No.	Yes, as a supplementary provision	The proposed wording is the same as the wording used in the current Code.
Council Policy, current Code, cl 6.3(3)	<p>Recognising the authority of the chairperson</p> <p>Councillors and all other persons attending a meeting of Council shall at all times show respect to, and observe the ruling of, the chairperson.</p>	No.	Yes, as supplementary provision.	The proposed wording is the same as the wording used in the current Code.
Council Policy, current Code, cl 6.3(4)	<p>Recognising the authority of the chairperson</p> <p>Despite clause 6.3(3) of this Code, a councillor may, through a motion of dissent, challenge a ruling made by the chairperson (see section</p>	No.	Yes, as supplementary provision.	The proposed wording is the same as the wording used in the current Code.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	11.13 of this Code for motions of dissent).			
Council Policy, current Code, cl 8	<p>Declarations of Interest</p> <p>8.1 Interests that do not have to be disclosed 8.2 Who has a pecuniary interest 8.3 Declarations of pecuniary interests 8.4 Declarations of non-pecuniary interests 8.5 Political donations exceeding \$1,000 8.6 Declarations made prior to a meeting 8.7 General declarations 8.8 Declarations by persons advising council</p>	Yes.		In keeping with the Model Code, the Draft Code does not contain provisions on conflicts of interests other than the reference to the Code of Conduct at cl 16.1.
Note, current Code, cl 9.1	<p>Moving mayoral minutes</p> <p>Note: Mayoral minutes should not be used to introduce, without notice, matters that are routine, not urgent, or need research or a lot of consideration by councillors before coming to a decision. These types of matters would be better placed on the agenda, with the usual period of notice given to the councillors.</p>	Yes.		Covered by mandatory provision 9.9.
Council Policy, current Code, cls 10.1(1)–(4)	<p>Addresses to council by members of the public</p> <p>(1) Council permits members of the public to address Council and Council committee meetings. A person wishing to address a meeting must contact staff in Council's Governance Section by 3.00pm on the day</p>	Yes.		Similar provisions regarding addresses by members of the public have been included.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>of the meeting and provide their name, their contact details, the item they wish to speak about and whether they are speaking in support of or against the item.</p> <p>(2) Late requests to address Council or a Committee meeting and requests received after the commencement of a Council or Committee meeting will be determined by the chairperson.</p> <p>(3) The mayor or chairperson will call members of the public to address the meeting in accordance with the order of business. The address should be for no more than 3 minutes duration. If there are 2 or more people speaking on the same matter, they must share the 3 minutes.</p> <p>(4) The address must relate to the business before the meeting and the mayor or chairperson will call to order any member of the public who fails to comply with this requirement. If the member of the public addressing the meeting fails to comply with the mayor or chairperson’s call to order, the mayor or chairperson may withdraw that person’s right to address the meeting.</p>			
Council Policy, current Code, cl 10.1(5)	Addresses to council by members of the public	No.	No.	It is not considered necessary to have a specific provision for petitions, as they are items on the agenda and can therefore be addressed.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	Members of the public may address the meeting on matters relating to a petition brought before Council subject to clause 10.1(4) of this Code.			
Council Policy, current Code, cl 10.1(6)	<p>Addresses to council by members of the public</p> <p>(6) Councillors should be addressed as 'Councillor [followed by their last name]'. If the chairperson is the mayor he or she should be addressed as 'Mr Mayor' or 'Madam Mayor'.</p> <p>When the chairperson is not the mayor they should be addressed as Mr or Madam Chair.</p>	Yes.		Covered by mandatory provisions 7.1–7.4.
Council Policy, current Code, cl 11.1(1)	<p>11.1 What is a motion</p> <p>(1) A motion is a proposal to be considered by Council at a meeting. It is a request to do something or express an opinion about something. A motion formally puts the subject of the motion as an item of business before the meeting.</p>	No.	No.	Not considered necessary and no appropriate relevant section.
Council Policy, current Code, cl 11.2(1)	<p>11.2 What is an amendment</p> <p>(1) An amendment is a change to the motion before the council, and takes place while that motion is being debated. An amendment to a motion must be put forward in a motion itself.</p>	Yes.		Covered by mandatory provisions 10.10–10.16.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Council Policy, current Code, cl 11.3	<p>11.3 How should motions be worded</p> <p>(1) A motion should start with the word 'That', for example, "That Council receive and note the report".</p> <p>(2) Motions are usually written in a positive sense so that a 'yes' vote indicates support for action, and a 'no' vote indicates that no action should be taken. A motion should be full and complete so that when the motion or resolution is read in future its intention is clear.</p> <p>(3) Motions should be clear and concise. Numbered paragraphs should be used to make the motion easier to understand.</p>	No.	No.	More appropriately dealt with in a supporting FAQ document at a later stage, if required.
Council Policy, current Code, cl 11.4	<p>11.4 Motions and amendments to be submitted in writing</p> <p>(1) All motions and amendments moved at a Council or Committee meeting are to be submitted in writing to the general manager or, in the absence of the general manager, a Council employee nominated by the general manager, and the chairperson at the time they are moved so that their intent can be clearly understood.</p>	No.	Yes, as a supplementary provision in an amended form.	<p>Proposed wording:</p> <p>'All motions and amendments should be submitted in writing to Governance staff prior to the meeting for the purposes of live minuting.'</p>
Council Policy, current Code, cl 11.5	<p>11.5 Notice of motion</p> <p>(1) Notice of Motions for ordinary meetings of</p>	Yes.		Covered by mandatory provision 3.10.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>Council should be submitted to the general manager no later than 3.00pm on the second Friday before the meeting.</p> <p>(2) Notice of Motions for extraordinary meetings of Council should be submitted to the general manager as soon as possible after a decision has been made to request a meeting.</p>			
Council Policy, current Code, cl 11.7	<p>11.7 Withdrawing a notice of motion</p> <p>(1) A Notice of Motion may be withdrawn from an agenda by the councillor or councillors who gave notice of the motion.</p> <p>(2) However, this may only be done at the meeting to which the motion was submitted for consideration.</p> <p>(3) A resolution of Council is not required to withdraw a Notice of Motion.</p>	Yes.		Covered by mandatory provisions 3.11 and 10.3.
Council Policy, current Code, cl 11.8	<p>11.8 Moving motions and subsequent motions</p> <p>(1) At the meeting any councillor may move any lawful motion. The motion must be moved at the commencement of the councillor's speech. A councillor may only speak to their motion after they have moved it.</p>	No.	No.	More appropriately dealt with in a supporting FAQ document at a later stage, if required.
Council Policy, current Code,	<p>11.9 Moving foreshadowed motions</p>	Yes.		Covered by mandatory provisions 10.17–10.19.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
cl 11.9	(1) Any councillor may, after a motion has been moved and seconded, foreshadow an intention to move a further motion before the motion before Council has been voted on. (2) It is out of order to propose a foreshadowed motion that is, in effect, similar to the one already before Council.			
Council Policy, current Code, cls 11.10(1)–(2)	11.10 Moving amendments and subsequent amendments (1) Any councillor may move an amendment to a motion. The amendment must be moved at the commencement of the councillor's speech. A councillor may only speak to their amendment after they have moved it. (2) If an amendment is carried it becomes the substantive motion.	Yes.		Covered by mandatory provisions 10.10–10.16.
Council Policy, current Code, cl 11.11	11.11 Moving foreshadowed amendments (1) Any councillor may, when a motion and an amendment have been moved and seconded, foreshadow an intention to move a further amendment before the first amendment before Council has been voted on. (2) If the amendment is rejected the foreshadowed amendment may be moved and any intention to move a further foreshadowed amendment outlined and so on until the matter is decided.	Yes.		Covered by mandatory provisions 10.18–10.19.
Note, current	11.13 Motions of dissent	No.	No.	Not required as cl 10.1 states:

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Code, cl 11.13(1)	Note: A motion of dissent requires a seconder (see clause 11.12(1) of this Code).			'Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.'
Note, current Code, cl 11.13(4)	11.13 Motions of dissent Note: There is no debate on a motion of dissent. The mover of the motion puts his or her case followed by the chairperson against whom the motion of dissent was moved. The motion should then be put to the vote immediately.	No.	Yes, as a supplementary provision.	Insert current note as a supplementary provision between 15.8 and 15.9.
Council Policy, current Code, cl 11.16(4)	11.16 Chairperson's duty with respect to motions (4) At the time a motion or amendment is moved the chairperson must ensure the motion or amendment is announced to the meeting in its entirety so its intent can be clearly understood.	No	Yes, as supplementary provision.	To be inserted in section 6. Good meeting practice.
Council Policy, current Code, cl 12.1	12.1 Questions by councillors with notice (1) Each councillor may submit up to a maximum of 3 questions for inclusion under the 'Questions by Councillors with Notice' section of the Council agenda. However, should a councillor wish to ask the mayor a question without notice under section 12.2 of this Code they may submit up to a maximum	Yes.		Clauses 3.14–3.16 of the Model Code include some basic provisions. It is proposed to reinstate previous Waverley provisions to add detail.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>of 2 questions with notice.</p> <p>(2) Questions must relate to business currently before Council.</p> <p>(3) Questions must be submitted in writing to the general manager no later than 3.00pm on the second Friday before the meeting.</p> <p>(4) Matters which may be routinely dealt with administratively should not be made the subject of a question with notice.</p> <p>(5) Each question must be put directly and succinctly.</p> <p>(6) The chairperson must not permit discussion on any reply to a question with notice.</p> <p>(7) Supplementary questions are not permitted.</p> <p>(8) Should the councillor who submitted a question want to ask it in a form different to that printed on the agenda, he or she should seek the meeting's leave to withdraw the original question and ask the question in its revised form, with an explanation as to why the change is considered necessary.</p> <p>(9) The revised question must have the same subject matter as the question printed on the agenda.</p> <p>(10) The revised question shall be considered as a replacement for the original question and shall not be counted as an additional question by the councillor.</p>			

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	(11) Should a question with notice be taken on notice by staff at the meeting the staff member concerned must forward his or her reply to the question to all councillors within 3 working days of the meeting where practicable.			
Council Policy, current Code, cl 12.2	<p>12.2 Questions by councillors to the mayor without notice</p> <p>(1) Each councillor may ask the mayor a maximum of one question under the 'Questions by Councillors to the Mayor without Notice' section of the Council agenda.</p> <p>(2) Each question must be put directly and succinctly.</p> <p>(3) The chairperson must not permit discussion on any reply to a question to the mayor without notice under this section.</p> <p>(4) Supplementary questions are not permitted.</p>	No.	No.	Inconsistent with Act and Model Code because it does not meet the notice provisions.
Note, current Code, cl 13.1(4)	<p>13.1 Points of order</p> <p>Note: Contradictions, personal explanations and statements of fact and/or opinion dealing with the subject are NOT valid points of order.</p>	No.	No.	The Model Code contains provisions relating to points of order, questions of order and acts of disorder, and this note could create confusion.
Council Policy, current Code, cl 14.1	<p>14.1 Adjourning a meeting</p> <p>(1) A meeting of Council or a committee of Council may be adjourned:</p>	Yes.		Covered by non-mandatory section 18, with the exception of adjourning for short breaks. This addition is not considered necessary.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>(a) for a short break where a meeting has been in session for more than two hours.</p> <p>(b) if the business listed on the meeting agenda has not been dealt with by 11.30pm.</p> <p>(c) for a period of not more than 15 minutes to restore order (see section 13.4 of this Code).</p> <p>(d) at any time during the meeting.</p> <p>(2) A meeting of Council or a committee of Council must be adjourned if a quorum is not present (see section 5.2 of this Code).</p> <p>(3) In any case, the time, date and place the meeting is to reconvene must be fixed and announced:</p> <p>(a) by the chairperson; or</p> <p>(b) in his or her absence – by the majority of the councillors present; or</p> <p>(c) failing that, by the general manager.</p> <p>(4) A meeting of Council or a committee of Council may only be adjourned by resolution of the meeting (ie, a formal motion to adjourn the meeting must be moved, seconded and carried on a vote). This clause does not apply to meetings where a quorum is not present.</p>			
Council Policy, current Code, cl 15.3	<p>15.3 Casting vote of chairperson</p> <p>(1) Each councillor is entitled to one vote on a motion before Council, but in the event of an equality of votes the chair of the meeting has a second or casting vote (see section 15.1 of this Code. See section 19.9(3) of this Code for casting vote of a committee chairperson).</p>	Yes.		Covered by mandatory provisions 11.1–11.2.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>(2) There is nothing in the Act or Regulation about how a casting vote is to be used. It is a matter for the chairperson as to how they will vote.</p> <p>(3) The chairperson does not have to vote the same way with their casting vote as they did with their original vote.</p> <p>(4) There is no obligation on the chairperson to use their casting vote.</p> <p>(5) Failure to exercise a casting vote is not taken as a vote against the motion.</p> <p>(6) The chairperson must immediately inform the meeting when they have exercised their casting vote.</p> <p>(7) Should the chairperson decide not to exercise their casting vote when the vote is tied, the motion being voted upon must be declared lost since a majority of councillors have not voted in favour of the motion (see clause 16.1(1) of this Code).</p>			
Council Policy, current Code, cl 16.2	<p>16.2 What is a resolution of council</p> <p>(1) A resolution is a motion that has been passed by the majority of councillors at the meeting. While in practice it means the 'council decision', the word resolution also indicates the process by which the decision was made.</p>	No.	No.	Not considered necessary.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Note, current Code, cl 16.3	<p>16.3 Rescinding or altering decisions of council</p> <p>Note: Clause 16.3(1) means that, after making a decision on an item of business, it is a breach of the Act for a meeting of Council or a Council committee to then recommit that item at the same meeting and make a new decision. Once a decision has been made the only way it can be changed in any way (whether altered or rescinded) is in accordance with Section 372 of the Act, ie, there must be a notice of motion, signed by three councillors if less than three months has elapsed since the decision was made, which is to be dealt with as a new motion.</p>	No.	No.	There are non-mandatory provisions that allow recommitting resolutions to correct minor errors, which are not recommended because it is the role of the Chair to ensure that motions are correct before putting them to vote.
Council Policy, current Code, cl 16.3(5)	<p>16.3 Rescinding or altering decisions of council</p> <p>(5) If notice of a rescission motion is not given before the close of the meeting at which the decision was made, the decision may be carried into effect before the rescission motion has been dealt with. However, the general manager will not carry the decisions from a meeting into effect until 10am on the next working day following the meeting. A notice of a rescission motion received by the general manager before this time will stop the decision being carried into effect until the rescission motion has been dealt with.</p>	No.	Yes, as a supplementary provision in an amended form.	This will be added to the relevant section, and amended to clarify when rescissions can be submitted.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Council Policy, current Code, cl 16.4	<p>16.4 Rescinding or altering decisions of a council committee</p> <p>(1) The provisions of section 16.3 of this Code apply to decisions made by Council's standing committees, with the following exception:</p> <p>(a) Written notice of a motion rescinding a decision of a standing committee may only be lodged by members of the committee.</p>	No.	Yes, as a supplementary provision in an amended form.	The text will be amended to reflect legal advice relating to rescinding committee decisions.
Council Policy, current Code, cl 16.5	<p>16.5 Rescinding or altering a resolution granting development consent</p> <p>(1) Council may rescind a resolution granting development consent. However, a motion to rescind such a resolution should generally only be considered if the applicant has not been formally advised of the consent. [Council Policy]</p> <p>Note: Under section 83 of the Environmental Planning and Assessment Act 1979 development consent has effect from the date endorsed on the written notification. Once the applicant has been formally advised of Council's decision, there may be issues of compensation to the applicant if consent is later rescinded.</p>	No.	No.	This provision is not relevant at Waverley as the elected Council does not determine development applications.
Council Policy, current Code,	17.2 Inspection of council minutes	Yes.		Covered by mandatory provisions 19.3, 19.6 and 19.7.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
cl 17.2(4)	(4) Minutes of Council and Council's committee meetings are issued subject to confirmation at a subsequent meeting of Council and may be amended in the interim.			
Council Policy, current Code, cl 17.4	<p>17.4 Recording of council and committee meetings</p> <p>(1) Council and other meetings as appropriate are to be audio recorded for the sole purpose of assisting with the preparation of minutes.</p> <p>(2) The recordings are to be kept for a period of three months and managed in accordance with the provisions of the Privacy and Personal Information Protection Act 1998, after which time they are to be destroyed.</p> <p>(3) The recordings are to be made available for listening on written request by any person. Copies of recordings will not be made available for any person.</p> <p>(4) The minutes of a meeting, once confirmed, prevail over any audio recording of the meeting.</p> <p>(5) A person may use an audio and/or image recording device to record the proceedings of a meeting of Council or a committee of Council only with the authority of Council or the Council committee.</p> <p>(6) A person may, as provided by section 4.1 of this Code, be expelled from a meeting of Council or a committee of a Council for using</p>	Yes.		Superseded by mandatory provisions 5.19–5.22.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>or having used an audio and/or image recording device in contravention of clause 17.4(1).</p> <p>(7) 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,</p> <p>or any person authorised for the purpose by 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 reentering that place.</p> <p>(8) In this section, an audio and/or image recording device includes a video camera and any electronic device capable of recording speech.</p>			
<p>Council Policy, current Code, cl 19.3</p>	<p>19.3 Access to council records</p> <p>(1) The general manager may allow or refuse to allow any councillor to inspect any record of Council that the councillor requests to see.</p> <p>(2) If the general manager refuses to allow a councillor to inspect any such record, the councillor may, at a meeting of Council, move for the production of the document. However, the councillor must give notice of intention to move the motion.</p> <p>(3) If the Council passes a motion for the production of a Council record, Council must</p>	<p>Yes, in part.</p>		<p>Information tabled at a meeting is covered by mandatory provisions 19.8–19.11.</p> <p>Other access to information by Councillors is covered by the Model Code of Conduct and the GIPA Act, and should not be repeated here as it is not specifically related to meeting procedures.</p>

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	<p>ensure that the record:</p> <p>(a) is produced immediately and laid on the table for inspection by the councillors; and</p> <p>(b) is made available for inspection by any councillor at Council's offices on reasonable notice to the general manager during the Council's ordinary office hours on any day that is within 1 month after the passing of the motion.</p>			
Council Policy, current Code, cl 20.2	<p>20.2 Procedure for moving into committee of the whole</p> <p>(1) Council may move into Committee of the Whole only on a resolution of Council.</p> <p>(2) For Council to resolve itself into Committee of the Whole, a motion to that affect must be moved, seconded and declared carried.</p>	Yes.		Covered by mandatory section 12.
Council Policy, current Code, cl 20.3(3)	<p>20.3 Council may establish other committees</p> <p>(3) A Council committee may also include in its membership such Council officers and members of the public as the Council may resolve.</p>	Yes.		Covered by mandatory provisions 20.2–20.4.
Note, current Code, cl 20.6	<p>20.6 Structures and responsibilities of council committees</p> <p>Note: The committees Council has established, with their functions and delegations should they have them, are contained in a separate document called 'Structures and Responsibilities of Council</p>	Yes.		Covered by mandatory section 20.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
	Committees and the Council Inspection Meeting’.			
Council Policy, current Code, cl 20.10(4)	<p>20.10 Reports of committees</p> <p>(4) Reports of each meeting of Council’s Standing Committees and those Community Committees that make recommendations to Council must be submitted to Council for adoption. The report of each committee meeting must be included on the agenda of the next Council meeting after the meeting of the committee, where practicable.</p>	Yes.		<p>Covered by mandatory section 20.</p> <p>Council’s committees have full delegation and adopt their own minutes.</p> <p>Advisory committees are not covered by the Model Code.</p>
Council Policy, current Code, s 21	<p>21. Mayoral Elections</p> <p>21.1 Election of mayor by councillors 21.2 For what period is the mayor elected 21.3 When is an election of a mayor by councillors to be held 21.4 Casual vacancies in the office of mayor elected by councillors 21.5 Election of deputy mayor</p>	No.		Not included because it is covered by the <i>Local Government (General) Regulation 2005</i> , and is not about meeting practice.
Council Policy, current Code, s 22	<p>22. Procedure for Election of Mayor by Councillors</p> <p>22.1 Nomination 22.2 Election 22.3 Returning officer</p>	No.		Not included because it is covered by the <i>Local Government (General) Regulation 2005</i> , and is not about meeting practice.

Source of text	Text reviewed	Covered in the Draft Code?	Proposed for inclusion in the Final Code?	Comments
Council Policy, current Code, s 23	<p>23. Election Process using Ordinary Ballot or Open Voting</p> <p>23.1 Marking of ballot papers 23.2 Count 2 candidates 23.3 Count 3 or more candidates</p>	No.		Not included because it is covered by the <i>Local Government (General) Regulation 2005</i> , and is not about meeting practice.
Council Policy, current Code, s 24	<p>24. Election Process Using Preferential Ballot</p> <p>24.1 Marking of ballot papers 24.2 Count 24.3 Tied candidates 24.4 Choosing by lot 24.5 Result</p>	No.		Not included because it is covered by the <i>Local Government (General) Regulation 2005</i> , and is not about meeting practice.
Council Policy, current Code, cl 25.1	<p>25.1 Mobile phones</p> <p>(1) All mobile phones in the chamber and public gallery are to be turned off or switched to silent. Failure to do so may be treated as an act of disorder.</p>	Yes.		Covered by mandatory provision 15.21.

REPORT
CM/7.7/19.04

Subject: Boat Trailer Parking

TRIM No: A17/0135

Author: Healey Holt, Manager, Health and Compliance

Director: Rachel Hensman, Acting Director, Waverley Life

RECOMMENDATION:

That:

1. Council, in accordance with section 15A(1) of the *Impounding Act 1993*, declares all public roads and public land in the Waverley local government area a 'declared area' from 1 July 2019, as shown in the map attached to this report.
2. The General Manager be authorised to do all things necessary to give effect to this resolution.
3. Council informs residents of its decision.

1. Executive Summary

The NSW State Government has amended the *Impounding Act 1993* in order to address issues experienced by Councils in relation to unattended registered boat trailers. Council can commence enforcement of this amendment once suitable notification has been placed in the NSW Government Gazette, and made to residents, businesses and visitors.

2. Introduction/Background

Waverley Council, along with other Councils, has lobbied the NSW State Government at various times over a number of years for legislation to be introduced to control and reduce the incidence of boat trailers parked on Council roads. In 2016, the State Government made a change to the *Impounding Act 1993* in order to address issues experienced by Councils in relation to unattended boat trailers.

New powers under the amendment have been in place since 1 October 2016. The changes have been developed to:

- Discourage long term parking of unattended registered boat trailers.
- Encourage the off-street storage of boat trailers.
- Free up on-street parking spaces for local residents.

The 2016 legislation change to the *Impounding Act* does not define the term 'unattended' with regard to implementing the legislation. It is the view of Council officers that it is reasonable to infer a boat trailer could be considered 'unattended' if it is not parked directly outside or in close proximity to the registered owner's residence.

Boat Trailer Impounding Guidelines for Councils were issued by the Office of Local Government (OLG) in December 2017. Unfortunately, the amendment to the legislation does not address all identified issues, so opting-in may not entirely satisfy those residents that support the implementation.

In early 2018, Council wrote to the Minister for Roads, Maritime, and Freight seeking clarification of operational issues, including the option for Councils to have the ability to issue a penalty notice offence if the boat trailer has not moved within the 28 days parking period. This would offer a practical deterrent to Councils, rather than undertaking a time consuming and costly impounding process. Council's concerns were acknowledged.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 21 August 2018	CM/7.13/18.08	That Council undertakes community consultation as outlined in this report to determine levels of support within the Local Government Area to opt in to the enforcement of unattended registered boat trailers following a ten day period for councillor feedback on the draft survey and frequently asked questions.
Council 17 April 2018	CM/8.1/18.04	That Council officers: <ol style="list-style-type: none"> 1. Investigate the status of councils opting in to the provisions of the <i>Impounding Amendment (Unattended Boat Trailers) Act 2015</i> and progress with addressing the operational issues raised by these provisions. 2. Report back with outcomes from the above investigation, and recommendations on whether to introduce the new provisions, including results from any previous community consultation and experiences of other councils who have opted in.
Council 20 September 2011	1109.11.1	That Council investigate alternate solutions for the proliferation of boat trailer parking in Waverley and report to Council on the following: <ol style="list-style-type: none"> 1. Which State Legislation needs to be changed to prohibit or restrict boat trailer parking. 2. How the issue of safety can be used to lobby the RTA to restrict these trailers. 3. If any other Councils have a strategy to prevent these trailers from parking on their streets.
Council 21 April 2009	0904.10.3	That: <ol style="list-style-type: none"> 1. Council install "No Boat Parking" advisory signs on both sides of Portland Street, Dover Heights, particularly adjacent to Dudley Page Reserve, for a trial period of three months. 2. If, after the trial period, this is seen to be unsuccessful, Council officers survey residents in Portland Street and neighbouring streets, and consult with the Dover Heights precinct committee, with a proposal for "1P, 10am-12pm, Tue" signs on the eastern side of the road and "1P, 10am-12pm, Wed" signs on the western side of the road for a trial period of three months. The outcome of this consultation is

		<p>to be considered by the Waverley Traffic Committee.</p> <p>3. Council write to the RTA, the NSW Minister for Roads, State members for Coogee and Vaucluse, outlining our concerns about the negative impacts of boat and trailer parking in residential streets, and the need for regulation that would differentiate between the parking of boat trailers and other vehicles in the Waverley LGA and other coastal municipalities.</p> <p>4. Council acknowledge the right of local residents to park their boat trailer near their home, legally and safely.</p>
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4. Discussion

Council has historically received between 80 and 100 complaints a year from the community about the nuisance caused by the parking of boat trailers in various streets throughout the local government area (LGA). We note that complaints have recently decreased (to 61 for the last 12 months), but we are of the view that this is the result of community awareness of Council's deliberations in relation to opting-in.

Since the introduction of the new powers, the OLG invited the following three Councils to participate in a trial of the new measures:

- Woollahra.
- Canada Bay.
- Pittwater (now Northern Beaches Council)

Once this trial was completed, feedback was considered and the State Government then declared that all Councils could opt-in to the new legislation.

Feedback has been provided to Council from Canada Bay Council, Woollahra Council and the OLG. In general, there are concerns that the legislation does not provide practical solutions to the identified boat trailer parking issues. Significant resources will be utilised to essentially move the boat trailer issue experienced by residents in one location to another location.

Discussion with Precinct Committee members supported the views of Council Officers that the legislation changes do not provide the necessary tools to eliminate the problem. Of primary concern is that there is no penalty notice offence to act as a significant deterrent.

Two of our neighbouring Councils have opted-into the legislation, which has led to a modest increase in boat trailers being parked in the Waverley LGA; for example, in York Road.

Advantages of the amended legislation

- Unattended boat trailers will no longer be able to park in the same spot on the street on an unrestricted basis for months on end.
- The legislation will discourage boat owners who live further afield from parking their boat trailers in the Waverley Council LGA as they will be required to move their boat trailers every 28 days.
- It may increase parking availability periodically in some locations for residents and visitors.

Disadvantages of the amended legislation

- It does not prevent boat owners from parking on public roads for less than 28 days or from moving their boat trailers and vessels down the street or back to the same location after 28 days.
- Regulation is labour and time intensive and requires additional administrative resources and the creation of new procedures with little discernible result; that is, the trailers are moved about and the process recommences.
- Removal of boats and trailers is problematic and may require specialised equipment.
- It does not address long term parking issues associated with other types of trailers.

The changes enable councils to implement tighter management arrangements in relation to unattended registered boat trailers that may otherwise be parking lawfully on public roads. When the powers are applied, boat trailers must:

- Move at least every 28 days.
- Move past an intersection with another road.

Before impounding a boat trailer, Council is to give notice of not less than 15 days of its intention to impound the trailer in order for the owner to arrange for its removal/relocation in accordance with the Act. This means it effectively takes up to six weeks for each boat to be moved. This timeframe can be further impacted if the owner of the boat is a different person to the owner of the trailer it sits on.

Consultation

Council has been communicating with residents and precincts on this subject for some time, including providing advice about the changes and requesting feedback through precinct committees in early 2017.

The OLG has encouraged Councils to communicate with residents, businesses and visitors in areas where boat trailer restrictions apply.

A Have Your Say was conducted from 7 November 2018 to 4 December 2018.

The number of visitors to the site was 1,100. Fifty-six visitors provided responses. A summary of these are below:

1. Do you want Council to 'opt in' to the Legislation?
48 responded yes, 8 responded no.

The next question was designed to evaluate how large the defined area should be. This could be a few streets to the entire LGA.

2. Do you think restriction should apply throughout all of Waverley?
44 responded yes to the area being all of the LGA, 9 responded no.
3. The third question on parking permits became redundant after the NSW government recently updated the Parking Permit Guidelines noting that boat trailers are not eligible for a permit. Council's own permit policy has never provided permits for boat trailers.
4. The fourth question asked to define what 'attended' meant for the purpose of enforcement. This is not defined in the legislation, and residents were given a number of options to choose from:
 - 9 selected boats to be parked outside but not opposite the owner's home.
 - 6 selected the boat being parked in the same street.

- 6 selected attended as being parked in the same suburb.
- 4 selected attended as being parked legally anywhere in the LGA.
- 30 selected no boat trailers parked within a declared area should be considered as 'attended' for the purposes of the legislation.

Implementation

Declared area

Given the community's strong concern regarding boat trailers occupying valuable on-street parking spaces and Council's long-standing position on reducing boat trailers, it is recommended that Council, in accordance with section 15A(1) of the *Impounding Act 1993*, declares all public roads and land within the LGA a 'declared area', as shown in the map attached to this report.

Council enforcement practices

There has been limited guidance on the enforcement of the new restrictions for Council's Compliance Management and Staff. However, the following has been noted as pertinent in relation to commencing enforcement:

- Enforcement of the new powers can commence after the notice is published in the NSW Government Gazette.
- The introduction of the amended legislation has no impact on other vehicle related enforcement activities that may be undertaken under the Road Rules 2014 or *Impounding Act 1993*.
- There are no requirements for signage in relation to the implementation of the legislation.
- Boat trailers that are parked outside or close to the owner's property would not be considered 'unattended' for the purposes of enforcing the amendment to the *Impounding Act 1993* unless the authorised officer deems necessary for the safety or benefit of the community.
- Enforcement would be undertaken as a result of complaints to Council about specific unattended boat trailers.
- The legislation is worded in such a way that it does not prevent the trailer owner from moving the trailer and putting it back in the same location – although we understand the legislation was intended to prevent this.
- The period of time between the commencement of an investigation of an unattended boat trailer and the impounding of an unattended boat will be no less than 43 days (as per legislative requirements).
- For the purpose of considering if a boat trailer is unattended, Council officers will consider boat trailers parked in close proximity (i.e. outside or adjacent to the property) to be attended subject to an authorised officer's discretion. In circumstances that do not allow parking in close proximity to the owners' residence, implementation of the legislation will be subject to the officer's discretion.

Ultimately, Council's authorised officers are able to exercise discretion to determine the appropriate course of action in particular cases and determine whether or not to take regulatory action.

Communication

The following communication will be undertaken to notify the community of Council opting-in to enforce the legislation:

- FAQs and information available on Council's website.
- Information provided on Council's social media pages.
- Council will write to:
 - Anyone that has registered their interest in receiving further information on the subject including providing information through the community engagement newsletter.
 - Precinct Committees.
 - Eastern suburbs fishing clubs and associations.
 - Randwick and Woollahra Councils

5. Financial impact statement/Timeframe/Consultation

Financial impact statement

Depending on circumstances, specialist services and equipment may be required for the impounding of boat trailers and boats. Storage of vessels will incur additional cost. Council officers have experienced difficulty in obtaining firm quotes for the removal and storage of vessels due to logistic variables. A new fee has been added to the draft 2019–20 Fees and Charges, which allows for cost recovery of the impounding of boats and boat trailers. Cost recovery could include both costs associated with the removal of the boat/boat trailer as well as storage.

Enforcement can commence with the use of existing enforcement and administrative resources, with an assessment of resource requirements to be made after a 12-month period.

Timeframe

It is anticipated that the enforcement process could be implemented four weeks from the notice being placed in the NSW Government Gazette; however, it is recommended that implementation of enforcement commence on 1 July 2019 to coincide with the changes to fees associated with impounding boats and trailers.

Consultation

Consultation has been undertaken with the community (see above) and notification will be provided prior to implementation.

6. Conclusion

Given the community's strong concern regarding boat trailers occupying valuable on-street parking spaces and Council's long-standing position on reducing boat trailers, it is recommended that Council declares all public roads and land within the LGA a 'declared area',

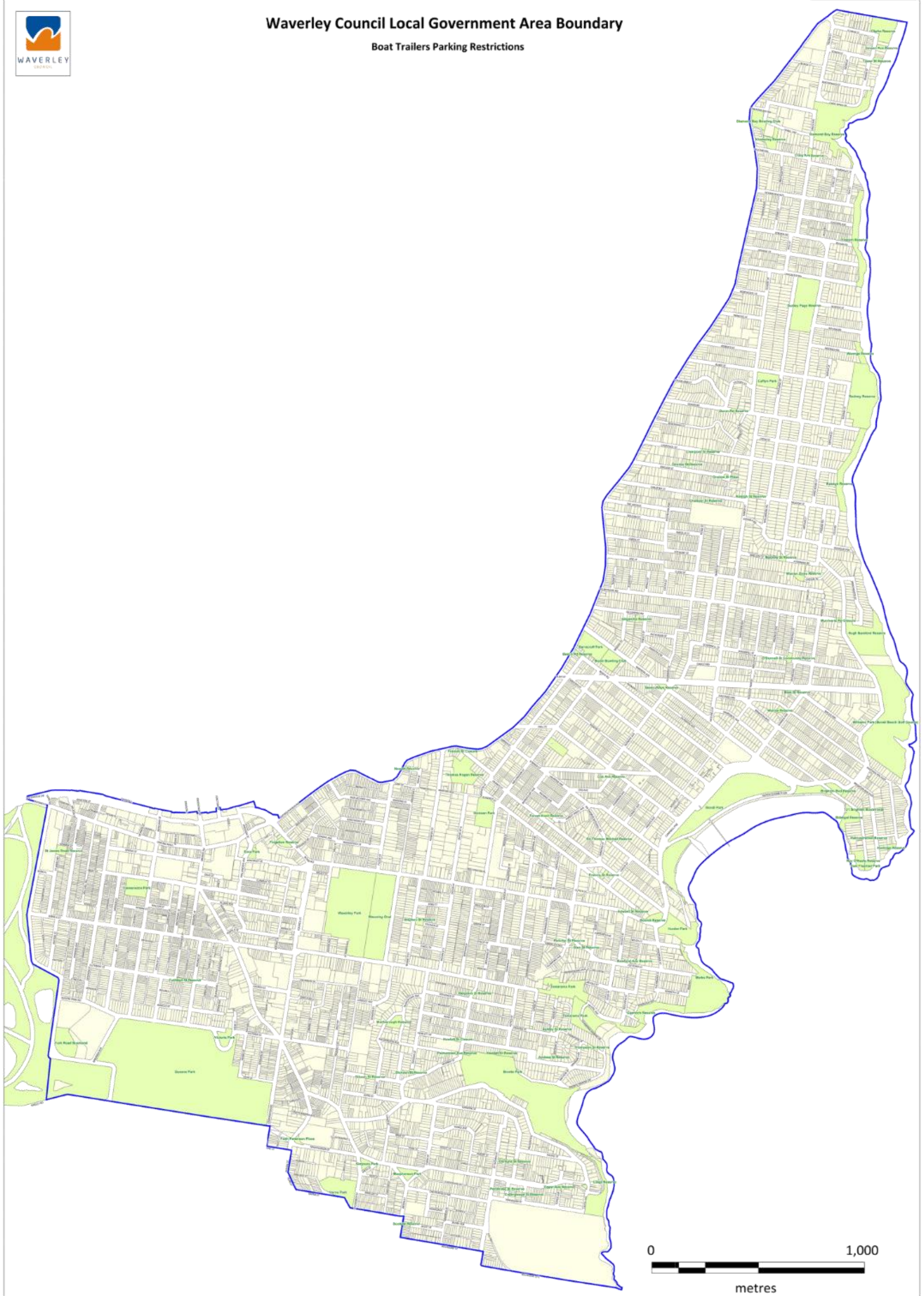
7. Attachments

1. Declared area for boat trailer parking restrictions [↓](#)



Waverley Council Local Government Area Boundary

Boat Trailers Parking Restrictions



REPORT CM/7.8/19.04



Subject: Bus Stops and Shelters at 185 and 246 Military Road, Dover Heights

TRIM No: SF18/2209

Author: Jordan Laverty, Project Manager

Director: Emily Scott, Director, Waverley Renewal

RECOMMENDATION:

That Council:

1. Installs two bus shelters at existing bus stops outside 185 and 246 Military Road, Dover Heights.
2. Approves the existing bus stop outside 246 Military Road, Dover Heights, to remain in the existing position.

This item was deferred from the Operations and Community Services Committee meeting on 2 April 2019.

1. Executive Summary

Council officers seek approval from Council to proceed with the installations of the two bus shelters at existing bus stops outside 185 and 246 Military Road, Dover Heights.

2. Introduction/Background

Transport for NSW recently made changes to bus stops within the Waverley local government area (LGA). These changes were made to improve services under the *Bus Priority Improvement Program* and *On Time Running Program*. These changes included decommissioning of some existing bus stops and installation of new bus stops.

As a result of these changes, a number of bus shelters from decommissioned bus stops have been removed. Transport for NSW has provided funding to Waverley Council to reinstate four new shelters across the LGA to provide Council with no net loss to the total number of bus shelters in the LGA.

The State Transit Authority has recently been provided with new information to the location of a fatality on Lancaster Road, near Military Road (it was previously reported to Council this incident occurred at the intersection of Myuna/Military Road). The State Transit Authority was requested to review the relocation of the bus stops having regard to this information.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Operations and Community Services Committee 2 April 2019	OC/5.2/19.04	That this item be deferred to the April Council meeting.

Council 19 March 2018	CM/9.1/19.03	<p>That Council:</p> <ol style="list-style-type: none"> 1. Council notes that there is a difference of opinion between Council and Sydney Buses and local residents about the actual location of the fatality in Military Road on 26 December 2018. 2. Council notes that there is photographic proof that the fatality took place near Lancaster Road and not Myuna Road, therefore having negligible impact on where bus stops and shelters are placed two or three blocks away, as stated by Sydney Buses. 3. Council agrees that all construction and installation works to install bus stops and shelters at 185 and 246 Military Road be postponed until further investigation takes place in view of the incorrect assumptions used by Sydney Buses in its decision-making process regarding the relocation of these two bus stops and shelters. 4. A report comes back to Council with a recommendation.
Council 11 December 2018	CM/4.2.1/18.12	<p>That the Council Officer's Proposal be adopted subject to the addition of a Clause 3 so that the Council Officer's Proposal now reads as follows:</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Approves the relocation of the existing bus stop from outside 246 Military Road, Dover Heights to the north and installs 30m of 'Bus Zone' as shown in figure 4 of the report. 2. Consults with residents in the general vicinity and should there be no substantial objections to the proposal, the bus stop be relocated and bus shelter installed. 3. Officers consider moving the bus stop to an area to the north, approximately opposite 205 Military Road.
Traffic Committee 22 November 2018 (saved and excepted; see above)	TC/V.05/18.11	<p>That Council:</p> <ol style="list-style-type: none"> 1. Approves the relocation of the existing bus stop from outside 246 Military Road, Dover Heights to the north and installs 30m of 'Bus Zone' as shown in figure 4 of this report. 2. Consults with residents in the general vicinity and should there be no substantial objections to the proposal, the bus stop be relocated and bus shelter installed.

Council 17 April 2018	CM/5.2/18.04	That Council notes the current tender for the installation of bus shelters in Waverley expires in 2020 and, in preparing new tender documents for the future installation and maintenance of bus shelters, includes a requirement for additional bus shelters to be provided throughout Waverley than those at present.
Traffic Committee 23 February 2017	TC/TEAV.01/17.02	<p>That the Council Officer's Proposal be adopted, subject to the following amendments:</p> <ol style="list-style-type: none"> 1. The Council Officer's report be renamed 'RMS On-time Running Program – Sydney Buses Routes 333, 380 and 389.' 2. The addition of clause (x) as follows: <ul style="list-style-type: none"> (x) The existing 'Bus Zone' signs at location 9, TSN 202678, Wairoa Ave near Murriverie Rd (inbound) on removal being replaced with unrestricted parking, not 'No Stopping' as proposed.

4. Discussion

In November 2018, Project Waverley notified residents surrounding these four bus stop locations of the proposed civil works and installation of the bus shelters. At 185 and 246 Military Road, this notification was met with opposition from residents, flagging a safety concern of limiting site distances when exiting driveways. No objection was received for the proposed bus stops at 305 Military Road or Queens Park Road, Queens Park. These shelters were installed following notification.

Council officers have undertaken a review of the bus stops at 185 and 246 Military Road in consultation with the State Transit Authority, and the below has been determined.

For the bus stop outside 185 Military Road:

- Council officers investigated moving the bus stop outside 185 Military road to opposite Dudley page reserve. Sydney Buses and the Roads and Maritime Services did not endorse the relocation of this bus stop as it would be in contradiction to their bus stop location policy.

For the bus stop outside 246 Military Road:

- Council officers investigated moving the bus stop outside 246 Military road to the frontage of Dudley Page reserve. Traffic committee and Sydney busses endorsed this option at the 22 Nov WTC. The proposed relocation was made to address resident's aesthetic concerns and not as a result of any safety issues.
- Following the WTC recommendation, Council resolved to investigate moving the stop a further 15m to the north. Sydney buses did not endorse this additional change as it would be in contradiction to their bus stop location policy.
- On 26 December 2018, there was a fatality on Military Road. It was originally reported to Council that this fatality occurred at the intersection of Myuna/Military Road. It has since been confirmed

that this incident occurred in Lancaster Road, near Military Road. This new information has been passed onto STA for their consideration in relocating the existing bus stops.

On 21 March 2019, the State Transit Authority was contacted and made aware of the location of the fatality, and have since advised that:

'STA strongly oppose the relocation of these bus stops. STA recently reviewed all bus stop locations across Waverley and made changes. The locations now comply with our Style Guide (standard requirements for bus location). Therefore we do not support relocation.'

On 10 April 2019, an on-site meeting was held with concerned residents to discuss the proposal. Attached is summary of the information presented.

5. Financial impact statement/Timeframe/Consultation

A contractor has been appointed to supply and install these bus shelters (including associated civil works). Two bus shelters have already been fabricated for installation. Removing these locations from the scope of works could result in significant variations and cost to Council.

6. Conclusion

Council officers seek approval from Council to proceed with the installations of the two bus shelters at existing bus stops outside 185 and 246 Military Road, Dover Heights.

7. Attachments

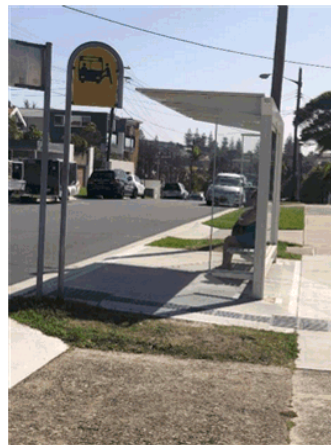
1. 305 Military Road Bus Shelter - Site Meeting Notes [↓](#)

Site meeting Wednesday 10 April 2019

Re Military Road Bus Shelters

On Wednesday 10 April 2019 a meeting was held on site with about 15 residents organised by the Precinct Convenor Mr Dov Fraser, Cr S Betts and Council's Mr D Joannides to discuss the proposal for shelters at 185 and 246 Military Road. Photos of the newly installed bus shelter at 305 Military Road were provided (see below). The bus shelter is a 'thin line' shelter with clear panels and a minimum amount of aluminium framing, which has minimal effect on sight distances. The main problem for residents along Military Road is parked cars along the road which limits sight distance especially when these are parked close to resident driveways. This is the case in most streets across Waverley. It is considered that the proposal for shelters at 185 and 246 Military Road should proceed.

305 MILITARY ROAD BUS SHELTER



**REPORT
CM/7.9/19.04**

Subject: Local Hero and Best of the Best Awards 2019

TRIM No: A19/0200

Author: Dianne Moy, Coordinator Local Connections

Director: Rachel Hensman, Acting Director, Waverley Life

RECOMMENDATION:

That Council:

1. Endorses the recommendations of the judging panel for the Waverley Local Hero Awards 2019 and Certificate of Commendation as follows:
 - (a) Local Hero Award – Strengthening Community – Peter Quartly.
 - (b) Local Hero Award – Community Volunteer – Linda Deutsch.
Certificate of Commendation – Community Volunteer – Irina Gilstein.
 - (c) Local Hero Award – Community Life – Catherine Kara.
 - (d) Local Hero Award – Second Nature Champion – Anne McArthur.
2. Endorses the panel’s recommendation that a Local Hero ‘Best of the Best’ bronze plaque be installed on the ‘Recognising Our Community Leaders’ walk in honour of Audrey and Peter McCallum for their extensive community volunteering.
3. Supports the panel’s recommendations that a report be prepared for Council to:
 - (a) Review award frequency.
 - (b) Review the Young Local Hero Award criteria.

1. Executive Summary

This report seeks endorsement of the recommendations of the judging panel for Council’s 2019:

- Local Hero Awards.
- The ‘Best of the Best’ bronze plaque to be installed on the ‘Recognising Our Community Leaders’ walk.

Also recommended is for a further report to be prepared, reviewing the frequency of the awards and criteria for the Young Local Hero Award.

2. Introduction/Background

Council has recognised and awarded its community leaders in various ways over many years. In 2005, the 'Recognising Our Community Leaders' walk was established, and initially delivered as Waverley's first annual Local Hero event. In 2011, the Scroll of Honor was merged with the Local Hero Awards, and Council endorsed the laying of a bronze plaque for the Local Hero *Best of the Best* Award every four years.

Over the years the program has been reviewed and adapted to suit the changing needs of the community. Following a review of the program in 2017, Council endorsed recommendations to expand the Local Hero Award categories to recognize a broader range of volunteering contributions across the community.

3. Relevant Council Resolutions

Meeting and date	Minute No.	Decision
Council 17 April 2018	CM/7.14/18.04	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes the report. 2. Endorses the recommendations of the Judging Panel for the Waverley Local Hero Awards 2018, Waverley Young Local Hero Award 2018, and Certificate of Commendation as follows: <ol style="list-style-type: none"> (a) Local Hero Award – Strengthening Community: Efim Solove Certificate of Commendation: Laya Slavin (b) Local Hero Award – Community Volunteer: Leila Forde Certificate of Commendation: Allan Scott (c) Local Hero Award – Community Life: Sara Hawkins. (d) Local Hero Award – Working Together: Mums for Mums and Friends of Waverley Cemetery (e) Local Hero Award – Second Nature Champion: Glen Stevens Certificate of Commendation: Robin Mellon (f) Young Local Hero Award: Chloe Luu and Belinda Gao (joint award) (g) Mayoral Certificate of Commendation: Plastic Free Bronte 3. Endorses the Panel's further recommendations as follows: <ol style="list-style-type: none"> (a) That the Heroes receive a trophy, and that the commendations receive a framed certificate. (b) That all other nominees receive a letter of appreciation from the Mayor.

		<p>(c) That the winners and commendation recipients be nominated by Council in the NSW Volunteer of the Year awards.</p> <p>4. Officers give consideration to awarding cash prizes to future recipients of these awards.</p>
Council 21 November 2017	CM/7.9/17.11	<p>That Council:</p> <p>1. Endorses the proposed changes to the Local Hero Awards as outlined in this report, specifically that:</p> <p>(a) The awards categories listed in Table A of this report be trialled to recognise a broader cross section of the community.</p> <p>(b) The award ceremony be integrated with Council's formal volunteer recognition event during Volunteer Week in May to improve appeal and reach.</p> <p>(c) The 'Best of the Best' Local Hero award be made more broadly accessible to outstanding candidates (beyond the pool of previously recognised local heroes).</p> <p>2. Appoints a judging panel for the current Council term, consisting of the Mayor or nominee, Cr Goltsman, Cr O'Neill and Cr Wy Kanak.</p>

4. Discussion

The nominated judging panel for Council's Local Hero Awards, the Mayor and Councillors Wy Kanak, and Goltsman, met on Monday 25 March 2019 to review 15 nominations across seven Local Hero Award categories. Nominations were reviewed against selection criteria that included: contribution and impact of contribution to the community; length and intensity of service; commitment and dedication; leadership and ability to inspire.

The panel made the following recommendations for Awards:

Local Hero Award – Strengthening Community – Peter Quartly

Peter is being recognised for the breadth and diversity of his volunteering service across the Bondi community. Peter's volunteering includes involvement in the North Bondi precinct committee, Friends of Waverley Library, Surf Life Saving Australia and Bondi Surf Bathing Life Saving Club. Peter is currently the Precinct Coordinator of the North Bondi Precinct Committee. Peter has a long history of being involved with the Precinct, and was part of the group that initiated the precinct committees with Council. As convener Peter regularly meets with businesses, residents and Council staff to discuss local issues, Peter has also assisted with combined precinct meetings. Peter was one of the founding members of the Friends of Waverley Library and has volunteered in a number of roles over 30 years. Peter has also been an active member of Bondi Surf Bathing for 55 years, and held the positions of Patrol Vice Captain and Captain for 42 seasons. Peter has also been an examiner and assessor for Surf Life Saving Australia for 40 years, he was secretary of the Board for 14 seasons and the Waverley area Life Saving supervisor. As well as this extensive volunteering Peter has volunteered with Bondi Amateur Swimming Club, Chapel By the Sea and Rostrum Club. Peter received a Local Hero Commendation Certificate in 2014.

Local Hero Award – Community Volunteer – Linda Deutsch

Linda is a key volunteer with Junction Neighbourhood Centre where she is a volunteer English teacher. Linda has also been a volunteer mentor with City East Community College, assisting new migrants to establish their careers in Australia. Linda's volunteer work centers on assisting new migrants to understand Australian cultural perspectives, language and attitudes as she believes this type of support gives new migrants the greatest ability to adapt and integrate to their new country and secure meaningful work.

According to Linda's students, her work has a significant impact on their lives as she goes beyond the classroom to assist students to gain a better understanding of Australian culture and life. Linda has provided over 1000 hours of volunteering with Junction Neighbourhood Centre, volunteering for 40 weeks of the year.

Certificate of Commendation – Community Volunteer – Irina Gilstein

Irina is a long-term volunteer with Jewish Care, having volunteered with the organization for 10 years. Jewish Care find Irina's dedication and support invaluable. Irina volunteers behind the scene with staff but also directly with Jewish Care clients where she assists older people, people with mental illness and also children affected by domestic violence. Irina is an exemplar of volunteering, always displaying professionalism, empathy and a cheerful and friendly personality.

Local Hero Award – Community Life – Catherine Kara

Catherine has been instrumental in supporting basketball in the Bondi area. Catherine established Beach Breakers Basketball Club which is part of Bondi United. Six years on the club which has 10 teams including women's teams, children's teams and mixed teams. Catherine co-ordinates these teams and also coaches over half of the teams. She has facilitated the club's inclusion in the Eastern Suburbs Basketball competition, and volunteers with the League to train and mentor basketball referees. Catherine is also Club Secretary for Bondi United, and as part of this role Catherine oversees the junior rugby teams. As well as the aforementioned volunteering, Catherine also runs a Basketball club at Bondi Beach Primary School. Through her volunteering Catherine has assisted many young residents to engage in local sports.

Local Hero – Second Nature Champion – Anne McArthur

Anne has been volunteering for over three years on various local volunteering projects. Anne has focused her volunteering on educating the community on the reduction of single use plastics. She has volunteered with Council's Second Nature events and programs including Summarama and Plastic Free July. Her passion and effort in connecting with hard to reach groups has been particularly valued by Council staff. Anne also volunteers on community projects including Take 3 and Blue Bondi Green, and capacity building organization 'Collaboration for Impact'. Through her volunteering, Anne assists organisations with strategy, program development and implementation. Anne's dedication and commitment to her volunteering projects is recognised and highly valued by those whom she works with.

The panel also considered nominations for Local Hero Best of the Best and made the following recommendation:

Local Hero Best of the Best Awards – Audrey and Peter McCallum

Peter and Audrey have a distinguished and exceptional volunteering history, having dedicated themselves to serving the Waverley community for over 30 years. As a couple their volunteer work has spanned many areas of community life including; the Waverley Council Seniors Centre, Justice of the Peace, citizenship ceremonies, Anzac Day celebrations, hospital volunteering, local history, transport, education and youth. Audrey and Peter share a passion for history, holding significant roles in Waverley Historical Society; Peter has been an active member of the Society for over 25 years and was president for 10 years, and Audrey has

been vice president for nine years and exhibition coordinator for six years. Their combined efforts have resulted in greater community awareness of the unique history of Waverley and ensured that the history has been recorded for future generations.

As well as his passion for history and transport areas, Peter has been a member of the Eastern Suburbs Community College (now City East) for over 30 years, serving as founding president for over twenty years. Peter also assisted Waverley's children/young people by volunteering at Bronte Public School where he was Principal. Peter continued his volunteering at the school after his retirement in 1999. Audrey has also volunteered with the Prince of Wales Hospital for over 10 years. During this time Audrey managed the hospital's volunteer office, and her duties included interviewing, inducting, training and scheduling the hospital volunteers. Audrey also supervised the volunteer run coffee shop and assisted the hospital to visualize and display its history. Audrey is a local JP and organises the monthly tours at Waverley Senior Citizen Association.

Each year the judging panel provides feedback to officers around any areas of improvement for the Awards. A key issue in recent years has been the number of nominations; in particular, the youth nominations. In 2018 following a report to Council, the number of Award categories was increased to diversify and increase the number of applications. This was successful in 2018 with the Awards receiving 21 nominations, however in 2019 nominations dropped to 15 with just one youth nomination that was deemed ineligible.

The assessment panel recommended a review of the frequency of the program, and also the criteria for the Young Local Hero's category. The panel requested that officers prepare a report to Council with consideration to running the awards less frequently, and exploring whether meritorious and leadership achievements could be included as criteria for the Young Local Hero Award (in addition to the existing criteria).

The Local Hero Award Ceremony

If endorsed by Council, the awards and certificate will be presented by the Mayor of Waverley at the Waverley Local Hero Awards Ceremony on Wednesday, 22 May 2019.

The Award ceremony will be combined with our Volunteering event, which is held annually during National Volunteering Week to celebrate community giving. Attendance at the event will be by invitation only. Award recipients will be invited to have a limited number of family members or friends accompany them. The Best of the Best Plaque will be presented at the Award ceremony and installed on the promenade later this year.

5. Financial impact statement/Timeframe/Consultation

Financial

Waverley Local Hero Awards 2019 is funded as part of Council's Local Connections recurrent budget.

Timeframe

The Awards Ceremony will be held on Wednesday, 22 May 2019

Consultation

A review of the program was undertaken in 2017. As a part of this review, neighbouring council officers were contacted and internal stakeholders engaged for feedback.

6. Conclusion

The annual Waverley Local Hero Awards are a significant way for Council to recognise individuals within the community who work selflessly, are often quiet achievers and not otherwise acknowledged. The awards also identify new community contributors, and highlights the importance of giving back to the community. The continued involvement of our local heroes in the community helps to make Waverley a safer, friendlier and more cohesive place to live.

7. Attachments

Nil .

REPORT
CM/7.10/19.04**Subject:** Tender Evaluation - Civil Infrastructure Trade Services**TRIM No:** SF18/3729**Author:** Jane Worthy, Internal Ombudsman**Director:** Ross McLeod, General Manager

RECOMMENDATION:

That Council:

1. Under clause 178 of the *Local Government (General) Regulation 2005*, declines to accept any of the tenders for the Civil Infrastructure and Trade Services tender and cancels the proposal for the contract.
2. Notifies all tenderers of the decision, in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

1. Executive Summary

This report calls for Council to cancel the proposal for the contract for civil infrastructure trade services. A tender for 13 categories of services was run in September 2018. Due to anomalies in the tender documentation and processes, Council should not accept any tenders and not proceed to an award of contract for civil infrastructure trade services.

2. Introduction/Background

Council undertakes an estimated \$30 million in capital works in each financial year. These works cover the general maintenance and improvement of public facilities including parks, reserves, roads, buildings, and storm water.

Currently, Council has no fixed arrangements in place to provide particular civil infrastructure trade services, such as line marking services. Overall, Council currently incurs expenditure of approximately \$7–10 million annually on various trades and services.

This tender was run to attempt to establish a panel of suppliers across the following 13 categories of services:

- Asbestos removal.
- Bricklaying.
- Carpentry.
- Concreting.
- Plumbing.
- Electrical.
- Fencing.
- Painting and/or graffiti removal.

- Handyman services.
- Stonemasonry.
- Landscaping services and supply.
- Skate park services and supply.
- Cleaning and inspection of gross pollutant traps.

Each category was to be assessed separately resulting in one or more contracts awarded per category. These contracts were to form a panel of trade services for civil infrastructure projects.

During the finalisation of the tender process, it became evident that the scope of many of the categories was insufficient to attract adequate responses to each category and to support legally binding contracts.

Staff movements also led to changes in the evaluation panels during the process, which compromised the integrity of the evaluation process.

3. Relevant Council Resolutions

Nil.

4. Discussion

The *Local Government Act 1993* and the *Local Government (General) Regulation* establish strict guidelines for tendering processes to ensure probity, transparency and accountability in the expenditure of public funds for public purposes. Given the high level of expenditure associated with the proposed contracts, and problems with the tendering process, this report recommends that Council cancels this tender, and that officers consider other options for procuring the required services, including using existing state government panels.

5. Financial impact statement/Timeframe/Consultation

The budget for civil Infrastructure trade services is from 4505/31043, and this decision will not impact Council's budget. Alternative procurement methods will be investigated and undertaken as a matter of urgency to ensure there is no slippage in works programs, and that any contracts entered into will comply with Council's legislative procurement obligations.

All tenderers will be notified of the outcome of this tender.

6. Conclusion

This report recommends that Council cancels the civil infrastructure trade services tender. Required services will be sourced through existing state government panels where possible.

7. Attachments

Nil .

**REPORT
CM/7.11/19.04**

Subject: Tender Evaluation - Coastal Walk Fitness Station and Furniture Upgrade

TRIM No: SF19/466

Author: Richa Bohara, Project Manager

Director: Emily Scott, Director, Waverley Renewal

RECOMMENDATION:

That Council:

1. Treats the Tender Evaluation Matrix attached to this report as confidential in accordance with section 11(3) of the *Local Government Act 1993*, as the Matrix relates to a matter specified in section 10A(2)(d)(i) of the *Local Government Act 1993*. The Matrix contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person(s) who supplied it.
2. Increases the Coastal Walk Fitness Station and Furniture Upgrade project budget by \$70,000 to a total of \$170,000 this financial year to cover construction costs, furniture supply, contingency and project management fees, and that an adjustment be made at Q3 Budget Review.
3. Under clause 178(1)(a) of the *Local Government (General) Regulation 2005*, accepts Design Landscapes Australia Pty Ltd as the preferred tenderer to carry out the Coastal Walk Fitness Station and Furniture Upgrade from Tamarama to Notts Avenue for the sum of \$[TO BE INSERTED BY COUNCIL AT THE MEETING].
4. Authorises the General Manager, or delegated representative, to enter into contract on behalf of Council with Design Landscapes Australia Pty Ltd for the Coastal Walk Fitness Station and Furniture Upgrade along Coastal Walk from Tamarama to Notts Avenue.
5. Notifies unsuccessful tenderers of the decision in accordance with clause 179 of the *Local Government (General) Regulation 2005*.

1. Executive Summary

The purpose of this report is to seek Council's approval for the appointment Design Landscapes Australia Pty Ltd to carry out the Coastal Walk Fitness Station and Furniture Upgrade works along Coastal Walk from Tamarama to Notts Avenue as recommended by the Tender Evaluation Committee (TEC).

2. Description of Service or Product being Tendered

The Coastal Walk is one of Waverley's most popular destinations with approximately two million visitors last year on the Tamarama section. Currently parts of the Coastal Walk are not meeting the needs or expectations of users with outdated support infrastructure such as bins, seating and fitness stations and many pinch points. Furthermore, many of the ramps, stairs and walk ways are non-compliant and present a safety risk.

This project seeks to address these issues by upgrading the Coastal Walk fitness stations and furniture to provide a safe environment to the public. The project includes installation/removal/repair of fitness equipment, furniture and garden planting in accordance with the design.

3. Relevant Council Resolutions

Nil.

4. Discussion

Invitation to tender

A Tender Evaluation Panel was established to evaluate the tenders. The Panel consisted of:

- Robert Sabato, Senior Project Manager.
- Richa Bohara, Project Manager.
- Andrew Chau, Senior Landscape Architect.
- Shahrouz Goharshahi, Tendering and Contracts Officer.

An RFT Evaluation and Probity Plan was developed and approved by the Evaluation Panel. Tenders for the Coastal Walk Fitness Station and Furniture Upgrade works were called on 5 March 2019.

Tenders closed on 2 April 2019.

The Evaluation Panel used the RFT Evaluation and Probity Plan to determine which tender offered the best value for money in the provision of fitness station and furniture upgrade along the Coastal Walk to Council.

Tenders received

The following tender was received:

- Design Landscapes Australia Pty Ltd

Late tenders

Nil.

Non-conforming tenders

Nil.

Alternative tenders

Nil.

Design Landscapes Australia Pty Ltd met the mandatory requirements and proceeded to a detailed evaluation. Design Landscapes Australia Pty Ltd submitted a conforming tender.

Tender evaluation

The conforming tender was evaluated in accordance with Council's Purchasing Procedures and RFT Evaluation and Probity Plan, the Tendering Guidelines for NSW Local Government 2009 issued by the Office of Local Government, and the provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria:

Advertised Evaluation Criteria	Weighting
Project Understanding and Proposed Methodology	30%
Key personnel qualifications, skills and expertise	10%
Experience with similar projects	20%
Capacity to work within proposed timeframes	10%
Price	30%
Total	100%

The tender was given a score on each of the evaluation criteria, resulting in a total score out of 100. The final score is shown in the confidential Tender Evaluation Matrix attached to this report.

Evaluation Panel's recommendation

While only receiving one tender, following a rigorous evaluation of the tender, the Evaluation Panel recommends that the services offered by Design Landscapes Australia Pty Ltd provides good value to Council. Personnel qualifications of Design Landscapes Australia Pty Ltd are well suited to Council's requirements. Design Landscapes worked very well on Tamarama Park – Stage 2 Upgrade, which was delivered within time and budget. Design Landscapes Australia Pty Ltd has extensive experience working in complex landscape upgrade works and the pricing offered provides a good value for money outcome to Council.

5. Financial impact statement/Timeframe/Consultation

Financial impact statement

The budget for the Coastal Walk Fitness Station and Furniture Upgrade is from C0407.

The preferred tenderer's price is included in the confidential Tender Evaluation Matrix attached to this report.

The total anticipated funding required for Coastal Walk Fitness Station and Furniture Upgrade is \$478,000 (excluding GST). The total budget allocation for the Coastal Walk Fitness Station and Furniture Upgrade is \$460,000 (with \$100,000 in this financial year and the remainder in 2019–20). There are therefore insufficient funds to cover the price tendered by the recommended tenderer, furniture supply and project management costs. The funding shortfall of \$70,000 will be funded from savings in the Recreation and Public Spaces program as part of the Q3 Budget Review.

Timeframe

The repair works will commence in May 2019, and are expected to be completed by early September 2019.

Consultation

Internal stakeholders have been consulted throughout the initial and procurement processes.

6. Conclusion

The Tender Evaluation Panel recommends that Council enters into contract with Design Landscapes Australia Pty Ltd for the Coastal Walk Fitness Station and Furniture Upgrade works.

7. Attachments

1. Tender Evaluation Matrix - Coastal Walk Fitness Station and Furniture Upgrade (confidential)

NOTICE OF MOTION CM/8.1/19.04



Subject: Voluntary Planning Agreements and Affordable Housing Program

TRIM No: A13/0099

Submitted by: Councillor Copeland

MOTION:

That Council:

1. Modifies the Planning Agreement Policy (VPA) proportion of contributions that is set aside for Waverley's Affordable Housing Program fund from 10% to 25%.
2. Notes that Waverley Council Planning Agreement Policy 2014 applies to any development application that exceeds standards under Waverley Local Environment Plan (LEP) and is referred to by Waverley Development Control Plan (DCP)
3. Notes that housing is relatively very expensive in Waverley, which mitigates against the population diversity of which Waverley has been historically supportive.
4. Notes that, although the coverage of State Environmental Planning Policy (SEPP) 70 (Affordable Housing) has been recently increased to all Councils in NSW, there are still a large number of steps and a lot of time required before SEPP 70 could be operational, and even then there are no guarantees; so a quicker route to increasing the amount of affordable housing is the above change to Planning Agreement Policy.

General Manager's comment

This matter was first raised at a Councillor workshop in 2018, which considered amendments to the Planning Agreement Policy to create benchmark rates. Council resolved to adopt the amendments to the Planning Agreement Policy proposed, but not to amend the affordable housing contribution at this stage to permit a further Councillor workshop to be held. This additional workshop was delayed due to other strategic planning priorities identified, such as the LEP Health Check and the Local Strategic Planning Statement, as well as other studies necessary to inform the development of the new comprehensive Waverley LEP and DCP. The workshop is now scheduled to be held on the 28 May 2019, along with other strategic planning matters.

One of those studies is the Local Housing Strategy (LHS). At this stage, a key intention of the LHS is the development of an affordable housing study as part of this LHS. Given that this important work is underway and expected to be completed by June-July 2019, it is considered desirable to wait until this work has been completed before considering changes to the affordable housing contribution rate and other policy related to affordable housing, such as SEPP 70, the Medium Density Housing Code and the Affordable Rental Housing SEPP.

If, for example, the LHS recommends actions to increase access to affordable housing, such as increasing the affordable housing contribution rate applying to the Waverley Planning Agreement Policy, this could be implemented as part of the next Planning Agreement Policy annual review, which is scheduled for the next financial year. As part of any such review, a further Councillor Wworkshop will be held so that Councillors can discuss the options and implications of any proposed policy changes.

At this stage, it is not recommended that the Affordable Housing Contribution in the Planning Agreement Policy be increased from 10% to 25%, as there is insufficient information available to justify such a change.

Peter Monks
Director, Waverley Futures

NOTICE OF MOTION
CM/8.2/19.04

Subject: Taxi Rank outside the Former Bronte RSL Site, 113 Macpherson Street, Bronte

TRIM No: A04/0704

Submitted by: Councillor Masselos

MOTION:

That Council investigates the reinstatement of the taxi rank outside the former Bronte RSL site at 113 Macpherson St, Bronte, and reports back to Council before referring the matter to the Waverley Traffic Committee.

Background

The former taxi rank outside 113 Macpherson Street was well-used by Bronte locals and provided a much-needed service to the local community and to users of the nearby cafés and restaurants. It is understood that provision has been made for additional commercial activities at 113 Macpherson Street, which could potentially benefit from such a taxi rank.

General Manager's comment

Should Council so resolve, this matter will be referred to technical staff for assessment and reporting. Funding can be provided from RMS allocations to Council.

Emily Scott
Director, Waverley Renewal

NOTICE OF MOTION CM/8.3/19.04



Subject: Street Pedestrianisation Pilots

TRIM No: A03/0042-04

Submitted by: Councillor Masselos

MOTION:

That Council:

1. Notes its previous resolution of 20 February 2018 concerning street pedestrianisation.
2. Undertakes street pedestrianisation pilots for:
 - (a) St James Road, Bondi Junction.
 - (b) Cox Avenue, Bondi.
 - (c) Miller Street, Bondi.
 - (d) Busby Parade, Bronte.
3. Undertakes appropriate training of parents and residents to ensure the safety of children playing in the street.
4. Applies for any relevant funding that may support such a program.

Background

There is considerable interest by the community in providing for street pedestrianisation for certain times at the weekend to provide a safe, extended playing area for children and young people.

The Project Officer, Safe Waverley, has a small budget allocated each year for community safety.

General Manager's comment

Should Council so resolve, this matter will be referred to technical staff for investigation, resident consultation and survey and reporting to the Waverley Traffic Committee.

Funding for technical works can be provided from RMS allocations to Council.

It is noted that clause 3 of the motion is quite open-ended as to the target audience and methodology. It is suggested that, should the proposal proceed, a workshop-style training session be held with parents and community members. An appropriate expert would be engaged to run the workshop. There is minimal budget remaining for community safety training in this year's budget; however, Council officers will approach RMS to cover the cost of the training, as well as the technical works.

NOTICE OF MOTION CM/8.4/19.04



Subject: Jessie Street Reserve - Native Food Garden and Indigenous Learning Centre

TRIM No: A19/0171

Submitted by: Councillor O'Neill
Councillor Masselos

MOTION:

That:

1. Council investigates developing Jessie Street Reserve (corner of Murray Street and Belgrave Street, Bronte) into a native food garden and indigenous learning centre to enhance local understanding of local indigenous culture and increase indigenous business and employment.
2. The investigation consider:
 - (a) Plans and designs for a native garden with an education area that will require extensive landscaping to make the most of a small place.
 - (b) User safety, as it is located next to a busy road.
 - (c) Security, to ensure it is not misused at night and causes concern for neighbours.
 - (d) Suitable local indigenous businesses with the capacity to plan, plant and maintain the garden.
 - (e) Resident feedback.
 - (f) Costings for the establishment and ongoing maintenance of this space.
3. Council consults elders and other relevant Aboriginal and Torres Strait Islander organisations.
4. Council officers report back to Council on the outcome of the investigation.

Background

Local indigenous people, the Bidjigal and Gadigal people, have lived in our area for thousands of years. They have deep knowledge of our indigenous flora and fauna. A native food garden in our area would enrich the life of residents and provide a great way for deeper understanding of local indigenous culture. It can also increase indigenous employment. People like to talk about plants. Gardening is a common leisure pursuit of many locals. A native garden would be a great way to bring the community together.

This development would:

- Enhance the use by local residents of a relatively seldom used park area.

- Become a teaching location for local school children from Bronte Public, Bondi Public, Waverley College, St Claire's, St Catherine's and other schools in the area.
 - Classes could visit to learn about the plants and other indigenous cultural knowledge.
 - Integrated with the curriculum of the schools.
- A location for a community indigenous gardening education and market day.
 - Monthly or quarterly weekend talks on indigenous plants and stall for selling indigenous plants
- Council annual welcome to country event

Why Jesse Street Reserve?

Jesse Street was an activist for Aboriginal rights, and her work contributed to the 1967 referendum for the recognition of Aborigines as citizens. She was also a local. It is appropriate that a Reserve named after her should have such a use. See the following extract from the Australian Biographical Dictionary:

<<http://adb.anu.edu.au/biography/street-lady-jessie-mary-11789>>:

National responsibility for the 'care' of Aborigines had been A.F.W.V. policy from 1933. It was also the first plank in policy proposals for Aborigines in the Australian Woman's Charter. Responding to Aboriginal protest, the U.A. recommended the appointment of a woman and an Aborigine to the Aborigines Welfare Board. In 1956 Street urged [Pearl Gibbs](#) to start the Aboriginal-Australian Fellowship. Street thought that the support of a national Aboriginal organization would 'help considerably' if her report were to be forwarded to the United Nations. Advised by [Christian Jollie Smith](#), she drafted an amendment to the Australian Constitution to remove discriminatory references to Aborigines and suggested that the fellowship make it the focus of its first meeting in the Sydney Town Hall. As she travelled interstate collecting information for her report, she met Aboriginal leaders, to whom she explained the constitutional proposals and the importance of national organization. The Anti-Slavery Society decided against sending her report to the United Nations, but her visit had significant consequences. The Federal Council for Aboriginal Advancement (Federal Council for the Advancement of Aborigines and Torres Strait Islanders) was formed in 1958 and her suggested amendments to the Constitution were carried in the 1967 referendum.

General Manager's comment

Currently, there is no budget, costing or planning for this work to occur in the current or the proposed 2019–20 budget. Officers could accommodate an initial investigation into options for the Reserve within current work programs, but the implementation of the project would require an amendment to the proposed 2019–20 budget or a future budget to accommodate this project and some other proposed action would need to be therefore deleted from the budget. Budget issues can be addressed subsequent to the investigation.

Peter Monks
Director, Waverley Futures

NOTICE OF MOTION CM/8.5/19.04



Subject: Tender Evaluation Criteria

TRIM No: A15/0533

Submitted by: Councillor Copeland

MOTION:

That Council:

1. Be able to see all criteria, mandatory and non-mandatory, and their ratings—this could include n/a, % and scores—in the confidential tender evaluation reports that come to Council, before making a decision.
2. Notes that the mandatory criteria assessments occur, but their results are not seen by Councillors.
3. Notes that, over at least the last one-and-a-half years, tender evaluation criteria have often not included criteria relating specifically to environmental considerations as used to occur in Council's requirements some two or three terms ago.
4. Officers include the understanding and application of quadruple accounting principles—financial, environmental, social, governance—in the assessment criteria for future tenders.
5. Officers include consideration of the ISO14000 series (environmental management) and the ISO 9000 series (quality management) in the assessment for future tenders.

Background

Recent examples are:

OC/5.4/19.04 - Tender Evaluation - Marks Park Playground and Landscape Upgrade

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria:

Advertised Evaluation Criteria Weighting

1. Project Understanding and Proposed Methodology	30%
2. Key personnel qualifications, skills and expertise	20%
3. Experience with similar projects	10%
4. Capacity to work within proposed timeframes	10%
5. Price	30%

OC/5.3/18.06 - Tender Evaluation - Irrigation and Small Park Upgrades

The Evaluation Panel agreed on the following weightings to be used against the advertised selection criteria:

Advertised Evaluation Criteria Weighting

1. Demonstrate Capability and capacity	8%
2. Demonstrated project understanding and methodology	8%
3. Demonstrated relevant experience, past performance and key personnel	8%
4. Detail of program	8%
5. Risk Management plan	8%
6. Price	60%

Earliest relevant examples found in a search of Council's website:

Evaluation of Tender – Disposal of Green Waste (20 August 2013)

The following tender evaluation criteria were used to assess the value for money offered by the tenderers.

Evaluation Criteria

Weighting

1. Demonstrated Experience & Expertise	15%
2. Facility Capability & Location	20%
3. Work Health & Safety	10%
4. Quality Management	10%
5. Environmental Management Systems	10%
6. Price	35%

Evaluation of Tender – Pest Services (20 November 2012)

The following tender evaluation criteria were used to assess the value for money offered by the tenderers.

Evaluation Criteria Weighting

1. Demonstrated Experience & Technical Capability	30%
2. Quality Management Systems	10%
3. Personnel & Accreditations	10%
4. Work Health & Safety	10%
5. Sustainability & Environmental Commitment	10%
6. Price	30%

General Manager's comment

This Notice of Motion seeks to address the explicit inclusion of environmental and other quadruple bottom line criteria within tender evaluation processes and criteria.

Council has launched in the last six months a sustainable procurement program. This program is training staff to incorporate sustainable procurement strategies, principles and criteria into tendering processes. This include the use of tools and evaluation processes based on the new Sustainable Procurement Standards (ISO 20400). The new standards propose a tailored approach to incorporating sustainability to tenders. Improvement work in this area is ongoing.

However, in considering how to improve Council's sustainability footprint, tendering, and procurement processes more broadly, are usually the back-end of a larger planning and decision-making process. By virtue of that, there is often comparatively lower scope to have a significant impact on sustainability outcomes. As an example, in respect of a major roading renewal and design project, sustainability outcomes will be significantly determined when decisions are being made on purpose, feasibility, design, what features to include (e.g. a cycleway) and materials selection which occurs prior to procurement. While there will be possibilities to influence sustainability outcomes through procurement criteria in some projects, these will often be much less significant than questions about which project to undertake, its purpose and scope, and its design. As such, sustainability has been incorporated into the business case for projects. Council staff are working on ensuring sustainability is incorporated as a key element in project scope and design.

One of the main purposes of using criteria in tendering/procurement processes is to assist in choosing between competing tenderers/suppliers. To the extent that sustainability approaches and methodologies of contractors, separate from those required as mandatory under the project scope, can influence sustainability outcomes, then these should form part of the criteria and evaluation process. However, criteria that do not aid in distinguishing between contractors in their ability to deliver what is required with reference to scope, time, cost and quality can be unhelpful and add confusion. Determining targeted and appropriate criteria for a procurement process therefore becomes an important process. The new sustainable procurement standard, ISO 20400, proposes a tailored sustainability approach to tenders. This has been shown to deliver higher environmental performance outcomes during procurement. In terms of ISO14000 and ISO 9000, Council currently considers this as part of their tender process.

In spite of the practical difficulties Council would have in giving effect to this Notice of Motion if it was resolved in its current form, the intention of it is worthwhile. If the Mover were amenable, Council staff would be very happy to report back to Council on options for giving greater consideration to sustainability/quadruple bottom line criteria within both procurement/ tendering criteria and project selection, specification and design processes. An alternate wording to achieve this might read:

'That Council:

- 1. Include all relevant tender decision-making criteria within Council Tender Reports, including mandatory or pass/fail or gateway criteria.*
- 2. Receive a report analysing approaches for giving greater consideration to sustainability/quadruple bottom line criteria and quality management within both Council procurement/ tendering criteria and Council project selection, specification and design processes, including information on key sustainability elements of the new Procurement Policy and Procedure.'*

NOTICE OF MOTION CM/8.6/19.04



Subject: Parking Prevention Blister at the Intersection of Ocean Street and Birrell Street, Bondi

TRIM No: A03/0772

Submitted by: Councillor Copeland
Councillor Wy Kanak
Councillor Keenan

MOTION:

That Council:

1. Investigates the feasibility of establishing a blister on the western corner of Ocean Street at its junction with Birrell Street.
2. Notes that the blister is to be designed in such a way that prevents parking within approximately eight metres of the corner, as far as the tree which is planted in the roadway, to improve sight distances.
3. Notes that the blister could include planting of low shrubbery in the blister footprint and could include harder design features to prevent drivers parking on the blister.
4. Notes that the blister could incorporate the existing tree at its northern end.

Background

There are often cars parked within eight metres of the corner of Ocean Street and Birrell Street, looking west. See the photograph below.



General Manager's comment

Should Council so resolve, this matter will be referred to technical staff for investigation, design and reporting to the Waverley Traffic Committee.

Funding can be provided from Council's traffic facilities allocation.

Emily Scott

Director, Waverley Renewal

NOTICE OF MOTION

CM/8.7/19.04



Subject: State of Climate Emergency

TRIM No: A02/0131

Submitted by: Councillor Copeland
Councillor Wy Kanak
Councillor Keenan

MOTION:

That Council:

1. Recognises that we are in a state of climate emergency that requires urgent action by all levels of government, that human induced climate change represents one the greatest threats to civilisation, and other species and that it is still possible to prevent the most catastrophic outcomes if, and only if, societies take emergency action.
2. Declares a climate emergency and actively implements activities to drastically reduce greenhouse gas emissions of Council and the community so that global temperature rise can be limited to 1.5°C.
3. Congratulates the schoolchildren who went on strike on 30 November 2018 and 15 March 2019 in order to learn about and demonstrate their knowledge of the state of climate emergency, their democratic rights and their fears about the future, and who have learnt much more about civics and the political process than if they had stayed at school. And notes that they are showing more environmental and political nous than many of their destructive and selfish elders.
4. Informs the following State MPs in the table below of the contents of this motion:

The Hon. K.J. Anderson	Minister for Better Regulation and Innovation
The Hon. G.D Barilaro	Deputy Premier, Minister for Regional New South Wales, Industry and Trade
The Hon. G. Berejiklian	Premier
The Hon. A.J. Constance	Minister for Transport and Roads
The Hon. S.E. Hancock	Minister for Local Government
The Hon. M.J. Kean	Minister for Energy and Environment
The Hon. A.J. Marshall	Minister for Agriculture and Western New South Wales
The Hon. M.J Pavey	Minister for Water, Property and Housing
The Hon. R.G. Stokes	Minister for Planning and Public Spaces
Mr J. Dib	Education
Ms J.L. McKay	Transport & Roads
Ms T. Mihailuk	Planning & Housing
Mr C.J. Minns	Water
The Hon. P. T. Primrose	Local Government & Communities
The Hon. A. Searle	Energy & Climate Change
The Hon. P.G. Sharpe	Environment & Heritage

Ms C. M. Faehrmann	Environment
Mr J.T. Parker	Corruption, Urban Growth & Renewal
Mr D. M. Shoebridge	Local Govt, Planning & Heritage
Ms T.F. Smith	Renewable Energy
Ms D. E. Walker	Health, Forestry

Background

In 2018, the Intergovernmental Panel on Climate Change released a special report on the impact of a 1.5°C increase in temperature. This report outlined the enormous impacts that this temperature rise will have on oceans, sea-level rise, ecosystems and species loss, food security and human health; see https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf.

It outlined that, for global warming to be limited to 1.5°C, an emissions pathway is required whereby emissions are drastically reduced in the short-term. These pathways require rapid and far-reaching transitions in energy, land, urban and infrastructure (including transport and buildings).

General Manager's comment

Waverley Council, through the Environmental Action Plan, is delivering activities to actively reduce the greenhouse emissions of both Council and the community. Additional activities would have budget implications.

Peter Monks

Director, Waverley Futures

NOTICE OF MOTION CM/8.8/19.04



Subject: Festive Lights, Decorations and Banners

TRIM No: A18/0548

Submitted by: Councillor Masselos

MOTION:

That Council:

1. Develops a Waverley festive celebration strategy that can be rolled out at key times of the year including celebrating the beginning of winter, Hanukah and Christmas, which may include:
 - (a) Banners.
 - (b) Festive decorations.
 - (c) Low voltage LED lights.
2. Identifies key sites, such as Campbell Parade, Norma Lee Place, Bondi Junction Mall, being cognisant that state roads, such as Carrington Road, Bondi Road and Old South Head Road, cannot be considered, and that banners and decorations must not be placed near traffic signals and pedestrian crossings.
3. Officers provide costing options.
4. Officers report back to Council with a strategy and costs for implementation this December.

Background

There are many locations across the world that have festive lights in celebration of key events such as Christmas, Hanukah and other such festive occasions. For example, Italy has low voltage LED lights in many of its towns and cities, creating a delightful ambience and statement.

Waverley could also create similar signature and delightful scenes through the use of lighting at key places, creating a sense of festivity, celebration and remembrance.

General Manager's comment

Responsibility for organising or preparing festive events is not clearly defined under the current organisational structure with staff from the Events Team and the Economic Development Team involved at various levels. This will be addressed as part of the roll out of the new organisational structure and a clear responsibility established for matters such as this, recognising that celebratory events such as this usually involve a whole-of-Council approach to implement.

In regard to festive events at the moment, the Economic Development Team in Shaping Waverley has a very small budget for Christmas tree and Chanukah candle decorations in Oxford Street Mall in the draft 2019–20 budget. There are no other funds proposed for festive events in the draft 2019–20 budget.

A Festive Celebrations Strategy can be prepared, but amendments would need to be made to the draft budget if there was any intention for the strategy to be implemented in the 2019–20 financial year. This would require some other items listed in the draft budget to be deleted in order for this to occur.

Peter Monks
Director, Waverley Futures

NOTICE OF MOTION CM/8.9/19.04



Subject: Traffic and Pedestrian Safety in Streets Bounded by Bondi Road, Old South Head Road and Flood Street

TRIM No: A03/0042-04

Submitted by: Councillor Kay
Councillor Betts

MOTION:

That Council:

1. Investigates traffic management, traffic calming and pedestrian safety measures in the neighbourhood streets bounded by Bondi Road, Old South Head Road and Flood Street, with consideration being given to swept paths for large vehicles and whether heavy and long vehicles should continue to be permitted into the area.
2. Consults the community and the Penkivil Precinct Committee as part of the above investigation.

Background

Members of the community, including the Penkivil Precinct convenor, have raised concerns over increasing traffic issues in the neighbourhood streets bounded by Bondi Road, Old South Head Road and Flood Street.

Issues include:

- Use of the narrow streets by large vehicles, including construction traffic, seen crossing footpaths and kerb ramps, and experiencing problems when turning corners.
- Vehicles cutting corners at speed.
- Pedestrian safety and traffic speed, in general, especially due the congregation of pedestrians on narrow footpaths and at corners.
- Large vehicles parking at night and weekends in an area with high on-street parking occupancy.

Consultation with local residents and the Penkivil Precinct Committee would further clarify the issues of concern and raise potential solutions.

General Manager's comment

Council does not have the staff resources to undertake a survey of this size. A consultant would need to be engaged to undertake a traffic study at a cost in the order of \$35,000.

There is no funding available for the traffic study or the costs for implementation of any recommendation from the study in the current year or in the draft budget for 2019–20 as priority is being given to the area

south of Bondi Road. Should Council wish to resolve to undertake this work, budget adjustment would need to be considered at the Q1 review of the 2019–20 financial year.

Emily Scott
Director, Waverley Renewal

URGENT BUSINESS
CM/9/19.04**WAVERLEY**
COUNCIL

Subject: Urgent Business

Author: Ross McLeod, General Manager

In accordance with clause 241 of the *Local Government (General) Regulation 2005* and clause 3.5 of Council's Code of Meeting Practice, business may be transacted at a meeting of Council even though due notice of the business has not been given to Councillors. However, this can happen only if:

1. The business proposed to be brought forward is ruled by the chairperson to be of great urgency; and
2. A motion is passed to have the business transacted at the meeting.

Such a motion can be moved without notice.

Only the mover of a motion can speak to the motion before it is put. A motion to have urgent business transacted at the meeting requires a seconder.

For business to be considered urgent it must be of a kind that requires immediate action or attention, and that cannot be dealt with as a Mayoral Minute or Notice of Motion at a later meeting or by any other means.

The mover of the motion must, when speaking to the motion, explain why he or she believes the business to be of great urgency.

CLOSED SESSION
CM/10/19.04

Subject: Moving into Closed Session
Author: Ross McLeod, General Manager

WAVERLEY
COUNCIL

RECOMMENDATION:

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act 1993* for the reasons specified:

CM/10.1/19.04 CONFIDENTIAL REPORT - Crowded Space Safety - Hostile Vehicle Mitigation

This matter is considered to be confidential in accordance with section 10A(2)(e) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, prejudice the maintenance of law.

CM/10.2/19.04 CONFIDENTIAL REPORT - Waverley Cemetery - Fees and Charges 2019-20

This matter is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the *Local Government Act*, and Council is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of Council.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the *Local Government Act 1993*, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the *Local Government Act 1993*.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the *Local Government Act 1993*.

Introduction/Background

In accordance with section 10A(2) of the Act, a Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.

- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is my opinion that the business listed in the recommendation is of a kind referred to in section 10A(2) of the *Local Government Act 1993* and, under the provisions of the Act and the *Local Government (General) Regulation 2005*, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clause 252 of the *Local Government (General) Regulation*, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

**RESUMING IN OPEN SESSION
CM/11/19.04**



WAVERLEY
COUNCIL

Subject: Resuming in Open Session
Author: Ross McLeod, General Manager

RECOMMENDATION:

That Council resumes in open session.

Introduction/Background

In accordance with clause 253 of the *Local Government (General) Regulation 2005*, when the meeting resumes in open session the Chair will announce the resolutions made by Council, including the names of the movers and seconders, while the meeting was closed to members of the public and the media.