



COUNCIL MEETING

ATTACHMENTS UNDER SEPARATE COVER

7.00 PM, TUESDAY 15 JULY 2025

Waverley Council
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ATTACHMENTS

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Code of Conduct

Code of Conduct

Policy owner	Director, Corporate Services
Approved by	Council
Date approved	13 December 2022
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Relevant legislation/codes	<ul style="list-style-type: none">• <i>Local Government Act 1993</i>• Model Code of Conduct for Local Councils in NSW• Procedures for the Administration of the Model Code of Council for Local Councils in NSW
Related policies/procedures/guidelines	Procedures for the Administration of the Code of Conduct
Related forms	<ul style="list-style-type: none">• Designated Persons Return Form• Special Disclosure of Pecuniary Interests Form

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1. Introduction

This Code of Conduct (the Code) is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2021* ("the Regulation").

The Code sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

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

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct). A council's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" (eg volunteers, contractors and members of wholly advisory committees).

A council's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

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

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

2. Definitions

Term	Definition
<i>administrator</i>	An administrator of a council appointed under the LGA other than an administrator appointed under section 66.
<i>committee</i>	See the definition of “council committee”.
<i>complaint</i>	A code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
<i>conduct</i>	Includes acts and omissions.
<i>council</i>	Includes county councils and joint organisations.
<i>council committee</i>	A committee established by a council comprising councillors, staff or other persons that the council has delegated functions to, and the council’s audit, risk and improvement committee.
<i>council committee member</i>	A person other than a councillor or member of staff of a council who is a member of a council committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee.
<i>council official</i>	Includes councillors, members of staff of a council, administrators, council committee members, members of wholly advisory committees, delegates of council, volunteers and, for the purposes of clause 4.16, council advisers. Does not include contractors (including consultants) and Precinct committee members and attendees at precinct committee meetings (other than councillors and members of staff of Council).
<i>councillor</i>	Any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations.
<i>delegate of council</i>	A person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated.
<i>designated person</i>	A person referred to in clause 4.8.
<i>election campaign</i>	Includes council, state and federal election campaigns.
<i>environmental planning instrument</i>	Has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> .
<i>general manager</i>	Includes the executive officer of a joint organisation.

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<i>joint organisation</i>	A joint organisation established under section 400O of the LGA.
<i>LGA</i>	<i>Local Government Act 1993.</i>
<i>local planning panel</i>	A local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> .
<i>mayor</i>	Includes the chairperson of a county council or a joint organisation.
<i>members of staff of a council</i>	Includes labour hire/agency staff and temporary staff employed under contract.
<i>the Office</i>	Office of Local Government.
<i>personal information</i>	Information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
<i>the Procedures</i>	The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation.
<i>the Regulation</i>	The <i>Local Government (General) Regulation 2021</i> .
<i>volunteer</i>	A person engaged directly by council to undertake work without financial gain
<i>voting representative</i>	A voting representative of the board of a joint organisation.
<i>wholly advisory committee</i>	A council committee that the council has not delegated any functions to.
<i>wholly advisory committee member</i>	a person other than a councillor or member of staff who is a member of a wholly advisory committee.

3. General Conduct Obligations

General conduct

- 3.1. You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
 - is contrary to statutory requirements or the council's administrative requirements or policies
 - is improper or unethical
 - is an abuse of power
 - causes, comprises or involves intimidation or verbal abuse
 - involves the misuse of your position to obtain a private benefit
 - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2. You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5. An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6. You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7. For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- is not wanted by the person
 - offends, humiliates or intimidates the person, and
 - creates a hostile environment.

Bullying

- 3.8. You must not engage in bullying behaviour towards others.
- 3.9. For the purposes of this code, "bullying behaviour" is any behaviour in which:

- a. a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - b. the behaviour creates a risk to health and safety.
- 3.10. Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
 - a. aggressive, threatening or intimidating conduct
 - b. belittling or humiliating comments
 - c. spreading malicious rumours
 - d. teasing, practical jokes or 'initiation ceremonies'
 - e. exclusion from work-related events
 - f. unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g. displaying offensive material
 - h. pressure to behave in an inappropriate manner.
- 3.11. Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
 - a. performance management processes
 - b. disciplinary action for misconduct
 - c. informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d. directing a worker to perform duties in keeping with their job
 - e. maintaining reasonable workplace goals and standards
 - f. legitimately exercising a regulatory function
 - g. legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12. All council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
 - a. take reasonable care for your own health and safety
 - b. take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c. comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d. cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e. report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f. so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13. You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14. In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15. You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16. For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17. Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18. Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19. You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20. You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21. You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22. If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a. leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b. submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c. deliberately seek to impede the consideration of business at a meeting.

4. Pecuniary Interests

What is a pecuniary interest?

- 4.1. A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2. You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3. For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
 - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4. For the purposes of clause 4.3:
- Your “relative” is any of the following:
 - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - “de facto partner” has the same meaning as defined in section 21C of the Interpretation Act 1987.
- 4.5. You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6. You do not have to disclose the following interests for the purposes of this Part:
- your interest as an elector
 - your interest as a ratepayer or person liable to pay a charge
 - an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code

- d. an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- e. an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- f. if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- g. an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- h. an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- i. an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i. the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii. security for damage to footpaths or roads
 - iii. any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- j. an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- k. an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- l. an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- m. an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- n. an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- o. an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

- 4.7. For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8. Designated persons include:
- the general manager
 - other senior staff of the council for the purposes of section 332 of the LGA
 - a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9. A designated person:
- must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - must disclose pecuniary interests in accordance with clause 4.10.
- 4.10. A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11. Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12. The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13. A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14. A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15. The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisors?

- 4.16. A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17. A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18. A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19. For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20. A councillor:
- must prepare and submit written returns of interests in accordance with clause 4.21, and
 - must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21. A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- becoming a councillor or designated person, and
 - 30 June of each year, and
 - the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22. A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- they made and lodged a return under that clause in the preceding 3 months, or
 - they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23. A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24. The general manager must keep a register of returns required to be made and lodged with the general manager.

- 4.25. Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26. Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27. Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28. A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29. The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
 - a. at any time during which the matter is being considered or discussed by the council or committee, or
 - b. at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30. In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31. A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32. A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
 - a. a member of, or in the employment of, a specified company or other body, or
 - b. a partner of, or in the employment of, a specified person.Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33. A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

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- 4.34. A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35. Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36. Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- a. the matter is a proposal relating to:
 - i. the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - b. the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - c. the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37. A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a. be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - b. be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38. The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a. that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b. that it is in the interests of the electors for the area to do so.
- 4.39. A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

5. Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 5.1. Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2. A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3. The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4. Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5. When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6. Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8. How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9. As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a. a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current

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- or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b. other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c. an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d. membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e. a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f. the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10. Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a. by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b. if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11. If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12. If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13. Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

- 5.14. Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15. Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16. Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- made by a major political donor in the previous four years, and
 - the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17. For the purposes of this Part:
- a “reportable political donation” has the same meaning as it has in section 6 of the Electoral Funding Act 2018
 - “major political donor” has the same meaning as it has in the Electoral Funding Act 2018.
- 5.18. Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19. Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of this Part

- 5.20. A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- the matter is a proposal relating to:
 - the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
 - the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and

- b. the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c. the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21. The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
 - a. that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b. that it is in the interests of the electors for the area to do so.
- 5.22. Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23. The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24. A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25. The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26. A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27. Members of staff must ensure that any outside employment, work or business they engage in will not:
 - a. conflict with their official duties
 - b. involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c. require them to work while on council duty
 - d. discredit or disadvantage the council

- e. pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28. You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29. You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

6. Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a. items with a value of \$10 or less
 - b. a political donation for the purposes of the Electoral Funding Act 2018
 - c. a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d. a benefit or facility provided by the council to an employee or councillor
 - e. attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f. free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i. the discussion of official business
 - ii. work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii. conferences
 - iv. council functions or events
 - v. social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

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

- 6.5 You must not:
- a. seek or accept a bribe or other improper inducement
 - b. seek gifts or benefits of any kind
 - c. accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d. subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e. accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount

- f. participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g. personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager, the general manager or the governance manager in writing. The recipient, manager, general manager or governance manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
 - a. the nature of the gift or benefit
 - b. the estimated monetary value of the gift or benefit
 - c. the name of the person who provided the gift or benefit, and
 - d. the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to your director or the governance manager for disposal, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
 - a. invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - b. gifts of alcohol that do not exceed a value of \$100
 - c. ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d. prizes or awards that do not exceed \$100 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

7. Relationships Between Council Officials

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- give their attention to the business of the council while on duty
 - ensure that their work is carried out ethically, efficiently, economically and effectively
 - carry out reasonable and lawful directions given by any person having authority to give such directions
 - give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties. Members of staff, in

particular those who have a public platform, must take active steps to ensure that their views cannot be interpreted as being views of Council (for example, by stating that any political views or comments are made solely in their private capacity and do not represent the views of Council).

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- a. councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - b. council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c. subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d. councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e. councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting
 - f. councillors and administrators being overbearing or threatening to council staff
 - g. council staff being overbearing or threatening to councillors or administrators
 - h. councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - i. councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
 - j. council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k. council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
 - l. councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

8. Access to Information and Council Resources

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- subject to clause 8.15, only access council information needed for council business
 - not use that council information for private purposes
 - not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - protect confidential information
 - only release confidential information if you have authority to do so
 - only use confidential information for the purpose for which it is intended to be used
 - not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- the Privacy and Personal Information Protection Act 1998
 - the Health Records and Information Privacy Act 2002
 - the Information Protection Principles and Health Privacy Principles
 - the council's privacy management plan
 - the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a. the representation of members with respect to disciplinary matters
 - b. the representation of employees with respect to grievances and disputes
 - c. functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
 - a. for the purpose of assisting your election campaign or the election campaign of others, or
 - b. for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.

- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

9. Maintaining the Integrity of This Code

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- to bully, intimidate or harass another council official
 - to damage another council official's reputation
 - to obtain a political advantage
 - to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - to avoid disciplinary action under the Procedures
 - to take reprisal action against a person for making a complaint alleging a breach of this code
 - to take reprisal action against a person for exercising a function prescribed under the Procedures
 - to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- injury, damage or loss
 - intimidation or harassment
 - discrimination, disadvantage or adverse treatment in relation to employment
 - dismissal from, or prejudice in, employment
 - disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

Schedule 1 Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

Term	Definition
<i>address</i>	<p>means:</p> <ol style="list-style-type: none"> in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or in relation to any real property, the street address of the property.
<i>de facto partner</i>	has the same meaning as defined in section 21C of the <i>Interpretation Act 1987</i> .
<i>disposition of property</i>	<p>means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:</p> <ol style="list-style-type: none"> the allotment of shares in a company the creation of a trust in respect of property the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property the exercise by a person of a general power of appointment over property in favour of another person a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.
<i>gift</i>	means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

<i>interest</i>	means: a. in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or b. in relation to a corporation, a relevant interest (within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth) in securities issued or made available by the corporation.
<i>listed company</i>	means a company that is listed within the meaning of section 9 of the <i>Corporations Act 2001</i> of the Commonwealth.
<i>occupation</i>	includes trade, profession and vocation.
<i>professional or business association</i>	means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.
<i>property</i>	includes money.
<i>return date</i>	means: a. in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person b. in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made c. in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.
<i>relative</i>	includes any of the following: a. a person's spouse or de facto partner b. a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child c. a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child d. the spouse or de facto partner of a person referred to in paragraphs (b) and (c).
<i>travel</i>	includes accommodation incidental to a journey

Matters relating to the interests that must be included in returns

2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. Gifts, loans etc. from related corporations: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the Corporations Act 2001 of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a. the street address of each parcel of real property in which they had an interest on the return date, and
 - b. the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c. the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a. as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b. as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a. a description of each gift received in the period since 30 June of the previous financial year, and
 - b. the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a. it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b. it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
 - c. the donor was a relative of the donee, or
 - d. subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
- the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - the dates on which the travel was undertaken, and
 - the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
- was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - was made by a relative of the traveller, or
 - was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
 - was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - the nature of the interest, or the position held, in each of the corporations, and
 - a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - required to apply its profits or other income in promoting its objects, and
 - prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the Electoral Funding Act 2018.

property developer has the same meaning as it has in Division 7 of Part 3 of the Electoral Funding Act 2018.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
 - a. the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b. the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c. a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a. each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b. each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a. in relation to income from an occupation of the person:
 - i. a description of the occupation, and
 - ii. if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - iii. if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b. in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c. in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a. on the return date, and
 - b. at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
- a. the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - i. the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - ii. the amounts to be paid exceeded, in the aggregate, \$500, or
 - b. the person was liable to pay the debt to a relative, or
 - c. in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d. in the case of a debt arising from the supply of goods or services:
 - i. the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - ii. the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e. subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Schedule 2 Form of Written Return of Interest Submitted Under Clause 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosures by Councillors and Designated Persons Return



<div style="display: flex; justify-content: space-between;"> <div> <p>[insert name here] (full name of councillor or designated person)</p> <p>In respect of the period from 1 July 2021 to 30 June 2022 (return period)</p> <p>[insert signature/sign here] (councillor or designated person's signature)</p> </div> <div style="text-align: right;"> <p>as at: (return date)</p> <p>[insert date return form is completed] (date)</p> </div> </div>	
Part A – Real Property	
Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June.	Nature of Interest
Part B – Sources of Income	
1. Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June	
Sources of income I received from an occupation at any time since 30 June	
Description of Occupation	Name and address of employer or description of office held (if applicable)
	Name under which partnership conducted (if applicable)
2. Sources of income I reasonably expect to receive from a trust in the period commencing on the first date and after the return date and ending on the following 30 June	
Sources of income I received from a trust since 30 June	
Name and address of settlor	Name and address of trustee
3. Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June	
Sources of other income I received at any time since 30 June <i>Include description sufficient to identify the person from whom, or the circumstances in which, that income was received.</i>	
Part C - Gifts	
Description of each gift I received at any time since 30 June	Name and address of donor

Part D – Contributions to travel			
Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June.	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken.	

Part E – Interests and positions in corporations			
Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of Interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

Part F – Were you a property developer or a close associate of a property developer on the return date? (Y/N)

Part G – Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June.	Description of position

Part H - Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

Part I – Dispositions of property

1. Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
2. Particulars of each disposition of real property to a person by any other person under arrangements made by me (including the street address of the affected property) being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

Part J – Discretionary disclosures

Schedule 3 Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special Disclosure of Pecuniary Interests Form



WAVERLEY
COUNCIL

Special disclosure of pecuniary interests by [insert full name of councillor],

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [insert name of council or council committee (as the case requires)]

to be held on [insert day], [insert date] [insert month] [insert year].

Pecuniary interests	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
<p>¹ Clause 4.1 of this Code of Conduct for Councillors (Code of Conduct) provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Code of Conduct.</p> <p>² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Code of Conduct has a proprietary interest.</p>	
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	

Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Tick or cross one box]	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

[insert councillor name] signature

[insert date]

This form will be retained by the council's general manager and included in full in the minutes of the meeting.



Procedures for the Administration of the Code of Conduct

Procedures for the Administration of the Model Code of Conduct

Policy Owner	Director, Corporate Services
Approved by	Council
Date Approved	13 December 2022
Commencement date	14 December 2022
TRIM Reference	A18/0585
Next revision date	September 2025
Relevant legislation/codes	<ul style="list-style-type: none">• <i>Local Government Act 1993</i>• Model Code of Conduct for Local Councils in NSW• Procedures for the Administration of the Model Code of Council for Local Councils in NSW
Related policies/procedures/guidelines	<ul style="list-style-type: none">• Code of Conduct
Related forms	Designated Persons Returns Form

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PART 1 Introduction

These procedures reflect “the Model Code Procedures” that are prescribed for the administration of the Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the Local Government Act 1993 (“the LGA”) and the Local Government (General) Regulation 2021 (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

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

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.

PART 2 Definitions

In these procedures the following terms have the following meanings:

<i>administrator</i>	an administrator of a council appointed under the LGA other than an administrator appointed under section 66.
<i>code of conduct</i>	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures.
<i>complainant</i>	a person who makes a code of conduct complaint.
<i>complainant councillor</i>	a councillor who makes a code of conduct complaint.
<i>complaints coordinator</i>	a person appointed by the general manager under these procedures as a complaints coordinator.
<i>conduct reviewer</i>	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager.
<i>council</i>	includes county councils and joint organisations.
<i>council committee</i>	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the councils audit, risk and improvement committee.
<i>council committee member</i>	a person other than a councillor or member of staff of a council who is a member of a council committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee.
<i>councillor</i>	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations.
<i>council official</i>	includes councillors, members of staff of a council, administrators, council committee members, members of wholly advisory committees, delegates of council and, for the purposes of clause 4.12, council advisers. Does not include contractors (including consultants) and Precinct committee members and attendees at precinct committee meetings (other than councillors and members of staff of Council).
<i>delegate of council</i>	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated.

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<i>external agency</i>	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police.
<i>general manager</i>	includes the executive officer of a joint organisation.
<i>ICAC</i>	the Independent Commission Against Corruption.
<i>joint organisation</i>	a joint organisation established under section 4000 of the LGA.
<i>LGA</i>	the <i>Local Government Act 1993</i> .
<i>mayor</i>	includes the chairperson of a county council or a joint organisation.
<i>members of staff</i>	Includes labour hire/agency staff and temporary staff employed under contract.
<i>the Office</i>	Office of Local Government.
<i>investigator</i>	a conduct reviewer.
<i>the Regulation</i>	the <i>Local Government (General) Regulation 2021</i> .
<i>Respondent</i>	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures.
<i>volunteer</i>	A person engaged directly by council to undertake work without financial gain.
<i>wholly advisory committee</i>	a council committee that the council has not delegated any functions to.
<i>wholly advisory committee member</i>	a person other than a councillor or member of staff who is a member of a wholly advisory committee.

PART 3 Administrative Framework

The establishment of a panel of conduct reviewers

- 3.1. The council must establish a panel of conduct reviewers.
- 3.2. The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3. The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4. An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5. To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - (a) an understanding of local government, and
 - (b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
 - (c) knowledge and experience of one or more of the following:
 - i. investigations
 - ii. law
 - iii. public administration
 - iv. public sector ethics
 - v. alternative dispute resolution, and
 - (d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6. A person is not eligible to be a conduct reviewer if they are:
 - (a) a councillor, or
 - (b) a nominee for election as a councillor, or
 - (c) an administrator, or
 - (d) an employee of a council, or
 - (e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - (f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - (g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7. A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

- 3.8. An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9. A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10. The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11. When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12. A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13. Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14. To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15. An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

- 3.16. Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17. The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18. The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19. The general manager must not undertake the role of complaints coordinator.
- 3.20. The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.
- 3.21. The role of the complaints coordinator is to:
- (a) coordinate the management of complaints made under the council's code of conduct
 - (b) liaise with and provide administrative support to a conduct reviewer
 - (c) liaise with the Office and
 - (d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 How may code of conduct complaints be made?

What is a code of conduct complaint?

- 4.1. For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2. The following are not "code of conduct complaints" for the purposes of these procedures:
- (a) complaints about the standard or level of service provided by the council or a council official
 - (b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - (c) complaints about the policies or procedures of the council
 - (d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3. Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

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

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

- 4.6. All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.

- 4.7. Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8. In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9. The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10. Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

PART 5 How are code of conduct complaints to be managed?

Delegation by general managers and mayors of their functions under this Part

- 5.1. A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

- 5.2. In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3. Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- (a) is not a code of conduct complaint, or
 - (b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - (c) is trivial, frivolous, vexatious or not made in good faith, or
 - (d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - (e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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

- 5.4. The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5. The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6. The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 5.7. Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8. Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9. Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers, council committee members, volunteers and members of wholly advisory committees to be dealt with?

- 5.10. The general manager is responsible for the management of code of conduct complaints about delegates of council, council advisers, council committee members, volunteers and members of wholly advisory committees (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11. The general manager must refer code of conduct complaints about delegates of council, council advisers, council committee members, volunteers and members of wholly advisory committees alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12. The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council, council adviser, council committee member, volunteer or member of wholly advisory committees other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13. Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council, council adviser, council committee member, volunteer or member of wholly advisory committees, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14. Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council, council advisers, council committee members, volunteers or members of wholly advisory committees, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion,

negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.15. Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16. Sanctions for breaches of the code of conduct by delegates of council, council advisers, council committee members, volunteers or members of wholly advisory committees depend on the severity, scale and importance of the breach and may include one or more of the following:
- (a) censure
 - (b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - (c) prosecution for any breach of the law
 - (d) removing or restricting the person's delegation
 - (e) removing the person from membership of the relevant council committee.
- 5.17. Prior to imposing a sanction against delegates of council, council advisers, council committee members, volunteers or members of wholly advisory committees under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- (a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - (b) the person must be given an opportunity to respond to the allegation, and
 - (c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

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

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

- 5.20. The general manager must refer the following code of conduct complaints about councillors to the Office:
- (a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - (b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - (c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - (d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21. Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22. The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23. Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24. Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25. Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.26. The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27. The mayor must refer the following code of conduct complaints about the general manager to the Office:
- (a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - (b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - (c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28. Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29. The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30. Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31. Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32. Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

- 5.33. The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the general manager and the mayor to be dealt with?

- 5.34. Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- (a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - (b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35. The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36. The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37. Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38. Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39. In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- (a) the complainant consents in writing to the disclosure, or
 - (b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - (c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - (d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - (e) it is otherwise in the public interest to do so.

- 5.40. Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41. Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42. A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43. The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44. Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45. These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46. Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47. Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48. The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49. Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- (a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - (b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - (c) impeded or disrupted the effective functioning of the council.
- 5.50. A special complaints management arrangement must be in writing and must specify the following:
- (a) the code of conduct complaints the arrangement relates to, and
 - (b) the period that the arrangement will be in force.
- 5.51. The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52. While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53. Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54. Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55. A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 Preliminary assessment of code of conduct complaints about councillors or the general manager by conduct reviewers

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- (a) a panel of conduct reviewers established by the council, or
 - (b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- (a) they have a conflict of interest in relation to the matter referred to them, or
 - (b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - (c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - (d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- (a) comply with these procedures in their consideration of the matter, or
 - (b) comply with a lawful and reasonable request by the complaints coordinator, or
 - (c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- (a) to take no action
 - (b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

- (c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - (d) to refer the matter to an external agency
 - (e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- (a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - (b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and
 - (c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- (a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - (b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - (c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - (d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- (a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - (b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - (c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - (d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - (e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - (f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - (g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - (h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - (i) any previous proven breaches of the council's code of conduct
 - (j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - (k) whether there were mitigating circumstances giving rise to the conduct complained of
 - (l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - (m) the significance of the conduct or the impact of the conduct for the council
 - (n) how much time has passed since the alleged conduct occurred
 - (o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 Investigations of code of conduct complaints about councillors or the general manager

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- (a) disclose the substance of the allegations against the respondent, and
 - (b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - (c) advise of the process to be followed in investigating the matter, and
 - (d) advise the respondent of the requirement to maintain confidentiality, and
 - (e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - (f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- (a) advise them of the matter the investigator is investigating, and
 - (b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - (c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- (a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - (b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - (c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the

respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- (a) make findings of fact in relation to the matter investigated, and,
 - (b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - (c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- (a) a description of the allegations against the respondent
 - (b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - (c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - (d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - (e) a description of any attempts made to resolve the matter by use of alternative means
 - (f) the steps taken to investigate the matter
 - (g) the facts of the matter
 - (h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - (i) the investigator's determination and the reasons for that determination
 - (j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- (a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - (b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - (c) in the case of a breach by a councillor, that the council resolves as follows:

- i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37©, the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
 - (a) that the council revise any of its policies, practices or procedures
 - (b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - (a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - (b) the investigator's determination and the reasons for that determination
 - (c) any recommendations, and
 - (d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
(a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
(b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- (a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
 - (b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - (c) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G for the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 Oversight and rights of review

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

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

reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- (a) that the investigator has failed to comply with a requirement under these procedures, or
 - (b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - (c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

Procedures for the Administration of the Model Code of Conduct

- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 Where the Office recommends that the decision to impose a sanction be reviewed:
- (a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - (b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.21 Where, having reviewed its previous decision in relation to a matter under clause 8.210(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 Procedural irregularities

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

PART 10 Practice directions

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

PART 11 Reporting statistics on code of conduct complaints about councillors and the general manager

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- (a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
 - (b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - (c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - (d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
 - (e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
 - (f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
 - (g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.
- 11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 Confidentiality

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- (a) the complainant
 - (b) the complaints coordinator
 - (c) the Office, and
 - (d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.



Code of Meeting Practice

CODE OF MEETING PRACTICE

Policy owner	Executive Manager, Governance
Adopted by	Council
Date adopted	21 June 2022
Commencement date	22 June 2022
TRIM Reference	A22/0057
Next revision date	By September 2025
Relevant legislation/codes	Local Government Act 1993; Model Code of Meeting Practice for Local Councils in NSW 2021; Waverley Code of Conduct for Councillors.
Related policies/procedures/guidelines	Waverley Live Streaming of Council Meetings Policy; Hybrid Meetings Etiquette Guide; Waverley Code of Conduct for Staff.
Related forms	

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PART 1 INTRODUCTION

This code of meeting practice sets out the rules of conduct for meetings of the council and a committee of the council where all members are councillors.

Section 360 of the *Local Government Act 1993* requires a council and a committee of the council of which all the members are councillors to conduct its meetings in accordance with a code of meeting practice adopted by the council.

The Waverley Code of Meeting Practice incorporates the mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW* (Model Meeting Code) issued by the Office of Local Government in 2021. The Waverley code also incorporates some of the non-mandatory provisions of the Model Meeting Code and other supplementary provisions that are consistent with the mandatory provisions of the Model Meeting Code.

This code must be read in conjunction with the Waverley Code of Conduct for Councillors, which is based on the Model Code of Conduct issued by the Office of Local Government in 2020. The Model Code of Conduct for Councillors includes provisions relating to binding caucus votes, disclosures of interests, and obligations in relation to meetings (including councillor misconduct). This code references the Waverley Code of Conduct where relevant.

Preparation, public notice and exhibition of draft code

Before adopting a code of meeting practice, Council must prepare a draft code and give notice to the public of the exhibition of the draft code. The period of public exhibition must not be less than 28 days and the public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition for the receipt of submissions.

After considering all submissions received, Council may decide:

- to amend the non-mandatory or supplementary provisions, or
- to adopt the draft code as its code of meeting practice.

If Council decides to amend its draft code, it may publicly exhibit the amended draft or, if Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

The code may only be amended by Council through those means provided within the Act.

Clause references

This code uses the following references to identify the source of each provision or section of provisions:

- *Model Meeting Code* – Mandatory provisions from the Model Meeting Code. Where the provision directly reflects the *Local Government Act*, the section of the Act is also shown.
- *Model Meeting Code – non-mandatory provision* – non-mandatory provisions from the Model Meeting Code.
- *Supplementary provision* – Additional provisions specific to Waverley.
- *Note* – Information added for explanatory purposes or to add clarity. A note is not enforceable.

PART 2 MEETING PRINCIPLES

Council and committee meetings should be:

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

PART 3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the council will generally 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 when no meetings are held. 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.

Model Meeting Code

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

Extraordinary meetings

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

*Model Meeting Code
LGA s 366*

Note: Council may resolve to hold extraordinary meetings as and when required. The Local Government Act 1993 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.

Notice to the public of council meetings

- 3.3 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.

Model Meeting Code
LGA s 9(1)

- 3.4 For the purposes of clause 3.3, 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.

- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

Model Meeting Code

- 3.6 Should a meeting be adjourned to resume on the same day, it is sufficient notice for the chair to announce to the meeting the time and place of the resumption.

- 3.7 Should a meeting be adjourned to resume on another day, the provisions of clause 3.3 should apply where practicable.

Supplementary provisions

Notice to councillors of ordinary council meetings

- 3.8 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.

Model Meeting Code
LGA s 367(1)

- 3.9 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.

Model Meeting Code
LGA s 367(3)

Notice to councillors of extraordinary meetings

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

Model Meeting Code
LGA s 367(2)

Notice of motions for ordinary meetings

- 3.11 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.
- 3.12 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.

Model Meeting Code

- 3.13 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.

Model Meeting Code – non-mandatory provision

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.11, ask a question for response by the general manager about the performance or operations of the council.

Note: The general manager will not accept questions about matters that can be dealt with administratively.

- 3.15 A councillor may submit up to three questions per ordinary council meeting. Questions with notice are not permitted at committee meetings.

Supplementary provision

- 3.16 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.

- 3.17 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.

Model Meeting Code

- 3.18 The chair must not permit further questions or discussion on any reply to a question with notice.

Supplementary provision

Agenda and business papers for ordinary meetings

- 3.19 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.
- 3.20 The general manager must ensure that the agenda for an ordinary meeting of the council states:

Code of Meeting Practice

- (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 chair – any matter or topic that the chair 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 3.11 and 3.14.
- 3.21 Nothing in clause 3.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.7.
- 3.22 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.

Model Meeting Code

- 3.23 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.

Model Meeting Code
LGA s 9(2A)(a)

- 3.24 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.

Statement of ethical obligations

- 3.25 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Model Meeting Code

Availability of the agenda and business papers to the public

- 3.26 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.

Model Meeting Code
LGA ss 9(2), (4)

- 3.27 Clause 3.26 does not apply to the business papers for items of business that the general manager has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public.

Model Meeting Code
LGA s 9(2A)(b)

- 3.28 For the purposes of clause 3.26, 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.

Model Meeting Code
LGA s 9(3)

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

Model Meeting Code
LGA s 9(5)

Agenda and business papers for extraordinary meetings

- 3.30 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.
- 3.31 Despite clause 3.30, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) the business to be considered is ruled by the chair 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, and
 - (b) a motion is passed to have the business considered at the meeting.
- 3.32 A motion moved under clause 3.31(b) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.33 Despite clauses 10.23–10.33, only the mover of a motion moved under clause 3.31(b) can speak to the motion before it is put.
- 3.34 A motion of dissent cannot be moved against a ruling of the chair under clause 3.31(a) on whether a matter is of great urgency.

Model Meeting Code

PART 4 ADDRESSES BY MEMBERS OF THE PUBLIC

- 4.1 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.
- 4.2 A person wishing to address a meeting must register by 3.00 pm on the day of the meeting.
- 4.3 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 chair.
- 4.4 Each address must be no longer than 3 minutes in duration.
- 4.5 The address must relate to an item of business to be considered at the meeting. The chair will call to order any speaker who fails to comply with this requirement. If the speaker fails to comply with chair's call to order, the chair may withdraw that speaker's right to address the meeting.
- 4.6 Speakers cannot ask questions of the council, councillors or council staff.
- 4.7 When addressing council, speakers must comply with this code.
- 4.8 Speakers may provide hardcopies of their speech to councillors at the meeting. Audio-visual presentations are not permitted.

Supplementary provisions

PART 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, unless permitted to attend the meeting by audio-visual link under this code.

Model Meeting Code

Leave of absence

- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

Vacancy of civic office

- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Model Meeting Code
LGA s 234(1)(d)

Meeting attendance while on leave of absence

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

Model Meeting Code

The quorum for a meeting

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

Model Meeting Code
LGA s 368(1)

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

Model Meeting Code
LGA s 368(2)

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chair, or
 - (b) in the chair's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

Model Meeting Code

- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead

be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

Attendance by councillors at meetings by audio-visual link

- 5.15 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link.
- 5.16 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor attends a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same rights, including voting rights, as if they were attending the meeting in person.
- 5.17 Whilst attending a meeting by audio-visual link a councillor must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Model Meeting Code – non-mandatory provision

Entitlement of the public to attend meetings

- 5.18 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.

*Model Meeting Code
LGA s 10(1)*

- 5.19 Clause 5.18 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.20 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.

*Model Meeting Code
LGA s 10(2)*

Note: Council does not have a standing resolution giving the chair the power of expulsion referred to in clause 5.20(b).

Live streaming of meetings

- 5.21 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.22 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
 - (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.23 The recording of a meeting is to be made publicly available on the council's website:
 - (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.24 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.25 Clauses 5.23 and 5.24 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- 5.26 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Model Meeting Code

Attendance of the general manager and other staff at meetings

- 5.27 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.

Model Meeting Code
LGA s 376(1)

- 5.28 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.

Model Meeting Code
LGA s 376(2)

- 5.29 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.

Model Meeting Code
LGA s 376(3)

- 5.30 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.

Model Meeting Code

- 5.31 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

Meetings held in an emergency

- 5.32 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the

health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.33 Where the mayor determines under clause 5.32 that a meeting is to be held by audio-visual link, the general manager must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
- (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

5.34 This code applies to a meeting held by audio-visual link under clause 5.32 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.32, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Model Meeting Code – non-mandatory provision

PART 6 THE CHAIR

The chair 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.

*Model Meeting Code
LGA s 369(1)*

- 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.

*Model Meeting Code
LGA s 369(2)*

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

- 6.3 If no chair 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 chair to preside at the meeting.
- 6.4 The election of a chair 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 chair, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chair 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 chair.
- 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.

Model Meeting Code

Chair to have precedence

- 6.9 When the chair 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 chair to be heard without interruption.

Model Meeting Code

Recognising the authority of the chair

- 6.10 When addressing a meeting of the council, councillors and all other persons present must, unless the chair states otherwise:
 - (a) stand; and
 - (b) direct their address through the chair.
- 6.11 Councillors and all other persons attending a meeting of the council must at all times show respect to, and observe the ruling of, the chair.

- 6.12 Despite clause 6.11 of this code, a councillor may, through a motion of dissent, challenge a ruling made by the chair (see clause 15.8 of this code for motions of dissent).

Supplementary provisions

PART 7 MODES OF ADDRESS

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

Model Meeting Code – non-mandatory provisions

PART 8 ORDER OF BUSINESS FOR COUNCIL AND COMMITTEE MEETINGS

- 8.1 The general order of business for council and committee meetings is as fixed by resolution of the council.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council or committee if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.23–10.33, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

Model Meeting Code

PART 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 3.11, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.8 in the case of an ordinary meeting or clause 3.10 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 chair to preside at the meeting, or
 - (c) subject to clause 9.10, 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.

Model Meeting Code

Dealing with urgent matters without notice

- 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) the business to be considered is ruled by the chair 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, and

- (b) a motion is passed to have the business considered at the meeting.

- 9.4 A motion moved under clause 9.3(b) can be moved without notice. Despite clauses 10.23–10.33, only the mover of a motion referred to in clause 9.3(b) can speak to the motion before it is put.

Model Meeting Code

- 9.5 The mover of the motion referred to in clause 9.3(b) 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.

Supplementary provision

- 9.6 A motion of dissent cannot be moved against a ruling by the chair under clause 9.3(a).

Model Meeting Code

Mayoral minutes

- 9.7 Subject to clause 9.10, if the mayor is the chair 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.
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chair (but only if the chair is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.9 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.
- 9.10 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.

Model Meeting Code

- 9.11 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.

Model Meeting Code – non-mandatory provision

Staff reports

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

Model Meeting Code

Reports of committees of council

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

Model Meeting Code

Note: Council's committees adopt their own minutes. The provisions in this section apply only to recommendations of the committee of the whole.

Questions to councillors and staff

- 9.15 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 3.11 and 3.14.
- 9.16 A councillor may, through the chair, put a question to another councillor about a matter on the agenda.
- 9.17 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.
- 9.18 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 information. 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.
- 9.19 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.20 The chair must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

Model Meeting Code

PART 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.

Model Meeting Code

Note: This Code specifies that mayoral minutes (see clause 9.7) and 'put' motions (see clause 10.28) do not require a seconder.

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.11 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 3.11 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 chair, move the motion at the meeting, or
 - (b) the chair may defer consideration of the motion until the next meeting of the council.

Model Meeting Code

Chair's duties with respect to motions

- 10.5 It is the duty of the chair at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

Model Meeting Code

- 10.6 At the time a motion or amendment is moved, the chair must ensure the motion or amendment is announced to the meeting in its entirety so its intent can be clearly understood. This requirement does not apply when the motion or amendment appears on the agenda.

Supplementary provision

- 10.7 The chair must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.8 Before ruling out of order a motion or an amendment to a motion under clause 10.7, the chair is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.9 Any motion, amendment or other matter that the chair has ruled out of order is taken to have been lost.

Model Meeting Code

Motions requiring the expenditure of funds

- 10.10 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.

Model Meeting Code – non-mandatory provision

Amendments to motions

- 10.11 An amendment to a motion must be moved and seconded before it can be debated.

Model Meeting Code

- 10.12 The seconder of a motion cannot move an amendment to the motion.

Supplementary provision

- 10.13 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 chair.

- 10.14 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.

- 10.15 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.

- 10.16 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.

- 10.17 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.

- 10.18 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Model Meeting Code

Notes: Under clause 10.18, the acceptance of an amendment by the seconder of the original motion is not required.

Despite clause 10.18, a councillor does not have to ask the mover of the original motion if they will accept their amendment. Instead, they may choose to move the amendment formally as per clause 10.11.

Foreshadowed motions and amendments

- 10.19 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.
- 10.20 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.
- 10.21 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.

Model Meeting Code

Motions and amendments to be submitted in writing

- 10.22 All motions and amendments, including those foreshadowed, should be submitted in writing to staff in the governance section prior to the meeting where practical for the purposes of live minuting.

Supplementary provision

Limitations on the number and duration of speeches

- 10.23 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.

- 10.24 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.
- 10.25 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.
- 10.26 Despite clause 10.25, the chair 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.
- 10.27 Despite clause 10.25, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.28 Despite clauses 10.23 and 10.24, 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.
- 10.29 The chair must immediately put to the vote, without debate, a motion moved under clause 10.28. A seconder is not required for such a motion.
- 10.30 If a motion that the original motion or an amendment be now put is passed, the chair 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 10.23.

- 10.31 If a motion that the original motion or an amendment be now put is lost, the chair must allow the debate on the original motion or the amendment to be resumed.
- 10.32 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.
- 10.33 Once the debate on a matter has concluded and a matter has been dealt with, the chair must not allow further debate on the matter.

Model Meeting Code

Laying an item on the table

- 10.34 A councillor may move a procedural motion that an agenda item 'lay on the table' to allow further consideration or information to be provided before the matter is decided. If the motion is carried, no further debate can be undertaken until there is a procedural motion for the item to be 'taken from the table.'
- 10.35 A motion to lay an item on the table, or to take an item from the table, is not debateable and there can be no amendments or right of reply.
- 10.36 A matter laid on the table must be taken from the table and dealt with prior to the end of the meeting.
- 10.37 When the item is taken from the table, debate resumes where it left off.

Supplementary provisions

PART 11 VOTING

Voting entitlements of chair and councillors

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

*Model Meeting Code
LGA s 370(1)*

- 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.

*Model Meeting Code
LGA s 370(2)*

- 11.3 Where the chair 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.

Model Meeting Code

Voting at council meetings

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

against the motion in accordance with clause 11.4 of this code.

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

Model Meeting Code

Voting on planning decisions

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

Model Meeting Code
LGA s 375A

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

PART 12 COMMITTEE OF THE WHOLE

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

Model Meeting Code
LGA s 373

- 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 10.23–10.33 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.

Model Meeting Code

PART 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, the chair must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chair 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 A motion to adopt multiple items of business together 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.
- 13.5 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.6 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.

Model Meeting Code – non-mandatory provisions

PART 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.

Model Meeting Code
LGA ss 10A(1), (2)

- 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.

Model Meeting Code
LGA s 10A(3)

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.

Model Meeting Code
LGA s 10B(1)

- 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

Code of Meeting Practice

- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Model Meeting Code
LGA s 10B(2)

- 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.

Model Meeting Code
LGA s 10B(3)

- 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.

Model Meeting Code
LGA s 10B(4)

- 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 Departmental Chief Executive of the Office of Local Government.

Model Meeting Code
LGA s 10B(5)

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 3.23 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.

Model Meeting Code
LGA s 10C

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.
- Model Meeting Code*
LGA s 10A(4)
- 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 3.23 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 3.23 as a matter that is likely to be considered when the meeting is closed to the public, the chair 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 chair is to permit no more than three speakers to make representations in such order as determined by the chair.
- 14.17 Each speaker will be allowed three minutes to make representations, and this time limit is to be strictly enforced by the chair. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chair is to direct the speaker not to do so. If a speaker fails to observe a direction from the chair, 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.

*Model Meeting Code
LGA s 10D*

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 chair 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 chair under clause 14.21 during a part of the meeting that is webcast.

Model Meeting Code

Obligations of councillors attending closed meetings by audio-visual link

- 14.23 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Model Meeting Code – non-mandatory provisions

PART 15 KEEPING ORDER AT MEETINGS

Points of order

- 15.1 A councillor may draw the attention of the chair 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 Part 2.
- 15.3 A point of order must be taken immediately it is raised. The chair 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 chair must then rule on the point of order – either by upholding it or by overruling it.

Model Meeting Code

Questions of order

- 15.4 The chair, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chair, 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 chair to the matter.
- 15.6 The chair 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 chair's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Model Meeting Code

Motions of dissent

- 15.8 A councillor can, without notice, move to dissent from a ruling of the chair on a point of order or a question of order. If that happens, the chair 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 chair 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 chair 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 chair can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Model Meeting Code

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, the Regulation 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, makes unfavourable personal remarks about, 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.

Note: A councillor also commits an act of disorder if, at a meeting of the council or a committee of the council, the councillor behaves in a manner described under clause 3.22 of the Waverley Code of Conduct for Councillors.

15.12 The chair may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) (b), or (e), 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 any statement that constitutes 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 chair 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 chair, 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.

Model Meeting Code

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.14 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by

the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code. Before taking this action, the chairperson must state the provision of this code that they believe has been breached.

- 15.15 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Model Meeting Code – non-mandatory provisions

Expulsion from meetings

- 15.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Without limiting clause 15.17, a contravention of clause 15.21 or an attempt to contravene that clause,

constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.

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

Model Meeting Code

PART 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.

Model Meeting Code

- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor must suspend their audio-visual link to the meeting so that the councillor cannot be seen or heard by the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Model Meeting Code – non-mandatory provisions

Note: See Parts 4 and 5 of the Waverley Code of Conduct for Councillors

PART 17 DECISIONS OF 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.

Model Meeting Code
LGA s 371

- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Model Meeting Code

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 3.11.

Model Meeting Code
LGA s 372(1)

- 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.

Model Meeting Code
LGA s 372(2)

- 17.5 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 10 am on the next working day following the meeting. 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.

Supplementary provision

Code of Meeting Practice

- 17.6 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 3.11.

Model Meeting Code
LGA s 372(3)

- 17.7 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.

Model Meeting Code
LGA s 372(4)

- 17.8 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.

Model Meeting Code
LGA s 372(5)

- 17.9 The provisions of clauses 17.6–17.8 concerning lost motions do not apply to motions of adjournment.

Model Meeting Code
LGA s 372(7)

- 17.10 A notice of motion submitted in accordance with clause 17.7 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.

Model Meeting Code

- 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.

Model Meeting Code
LGA s 372(6)

- 17.12 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 chair, and
 - (b) the chair 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; and
 - (c) a motion to have the motion considered at the meeting is passed.
- 17.13 A motion moved under clause 17.12(c) can be moved without notice. Only the mover of the motion can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chair under clause 17.12(b).

Model Meeting Code – non-mandatory provisions

Foreshadowing an alternative motion

- 17.15 If a councillor wishes to have an alternative motion considered once a rescission motion is adopted, the alternative motion must be:
- (a) included in the notice of motion to rescind the resolution lodged with the general manager, and be listed on the meeting agenda, or
 - (b) foreshadowed during the debate on the rescission motion.

Who can deal with a rescission motion

- 17.16 A notice of motion to rescind or alter a committee resolution can be dealt with by the committee or by the council.
- 17.17 A notice of motion to rescind or alter a council resolution can only be dealt with by the council.

Supplementary provisions

PART 18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 11.30 pm.
- 18.2 If the business of the meeting is unfinished at 11.30 pm, 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 11.30 pm, and the council does not resolve to extend the meeting, the chair 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 chair.
- 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.

Model Meeting Code – non-mandatory provisions

PART 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.

Model Meeting Code
LGA s 375(1)

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

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) 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.

Model Meeting Code
LGA s 375(2)

- 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.

Model Meeting Code

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

Model Meeting Code
LGA s 375(2)

- 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.

Model Meeting Code

Correspondence and reports tabled at 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 tabled at, or submitted to, the meeting.

Model Meeting Code
LGA s 11(1)

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

Model Meeting Code
LGA s 11(2)

- 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.

Model Meeting Code
LGA s 11(3)

- 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.

Model Meeting Code

Implementing council decisions

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

*Model Meeting Code
LGA s 335(b)*

*Note: See clause 17.5 of this Code regarding
rescission motions.*

PART 20 COUNCIL COMMITTEES

Application of this part

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

Model Meeting Code

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.

Model Meeting Code

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.

Model Meeting Code

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.

Model Meeting Code

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.

Model Meeting Code

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.

Model Meeting Code

Chair and deputy chair of council committees

- 20.11 The chair of each committee of the council must be:
- (a) the mayor, or
 - (b) if the mayor does not wish to be the chair 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 chair of the committee. If the council does not elect a deputy chair of such a committee, the committee may elect a deputy chair.
- 20.13 If neither the chair nor the deputy chair 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 chair of the committee.
- 20.14 The chair is to preside at a meeting of a committee of the council. If the chair is unable or unwilling to preside, the deputy chair (if any) is to preside at the meeting, but if neither the chair nor the deputy chair is able or willing to preside, the acting chair is to preside at the meeting.

Model Meeting Code

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 chair of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

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

Model Meeting Code

Closure of committee meetings to the public

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

Model Meeting Code

Disorder in committee meetings

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

Model Meeting Code

Minutes of council committee meetings

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

Code of Meeting Practice

committees of the council on its website prior to their confirmation.

Model Meeting Code

PART 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.

Model Meeting Code
LGA s 374

PART 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
audio-visual link	means a facility that enables audio and visual communication between persons at different places
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
chair	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 11.6 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

Code of Meeting Practice

	clause 10.20 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.19 of this code during debate on an original motion
live stream	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
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
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

Community Engagement Strategy



WAVERLEY
COUNCIL



Amendment Number	0
Date of Adoption	18 July 2023
Date of Effect	21 August 2023
Amendment Description	Establishment of this Community Engagement Strategy (CES)

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Acknowledgement of Country

Waverley Council acknowledges the Bidjigal, Birrabirragal and Gadigal people, who traditionally occupied the Sydney Coast, and we pay respect to all Aboriginal and Torres Strait Islander Elders both past and present.

Our vision for reconciliation is for Waverley to be a vibrant, resilient, caring, and inclusive community where Aboriginal and Torres Strait Islander peoples:

- Practice and celebrate their culture and heritage proudly
- Are honoured for their survival and resilience, and supported to continue to overcome adversity
- Are respected and acknowledged as First Nations peoples with the right to determine their own futures

Council will continue to value and protect our environment with respect to Aboriginal and Torres Strait Islander peoples' intrinsic relationship with the land, and waters.

1

The Community Engagement Strategy



The Community Engagement Strategy (CES) outlines how and when Waverley Council will engage on Council decision-making and projects, including strategic planning matters and development applications (DAs). It outlines principles, processes, and techniques for community engagement. The CES determines who Council will engage with, when Council will engage, and how Council will engage our community.

Community engagement and community voice is central to decision-making. The International Association for Public Participation principles

are embedded in the CES, and consultation will be central to the implementation of programs and projects. The communication channels used will continually be monitored and assessed for opportunities to improve and maintain two-way conversation.

The CES is a Council-adopted strategy prepared as a requirement under Section 402(A) of the Local Government Act 1993, the Integrated Planning & Reporting Framework, and it incorporates Council's Community Participation Plan, which is required under Division 2.6 and Schedule 1 of the Environmental Planning and Assessment Act 1979.

Waverley Council Community Engagement Strategy

What is community engagement and why is it important?

Community engagement is the process of involving the community in decisions that affect them and the direction of Council.

Community engagement:

- Builds community confidence in Council
- Provides multiple opportunities for community members to have a say in decisions that affect them
- Creates a shared sense of purpose, direction, and understanding of the need to deliver infrastructure and services
- Develops relationships and partnerships between Council and the community
- Leads to shared understanding of community needs, aspirations, and priorities

Statement of commitment

Waverley Council is committed to engaging with the community in an inclusive, transparent, and accountable way, to make fair and equitable decisions that reflect community needs.

Legislative requirements

Community engagement is required by State Government legislation, including the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979. Under Section 402(A) of the Local Government Act 1993:

“A council must establish and implement a strategy for engagement with the local community (called its Community Engagement Strategy) when developing its plans, policies and programs, and for the purpose of determining its activities (other than routine administrative matters).”

The Environmental Planning & Assessment Act 1979 (EP&A Act) requires all planning authorities, including Council, to outline how and when the community will be engaged across planning functions like policy making and development assessment.

There are statutory timeframes for the public exhibition of planning related documents and applications including planning proposals, planning agreements, and development applications. This CES has been developed in accordance with the requirements under the EP&A Act.

Other legislation that requires Council to run community engagement include:



- Crown Lands Management Act 2016
- Roads Act 1993
- Multicultural NSW Act 2000
- Disability Inclusion Act 2014
- Children’s Guardian Act 2019

The Office of Local Government (OLG) has guidelines specifying the CES should be reviewed and adopted by council every four years. This document aligns with the OLG guidelines and standards.

Council’s use and exhibition of planning documents is consistent with section 10.14 of the EP&A Act.

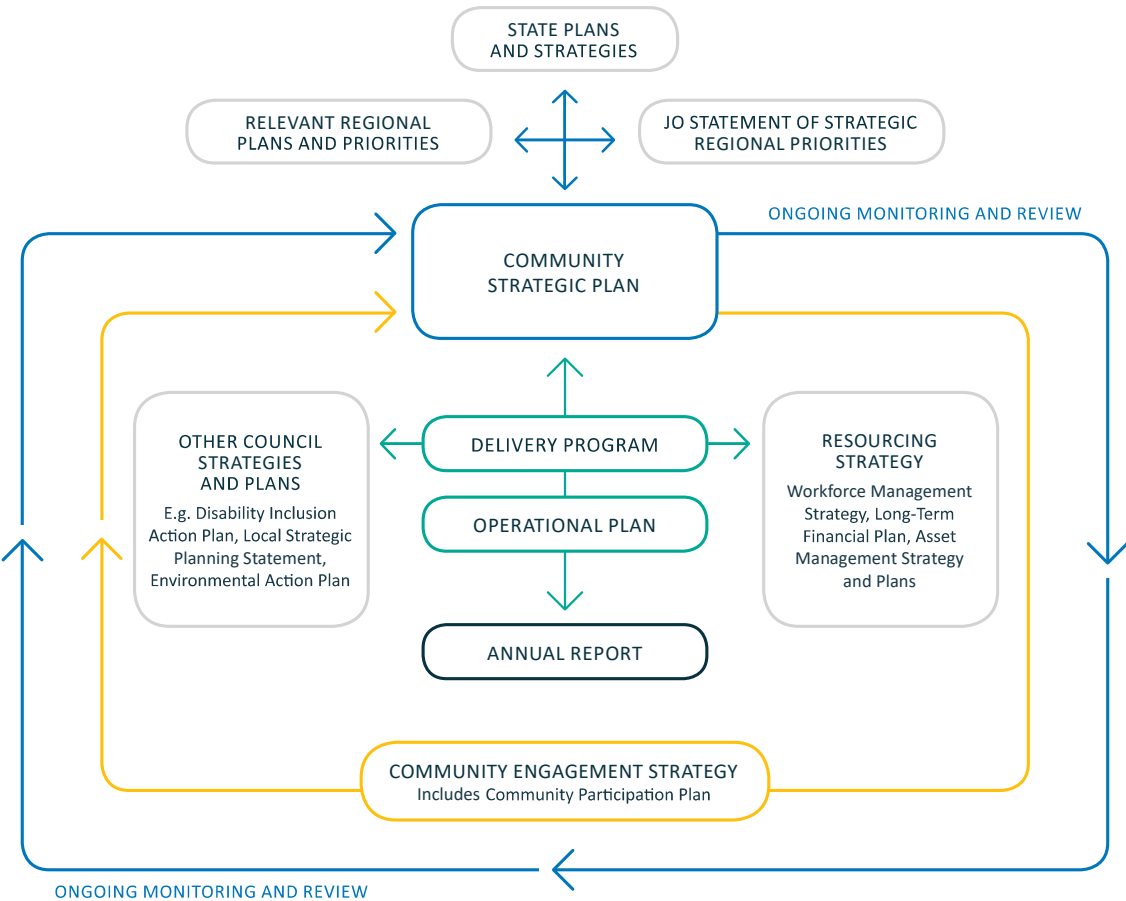
How this links to our strategic framework

All councils are required to have a Community Strategic Plan to set long-term goals and outcomes. This plan, along with a Long-term Financial Plan and Delivery Program, ensures local needs are met. These documents with other mechanisms, including a CES, make up the Integrated Planning and Reporting (IP&R) framework.

This CES sits within Council’s suite of strategic documents that include:

- Local Strategic Planning Statement (20 years)
- Community Strategic Plan (10 years)
- Delivery Program (4 years)
- Operational Plan (1 year)
- Resourcing Strategy

Figure 1: Integrated Planning and Reporting strategic framework





Reviewing the Community Engagement Strategy

The 2020 CES and 2019 CPP were developed following consultation with the Waverley community and Councillors. This CES is the combination of those two documents, created to streamline the information provided.

The draft CES was endorsed by Council for public exhibition on 16 May 2023.

The draft CES was publicly exhibited from 17 May 2023 to 14 June 2023.

The final version of this CES was adopted by Council on 18 July 2023 and came into effect on 21 August 2023.

It is due for review by March 2027.

Waverley Council's Community Engagement Principles

The CES has been developed using Council's Community Engagement Principles which came from consultation with the community, and the OLG identified social justice principles, which underpin Council strategies.

1. Build relationships

We will engage in an honest, open, and respectful way to build strong relationships and trust within our community.

2. Right to be involved

We believe that our community has a right to be involved in decisions that affect them. We are committed to ensuring those who are impacted by or have an interest in a decision or initiative of Council, have fair and equitable access to participate in the decision-making process.

3. Accessible and inclusive

Information and engagement activities will be offered in a range of formats to enable fair and equal access to participation.



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4. Timely

We will engage early enough for participation to be meaningful. We will provide enough time for the community to provide input.

5. Tailored

We will use a range of engagement and communication methods that suit the purpose of the project to reach identified stakeholders. The level of influence of stakeholders and the community will be appropriate for the nature, complexity, and level of impact of the decision being made.

6. Transparent and accountable

We will provide all relevant information to ensure the community can participate in engagement activities in a meaningful way. We will report back to participants on how their input affected the final decision or outcome.

7. Representative

We will make every effort to notify stakeholders and the community of Council engagement to ensure a representative sample of the community is able to participate.

Social Justice Principles

Equity

There should be fairness in decision-making, prioritisation and allocation of resources, particularly for those in need. Everyone should have a fair opportunity to participate in the future of the community.

Access

Everyone should have fair access to services, resources, and opportunities to improve their quality of life.

Rights







Equal rights should be established and promoted, with opportunities provided for people from diverse linguistic, cultural, and religious backgrounds to participate in community life.

Participation

Everyone should have the maximum opportunity to genuinely participate in decisions which affect their lives.

2
Our
community

Waverley facts

 <p>9.2km²</p>	 <p>Population 68,605</p>	
	 <p>32,769 Dwellings</p>	 <p>17 Schools</p>
 <p>34,000 Registered businesses</p>		<p>More than 29,460 jobs in Waverley</p> 

The people of Waverley








Median age
35YRS

47.1%
of residents are
overseas born

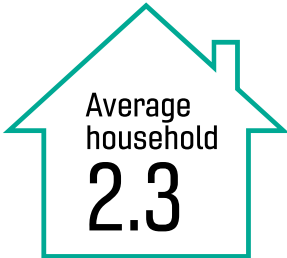


Top 5 countries:

-  UK
-  South Africa
-  New Zealand
-  Brazil
-  USA



16%
of residents
identify as Jewish



Average
household
2.3








29.9%
of households
are single people



24.4%
of households are
couples with children

27.2%
speak a language
other than English
at home

Top 5 Languages:

-  Spanish
-  Russian
-  French
-  Portuguese
-  Italian



Who do we engage with?

Identifying and understanding key stakeholders is vital to the community engagement process. Stakeholders are people who will be impacted by or have an interest in a decision. Council aims to reach those who are relevant to the project as well as the broader community wherever possible.

Stakeholders can be identified as place-based (located in a specific geographic area) such as a particular site, street, or neighbourhood. They may share a particular interest such as local businesses, or a similar characteristic, belief, or life experience such as young people, people living with a disability, or First Nations peoples. We also try to consider our future communities and those who can't represent themselves.

In seeking a range of perspectives, values, needs and ideas, our engagement process ensures that the community is informed about projects, plans and initiatives.

Our stakeholders

Our stakeholders include but are not limited to:

- Residents
- Ratepayers
- Councillors
- Interest groups
- Schools
- Council workers
- Aboriginal and Torres Strait Islander peoples
- Children, young people and families
- LGBTQIA+ community
- People with disability
- Older people
- Advisory and Precinct Committee members
- Culturally diverse community members
- State and federal members of parliament
- Chamber of Commerce
- NSW Government agencies
- Businesses



Internal and external committees and advisory committees

Council has a range of meeting and group structures to facilitate face to face engagement and ongoing collaboration on specific subject matters with both internal and external representatives.

This includes Advisory Committees, Precinct Committees and Have Your Say pop-ups. Waverley Council is also a member of multiple community and service provider forums.

Precinct Committees

Waverley Council has supported local Precinct Committees since 1987. Precincts are committees

of residents who meet regularly to discuss matters of concern in their local area. These meetings are typically held monthly or every second month and are run by a volunteer convenor elected by residents. Council supports Precincts by sharing information, providing funding, and responding to motions passed at their meetings.

Advisory and consultative committees

Council convenes and supports several advisory and consultative committees. These committees tackle broad local issues and provide a forum for discussion for Council representatives, local agencies, and community members.

These include:

- Access and Inclusion Advisory Panel
- Arts and Culture Advisory Committee
- Audit, Risk and Improvement Committee

- Housing Advisory Committee
- Multicultural Advisory Committee
- Public Art Committee
- Reconciliation Action Plan Committee
- Sustainability Expert Advisory Panel
- Waverley Cycling Advisory Committee

Council membership on external committees

There are Council representatives on the Eastern Regional LG Aboriginal and Torres Strait Islander Forum, the NSW Public Libraries Association, Waverley Traffic Committee, the Southern Sydney Regional Organisation of Councils, and the Sydney Coastal Councils group.

Special committees

Council convenes a range of interest area, issue or project based special committees. Examples are the Waverley Innovation and Knowledge Hub Steering Group and the NIB Advisory Group.

External decision-making authorities

As required by the EP&A Act, Council supports the Sydney Eastern City Planning Panel and Waverley Local Planning Panel to make planning decisions in Waverley.

3

Barriers to participation



Council recognises that some people face barriers to participating. It is our responsibility to make the engagement process as accessible and inclusive as possible. We need to ensure that less powerful voices and groups are engaged and not marginalised.

We acknowledge that there are a range of factors that may affect an individual's ability to participate including:

- Lack of trust in government
- Language
- Digital literacy
- Location and accessibility
- Mental or physical health issues
- Physical or intellectual disability
- Time constraints

The actions in this strategy address and reduce some of the barriers, in order to make Council's engagement practices more accessible and inclusive.

Waverley Council Community Engagement Strategy

4

Determining appropriate community engagement

Council activities can have potential, real, or perceived impacts which affect groups and individuals in different ways. Some projects and initiatives require more community input than others.

It is critical to develop a balanced approach between the demands for community consultation, time and resources available, significance of an issue for the community, and level of influence the community has on a decision.

Council uses the International Association of Public Participation (IAP2) Spectrum of Public Participation to determine the level of engagement and the types of consultation activities that will be employed. We determine participation levels for each community engagement program so that both Council and the community clearly understand their roles and what Council will do with the feedback.

Figure 2: Public participation spectrum (adapted from IAP2 Public Participation Spectrum)

	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Promise to the public	"We will keep you informed."	"We will listen to and acknowledge your concerns."	"We will work with you to ensure that your concerns and aspirations are directly reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as possible."	"We will implement what you decide."



How do we engage?

The resources, time and depth of an engagement will depend on the level of impact and significance of an activity. Council will engage with the community when:

- The decision will impact on the social landscape, economy, or natural or built environment
- The community has shown an interest in consultation
- There are some variables in the project that the community could provide guidance on
- Council resolves to consult with the community
- There is a need or a statutory obligation to do so

When we don't consult

There are some instances where the community and stakeholders may not be involved in a decision-making process. This may include operational matters where public input is not able to influence an activity or where Council is legally or contractually obligated to take certain action. It may also include matters where consultation or research has already occurred, and further engagement is not considered necessary. Despite this, Council will keep the community informed wherever possible.

In designing and delivering community engagement, Council will ensure the selected process is fit for purpose and considers the level of impact of the project.

How does the community want to be engaged?

Our community has told us that they want opportunities to engage with Council decision-making, and ensure input is listened to and acted on where appropriate. They want the process to be clear and for Council to follow up after consultations (close the loop).

The community has requested a clear, simple and user-friendly Have Your Say platform (Waverley Council's online engagement portal) as well as in-person and email communication options.



To achieve this among other activities, Council will conduct the following face to face engagement with our community ([see section 7](#) for the full actions to improve community engagement):

- One pop-up Have Your Say Day in each Ward annually
- Workshops and information sessions held at Precinct Committee Meetings

The community has also asked for a clear explanation of the DA and Planning process and how they can better engage with private developers/proponents.

As a minimum, Council will implement the following (see [section 7](#) for actions to improve community engagement):

- Develop fact sheets for the community to explain the overall application submission process

Other engagement tactics used will depend on the project type and are detailed in our community engagement matrix in [section 4](#). These could include focus groups, workshops, and pop-ups.

External planning processes and decisions

The Department of Planning, Housing and Infrastructure and other government agencies develop planning related policies and assess development applications that may affect the Waverley community. These include:

- New or amendments to existing State Environmental Planning Policies
- Assessment of State significant development, including new or alterations to existing educational institutions



For these external planning processes and decisions there is no requirement that Council carries out community engagement. However, we may choose to keep the community informed via our Have Your Say or enewsletter updates.

Council will consider the level of impact when determining the engagement program.

Definition of higher impact

Matters that have a higher impact across the entire of Waverley Council area or on particular community groups, or that have the potential for high level interest or being contentious, will be considered 'higher impact'. The consultation techniques will be more substantial. Examples include LGA-wide strategies or programs, Special Rate Variations, annual budgets and operational plans, and long-term planning policies.

Definition of lower impact

Matters that involve smaller changes or improvements at a localised level, which are deemed low risk, or are likely to not be contentious will be considered 'lower impact'. Council will employ appropriate consultation techniques to communicate with those most affected. Examples include proposed upgrades to local parks, playgrounds and buildings, streetscape changes and local traffic matters.

It is important to note, there will be circumstances where Council may not be able to consult with the community, including when:

- The proposal does not require public exhibition or notification in accordance with legislation
- The community has already had input through prior engagement
- The replacement item is like for like, in the same location, and needs to be replaced quickly
- Council is responding to an emergency and immediate action is required to rectify an issue



Community engagement matrix

Project type	Impact	Suggested engagement level	Min. engagement period	Suggested communication	Suggested engagement activities
Council plans and strategies This includes non-legislated plans, policies, and strategies such as plans of management, studies, and informing strategies.	Higher impact	Consult Involve Collaborate	28 days	<ul style="list-style-type: none">• Online engagement portal• Written notice• Site notice• Notification of impacted stakeholders• Exhibition of documents	<ul style="list-style-type: none">• Written submissions• Online survey• Workshops• Pop-up stalls• Drop-in sessions• Webinar Q&A
	Lower impact	Inform Consult	28 days	<ul style="list-style-type: none">• Online engagement portal• Notification of impacted stakeholders• Exhibition of documents	<ul style="list-style-type: none">• Written submissions• Online survey

Project type	Impact	Suggested engagement level	Min. engagement period	Suggested communication	Suggested engagement activities
Infrastructure projects This includes Council construction or renewal of community facilities, buildings, parks, and playgrounds. <i>For projects with like for like replacements, community engagement will be project notification only.</i>	Higher impact	Consult Involve Collaborate	28 days	<ul style="list-style-type: none"> • Online engagement portal • Site notice • Notification of impacted stakeholders 	<ul style="list-style-type: none"> • Written submissions • Online survey • Workshops • Pop-up stalls • Drop-in sessions • Specific precinct presentation
	Lower impact	Inform	28 days	<ul style="list-style-type: none"> • Online engagement portal • Notification of impacted stakeholders 	<ul style="list-style-type: none"> • Written submissions • Online survey • Workshops • Pop-up stalls • Drop-in sessions • Specific precinct presentation
Community services This includes Council projects relating to Council service levels, change of use of a location, or introduction or modification to a Council supplied community service. For example, a change to waste collection frequency.	Higher impact	Consult Involve Collaborate	42 days	<ul style="list-style-type: none"> • Online engagement portal • Notification of impacted stakeholders 	<ul style="list-style-type: none"> • Written submissions • Online survey • Workshops • Pop-up stalls • Precinct workshop
	Lower impact	Inform	28 days	<ul style="list-style-type: none"> • Online engagement portal • Notification of impacted stakeholders • Physical exhibition of documents in Council venues 	<ul style="list-style-type: none"> • Precinct workshop

Project type	Impact	Suggested engagement level	Min. engagement period	Suggested communication	Suggested engagement activities
Local transport and traffic matters This includes road closures, parking changes, and creation or amendment of Resident Parking Schemes.	Higher impact	Consult Involve Collaborate	28 days	<ul style="list-style-type: none"> • Online engagement portal • Site notice • Notification of impacted stakeholders • Reported to Traffic Committee (including publishing agenda and resolution online) 	<ul style="list-style-type: none"> • Written submissions • Online survey
	Lower impact	Inform	–	<ul style="list-style-type: none"> • Reported to Traffic Committee (including publishing agenda and resolution online) • Notification of impacted stakeholders 	–
Legislated plans and other matters For example: <ul style="list-style-type: none"> • Community Engagement Strategy • Planning proposals • Development control plans • Developer contribution plans • Planning agreements • Special actions • Local Strategic Planning Statement 	Higher impact (new documents)	Consult Involve Collaborate	42 days	<ul style="list-style-type: none"> • Online engagement portal • Written notice 	<ul style="list-style-type: none"> • Written submissions • Online survey • Pop-up stalls • Drop-in sessions • Workshops • Specific precinct presentation • Online workshop opportunity (either precinct or separate)
	Lower impact (amendments to existing documents)	Inform Consult	28 days	<ul style="list-style-type: none"> • Online engagement portal • Notification of impacted stakeholders 	<ul style="list-style-type: none"> • Written submissions

Project type	Impact	Suggested engagement level	Min. engagement period	Suggested communication	Suggested engagement activities
Development Applications (DAs) Local and Regional development applications, modification applications, and review applications that require approval.	Type A*	Inform Consult	14 days	<ul style="list-style-type: none"> • Council website via DA Tracker • Notification letter of proposal 	<ul style="list-style-type: none"> • Notify application and invite submissions to proposal
	Type B*	Inform Consult	21 days	<ul style="list-style-type: none"> • Council website via DA Tracker • Notification letter of proposal • Site notice 	<ul style="list-style-type: none"> • Notify application and invite submissions to proposal
	Type C*	Inform Consult	28 days	<ul style="list-style-type: none"> • Council website via DA Tracker • Notification letter of proposal • Site notice • Public exhibition on Councils website 	<ul style="list-style-type: none"> • Notify application and invite submissions to proposal during notification period
Applications for Designated Development	Type C*	Inform Consult	28 days	<ul style="list-style-type: none"> • Council website via DA Tracker • Notification letter of proposal • Public exhibition on Councils website 	<ul style="list-style-type: none"> • Notify application and invite submissions to proposal during notification period
Applications for Integrated or Threatened Species Development	Type C*	Inform Consult	28 days	<ul style="list-style-type: none"> • Council website via DA Tracker • Notification letter of proposal • Public exhibition on Councils website 	<ul style="list-style-type: none"> • Notify application and invite submissions to proposal during notification period
Environment impact statements obtained under Division 5.1	Higher impact	Inform	30 days	<ul style="list-style-type: none"> • Council website via DA Tracker • Public exhibition on Councils website 	<ul style="list-style-type: none"> • Notify application and invite submissions to proposal during notification period

Notes and clarifications on the matrix:

- Timeframes are in calendar days and include weekends
- Notification of stakeholders means contacting them in a way we have identified they will be reached – e.g. via letter, email, phone call, business drop in, social media post or e-newsletter
- Some of the consultations may have multiple rounds of engagement
- If the exhibition period is due to close on a weekend or a public holiday, Council may extend the exhibition to finish on the first available workday
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition. This timeframe is consistent with clause 16, Schedule 1 of the EP&A Act
- Where an Act or Regulation mandates a longer minimum exhibition period than listed in this policy, then the Act or Regulation will take precedence
- Council will consider all submissions received within the exhibition period. Late submissions will only be considered in extenuating circumstances, and at the discretion of the Council officer assessing the proposal
- Residential Parking Schemes are implemented if a majority of residents within a proposed area support its introduction
- Applications for State significant development and State significant infrastructure are exhibited by the NSW Department of Planning, Housing and Infrastructure
- Exempt and complying development is separately defined under the Act and does not currently provide for community input. However, neighbours must be advised of certain complying developments in accordance with Clause 134 of the EP&A Regulation 2021

5

Requirements for notification for development related matters

This section details the consultation tools and techniques used for:

- Local and regional development applications
- Applications to modify an existing consent
- Applications to review a determination

The type of notification required for DAs depends on the land use zone as well as the type and scale of the development and varies depending on the proposed use. There are three types of public exhibition procedures with associated minimum mandatory notification and advertising requirements. The classification of the three public exhibition procedures are outlined in the table below.

Types of development and notification

Type A

Applications that may impact adjoining/ neighbouring sites but are unlikely to have impacts on the broader community. These applications require notification letter of proposal and can be viewed on Councils website via the DA Tracker

Type B

Applications that may have impacts on the broader community. These applications require notification letter of proposal, site notice and can be viewed on Council’s website via the DA Tracker.

Type C

Applications that may have impacts on the broader community and have a legislative requirement to be notified for 28 days. These applications require notification letter of proposal, site notice and to be publicly exhibited on Councils website. All council-related development applications need to be publicly exhibited for at least 28 days.





Development application advertising and notification requirements

Single/small-scale residential	
Dwelling houses and dual occupancies – alterations, additions, and new buildings, whether attached, semi-detached or detached	A
Multi-residential	
Alterations and additions to multi dwelling housing, mixed use development, residential flat buildings, shop top housing, seniors housing, or housing for people with a disability	A
New multi dwelling housing, mixed use development, residential flat buildings, shop top housing, seniors housing or housing for people with a disability	B
Commercial – accommodation	
Bed & breakfast establishment	A
Alterations and additions to boarding house/group home	A
New boarding house/group home	B
Alterations and additions to backpacker accommodation/hostel	A
New backpacker accommodation/hostel	B
Alterations and additions to hotel/motel/serviced apartment	A
New hotel/motel/serviced apartment	B
Commercial – retail (selling products)	
Footpath seating for restaurants/cafes and/or occupation of footpaths	A
Change of use	A
Alterations and additions to bulky goods premises	A
New bulky goods premises	B
Commercial – business (selling services)	
Childcare centre	A
Community facility	A
Educational establishment	A
Health consulting rooms	A
Home-based childcare	A
Home business/industry	A
Medical centre	A
Alterations and additions to function centre	A
New function centre	B
Alterations and additions to restricted premises	A
New restricted premises	B
Alterations and additions to sex services premises	A
New sex services premises	B

Heritage

Heritage conservation areas or minor work to heritage listed sites – all categories of development except change of use and footpath seating	A
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Heritage listed sites (excluding minor works) – all categories of development except change of use and footpath seating	B
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Other

Amended plans*	A
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Any building or activity which in opinion of Council would detrimentally affect owners or occupiers of nearby land	A
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Signage	A
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Subdivision (Torrens Title) and strata subdivision (except new buildings not yet occupied)	A
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Alterations and additions to place of public worship	A
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New place of public worship	B
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Road reservation/widening	B
---------------------------	---

Council-related application**	C
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Designated development	C
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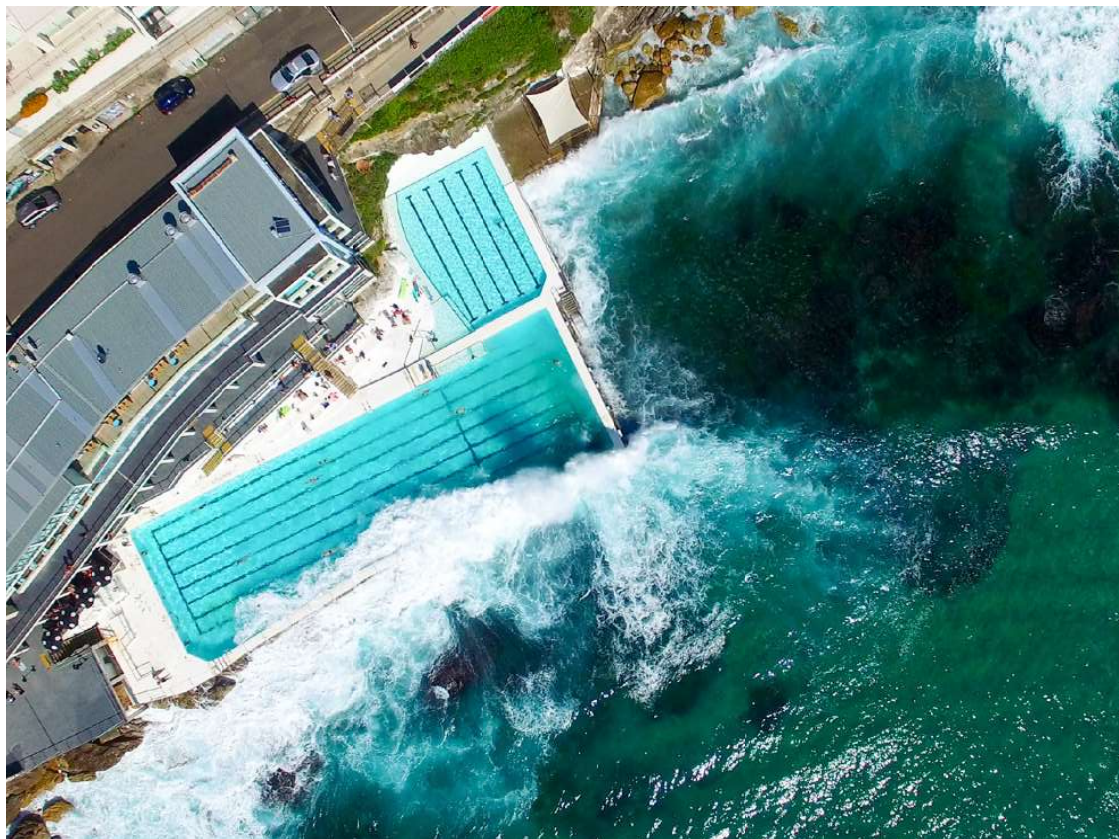
Planning agreement (excludes 'letter of offers')	C
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Integrated development	C
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For clarity this table only refers to Development applications (including Review applications and excluding Modification applications).

*14 day notification may be reduced or not required in certain circumstances – refer to page 27 for more information.

** 28 day notification type may not be required for modification applications made under section 4.55(1), or s4.55(1A) of the Act if in the opinion of an authorised Council officer, the proposed modifications are deemed to have no or minimal impact. For modification applications made under section 4.55(2) of the Act for the Council related applications, a Type A – 14 day notification type applies.

**Exempt and complying developments**

There are some types of works that require no approval or notification from Waverley Council. For more information, visit [Planning NSW](#).

These may include, but are not limited to:

- Exempt and complying applications like an internal fit out of a building in a business or industrial zone, or internal alterations to a dwelling or associated outbuilding (excluding heritage items)

6

Process to determine the extent of notification

This section details the procedures for notification of development related matters.

Council will notify the community in line with the [community engagement matrix](#) when a DA is submitted and:

- The proposed development impacts: loss of views or privacy, overshadowing, noise generation, visual bulk, hours and type of use, traffic and parking impacts
- Any instance that the Council officer deems notification of a given DA is appropriate and required

Written notice procedures

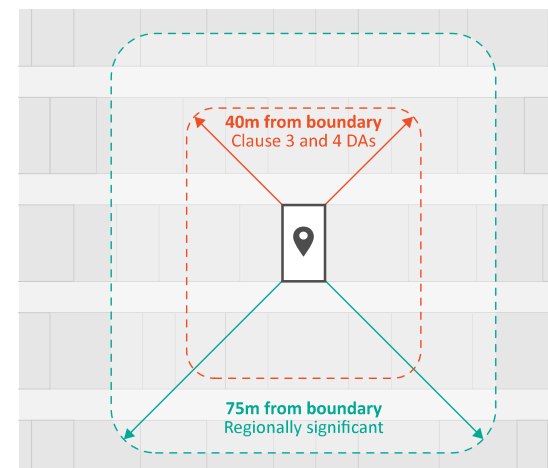
Written notice involves letters being sent by email or standard mail to all properties (owners and tenants), according to Council's records, affected by the proposal. In some cases, written notices will be sent to the owner/occupant of any other property that (in the opinion of the Council officer) may be affected by the proposal.

Council will provide written notification as soon as practicable after a development proposal is lodged. The notification period will start from the date stated in the written notice.

Extent of notification

When notification has been triggered, letters will be sent to owners and occupants of affected properties. Generally, the notification area is determined at the discretion of a Council Planning Officer, considering the nature and the likely impact of the proposal and includes affected adjoining or nearby properties.

In addition to these practices, for Development Applications that meet Clause 3 (Departure from development standards) or Clause 4 (Sensitive Development - except in cases where the Planning Officer deems the proposal to be 'minor works') of the [Local Planning Panels Direction](#), a 40m radius for notification area will typically be applied. A broader area may be notified if the Council Planning Officer recommends.



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For Regionally Significant Development (i.e. development with a Capital Investment Value >\$30million), a 75m radius for notification will typically be applied. A wider area may be notified if the Council Planning Officer recommends.

If land is owned by more than one person, a written notice to one owner is taken to be a written notice to all the owners of that land.

The elected Councillors and the relevant local precinct committee are notified of all publicly exhibited and notified development as per the [community engagement matrix](#).

When a development proposal is likely to affect owners of land outside the Waverley area, the Council will contact the neighbouring Council for details to send written notices out to these persons and occupants.

Returned written notices

Letters and emails notifying owners are sometimes returned to Council for various reasons including incorrect addresses. In these cases, Council will check its records and if an address needs correcting, will re-send the letter or email.

The public exhibition period will not be formally extended where a written notification is delayed in this manner. Council may, however, allow an extension of time to make a submission.



Website notice procedures

A website notice involves online publication of the development application. This is typically done on Council's website using the DA Tracker and on the online engagement portal. Council is no longer required to publish notices in newspapers.

Site notice procedures

For all developments that require a published site notice, Council will erect a site notice at the proposed development site. The site notice will provide a brief description of the proposal and detail the notification end date. If Council is advised

of a site notice being removed before the end of the notification period, Council will endeavour to install a replacement sign, however the public exhibition period will not be formally extended.

Additional public notice requirements

Part 3 Division 5 of the EP&A Regulation 2021 details additional requirements for public notification of designated development, nominated integrated development, threatened species development, and state significant development.



Amended applications (re-notification) procedures

An application may be amended or varied by the applicant (with the agreement of Council officers) before the application is determined. For amendments prior to determination of an application, Council may renotify:

- Those who made submissions on the original application.
- Any other persons who own adjoining or neighbouring land (including those who were previously notified of the application) who may, in the opinion of Council, be further detrimentally affected by the proposed amendments
- If the amendments have the same or lesser environmental impact (in the opinion of an authorised council officer) than a prior version of the proposal that has already been publicly notified (e.g. original proposal), renotification is not required and any submissions lodged on the publicly notified proposal will be considered in the assessment of the application
- Council reserves the right to renotify amended plans where there may be no further impact, but for information purposes only and for a time period that Council officers deem adequate

Modifications and reviews

Modifications of a development consent (other than minor modifications) – Council will notify all properties that are deemed to be affected by the proposed modification based on the opinion of an authorised Council officer.

Reviews of determinations (e.g. refusal) – Council will notify any person who made a submission in respect to the original application. Anyone who made a submission to the original application will be notified, or reasonable attempts will be made, by sending written notice to the last address known to Waverley Council of the submitter.

Post-determination notification

All those that made a written submission in respect of a development related application will be notified of Council's decision once that application has been determined. Development related applications can also be monitored on Council's DA Tracker, including access to the reasons for the decision and how community views were taken into consideration.

Notification requirements for Modification applications	
Section 4.55(1) Modification Applications	No notification required
Section 4.55(1A) Modification Application	No notification required, unless there is an impact, and if so, a Type A - 14 day notification or reduced notification period based on the opinion of an authorised Council officer
Section 4.55(2) Modification Application	A minimum of Type A -14 day notification and/or dependent on scope of the modification and associated impact, either Type B or C based on type of development and to the discretion of an authorised Council officer
Section 4.55(8) Modifications by the Court	A minimum of Type A - 14 day notification and/or dependent on scope of the modification and associated impact, either Type B or C based on type of development and to the discretion of an authorised Council officer
Section 4.56 Modification Application	No notification required for minor modification/s with no impact/s. Dependent on scope of modification/s and associated impact/s, Type A, B or C will apply based on type of development and to the discretion of an authorised Council officer

7

Actions to improve community engagement

This section outlines the steps Waverley Council will take to improve community engagement.

We have committed to the following:

1. Continual development of an organisational culture focused on best practice community engagement
2. Enhance systems and processes to enable best practice community engagement
3. Ensure those who are impacted by, or have an interest in, a decision or project of Council are provided with the opportunity to engage
4. Ensure our engagement practices are accessible and inclusive

1. Continual development of an organisational culture focused on best practice community engagement

Action	Timeframe	Responsible	Update 2024
1.1. Improve organisational understanding of engagement techniques from top-down, via the development of a training and development program for key staff across the organisation	Ongoing	Lead: Communications and Engagement Partner: Human Resources, Safety and Wellbeing	Ongoing - Manager visited a variety of management team meetings articulating corporate comms and engagement techniques. Social PinPoint training package for improving engagement techniques includes regular training sessions available to teams and quarterly meetings to discuss features and troubleshoot issues
1.2. Build on and promote the internal Community Engagement Guidelines and suite of tools and resources available	2022	Communications and Engagement	Complete 2022
1.3. Investigate the establishment of an internal engagement working group to share experiences, key learnings, and better involve staff in projects that they have useful knowledge on or are affected by	Ongoing	Communications and Engagement	Ongoing - Project Control Group meetings held regularly for interdepartmental information sharing. Engagement team are involved with internal groups and events committee which evaluate engagement
1.4. Develop checklist for staff to better plan engagement events and standardised tasks	Complete	Communications and Engagement	Complete 2022

2. Enhance systems and processes to enable best practice community engagement

Action	Timeframe	Responsible	Update 2024
2.1. Review and improve functionality, stability, and user experience of our community engagement website Have Your Say Waverley	Completed 2022	Communications and Engagement	Complete - Continuously working with website developers to improve user journey and have gathered feedback from Council management on success
2.2. Create templates for consistent evaluation and for consultation findings to be shared amongst departments	2022	Information Management and Technology	Complete
2.3. Investigate feasibility of integration of useful engagement findings and database with existing/future CRM	Ongoing	Lead: Communications and Engagement Partner: Customer Service, and other departments with engagement databases	Lack of centralised CRM as of 2023/24 period with investigation ongoing
2.4. Establish major projects and engagement register to identify clashes and opportunities	2022	Communications and Engagement	Complete
2.5. Regularly review engagement methods with the community to measure satisfaction	Underway	Communications and Engagement Partner: Integrated Planning and Reporting	Underway – communications channels, Have Your Say platform, consultation reports and pop-ups used to evaluate effectiveness and outcomes of community interactions and expectations of projects.
2.6. Develop and implement an organisation-wide system to plan and monitor key project milestones, such as internal stakeholder involvement, closing the loop, prescriptive necessary engagement actions for each type of project, and examples of risk assessments and engagement plans, to ensure consistent delivery on our promises to the public.	Complete	Communications and Engagement	Completed - Engagement Plan templates developed. Consultation reports and close the loop process in place
2.7. Community Engagement Guidelines for Proponents for Sensitive or Controversial Projects made available to developers	2025	Communications and Engagement Strategic Planning	Ongoing – included in Appendix B
2.8. Report to Councillors, combined precincts and HYS enews subscribers on the engagement statistics (online, face to face, email submissions) of the people who have participated in consultations twice a year (in time for combined precinct meetings)	Underway	Communications and Engagement	Underway – engagement statistics report across Council projects developed twice annually

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3. Ensure those who are impacted by, or have an interest in a Council project or decision of Council are provided with the opportunity to engage

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Action	Timeframe	Responsible	Update 2024
3.1. Develop a schedule of at least one Have Your Say pop-up in each ward, in accessible and visible locations, including online and precinct meetings, to enable broad feedback on relevant projects and initiatives	Completed 2023	Lead: Communications and Engagement Partner: Relevant project managers	Completed – one pop-up per ward is delivered annually for wider feedback with collateral on hand for Have Your Say and Snap Send Solve platforms; across 2023-24 over 90 face to face discussions with community on Council projects, processes and service satisfaction
3.2. Explore different ways of engaging people online, including workshops and focus groups	Completed 2022	Lead: Communications and Engagement Partner: Information Management and Technology	Complete – community is over saturated with online events after Covid-19. Need to do more of a mix of face to face and online
3.3. Develop a minimum radius notification commitment for relevant projects	Completed 2023	Lead: Communications and Engagement Partner: Relevant project managers	Completed – 40m minimum notification radius established for most projects
3.4. Investigate options to have a 'close the loop' community consultation process, where the community is asked their thoughts on the finished product/issues/the engagement process itself	Completed 2024	Communications and Engagement	Completed – close the loop process involves emails to those who have lodged submissions, are a project follower or are on project stakeholder lists. Have Your Say platform has Council communications methods listed for community contact regarding consultation. Monthly Have Your Say emails directs receivers to provide feedback on the consultation process
3.5. Develop fact sheets for the community to explain the overall DA submission process, including: <ul style="list-style-type: none"> • An approximate timeframe for the process • Opportunities for community to be involved or submit feedback 	Completed 2023	Strategic Planning	Complete – this has been actioned and satisfies the requirements
3.6. Develop videos on 'how to develop a good application' for the community on: <ul style="list-style-type: none"> • What is a good application • How the process works • How to develop an effective submission to a proposal 	Ongoing	Lead: Strategic Planning Support: Communications and Engagement and Community Planning Advocate in the General Manager's Unit	Ongoing – have sought a formal cost estimate and projected timeline from the animation company producing the video

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4. Ensure our engagement practices are accessible and inclusive

Action	Timeframe	Responsible	Update 2024
4.1. Build on existing relationships and strategies to engage our diverse community in all Council engagement, including older people, children and young people, people from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander people e.g. Reconciliation Action Plan, Disability Inclusion Action Plan, Child Safe Policy	Underway	Lead: Community Programs Partner: Communications and Engagement	Underway - Multicultural Advisory Committee meets quarterly providing engagement platform and promote events, consultations and opportunities. Anti-racism campaign activities and connecting new young migrants to local information
4.2. Build capacity and a better understanding in the organisation of ways to be more accessible and inclusive in engagement practices, and ensure these practices are implemented across engagement projects	Underway	Lead: Communications and Engagement Partner: Community Programs	Underway - delivery of Communication Supports Policy and conducted ethical storytelling training for Council staff (2023) and overhauled Language Assistance Program. Held mentor program at local college for jobseeker support and staff awareness. Stories of Lived Experience project provides insight to living with disability.
4.3. Support and enhance a targeted children and young people engagement plan to ensure policy decisions, programs, and services are appropriate, relevant, supported, and responsive to the needs of young people	Underway	Lead: Community Programs Partner: Communications and Engagement	Underway - youth reference group Culture Waves created for diverse communities' awareness. 2023 youth summit recommendations endorsed by Council; 2024 summit scheduled. Change process to Youth Week program with youth group collaboration - for improving active participation

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Reporting on engagement activities



Information collected through community engagement helps council officers and Councillors make decisions. It is also important that the community understands how their voice has been listened to and considered in decision-making.

Council will 'close the loop' with our community and inform them of the outcomes after we consult. Community engagement outcomes will be reported as part of Council's monitoring and reporting cycle.

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Evaluating Council’s community engagement activities

The primary outcome of the Community Engagement Strategy is outlined in objective 3.1 of the Delivery Program 2022-26:

Create opportunities for the community to engage with council decision making, and ensure input is listened to and acted on where appropriate.

The relevant actions to ensure we reach this objective are:

- We will ensure those who are impacted by, or have an interest in a decision or initiative of Council have an opportunity to engage
- Ensure our engagement practices are accessible and inclusive
- Continual development of an organisational culture focused on best practice community engagement

Council will use a variety of methods to evaluate engagement activities. These include:

- Assessment of engagement methods appropriate to stakeholders
- Verbal and written feedback from the community on the effectiveness of the engagement activities
- Participation levels in engagement activities (number of participants), considering the nature of the project
- Achievement of the actions within the Community Engagement Strategy
- Quality of response, in terms of relevance to project or project
- Inclusive community representation

These evaluation results will be used to improve future engagement strategies and methods.



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Appendices

Appendix A: Communication and engagement activities

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Activity	Description
Advertising	A publicly displayed advertisement with information about a project or engagement opportunity.
Briefing	Presentations and discussions with community or stakeholder groups. This varies from informing to gathering feedback and ideas or presenting options.
Drop-in session	Spread over a longer time, community members can drop-in to meet and speak with Council staff about a project.
Workshop	A group discussion hosted by a facilitator about a specific topic. It is designed to allow for an open discussion that is guided by a series of questions or activities.
Interactive online tools	Activities on the Have Your Say Waverley website that the community can participate in, including ideas boards where participants can post an idea they have, and interactive maps where participants can identify a certain location in the LGA and provide feedback.
Meeting (e.g. Council Meetings, interagency meeting)	Small group facilitated conversations.
Newsletter/ Enewsletter	Can be designed to inform, seek feedback, to gather ideas, and to update the community on the engagement project and how community input has informed Council decision-making. Newsletters are hard copies either delivered to residents, handed out at Council events or drop-in sessions, or made available at Council venues. Enewsletters are sent via email to people who have subscribed to receive them.
Notification of impacted stakeholders	Refers to notifying people identified as potentially affected by a proposal. This can be done via multiple means including written notice, flyers, email, and site notices.
Online engagement portal	Refers to a website for sharing information and enabling participation. Council's online engagement portal is called Have Your Say Waverley: haveyoursay.waverley.nsw.gov.au
Online survey	Usually, a short survey with mostly quantitative questions that can be accessed via our online engagement portal.
Have Your Say pop-up	A pop-up stall usually about a specific project that may run for a couple of hours.

Waverley Council Community Engagement Strategy

Appendix B: Proponent-led Waverley Community Engagement Guidelines

This section includes recommended actions to improve proponent-led community engagement in Waverley. Please note, this is not exhaustive, and proponents are encouraged to use the guidelines to prompt ideas and guide planning.

Potential applicants of proposals may be encouraged to undertake community engagement prior to making an application to Waverley Council. As part of this, proponents should submit a report to Council that outlines their engagement activities, a summary of the feedback received and how it has been addressed.

The early engagement and consultation for private sector proposals are the sole responsibility of the proponents.

Engaging early and upfront

Effective, early, and quality engagement with the community enables proponents to understand key areas of interest during the early planning phases. This is before plans are finalised and an application is lodged.

This can reduce the risk of unexpected or surprise objections from community during the public exhibition and project determination phase. It can also lead to faster determinations, better planning outcomes, and reduced community opposition.

While a proponent might choose to use innovative or creative ways to engage the community, it should be noted that effective community engagement does not need to be ground-breaking. Effective engagement simply means making a genuine effort to reach out, consider and engage all involved, to listen and to be open, responsive, and work together with the community to come up with effective solutions.

When a proposal has gone through quality community consultation before the application is lodged, community concerns about the proposal can be incorporated or addressed.

Planning your engagement

Step 1: Pre-DA or Pre-Planning Proposal

- Consult with the relevant team (whether DA or Planning) at Council to let them know you are considering running a community engagement program
- Engage a community engagement specialist to develop the strategy, facilitate, and provide an independent summary report with feedback as part of the application
- Complete a stakeholder map of key groups and individuals in the community who might be affected by the development (see [stakeholders](#)

[in section 2](#)) This should document their likely or anticipated concerns/areas of interest, a good place to start would be to talk with the relevant [Precinct Committee](#). It is important to engage the broader community to gain a balanced insight

- Design the consultation process with sufficient time and opportunities for the community to provide multiple rounds of feedback through a range of channels. Give the community time to distil what is being suggested and come back with thoughtful responses. Do not only give the minimum required time to comment on the DA
- Develop a tailored engagement approach for each stakeholder group, considering the most effective ways to engage each group (see [community engagement matrix in section 4](#) for guidance)
- Take community members on a journey to understand exactly what is planned, so when it is time to publicly exhibition of the application, the community understands exactly what is being proposed, the potential impacts, and the delivery timeline. Part of this process requires proponents to listen and give the community an opportunity to voice their concerns
- Develop a range of collateral for the project that is effective for the target group, informative (not just focusing on benefits and the 'sell'), and locally relevant. This might include architects or communication specialists designing specific information relevant to the local community

Engaging the community

The gold standard methods to engage stakeholders draws on the International Association of Public Participation's (IAP2) Engagement Spectrum. IAP2 is considered the best practice community engagement framework (see [IAP2 spectrum of public participation](#) in Community Engagement Strategy).

Ways to improve proponent-led community engagement:

- In all interactions, aim to genuinely understand the issues, be a good listener, respectful of other views and be open to amending your design or operations to address concerns and reflect community feedback. Once resolved, demonstrate how concerns have been addressed
- To genuinely address and remove opposition, prepare to engage with the community openly and honestly. Provide the community with factual and clear information about the project, including the why, what, when and how. Be ready to give facts, information, and educate the community about exactly what will be done so the affected residents feel that they are respected (and not talked down to). Do not try to 'sell' a pretty picture, focusing only on benefits and glossing over the details
- Consider how the community can actually influence the project design, construction method or plans, or operations after development e.g. engage the community in a design competition to choose their preferred

architect or give input into a noise management plan during construction. This can lead to increased buy-in and positive engagement with the community

- Organise a roundtable of residents who will be impacted, the proponent, and a Council representative. Depending on project size and length, this group might meet regularly prior to and during the DA process
- To lead the roundtable or community group, seek a neutral local community member (or an independent engagement consultant) who is trusted and respected. This role can speak to the community on their level and review the proponent application and resident submissions. Unlike the proponent who has a vested interest and wants to 'sell' the project, a neutral facilitator can ensure an honest and objective process where all voices are heard and have a genuine conversation with community to understand their concerns and facilitate a thoughtful and timely response
- Bring in senior project planners/design/construction subject matter experts to talk to community members. Senior roles have authority and knowledge about the project, understand the issues and can speak to community concerns in expert detail

Transparent reporting

Managing objections means listening and genuinely considering concerns and feedback, and determining how the design, construction methods,

operations of the development or other elements of the project can be adapted to address those concerns. Ways to do this include:

- Take the time to address concerns in the application documents
- Demonstrate in your application to Council how you have addressed these concerns either where they have been reconciled or where they are irreconcilable
- Ask for questions before each interaction with objectors and give the community plenty of time to give feedback, write concerns down, and articulate the concerns back to them. 'We hear you' and 'your concerns have been noted, this is the next step' should be your key messages
- Use a transparent process to file objections, keep objectors informed on progress of the project, and explain this clearly in your DA or planning proposal





*Planning Agreement Policy 2014
(Amendment No. 65)*

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TERMS AND DEFINITIONS USED IN THIS POLICY

In this Policy, the following terminology is used:

Act means the *Environmental Planning and Assessment Act 1979*.

Council means Waverley Council.

developer is a person who has sought a change to an environmental planning instrument (which includes the making, amendment or repeal of an instrument (s7.4(11)), or who has made or proposes to make a development application, or who has entered into an agreement with or is otherwise associated with such a person.

development application has the same meaning as in the Act.

development contribution means the kind of provision made by a developer under a Planning Agreement, being a monetary contribution, the dedication of land free of cost or the provision of any other material public benefit.

explanatory note means a written statement that provides details of the objectives, nature, effect and merits of a Planning Agreement, or an amendment to or revocation of a Planning Agreement.

instrument change means a change to an environmental planning instrument to facilitate a development the subject of a Planning Agreement.

planning benefit means a development contribution that confers a net public benefit.

public facilities means public infrastructure, facilities, amenities and services.

planning obligation means an obligation imposed by a Planning Agreement on a developer requiring the developer to make a development contribution.

planning proposal means an application to amend the Waverley Local Environmental Plan 2012

proponent means the party that is responsible for lodging a planning proposal with Council.

Practice Note means the *Planning Agreement Practice Note* (February 2021) published by the Department of Planning, Industry and Environment.

public includes a section of the public.

public benefit is the benefit enjoyed by the public as a consequence of a development contribution.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

WLEP -means the *Waverley Local Environmental Plan 2012*.

PART 1 – POLICY FRAMEWORK

1.1 Name of this Policy

This Policy is known as the *Waverley Council Planning Agreement Policy 2014* (“the Policy”). It sets out Waverley Council’s policy and procedures relating to Planning Agreements under the *Environmental Planning and Assessment Act 1979*.

1.2 Application of the Policy and commencement

This Policy applies to development applications lodged pursuant to the *Waverley Local Environmental Plan* (WLEP) and planning proposals seeking a change to WLEP for land and development within the local government area of Waverley Council (“Council”). This policy generally applies to all forms of development with the exception of dwelling houses (a building containing only one dwelling), employment generating development only (i.e. retail and commercial floorspace) and alterations and additions to a single strata subdivided property. A VPA can be provided to offset the loss of affordable housing in lieu of a payment under Part 3 ‘Retention of existing affordable rental housing’ of the Housing SEPP.

This Policy was adopted by resolution of the Council on 12 November 2024. The Policy is effective from 27 November 2024.

1.3 Objectives of this Policy

The objectives of this Policy are:

- (a) to establish a fair, transparent and accountable framework governing the use of Planning Agreements by the Council;
- (b) to explore the range and extent of development contributions made by development towards public facilities and other public benefits in the Council’s area;
- (c) to set out the Council’s specific policies and procedures relating to the use of Planning Agreements;
- (d) to give all stakeholders in development greater involvement in determining the type, standard and location of public facilities and other public benefits;
- (e) to facilitate public participation and to allow the community to gain an understanding of the benefits of appropriate Planning Agreements for the provision of public benefits; and
- (f) to enhance the understanding as to possibilities for development and associated public benefits and planning benefits facilitated by Planning Agreements.

1.4 What does the Policy set out?

This Policy sets out the Council’s approach to the use of Planning Agreements- through negotiation when considering development applications and planning proposals associated with changes to the *Waverley Local Environmental Plan* in the Waverley area. Council is guided by the policy approach set out in the Department of Planning’s Practice Note titled *Planning Agreements* (19 July 2005) (“the Practice Note”) and considers the *Planning Agreement Practice Note* (February 2021). It should be noted Council must give regard to the Practice Note but is not bound by it.

In particular, this Policy sets out

- timing considerations in respect to Planning Agreements and procedures for negotiating and entering into Planning Agreements;
- the circumstances in which the Council may consider entering into a Planning

Agreement;

- the matters ordinarily covered by a Planning Agreement, the form of development contributions which may be sought under a Planning Agreement. Unless otherwise agreed in a particular case, development contributions negotiated as part of a development application or as part of a planning proposal will be valued or calculated as set out in Appendix 1 and Appendix 2;
- examples of the kinds of public benefits which may be sought and, in relation to each kind of benefit, whether it involves a planning benefit;
- the method for determining the value of public benefits;
- whether money paid under different Planning Agreements is to be pooled and progressively applied towards the provision of public benefits to which the different agreements relate;
- when, how and where public benefits may be provided in line with strategic priorities as identified in Council's strategies and plans probity measures; and
- the Council's policies on other matters relating to Planning Agreements, such as their review and modification, the discharging of the developer's obligations under agreements, the circumstances, if any, in which refunds may be given, dispute resolution and enforcement mechanisms, and the payment of costs relating to the preparation, negotiation, execution, monitoring and other administration of agreements.

1.5 Statutory framework

The current legal and procedural framework for Planning Agreements is set in Subdivision 2 of Division 7.1 of the *Environmental Planning and Assessment Act 1979*. Council is also bound by the provisions of Division 1A of Part 4 of the *Environmental Planning and Assessment Regulation 2021*.

Section 7.4 sets out the circumstances under which a Planning Agreement may be entered into. It provides a Planning Agreement may be made between a planning authority (or two or more planning authorities) and a person (developer):

- a) who has sought a change to an environment planning instrument (such as a rezoning application); or
- b) who has made or proposes to make a development application; or
- c) who has entered into an agreement with or is otherwise associated with a person in one of the above two categories.

1.6 Land use and strategic infrastructure planning

Land use planning should occur concurrently with strategic infrastructure planning to ensure that built form provisions and infrastructure contributions deliver both appropriate urban forms and contributions related to the development. Strategic infrastructure planning should be undertaken regularly and address expected growth, infrastructure demand resulting from this growth, and the apportioned cost of these infrastructure provisions. Planning Agreements should be used towards public benefits that are in accordance with the council's infrastructure planning and funding policies and strategies, including this Policy.

1.7 What are the mandatory requirements of a Planning Agreement?

Section 7.4(3) of the Act requires Planning Agreements to include provisions specifying:

- (a) a description of the land to which the agreement applies,
- (b) a description of:
 - (i) the change to the environmental planning instrument to which the agreement applies, or
 - (ii) the development to which the agreement applies,
- (c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,
- (d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11 or 7.12 to the development,
- (e) if the agreement does not exclude the application of section 7.11 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11,
- (f) a mechanism for the resolution of disputes under the agreement,
- (g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer

The Act does not preclude a Planning Agreement containing other provisions that may be necessary or desirable in particular cases, except as provided by law. However, Council has prepared a template agreement that will form the basis for a Planning Agreement and this may be used as the basis for any agreement. This is attached as Appendix 3.

Clause 25E(1) of the Regulation requires that an explanatory note must accompany a Planning Agreement that:

- summarises the objectives, nature and effect of the proposed agreement, amendment or revocation, and
- contains an assessment of the merits of the proposed agreement, amendment or revocation, including the impact (positive or negative) on the public or any relevant section of the public.

1.8 Guiding principles

The Practice Note sets out guidelines and safeguards in the application of Planning Agreements. These include determining the Planning Agreements acceptability and reasonableness. As such attention will be directed towards:

- a) proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development;
- b) providing for public benefits that bear a relationship to development that are not wholly unrelated to the development and are located in the vicinity of where the development is located;
- c) producing outcomes that meet the general values and expectations of the public and protect the overall public interest;
- d) providing for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits; and
- e) protecting the community against planning harm.

Generally, negotiations of a Planning Agreement should commence before lodgment of a development application/submission of a planning proposal to the Gateway so as to ensure a practical outcome for public notification. In most cases, by way of safeguard, a Planning Agreement should be entered into before a planning proposal is submitted to the Gateway.

In addition, by way of safeguard, Council will seek to ensure probity of its processes involving Planning Agreements by ensuring applications involving Planning Agreements which involve Council land, or development applications made by or on behalf of Council, are independently assessed by an external planning consultant.

PART 2 – PRINCIPLES FOR PLANNING AGREEMENTS

2.1 Purposes of Planning Agreements

Section 7.4(1) of the Act provides that a Planning Agreement is a voluntary agreement or other arrangement between one or more planning authorities and a developer under which the developer agrees to make development contributions towards a public purpose. Planning Agreements are negotiated between planning authorities and developers in the context of applications for changes to environmental planning instruments (planning proposals) or for consent to carry out development (development applications).

The Council's approach to the negotiation of Planning Agreements is based on the planning purpose of furthering the Council's planning vision as set out in the Waverley Community Strategic Plan (CSP), Local Strategic Planning Statement (LSPS) and supporting environmental strategies (as amended from time to time). It is also informed by the mission and values of the Corporate Plan.

When negotiating planning obligations the Council will generally take into account Council's vision and mission statement, the Community Strategic Plan's general priorities set out in the programs to that Plan, the site circumstances and also the obligation preferences of the developer.

As an incentive towards the provision of development contributions to be applied towards public benefits and planning benefits, Council may consider, subject to its statutory obligations and other matters set out in this Policy or any other relevant Council policies, plans or procedures:

- a) **applications for development exceeding the maximum gross floor area permitted under clause 4.4 of WLEP 2012.**

In circumstances where significant variation of applicable development standards is proposed consideration should be given to the preparation of a planning proposal to amend the Waverley Local Environmental Plan.

The Council may negotiate a Planning Agreement with a developer/proponent in connection with any proposed application by the developer/proponent for an instrument change (e.g. rezoning application) or for development consent relating to any land in the Council's area. The Council may also negotiate a Planning Agreement in association with another Council or another authority where relevant. The negotiation of a Planning Agreement is at the absolute discretion of the Council.

Council will not enter a Planning Agreement unless it is satisfied that the proposed development is acceptable on planning grounds having regard to the general heads of consideration set out in Section 4.15 of the Act. Development that is unacceptable on planning grounds will not be given consent because of benefits offered by a developer. It is noted that any exceptions to relevant development standards will be assessed in accordance with the provisions set out in cl.4.6 of WLEP 2012

2.2 Principles underlying the use of Planning Agreements

The Council's use of Planning Agreements will be governed by the following principles:

- a) Planning decisions will not be bought or sold through Planning Agreements.
- b) The Council will not allow Planning Agreements to improperly fetter the exercise of its functions under the act, regulation or any other act or law.
- c) The Council will not use Planning Agreements for any purpose other than a proper planning purpose.
- d) Development that is unacceptable on planning grounds will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms.
- e) The Council will not seek benefits under a Planning Agreement that are wholly unrelated to a particular development.
- f) Monetary contributions obtained from planning agreements may be spent within the vicinity of the development they relate to but must be spent within the Waverley local government area.
- g) the Council will not give undue weight to a Planning Agreement.
- h) The Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed Planning Agreement.
- i) The Council will not improperly rely on its position in order to extract unreasonable public benefits from developers under Planning Agreements.
- j) Planning Agreements should not be used as a means of general revenue raising or to overcome revenue shortfalls.
- k) Planning Agreements must be underpinned by proper strategic land use and infrastructure planning carried out on a regular basis and must address expected growth and the associated infrastructure demand.
- l) Strategic planning should ensure that development is supported by the infrastructure needed to meet the needs of the growing population.

The progression of a planning proposal or the approval of a development application should never be contingent on entering into a Planning Agreement.

2.3 What matters will the Council consider?

The matters that the Council may consider in any such negotiation may include, but not be limited to, the following:

- (a) Whether the Planning Agreement(s) meets the demands created by the development for new public infrastructure, amenities and services.
- (b) If inclusions in the development meet specific planning objectives of the Council.
- (c) If compensation is required for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration.

- (d) Rectification of an existing deficiency in the existing provision of public facilities in the Council's area is made.
- (e) Whether recurrent funding of public facilities and/or public benefit is required or provided.
- (f) The extent to which the Council needs to monitor the planning impacts of development.
- (g) Whether planning benefits for the wider community accrue from the Planning Agreement.

The most important factor in deciding what planning obligations might be required as part of a Planning Agreement is the size of the development or resulting increase in land value from an amendment to the Waverley Local Environmental Plan. However, other factors such as the location or the resulting type of development may be relevant. These will establish core information such as likely increases in population and demand for particular public services.

This information will help Council with the determination of the development application/planning proposal and to prepare the Planning Agreement.

2.4 Strategic planning context

An important role for Planning Agreements is achieving specific land use planning outcomes with strategic and/or site-specific merit. A Planning Agreement should facilitate the provision of public facilities and amenity outcomes that advance the delivery of Council's corporate and strategic planning objectives and deliver valuable community benefits where appropriate. Long-term strategies including Waverley's Local Strategic Planning Statement (LSPS) and Community Strategic Plan (CSP) and delivery program are based on the outcomes of engagement with the community. The implementation of key aspects of some of these goals, the broader strategic directions and the delivery of key infrastructure areas can be directly or indirectly achieved through Planning Agreements.

The vision and goals established within Council's long-term strategic plans such as the CSP and LSPS flow through to supporting plans that guide Council's medium and short-term priorities:

- Long Term Financial Plan (10 years)
- Delivery Program (4 years)
- Operational Plan (Annual)

Council's LSPS considers planning for growth in Waverley and is supported by environmental strategies which seek to identify the community's needs for infrastructure such as community facilities, transport, open space, public domain and recreation infrastructure, capital works and infrastructure.

2.5 Types of public benefits to be delivered under Planning Agreements

Public benefits received through Planning Agreements contribute to Council's ability to deliver:

- a) infrastructure identified within existing development contributions plans (s7.12 contributions plan);
- b) infrastructure identified within NSW State Government and Council's strategic plans, e.g. commercial floor space in village centres, affordable housing, and open space acquisition;
- c) infrastructure required directly as a result of density increases experienced or expected from the redevelopment of a site. e.g. due to changes in development controls arising from a Planning Proposal; and

- d) land identified in a strategic plan, policy, planning instrument, development control plan or contributions plan for a public purpose, dedication or acquisition.

Examples of public benefits described above are provided at Appendix 5. It is recognised that development contributions that facilitate works in addition to the works listed in Appendix 5 may be appropriate because negotiations for each proposed development will reflect the circumstances of each case and the needs created by the scale of proposed change. Consequently, Appendix 5 does not prevent development contributions being negotiated on a case by case basis, particularly where planning benefits are also involved.

In some instances, a particular public benefit may be considered most suitable and supported by the community during public exhibition, however, it may not have been adequately investigated or designed yet due to issues with resourcing and/or preliminary funding by Council. Generally, VPA contribution money cannot be dedicated towards preliminary investigative and design processes because these processes may find that the particular process cannot be delivered after all, and therefore would not actually deliver a public benefit. Despite this, there is opportunity for Council to dedicate funding from elsewhere for the preliminary and feasibility works. The VPA contribution can be held aside and quarantined for a specified period of time and used for the construction of that project if found to be suitable for delivery. If found to be unsuitable/unfeasible, the VPA contribution can be used towards a different project that has been adequately investigated and designed, determined at the same as the first idea is supported as a backup.

This policy allows for in-kind contributions to be made to Council in lieu of monetary contributions provided that these are consistent with the calculation methods outlined in Appendix 1 and 2. In-kind contributions could include for example affordable housing, commercial floor space dedicated in perpetuity to Council or public domain upgrades.

Allocation of VPA to affordable housing

It is expected that 100% of the VPA contribution amount will be dedicated to a public benefit described above, except for where a VPA is offered in lieu of a contribution charged under chapter 2 part 3 of the State Environmental Planning Policy (Housing) 2021, in which case, 100% of the funds will be dedicated towards Waverley's Affordable Housing Contributions Reserve fund.

~~'A maximum of 25% of all planning agreement contributions will go towards Waverley's Affordable Housing Contributions Reserve fund, except for where a VPA is offered in lieu of a contribution charged under chapter 2 part 3 of the State Environmental Planning Policy (Housing) 2021, in which case 100% of the funds may be dedicated towards Waverley's Affordable Housing Contributions Reserve fund.~~

~~Council may allocate less than 25% of the Planning Agreement contribution to affordable housing when a contribution for the same development is levied under the Waverley Affordable Housing Contribution Scheme (AHCS).~~

~~When a contribution is made under the AHCS and there is also a Planning Agreement according to this Policy, the amount allocated for affordable housing from the Planning Agreement funds can be reduced by the AHCS amount. This avoids 'double dipping' of funds intended for affordable housing. The remaining funds will be redirected to other public benefits, ensuring that less than 25% of the Planning Agreement contribution is used for affordable housing.~~

~~Furthermore, if a contribution is made under the Waverley Affordable Housing Contribution Scheme~~

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and a Planning Agreement is in place according to this Policy, the total amount in the Planning Agreement will be adjusted. This adjustment reflects that the AHCS contribution impacts the net profit from the additional floor space.

As such, the VPA would be calculated as follows:

Bondi Junction Example	
AHCS Rate	\$18,500/sqm
VPA Rate	\$4,100/sqm
Excess floorspace (above FSR)	100sqm
Total floorspace proposed	1100sqm
AHCS Payable on exceedance	$1\% \times 100\text{sqm} \times \$18,500 = \$18,500$
VPA Payable	$100\text{sqm} \times \$4,100 = \$410,000$
Total VPA payable with discount considered	
Step 1: Identify total sales value of exceedance by multiplying the VPA payable by 2	$\$410,000 \times 2 = \$820,000$
Step 2: Deduct the VPA contribution by the AHCS payable on exceedance	$\$820,000 - \$18,500 = \$801,500$
Step 3: Divide the contribution by 2 to align with the intent of the VPA Policy, which is to capture 50% of the uplift value	$\$801,500 / 2 = \$400,750$

In the context of a Planning Proposal lead by the private industry resulting in uplift for a site, the applicable AHCS contribution may be considered as a 'soft cost' when calculating a planning agreement contribution in accordance with Appendix 2 of this Policy.

2.6 Recurrent charges

The Council may request developers/proponents, through a Planning Agreement, to make development contributions towards the recurrent costs of public facilities. Where the public facility primarily serves the development to which the Planning Agreement relates or neighbouring development, the arrangement for recurrent funding may be in perpetuity.

Where the public facility or public benefit is intended to serve the wider community, the Planning Agreement may, where appropriate, only require the developer/proponent to make contributions towards the recurrent costs of the facility for a set period which will be negotiated according to the impact of the development.

2.7 Pooling of development contributions

Where a proposed Planning Agreement provides for a monetary contribution by the developer/proponent, the Council may seek to include a provision permitting money paid under the agreement to be pooled with money paid under other Planning Agreements and applied progressively for the different purposes under those agreements.

Pooling may be appropriate to allow public benefits, particularly essential infrastructure, to be provided in a fair and equitable way.

2.8 Do other development contributions apply?

Generally, the Council will not enter a Planning Agreement that excludes the application of s7.11 or s7.12 of the Act to development to which the agreement relates. This, however, is a matter for negotiation between the Council and a developer having regard to the particular circumstances of the case.

However, where the application of s7.11 of the Act to development is not excluded by a Planning Agreement, the Council will generally not agree to a provision allowing benefits under the agreement to be taken into consideration in determining a development contribution under section 7.11.

PART 3 – NEGOTIATION PROCEDURES AND PROBITY

3.1 Introduction

The Council's negotiation system for Planning Agreements aims to be efficient, predictable, transparent and accountable. Council will seek to ensure that the final negotiation of Planning Agreements runs in parallel with applications for instrument changes or development applications so as not to unduly delay the approval.

Where possible Council will publicly notify a Planning Agreement in the same manner and at the same time as the application for the instrument change or the development application to which it relates.

Council's preference is therefore to have the Planning Agreement negotiated and documented before it is publicly notified as required by the Act and Regulation. It is also preferable that a Planning Agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.

3.2 Steps in the negotiation process

The negotiation of a Planning Agreement will generally involve the following key steps which are outlined in Appendix 1 and 2:

Planning Proposals

1. Prior to the lodgement of the relevant planning proposal, the Council and proponent (and any other relevant person) will decide whether to negotiate a Planning Agreement.
2. The parties will decide whether to appoint an independent person to facilitate or otherwise participate in the negotiations or aspects of it, and appoint such person.
3. A timetable for negotiations and the protocols and work practices governing their negotiations will be agreed between the parties.
4. The key issues for negotiation will be identified by the parties, and the negotiations over these issues will take place.
5. If agreement is reached, the Council (and any other relevant party) will prepare the proposed Planning Agreement including the explanatory note, and provide a copy of it to the proponent.
6. The parties may undertake further negotiation on the specific terms of the proposed Planning Agreement as necessary.
7. Once agreement is reached on the terms of the proposed Planning Agreement, the proponent may then make the development application/planning proposal to the Council accompanied by an offer to enter into such an agreement with specifics of the agreement set out in detail.
8. The Council will publicly exhibit the planning proposal and Planning Agreement in accordance with the Act. The Council may approve the planning proposal and set out the conditions for the agreement or, if an agreement has been executed, set out in the consent/determination the terms of the agreement.

Development applications

1. Prior to the lodgement of the relevant development application, the applicant will decide whether to offer a Planning Agreement. The applicant should contact Council about how the benchmark rates (Appendix 1) apply to the subject development.
2. The applicant submits the development application with a letter of offer to enter into a Planning Agreement.
3. Development assessment staff independently undertake their assessment of the application.
4. Should the development application be approved, Council officers will prepare the Planning Agreement for notification, reporting to Council and execution.

The parties may be required to undertake further negotiations and, hence, a number of the abovementioned steps mentioned may need to be repeated as a result of the public notification process or its formal consideration by the Council in connection with the relevant application.

Note that all costs associated with the negotiation of a Planning Agreement, including the appointment of an independent person, are to be borne by the developer.

It is also noted that where the value of the development exceeds \$20 million the development application will be dealt with by the independent Sydney Planning Panel (SPP) or any other relevant planning authority.

3.3 Probity

Public probity is important to Waverley Council and it will ensure that the negotiation of any Planning Agreements is fair, transparent and is directed at achieving public benefits in an appropriate manner free of corruption.

In this regard, Council will:

- a) Inform any applicant about Council values and business ethics - specifically, about ethical behaviour appropriate to business dealings. A copy of Council's Statement of Business Ethics Policy (as amended from time to time and available on Council's website).
- b) Ensure that its communities understand the system and the Council's role – specifically, how the Planning Agreements system operates and how Council will deal with developments/ planning proposals objectively.
- c) Notify Planning Agreements to ensure they are open and transparent – specifically, achieving maximum public awareness of the matters contained in a Planning Agreement(s) and the potential benefits of an agreement.
- d) Ensure appropriate delegations and separation of responsibilities in considering development applications/planning proposals that involve Planning Agreements – specifically, the need to ensure processes adequately

address the level of risk of corruption of a process while at the same time being appropriate to the likely level of risk.

- e) Ensure that modifications to approved development should be subject to the same scrutiny as the original development application.
- f) Ensure that Councillors and Council staff understand their varied roles, some of which have potential to conflict.
- g) Complete negotiations via written correspondence, rather than face-to-face meetings, to ensure that all discussions are clearly documented to ensure the highest level of transparency, accountability and record-keeping. This also allows timely consideration and resolution of any issues raised and facilitates carefully considered decision making by all parties.
- h) Take every step to ensure that conflicts of interest are ameliorated to the greatest extent possible – specifically, independent assessment by third parties where Council has an interest and not entering into any contractual arrangement which purport to guarantee outcomes that are subject to separate regulatory processes.

Apart from the above procedures, further procedures that will be implemented to address these matters may also include, but not be limited by, the following procedures:

- a) The Councillors will not be involved in the face-to-face negotiation of the agreement but will ultimately execute the Planning Agreement as part of their duties as Councillors.
- b) A Council officer with appropriate delegated authority will negotiate a Planning Agreement on behalf of the Council in accordance with this Policy.
- c) The Council will, in all cases, ensure that Council staff with key responsibility for providing advice on approvals, approving applications or ensuring compliance, do not have a role in the assessment of the commercial aspects of the agreement nor on the conditions of the Planning Agreement except where advice is required on matters relating to the conditions of consent for a particular proposal.
- d) The Council may involve an independent person(s) to facilitate or otherwise participate in the negotiations or aspects of it, particularly where this will lead to a better planning outcome.
- e) The Council will ensure that all negotiations with a developer/proponent and their consultants are sufficiently separated and documented.
- f) Where the Council has a commercial stake in development the subject of an agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its commercial interest in the development.
- g) Where Council is the consent authority and an applicant has proposed to enter into a Planning Agreement, the development application must be determined by the Waverley Local Planning Panel (WLPP), the Sydney Planning Panel, or any other relevant planning authority.

PART 4 – NOTIFICATION AND EXHIBITION

4.1 Public notification of Planning Agreements

In accordance with the Act, a Planning Agreement must be publicly notified and available for public inspection for a minimum period of 28 days. Notification generally involves a public notice in the Wentworth Courier, online at <https://haveyoursay.waverley.nsw.gov.au/> and directly to the relevant precinct committee. The Council may decide to notify a Planning Agreement for a longer period or shorter period as permitted by the Act.

The Council will also notify the application to which a Planning Agreement relates in accordance with the Act.

4.2 Re-notification

The Council may publicly re-notify and make available for public inspection a proposed Planning Agreement and the application to which it relates if, in the Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the agreement or the application, or their formal consideration by the Council, or for any other reason.

4.3 Public comment on Planning Agreements

The Council encourages the public to make submissions on Planning Agreements. This will allow the Council to better understand local needs and permit fine tuning of the planning obligations set out in any Planning Agreement.

In the case of development applications, whilst Council aims to advertise the Planning Agreement at the same time as the development application it may be advertised separately to the development application depending upon when an outcome is reached following negotiation.

In the case of planning proposals, it would be expected that the proponent would provide a detailed offer which would incorporate specifics as to the public benefit and an undertaking to pursue and enter into a negotiated Planning Agreement prior to gazettal notification.

PART 5 – IMPLEMENTATION AND CONDITIONS

5.1 Preparation of the Planning Agreement

The Council will prepare a Planning Agreement relating to a particular application for an instrument change or development application. The Council uses a standard form of Planning Agreement on which every Planning Agreement is based which reflects the policies and procedures set out in this document (refer Appendix 3). This Planning Agreement will include an explanatory note (refer Appendix 4).

The Council will require a Planning Agreement to make provision for payment by the developer of the Councils costs of and incidental to negotiating, preparing and entering into the agreement as well as administering and enforcing the agreement.

5.2 When is a Planning Agreement required to be entered into?

A Planning Agreement is entered into when it is signed by all of the parties. The Council will usually require a Planning Agreement to be entered into as a condition of granting development consent to the development to which the agreement relates or as part of the Gateway process for a planning proposal. However, a Planning Agreement can be entered into at any time after the agreement is publicly notified in accordance with the Act and Regulation.

5.3 When will planning obligations arise?

5.3.1 Development Applications

The Council will generally require a Planning Agreement to provide that the developer's obligations in relation to securing the delivery of development contributions must be met prior to the issuing of any construction certificate related to the subject development application. Delivery of the development contribution may be prior to occupation certificate.

5.3.2 Planning Proposals

There are a number of possible scenarios which are to be detailed in the terms of the Planning Agreement to ensure that the obligations of the agreement are fulfilled by the proponent of the planning proposal.

- a) Generally, the developer's obligations in relation to the execution of a Planning Agreement must be met as soon as possible after gateway determination and prior to gazettal notice. A clause is to be included within the Planning Agreement indicating that the obligations under the Planning Agreement are only required to be met in the event of the associated Planning Proposal being successfully gazetted. The delivery of the contribution (e.g. payment of any monetary contribution) must be paid at gazettal. The Letter of Offer issued by the developer in relation to a Planning Proposal should reflect the above process.
- b) Generally, the developer's obligations in relation to the execution of a Planning Agreement associated with a Planning Proposal should not be linked to any current or future Development Application for the site.
- c) If the proponent of the planning proposal intends to sell the site it must immediately notify Council in writing. Generally, the proponent must meet the obligations of the Planning Agreement, particularly the delivery of developer contributions (e.g. payment of any monetary contribution), on or before settlement of the sale of the land. Generally, this is to be secured through

registration of the Planning Agreement, caveat against the title of the land and provision of bank guarantee as required under (a).

5.4 Implementation agreements

The Council may require an implementation agreement that provides for matters such as:

- (a) The timetable for provision of planning obligations under the Planning Agreement.
- (b) The design, technical specification and standard of any work required by the Planning Agreement to be undertaken by the developer.
- (c) The manner in which a work is to be handed over to the council. The manner in which a material public benefit is to be made available for its public purpose in accordance with the Planning Agreement.

5.5 Monitoring and review of a Planning Agreement

The Council will continuously monitor the performance of the developer's/proponent's obligations under a Planning Agreement and report them in accordance with the Act.

5.6 Modification or discharge of obligations

The Council may agree to a provision in a Planning Agreement permitting the developer's/proponent's obligations under the agreement to be modified or discharged in the following circumstances:

- a) The developer's/proponent's obligations have been fully carried out in accordance with the agreement, or
- b) The development consent to which the agreement relates has lapsed, or
- c) The development consent to which the agreement relates has been modified to such an extent that the planning obligations may not be appropriate, or
- d) The performance of the Planning Agreement has been frustrated by an event or events beyond the reasonable control of the parties, or
- e) The developer/proponent has fully and completely assigned the developer's/proponent's interest under the agreement in accordance with its terms, or
- f) Other material changes affecting the operation of the Planning Agreement have occurred, or
- g) The Council and the developer/proponent otherwise agree to the modification or discharge of the agreement.

Such a provision will require the modification or revocation of the Planning Agreement in accordance with the Act and Regulation.

5.7 Assignment and dealings by the developer/proponent

The Council will not generally permit the assignment of any or all of the developer's/proponent's rights or obligations under the agreement, nor will the Council permit any dealing in relation to any part or the whole of the land the subject of the agreement. However the Council may agree to an assignment when:

- a) The developer/proponent has, at no cost to the Council, first procured the execution by the person with whom it is dealing of all necessary documents in favour of the Council by which that person agrees to be bound by the agreement as if they were a party to the original agreement, and
- b) If the proposed dealing involves a mortgage, charge or other encumbrance in relation to the party's right, title and interest in the land, such documents provide for an agreement by the person to the effect that they, and any receiver appointed by them, will not enjoy rights greater than those of that party, and
- c) The party is not in breach of the Agreement.

This does not affect the operation of any of other requirements of the agreement.

5.8 Provision of security under a Planning Agreement

The Council will generally require a Planning Agreement to make provision for security to cover the developer's/proponent's obligations under the agreement. A form of security will generally be an unconditional bank guarantee from an Australian Bank in favour of the Council to the full value of the developer's/proponent's obligations under the Agreement and on terms otherwise acceptable to the Council. An insurance bond may also be deemed acceptable. Other security will generally be required.

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5.9 Registration of Planning Agreements

The Council may require a Planning Agreement to contain a provision requiring the developer/proponent to agree to registration of the agreement pursuant to s93H of the Act if the requirements of that section are satisfied.

5.10 Dispute resolution

The Council will require a Planning Agreement to provide for mediation of disputes between the parties to the agreement before the parties may exercise any other legal rights in relation to the dispute.

5.11 Methodology for valuing public benefits under a Planning Agreement

Subject to section 2.4, unless otherwise agreed in a particular case, public benefits will be valued as follows:

5.11.1 Provision of land or units for a public purpose

Where the benefit under a Planning Agreement is the provision of land for a public purpose, or units given to Council in perpetuity, the value of the benefit will be determined by an independent valuer who is experienced in valuing land in New South Wales (and who is acceptable to Council), on the basis of a scope of work which is prepared by Council. All costs of the independent valuer in carrying out such a valuation will be borne by the developer/proponent.

5.11.2 Carrying out of works for a public purpose

Where the benefit under a Planning Agreement is the carrying out of works for a public purpose, the value of the benefit will be determined by an independent quantity surveyor (who is acceptable to Council), on the basis of the estimated value of the completed works being determined using the method that would ordinarily be adopted by a quantity surveyor. Council will prepare the scope of work for the independent quantity surveyor. All costs of the independent quantity surveyor in carrying out the work will be borne by the developer/proponent.

5.11.3 Other public benefit

Where the benefit under a Planning Agreement is the provision of public benefit other than under 5.11.1 or 5.11.2, Council and the Developer/proponent will negotiate the manner in which the benefit is to be valued for the purposes of the agreement.

5.12 How will the Council seek to determine the amount of Monetary Contribution that may be payable for Developments with FSR above clause 4.4 of WLEP (the WLEP Provisions)

Generally, the value of 50% of the increase in net value to the development arising from an increase in FSR beyond WLEP 2012 provisions in clause 4.4 may be considered an appropriate contribution. A series of standardised development contribution rates have been developed to streamline negotiations and provide fairness, predictability and certainty to the community, Council and developers. These pre-scheduled development contribution rates apply to different suburbs in the Waverley LGA. These rates are located in Appendix 1 and will be applied to Development Applications. These rates will be updated annually.

5.13 How will the Council seek to determine the amount of Monetary Contribution that may be payable for an amendment to the Waverley Local Environmental Plan 2012

Generally, the value of 50% of the net value from the planning proposal may be considered an appropriate contribution. The net value will be determined by an independent valuer who is experienced in valuing land in New South Wales (and who is acceptable to Council). All costs of the independent valuer in carrying out such a valuation will be borne by the proponent. The methodology used to determine the net value will generally be calculated by determining the Residual Land Value resulting from the planning proposal less the Base Case.

APPENDIX 1 – VPA PAYABLE RATES

The VPA payable rates per square metre for residential floor space are outlined in the following table. VPA payable rates have not been calculated for Bronte, Tamarama, Waverley or Queens Park as there have been few VPAs offered in these areas. If a VPA is offered in these suburbs, then it should be calculated based on the ‘Average LGA’ rate. ~~For mixed-use developments commercial office and retail benchmark rates should be used.~~


If the existing building already exceeds the maximum FSR permitted on the site, the VPA will be calculated using the additional GFA above the existing non-compliance. For example, for a site with a max FSR of 0.9:1, an existing FSR of 1:1 and a proposed FSR of 1.2:1, the VPA will only be calculated on the GFA between 1:1 and 1.2:1.



Note: These rates will be updated on an annual basis based on sales prices.

BENCHMARK RATES FOR RESIDENTIAL

Area and type	Rate \$/sqm
Bondi Junction	\$4,100
Bondi	\$4,200
Bondi Beach	\$5,200
North Bondi	\$5,100
Dover Heights	\$3,400
Rose Bay	\$4,100
Vaucluse	\$3,800
Other Suburbs (Average)	\$4,200

BENCHMARK RATES FOR NON-RESIDENTIAL

Area and type	Rate \$/sqm	Location it applies
Bondi Road Centre	\$2,400	
Bondi Junction retail core	\$2,800	

Bondi Junction retail fringe	\$2,600	 <p>Legend</p> <ul style="list-style-type: none"> Office Retail core Retail fringe
Bondi Junction office	\$2,600	
Campbell Pde, Bondi	\$4,100	 <p>Legend</p> <ul style="list-style-type: none"> Hall Street Campbell Parade
Hall Street, Bondi	\$3,600	
Fringe	\$3,000	All other areas for non-residential development not specified in this table.

PRO RATA BENCHMARKS

Where a Development Application including any modification or amendment offering a Voluntary Planning Agreement contains both residential and non-residential floor space, generally a pro rata approach is to be taken and both benchmark rates should be used proportionately to their percentage of gross floor area within the entire development.

For example, if 20% of the total gross floor area of a development is non-residential and 80% of a total gross floor area of a development is residential, then the non-residential benchmark rate should be used for 20% of the gross floor area exceedance above the maximum permitted under the maximum Floor Space Ratio, and the residential benchmark rate for 80%. If the gross floor area exceedance were 50 square metres, then 40sqm would be multiplied by the residential rate and 10sqm against the non-residential rate.

This approach may be varied where additions to an existing building (which contains both residential and non-residential uses) are proposed, and the new works only add gross floor area of one of the uses. For example, an additional floor containing residential floor space only is being added above a shop top housing development and the ground floor commercial space is not being reduced or increased. In this instance it would be appropriate to use only the residential benchmark rate.

ALTERNATE VALUATION METHODOLOGY

There are two components that will make up the valuation. These are:

1. The valuation (end sale value) of the bonus (marginal) floor space; and
2. Assessment of the marginal costs (to be deducted from the marginal revenue in order to calculate marginal profit);

Component 1 must be done by fully qualified Valuers. It is recommended that two Valuers are appointed, one on behalf of Council and the other on behalf of the applicant. The adopted valuation figures is to be the average of the two valuations, where these valuations are reasonably close.

Component 2 must be done by fully qualified quantity surveyors (QS). It is recommended that two consultants are appointed, one on behalf of Council and the other on behalf of the applicant. The adopted cost estimates is to be the average of the two QS estimates, where these valuations are reasonably close.

The principles of valuation of the two components are detailed below:

1. Component 1 – Value of Floor Space Bonus

- 1.1. The Valuer is to provide the end sale value of the bonus floor space. This refers to the additional apartments plus their ancillary car parking spaces.
- 1.2. Where there was a bonus on the height of the building then the bonus apartments will be on the upper most levels of the building. Alternatively it may be on the levels immediately below the penthouse and sub-penthouse levels (given that a premium may be attached to the penthouse and sub-penthouse levels – refer to example in Paragraph 1.6 below).
- 1.3. The marginal value (or value of the bonus floor space measured in dollars per square metre) should not be less than average value (the building's total value divided by total floor area).
- 1.4. The bonus floor space does not necessarily have to be identified in "whole" apartments. It can be identified in fractions of apartments or even in square metres.
- 1.5. The valuation is to take into consideration the specification and quality of finish of the bonus apartments.
- 1.6. An acceptable method of measure is the difference between the total value of the apartments without the bonus floor space and the total value of the apartments with the bonus floor space.

In the example below a bonus floor space provides an additional increase in the internal leasable area of 14.9% through an increase of building height (one additional floor) plus a slight widening of the building. The result is an increase in the end value by 15.8%.

Building Without Bonus Floor Space

Level	Sqm	\$/sqm	\$m	
	11	300	12,000	3.6
	10	400	11,000	4.4
	9	500	10,000	5.0
	8	500	9,800	4.9
	7	500	9,600	4.8
	6	500	9,400	4.7
	5	500	9,200	4.6
	4	500	9,000	4.5
	3	500	8,500	4.3
	2	500	8,000	4.0
	1	500	7,500	3.8
	TOTAL	5,200	48.5	

Building With Bonus Floor Space

Level	Sqm	\$/sqm	\$m	
	12	300	12,000	3.6
	11	425	11,000	4.7
	10	525	10,200	5.4
	9	525	10,000	5.3
	8	525	9,800	5.1
	7	525	9,600	5.0
	6	525	9,400	4.9
	5	525	9,200	4.8
	4	525	9,000	4.7
	3	525	8,500	4.5
	2	525	8,000	4.2
	1	525	7,500	3.9
	TOTAL	5,975	56.2	
	Margin	775	7.7	
	% Increase	14.9%	15.8%	

- 1.7. The marginal value shall be the actual price exchanged. Where the apartments have not been exchanged then the market value should be the listed or asking price. If there are no listed or asking prices then the value shall be estimated by the Valuer based on market evidence.
- 1.8. Market evidence should include any pre-sales in the building and/or recent sales and pre-sales of comparable apartments in other buildings in the locality.
- 1.9. The Valuer shall deduct (from the end value of the bonus floor space) GST at one eleventh of the gross end sale value and any other costs on sale such as sales commission and legal costs. Generally these costs will be no more than 3.0% of gross end sale value.
- 1.10. The result is the expected marginal net sale proceeds from the bonus floor space.

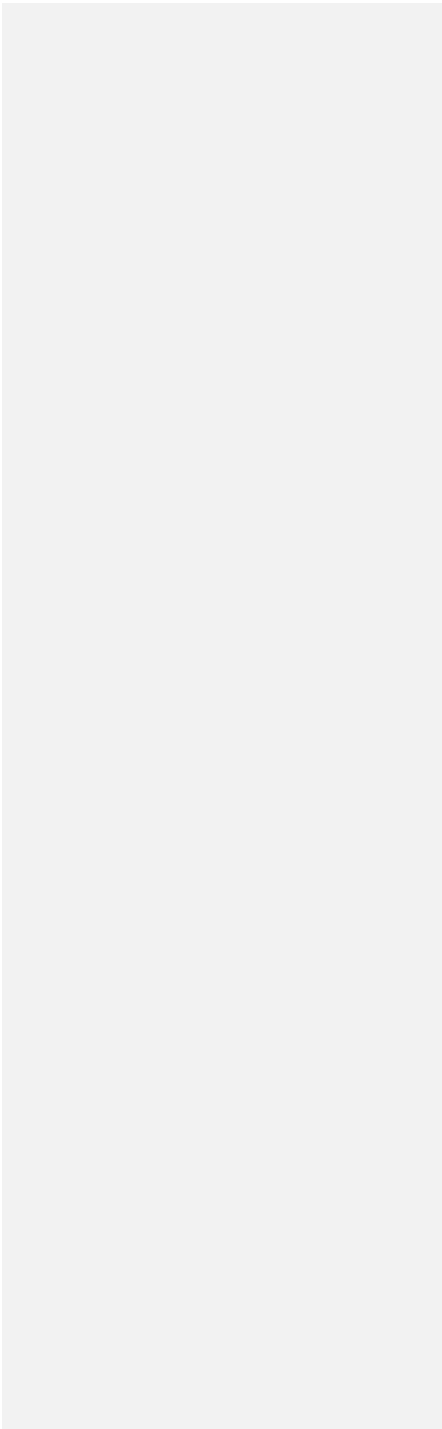
2. Component 2 – Marginal Cost to Design and Construct

- 2.1. The QS shall provide an estimate of the marginal cost of construction relating to the bonus floor space and bonus car parking spaces. Generally, Council will not accept exaggerated costs that are significantly higher than the development cost indicated on the submitted DA.
- 2.2. This simplest method to calculate marginal cost is the pro-rata of the total building cost based on bonus floor space divided by total GFA plus a pro-rata of the car parking cost based on number of parking spaces allocated to the bonus units divided by total car parking spaces.
- 2.3. Various site costs including, but not limited to, landscaping, driveways, fencing and external works shall be excluded since these costs are not marginal.
- 2.4. The QS and/or Valuer shall then add the marginal design costs, application fees, marketing and advertising costs and other ancillary costs. Again this would be a pro-rata of total costs. Evidence of these costs should be provided.

- 2.5. The QS and/or Valuer shall then add the monetary contributions under Section 94A in relation to the bonus floorspace (if paid or is to be paid).
- 2.6. The QS and/or Valuer can then add finance and interest costs again using the pro-rata method. The method for showing interest calculation must be provided using cash flow or other appropriate method of calculation.
- 2.7. Land cost and profit margins are not to be included as these are not marginal costs.
- 2.8. GST on costs is to be excluded since this will be returned to the developer in the form of input credits.
- 2.9. The result is the total estimated cost in delivering the marginal floor space.

The formula for calculating the profit from the bonus floor space is:
Marginal net sale proceeds less Marginal cost to Construct

50% of the profit from the bonus floor space is to be provided as a negotiated form of public benefit through a Planning Agreement.



APPENDIX 2 – VALUATION METHODOLOGY FOR PLANNING PROPOSALS

There are two components that will make up the valuation. These are:

1. The Base Case; and
2. Residual Land Value.

Both components must be done by suitably qualified Valuers. It is recommended that two Valuers are appointed, one on behalf of Council and the other on behalf of the applicant. The costs of commissioning the Valuers should be shared between Council and the applicant. The adopted valuation figure is to be the average of the two valuations.

The principles of valuation of the two components are detailed below:

1. Component 1 – Base Case

- 1.1. The Base Case is the value of the land under the current zoning (assuming in perpetuity). The value under the base case should be assessed on the site's highest and best use permissible under the current zoning. The highest and best use may, or may not be, the current use of the land.
- 1.2. The Valuer is required to test and determine the highest and best use of the land. The base case is to assume that the current zoning on the land and the development standards under the current instruments will remain in perpetuity. The planning proposal itself must not affect the base case.
- 1.3. Standard valuation practices shall apply and at least two methods of valuation should be used. Comparable sales should be one of the methods applied unless there is insufficient evidence. When using comparable sales evidence the Valuer must ensure that the sale prices are not affected by planning proposals or draft instruments that are not related to the base case – or at least make reasonable allowances / adjustments.
- 1.4. If the subject site was sold recently then the purchase price can be adopted provided that the price was not inflated as a result of the planning proposal.

2. Component 2 – Residual Land Value

- 2.1. The Valuer shall estimate the value of the land under the planning proposal using the residual land valuation (RLV) method. The preferred method for calculating the RLV is discounted cash flow modelling using proprietary software like Estate Master DF or similar. A simple developer's profit model may be acceptable for small-scale single-staged developments.
- 2.2. The assumptions in the RLV calculations must be reasonable and based on industry averages.
- 2.3. If there are no listed or asking prices then the end sale values shall be estimated by the Valuer based on comparable market evidence.

- 2.4. Market evidence should include any recent pre-sales in the building and/or recent sales and pre-sales of comparable apartments in other buildings in the locality.
- 2.5. Estimated construction costs must be supported by a Quantity Surveyor’s report. Construction contingency should be no greater than 5%. Soft costs may be included such as design costs, application fees, authority fees, development management, marketing and advertising and finance establishment costs.
- 2.6. In calculating the RLV the project start date should assume the land is zoned appropriately (i.e. the zone that is being proposed).
- 2.7. The RLV should exclude any discounting during the rezoning period as the payment under the VPA will not be made until occupation certificate. A typical development program should be assumed that allows reasonable time for development approval, certification and construction. Council will not accept a program that appears conservative or pessimistic. The table below provides a suggested range of project lives for a single stage project. Any significant departure in project life requires supporting evidence.

Construction Cost	Approvals and Documentation (months)	Construction (months)
Under \$20m	8-9	10-14
\$20m to \$40m	9-11	14-17
Above \$40m	10-12	18-20

- 2.8. It is recognised that these timeframes can vary and are impacted by building height and number of basement levels.
- 2.9. For a short single staged development a developer’s profit or “back of envelope” method rather than a cash flow model may be acceptable. Using this method the RLV will be derived from the target profit/risk margin. If this method is used the interest should be calculated as follows:

Interest Cost = (Total Project Costs excluding land & GST) X (Interest Rate / 12) X (Months of Construction) X 50%.
- 2.10. The RLV model should preferably show both the development margin and Project Internal Rate of Return (IRR) on the cash flow before interest. Reasonable industry standard hurdle rates should be applied. Generally a target margin (on project costs) of 15% to 25% and a target IRR of 16% to 20% should apply but this depends upon the levels of market risk and other project risks.

The formula for calculating the net value from the planning proposal is:
Residual Land Value minus the Base Case

50% of the net value from the planning proposal is to be provided as a negotiated form of public benefit through a Planning Agreement.

APPENDIX 3 – (CLAUSE 1.6) PLANNING AGREEMENT TEMPLATE

PLANNING AGREEMENT NO. _____
Section 7.4 of the Environmental Planning and Assessment Act, 1979

THIS AGREEMENT is made on DATE THAT AGREEMENT IS ENTERED INTO

PARTIES

WAVERLEY COUNCIL of 55 Spring Street, Bondi Junction NSW 2022 ABN 12 502 583 608
("Council")
AND

DEVELOPER NAME (ACN #) of Address ("Developer")

BACKGROUND/RECITALS

- A. The Developer is the registered proprietor of the Land.
- B. The Council is the local authority constituted under the Local Government Act 1993 and the planning and consent authority constituted under the Act.
- C. On DATE the Developer made (or caused to be made) the Development Application to Council for Development Consent to carry out the Development on the Land.
- D. The Development Application was accompanied by an offer dated DATE by the Developer to enter into this Agreement to make the Development Contribution to be applied towards a public purpose in accordance with Council's Planning Agreement Policy if development consent was granted.
- E. The Development Consent was granted on DATE.
- F. This Agreement is consistent with the Developer's offer referred to in Recital D.

OPERATIVE PROVISIONS:

1 PLANNING AGREEMENT UNDER THE ACT

The parties agree that this Agreement is a Planning Agreement governed by Section 7.4 and Subdivision 2 of Division 7.1 of Part 7 of the Act.

2 APPLICATION OF THIS AGREEMENT

This Agreement applies to the Land and to the Development proposed in the Development Application, as may be modified.

3 OPERATION OF THIS AGREEMENT

This Agreement shall take effect on and from the date of this Agreement. The parties must execute and enter into this Agreement as soon as possible after the Development Consent is grant and prior to any Construction Certificate issuing for the Development.

4 DEFINITIONS AND INTERPRETATION

4.1 Definitions

In this Agreement unless the context otherwise requires:

"Act" means the *Environmental Planning and Assessment Act 1979* (NSW);

"Agreement" means this agreement;

"Bank Guarantee" means an irrevocable and unconditional undertaking by a trading bank approved by the Council to pay the Development Contribution amount on demand without an expiry or end date and containing terms and conditions acceptable to Council and in accordance with clause 9 of this Agreement;

"Business Day" means a day that is not a Saturday, Sunday or public holiday, on which banks are open for general services in Sydney, New South Wales;

"Caveat Form" means an irrevocable authority to Waverley Council to register and maintain a caveat on the Land, in a form acceptable to Council and executed by the owner of the Land, or such other form of owner's consent to caveat as may be required by Council; **"Certifying Authority"** means any accredited private certifier including where appropriate, a Principal Certifying Authority (PCA) appointed or to be appointed to certify the Development or any aspect of it;

"Council" means Waverley Council and herein includes any local government authority with which that Waverley Council may merge or any other local government authority responsible for a local government area that the Land is located within; **"Construction Certificate"** means any construction certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

"Development" means the development the subject of the Development Application described in item 4 of the Schedule;

"Development Application" means the development application referred to in item 3 of the Schedule;

"Development Consent" means the development consent granted in respect of the Development Application described in item 3 of the Schedule;

"Development Contribution" means the amount of money referred to in item 5 of the Schedule; [NOTE: For monetary contributions]

"Development Contribution Date" means the time the Development Contribution is to be paid as specified in item 7 of the Schedule; [NOTE: For monetary contributions] **"GST"** has the same meaning as in the GST Law;

"GST Law" has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST;

"Land" means the land described in item 2 of the Schedule;

"Occupation Certificate" means any occupation certificate as referred to in s 6.4 of the Act in respect of the Development Consent;

"Party" means a party to this Agreement including their successors and assigns;

"Public Purpose" for the purpose of this Agreement means the public purpose described in item 6 of the Schedule;

"Registration Application" means an application for registration of this Agreement as a Planning Agreement on the title of the Land pursuant to Section 7.6 of the Act in a form approved by the Registrar General;

"Schedule" means the schedule to this Agreement.

4.2 Interpretation

In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Agreement;
- (b) A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney, New South Wales;
- (c) If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day;
- (d) A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars;
- (e) A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision;
- (f) A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced;
- (g) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement;
- (h) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (k) References to the word 'include' or 'including' are to be construed without limitation;
- (l) A reference to this Agreement includes the agreement recorded in this Agreement;
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns; and
- (n) Any schedules and attachments form part of this Agreement.

5 DEVELOPMENT CONTRIBUTION TO BE MADE UNDER THIS AGREEMENT

- 5.1 The Developer agrees to make, and the Council agrees to accept, the Development Contribution to be applied for the Public Purpose.
- 5.2 The Developer must pay the Development Contribution to the Council by bank cheque on or before the Development Contribution Date and time is essential in this respect. [NOTE: For monetary contributions]

6 APPLICATION OF THE DEVELOPMENT CONTRIBUTION

- 6.1 The Council will apply the Development Contribution towards the Public Purpose as soon as practicable.

7 APPLICATION OF S7.11 AND S7.12 OF THE ACT TO THE DEVELOPMENT

- 7.1 This Agreement does not exclude the application of Sections 7.11, 7.12 or 7.24 of the Act to the

Development.

- 7.2 The Development Contribution provided by the Developer will not be taken into consideration in determining any development contribution under Section 7.11 or 7.12 of the Act.

8 REGISTRATION OF THIS AGREEMENT

- 8.1 The Parties agree this Agreement is to be registered by the Registrar-General as provided for in section 7.6 of the Act.
- 8.2 The Developer warrants that they have done everything necessary to enable this Agreement to be registered under section 7.6 of the Act.
- 8.3 Without limiting clause 8.2, the Developer warrants that they have obtained the express written consent to the registration of this Agreement under section 7.6 of the Act from:
- (a) If this Agreement relates to land under the *Real Property Act 1900*, each person who has an estate or interest in the Land registered under that Act; or
 - (b) If this Agreement relates to land not under the *Real Property Act 1900*, each person who is seized or in possession of an estate or interest in the Land.
- 8.4 As soon as possible after entering into this Agreement and in any event prior to the issue of a Construction Certificate, the Developer will at their cost arrange and effect registration of this Agreement under s7.6 upon the title to the Land and as soon as possible will:
- (a) deliver to the Council the Registration Application in registrable form noting the Council as applicant and executed by the owner of the Land and any other person the subject of the warranty in clause 8.3;
 - (b) produce or cause to be produced the title deed with NSW Land Registry Services and advise Council of the production number or provide a copy of the CoRD Holder Consent as may be applicable;
 - (c) provide the Council with a cheque in favour of NSW Land Registry Services, NSW for the registration fees for registration of this Agreement, or deliver funds electronically as Council may direct; and
 - (d) provide the Council with a cheque in favour of the Council for its reasonable costs, expenses and fees incurred or to be incurred in connection with the preparation of this Agreement and any documents, form or instrument created or to be created in accordance with the provisions of this Agreement.
 - (e) and take any other necessary action so as to ensure this Agreement is registered on the title to the Land prior to the issue of any Construction Certificate.
- 8.5 Upon compliance with clause 8.4 by the Developer the Council will promptly lodge the Registration Application with the Registrar General.
- 8.6 The Parties will co-operate with each other to ensure that the Agreement is registered by the Registrar General.
- 8.7 Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the dealing created by registration of the Agreement from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal.
- 8.8 Should payment of the Development Contribution or surrender of the Development Consent occur upon the date of this Agreement and prior to issue of a Construction Certificate, then there will be no obligation to register this Agreement in accordance with this clause nor provide the Bank Guarantee in accordance with clause 9.1.

- 8.9 Upon registration of this Agreement by the Registrar General, this Agreement is binding on, and is enforceable against the owner of the Land from time to time as if each owner for the time being had entered into this Agreement.

9 BANK GUARANTEE

9.1 Provision of Bank Guarantee

- (a) Subject to clause 8.8, prior to the issue of a Construction Certificate, the Developer must deliver to the Council a Bank Guarantee, which must be:
- (i) in a form and from an institution approved by the Council;
 - (ii) irrevocable and unconditional;
 - (iii) with no expiry date;
 - (iv) issued in favour of the Council;
 - (v) for an amount equivalent to the Development Contribution set out in Item 6 of the Schedule;
 - (vi) drafted to cover all of the Developer's obligations under this Agreement; and
 - (vii) on the terms otherwise satisfactory to the Council.
- (b) The Developer acknowledges that the Council enters into this Agreement in consideration of the Developer providing the Bank Guarantee as a security for the performance of all of the Developer's obligations under this Agreement, including without limitation the delivery of the Development Contribution to Council in accordance with this Agreement.

9.2 Calling on Bank Guarantee

- (a) The Council may call on the Bank Guarantee in the event that the Developer:
- (i) fails to make a payment of any part of the Development Contribution in accordance with this Agreement or any other amount payable under this Agreement by its due date for payment; or
 - (ii) breaches any other term or condition of this Agreement,
- and fails to remedy the relevant failure or breach within 7 days after the Council's notice.
- (b) If the Council calls on the Bank Guarantee as a result of the Developer's failure to pay any amount due under this Agreement, then the Council will apply the amount received pursuant to its claim on the Bank Guarantee towards the Developer's obligation to pay the relevant amount and will deduct that amount from the total amount payable under this Agreement. In those circumstances, the Developer will be required to pay to the Council any outstanding balance of the Development Contribution and other amounts payable under this Agreement.

9.3 Return of Bank Guarantee

Subject to clause 9.2, provided that the Developer has complied with its obligations under this Agreement, to pay the Development Contribution or any other amount payable under this Agreement, the Council will return the Bank Guarantee to the Developer.

10 REVIEW OF THE AGREEMENT

Any amendment or review of this Agreement shall be by agreement in writing and in compliance with section 7.5 of the Act.

11 DISPUTE RESOLUTION

11.1 Notice of dispute

If a Party claims that a dispute has arisen under this Agreement ("Claimant"), it must give written notice to the other Party ("Respondent") stating the matters in dispute and designating as its representative a person to negotiate the dispute ("Claim Notice").

No Party may start Court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause.

11.2 Response to notice

Within ten business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

11.3 The nominated representative must:

- (i) Meet to discuss the matter in good faith within five business days after services by the Respondent of notice of its representatives;
- (ii) Use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

11.4 Further notice if not settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute ("Dispute Notice") by mediation under clause 11.5 or by expert determination under clause 11.6.

11.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (i) The Parties must agree to the terms of reference of the mediation within five business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules and the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (ii) The mediator will be agreed between the Parties, or failing agreement within five business days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (iii) The mediator appointed pursuant to this Clause 11.5 must:
 - (a) Have reasonable qualifications and practical experience in the area of disputes; and
 - (b) Have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (iv) The mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (v) The Parties must within five business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation.
- (vi) The Parties agree to be bound by a mediation settlement and may only initiate

judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement.

(vii) In relation to costs and expenses

- (a) Each Party will bear their own professional and expert costs incurred in connection with the mediation; and
- (b) The cost for the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full cost of the mediation to be borne by that Party.

11.6 Expert Determination

If the dispute is not resolved under clause 11.3 or 11.5 the dispute may, by agreement between the Parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- (i) The dispute must be determined by an independent expert in the relevant field:
 - (a) Agreed upon and appointed jointly by the Council and the Developer; or
 - (b) In the event that no agreement is reached or appointment made within 30 business days, appointed on application of a Party by the then current President of the Law Society of New South Wales;
- (ii) The expert must be appointed in writing and terms of the appointment must not be inconsistent with this clause;
- (iii) The determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and containing reasons for the determination;
- (iv) The expert will determine the rules of the conduct for the process, but must conduct the process in accordance with the rules of natural justice;
- (v) Each Party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (vi) Any determination made by an expert pursuant to this clause is final and binding upon the Parties except where the determination is in respect of, or relates to, termination or purported termination of this Agreement by any Party, in which event the expert is deemed to be giving a non-binding appraisal and any Party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

11.7 Litigation

If the dispute is not finally resolved in accordance with this clause 11, either Party is at liberty to litigate the dispute.

11.8 Continue to Perform Obligations

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

12 ENFORCEMENT

- 12.1 Nothing in this Agreement prevents the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement (including the breach of this Agreement by the Developer) or any matter to which this Agreement relates.

- 12.2 Until such time as the Development Contribution has been paid in full, an Occupation Certificate must not be issued and the Developer must:
- (a) notify the Council in writing of the name and contact details of any Certifying Authority to which it has applied for an Occupation Certificate at the same time that such application is made;
 - (b) at the time it lodges any application for an Occupation Certificate notify the Certifying Authority in writing of the existence and terms of this Agreement; and
 - (c) procure and provide to Council a written acknowledgement from the Certifying Authority addressed to Council confirming that the Certifying Authority will not issue an Occupation Certificate until Council provides written confirmation that the Development Contribution has been paid;
 - (d) not rely on any Occupation Certificate in respect to the Development.
- 12.3 The Developer acknowledges and agrees that:
- (a) the Land is charged with the payment to Council of the Development Contribution until the Development Contribution is paid in full to Council; [NOTE for monetary contributions]
 - (b) Council has a caveatable interest in the Land from the later of the date of the Development Consent and this Agreement until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
 - (c) Council has the right to lodge and maintain a caveat against the title to the Land to notify of and protect its interest created by this Agreement (including the charge in (a)), until the Development Contribution and any other monies due to Council under this Agreement are paid in full to Council;
 - (d) unless the Development Contribution is paid to Council by the Developer upon entering into this Agreement, the Developer shall provide Council with the Caveat Form; and
 - (e) Upon payment of the Development Contribution or surrender of the Development Consent, the Developer may request in writing the removal of the caveat from the title to the Land. The Council will not withhold its consent to such removal, provided the Developer pays all reasonable costs, expenses and fees of the Council relating to such removal and has complied with all its obligations under this Agreement.
- 13 NOTICES**
- 13.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- (a) delivered or posted to that Party at its address set out below in Item 8 of the Schedule;
 - (b) faxed to that Party at its fax number set out below in Item 8 of the Schedule;
 - (c) emailed to that Party at its email address set out below in Item 8 of the Schedule.
- 13.2 If a Party gives the other Party 3 business days' notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 13.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address.

(b) If it is sent by post, 2 business days after it is posted.

(c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct faxnumber.

- 13.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

14 APPROVALS AND CONSENT

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 ASSIGNMENT AND DEALINGS

Until the Development Contribution is paid in full, the Developer cannot sell, transfer, assign, novate, charge, encumber or otherwise deal with the Land or attempt or purport to do so.

16 COSTS

Council's costs of and incidental to the preparation and execution of this Agreement and any related documents and registration of same shall be borne by the Developer. The Developer shall be responsible to pay its own costs and any stamp duty arising from this Agreement or its preparation.

17 ENTIRE AGREEMENT

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

18 FURTHER ACTS

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

19 GOVERNING LAW AND JURISDICTION

This Agreement is governed by the law of New South Wales. The Parties submit to the nonexclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

20 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 NON FETTER

The Developer acknowledges and agrees that:

- (a) in addition to its obligations under this Agreement the Council is also responsible for the conduct and administration of local government in the Waverley Local Government Area;
- (b) this Agreement in no way affects Council's statutory obligations, functions or powers, including without limitation, its obligations, functions or powers in respect of the Development Application, Development Consent and any other approvals required in respect of the works to be carried out under the Development Consent;
- (c) nothing which the Council does or fails to do under this Agreement will limit or otherwise affect the Developer's obligations under the Development Consent; and
- (d) nothing which the Council does, fails to do or purports to do in performing the Council's statutory functions or powers will constitute or amount to a breach of this Agreement.

22 REPRESENTATIONS AND WARRANTIES

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

23 SEVERABILITY

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

24 MODIFICATION

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

25 WAIVER

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

26 GOODS & SERVICES TAX

- 26.1 The Parties agree and acknowledge, all amounts payable by one party to the other party in relation to a supply under this Agreement have been calculated exclusive of GST which may be imposed on the supply.
- 26.2 If any supply made under this Agreement is, or becomes, subject to GST, the party to whom the supply is made ("**Recipient**") must pay to the party making the supply ("**Supplier**"), as consideration, in addition to any consideration payable or to be provided

elsewhere in this Agreement, subject to issuing a Valid Tax Invoice, an additional amount on account of GST, such amount to be calculated by multiplying the consideration by the applicable rate of GST.

- 26.3 Any amount in respect of GST payable under clause 26.2 must be paid to the Supplier immediately on receipt of the Valid Tax Invoice.
- 26.4 If any party is required to reimburse or indemnify the other party for a cost or expense (“Cost”) incurred by the other party, the amount of that Cost for the purpose of this Agreement is the amount of the Cost incurred, less the amount of any credit for, or refund of, GST, which the party incurring the Cost is entitled to claim in respect of the Cost.

27 EXECUTION IN TRIPLICATE

The Parties shall execute this Agreement in triplicate so as to provide one original signed by both parties and a further copy for registration of the Agreement under s7.6 of the Act. This Agreement will be dated on the day of execution by all Parties.

SCHEDULE

<u>Item Number</u>	<u>Particulars</u>	<u>Description</u>
1	Developer	NAME (ACN #)
2	Land	Street Address (Lot & DP)
3	Development Application	DA #
4	Development (description)	
5	Development Contribution	
6	Public Purpose	
7	Development Contribution Date (Payment date for the Development Contribution)	
8	Developer Address	
	Developer Fax	
	Developer Email	
	Council Address	55 SPRING STREET, BONDI JUNCTION NSW 2022
	Council Fax	(02) 9387 1820
	Council Email	info@waverley.nsw.gov.au

EXECUTED by WAVERLEY COUNCIL ~~with Common Seal of Waverley Council affixed~~
pursuant to a resolution of Waverley Council on

EMILY SCOTT	CLR WILL NEMESH
General Manager	Mayor

EXECUTED by
NAME
(ACN #)
In accordance with section 127 of the
Corporations Act 2001

NAME
Director/Secretary

NAME
Director

APPENDIX 4 – EXPLANATORY NOTE TEMPLATE

Explanatory Note
(Clause 20E of the Environmental Planning and Assessment Regulation 2021)

Draft Planning Agreement

The purpose of this explanatory note is to provide a summary of the proposed Planning Agreement (PA) prepared jointly between Waverley Council and the Developer under s7.4 of the *Environmental Planning and Assessment Act 1979* (the Act).

This explanatory note has been prepared as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000*.

This explanatory note is not to be used to assist in construing the Planning Agreement

- 1

Parties:

Waverley Council (Council) and

Developer (ACN #) of Address (Developer)
- 2

Description of subject land:
- 3

Description of Development:
- 4

Background:
- 5

Summary of Objectives, Nature and Effect of the Draft Planning Agreement:
- 6

Assessment of the merits of the Draft Planning Agreement:

The Planning Purposes served by the Draft Planning Agreement

How the Draft Planning Agreement promotes the Public Interest

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act)

How the Draft Planning Agreement promotes elements of the Council’s charter under section 8 of the Local Government Act, 1993

Conformity with the Council’s Capital Works Program

Whether the Agreement specifies that certain requirements of the Agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

APPENDIX 5 – TYPES OF PUBLIC BENEFITS DELIVERED BY PLANNING AGREEMENTS

Public benefits delivered by Planning Agreements must be consistent with the *Planning Agreement Practice Note (February 2021)* publication and Part 2 of the *Waverley Planning Agreement Policy 2014*.

Examples of public benefits include, but are not limited to:

- Affordable housing
- Transfer of land identified on the WLEP 2012 Land Reservation Acquisition Map to Council at no cost to Council for a public purpose
- Dedicated land or floorspace for a public purpose
- Publicly accessible through site links
- Amenity upgrades in parks
- Public E-bike infrastructure (parking hubs/ev charging points)
- Publicly accessible recreation (e.g. tennis courts, indoor play, swimming) and youth facilities
- Publicly accessible play space
- Cultural Infrastructure - music performance space / gallery / exhibition space / artist run initiative (ARI) space / spaces for artist residencies
- Open space acquisition opportunities identified in the Open Space and Recreation Strategy
- Temporary or permanent creative urban interventions
- Streetscape upgrades as outlined in the Our Liveable Places Centres Strategy.
- Works funded by the 7.12 Contribution where there are no obvious infrastructure upgrades in the vicinity of the development.

~~To assist in delivering public benefits that are expected to be most useful at the time of Planning Agreement drafting, Council officers will consider the Waverley Public Benefit Register available for public viewing on Council's website.~~

~~The Waverley Public Benefit Register is an iterative and non-exhaustive list of possible specific public benefits which includes items presented by both members of the community and Council officers, subject to meeting listing criteria, and being overviewed and approved by the elected Council. The Waverley Public Benefit Register and the assessment of proposed items against the listing criteria is managed by Waverley Council's Strategic Town Planning team. The Waverley Public Benefit Register is available on Council's website.~~

~~The listing criteria includes, but is not limited to items:~~

- ~~• Currently unfunded by the Long Term Financial Plan (LTFP) or grant funding;~~
- ~~• Provides a clear public benefit and/or response to a community need; and~~
- ~~• Related to a Council-endorsed strategy or plan~~

APPENDIX 6 – LETTER OF OFFER TEMPLATE

[Developer letterhead]

The General Manager
Waverley Council
55 Spring Street,
Bondi Junction NSW 2022

Dear General Manager

Development Application No. _____ for
Property and full title particulars: _____

_____ Pty Limited (“Developer”) has made the above development application in respect of the above property.

This letter constitutes an offer by the Developer to enter into a voluntary Planning Agreement (VPA) with Waverley Council in connection with the above development application (“DA”) which has been made by the Developer.

The Developer offers the following to be implemented by way of voluntary Planning Agreement:

1. The parties to the VPA will be the Developer, the registered owner of the Land and the Council.
2. The VPA will apply to the above property and will be registered on title within 14 days of the VPA being executed by all parties.
3. The VPA will apply to the development the subject of any consent granted to the DA including any modification, alteration, or extension to that development whether it be via a construction certificate, a modification to the consent or consent to a further development application (“Development”).
4. The provision to be made under the VPA will be the payment of a monetary contribution to Council at the rate of \$ _____ per sqm of gross floor area proposed by the Development which exceeds the specified floor space ratio for the property under Waverley LEP 2012.
5. For the avoidance of doubt the Development proposes an additional _____ sqm of gross floor area which equates to a contribution of _____.
6. The monetary contribution would be payable prior to the issue of any occupation certificate in respect of the Development.
7. (a) In the event that the gross floor area of the Development increases from that in the DA consent via any construction certificate, then an additional monetary contribution shall be made to the Council calculated at the rate of \$ _____ per sqm of gross floor area which exceeds the gross floor area of the DA consent and such contribution will be payable on or before the issue of any occupation certificate in respect of the Development.

(b) In the event that the gross floor area of the Development increases from that in the DA consent via any modification to the DA consent or a consent to amend the DA consent, then the Developer further offers in accordance with this paragraph 7(b), to enter into a new Planning Agreement in accordance with Council's Planning Agreement Policy 2014 Amendment No. 4 and make an additional monetary contribution to the Council calculated at the rate of \$ _____ per sqm of gross floor area which exceeds the gross floor area of the DA consent. Such contribution will be payable on or before the issue of any occupation certificate in respect of the Development. The Developer will repeat the offer in accordance with this paragraph 7(b) in writing at the time it lodges any application for modification or amendment of the DA consent

which would result in an increase in the gross floor area.

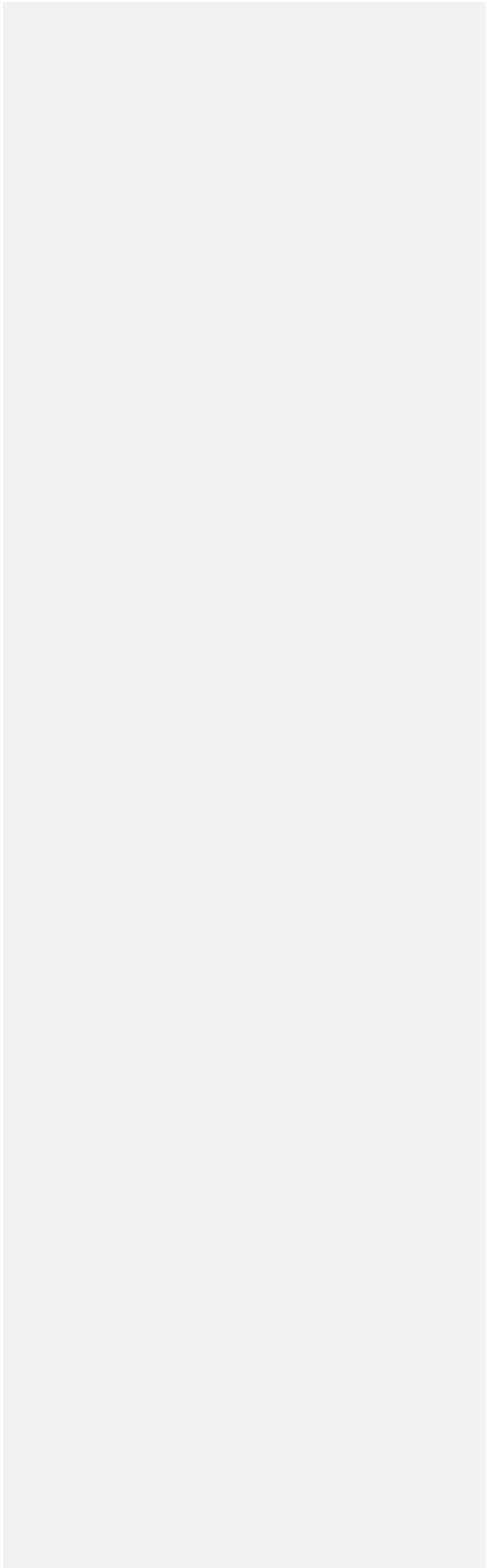
8. The VPA shall not exclude the application of section 7.11, 7.12 or 7.24 of the EP&A Act.
9. The monetary contribution shall not be taken into consideration in determining a development contribution under section 7.11.
10. The monetary contribution shall be used for the provision of (or the recoupment of the cost of providing) affordable housing or any other public purpose agreed by the Developer and Waverley Council.
11. The VPA will provide for security in the form of the provision to Council prior to the issue of any construction certificate for the Development of a Bank Guarantee to secure the payment of the Monetary Contribution prior to the issue of any Construction Certificate for the Development which is:
 - In a form acceptable to Council and from an institution acceptable to Council,
 - Irrevocable,
 - Unconditional, and
 - With no end date.
12. The VPA will be otherwise in accordance with Council's Planning Agreement Policy 2014 Amendment No. 5.

Yours faithfully

[Developer signature]

STATEMENT OF BUSINESS ETHICS

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Have Your Say Waverley

**Bronte House Future Use and Public Access
Consultation - 3 minutes Results**

May 28, 2025 - Jun 26, 2025

Project: Bronte House Future Use and Public Access Consultation

Form: Bronte House Future Use and Public Access Consultation - 3 minutes

Tool Type: Form

Activity ID: 907

Exported: 2025-06-26 10:00:08

Exported By: LeighP

Filter By: No filters applied.

Response No:
1

Contribution ID: 39387

Member ID: 14493

Date Submitted: Jun 25, 2025, 10:50 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Residential Tenancy with Open Days to the public
Social Enterprise Initiative/Employment Opportunities
Tea Room
Art and Historical Tours
Garden Tours
Courses and Workshops
Other: Tenancy Options include renting the house for short term stays (see example of Landmark Trust, a UK charity which owns heritage properties and furnishes them in an elegant and robust way that respects the history of the house); installing a caretaker in a self-contained flat in the wing of the house; and short-term residencies for artists/historians/writers. <https://www.landmarktrust.org.uk/> Commercial activities Income generating options include a social enterprise café operating on open days from the kitchen with tables in the garden; a coffee van operating from the garden during open days; and renting the veranda, dining and drawing room for small functions (see example of venue hire at State owned and operated Elizabeth Bay House and Elizabeth Farm in Parramatta). <https://mhns.wa.au/venue-hire/elizabeth-bay-house/> <https://mhns.wa.au/venue-hire/elizabeth-farm/> Community events Although it is not suitable as a gallery space, Bronte House offers a unique opportunity to enhance Waverley Council's community offerings by presenting a program of events that could be run during open weekends. Examples include parade/exhibitions of vintage fashion; a vase and flower show featuring local ceramic works; gardening workshops; clothing swap meets; fund raisers for local charities; concerts on the veranda and in the drawing room.
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2028
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I visit Bronte House
I would like to visit Bronte House
I am interested in heritage
I am interested in gardening
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- I strongly urge Waverley Council to dispense with the current lease arrangements and make the house more accessible and community focused. The house should be maintained as a residence as Bronte House was built as a single residence and has been used for that purpose for most of its existence. However, Council should not rent it out unfurnished under a private lease arrangement but should consider renting it on a short-term basis. Council should undertake to furnish and decorate the house with advice from consultants well versed in heritage buildings. Any commercial activities need to be low impact and restricted. It is appropriate for the significance of the house to

be recognised by educating and informing the community of its heritage.

Response No:
2

Contribution ID: 39385
Member ID: 3411
Date Submitted: Jun 25, 2025, 12:22 AM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Other: Bronte House should be open daily

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Tea Room
Art and Historical Tours
Garden Tours
Gallery

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2031

Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
I would like to visit Bronte House
I am interested in heritage
I am interested in gardening

Q9


Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Bronte House is such a beautiful and historic place, with an absolutely enchanting garden. I'd love the opportunity to enjoy it more often, but the current limit of just six open days a year feels incredibly restrictive. It would be wonderful to see the space opened more regularly so that the community can appreciate it in a relaxed and respectful way. Even something like a small tea room with access to the gardens would be a lovely way to bring more life to the property. Please reconsider the current access limitations—this is a space that deserves to be shared.

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Bronte House Future Use and Public Access Consultation - 3 minutes



Response No:
3

Contribution ID: 39383

Member ID: 14532

Date Submitted: Jun 24, 2025, 08:55 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- It has a beautiful garden and opening seasonally is enough -the ground have been kept in very good order and maintained by the residents.
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- Twice
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- No
- Q7** What is your postcode?
- Short Text
- 2073
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I visit Bronte House
I am interested in gardening
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- I feel the current family who are leasing the property have managed the house and beautiful gardens with the greatest aplomb.
Anna has decorated the house beautifully and her ongoing interest in the garden is a credit to her. I feel opening the gardens seasonally is the perfect way to view the Garden seasons in a controlled environment - if the garden was open every day it would be trampled and perhaps destroyed. The small winding tracks through the gardens & bamboo forest are narrow. There are countless beautiful historical species of plants including Leo's frangipani's in the Brontë House gardens and these plants need to be protected from mass crowds & left to grow and age gracefully.
Thank you Anna Van der Gardner for breathing such beauty into Brontë House and that glorious unique bespoke garden.
- Kerry Selby Brown .

Response No:
4

Contribution ID: 39381

Member ID: 2595

Date Submitted: Jun 24, 2025, 05:18 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Courses and Workshops
Garden Tours
Art and Historical Tours
Social Enterprise Initiative/Employment Opportunities
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- Twice
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2024
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I live on the street
I visit Bronte House
I am interested in gardening
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- I have visited Bronte House since 1987 and have seen it used by all the different tenants since then. Leo Schofield was the best because he understood the historical significance, was knowledgeable about fine arts and interiors and gardening. Other tenants have not had the same respect for the history.
I have lived in Bronte since 2001 and I believe that Bronte House is too important a community asset to be sold or leased as a private residence (current arrangement).
- Vision for the future: Council maintains Bronte house in its original style with the advice of historians, furniture and fine art experts (furniture from the era is not currently fashionable and often is available at reasonable cost). It is open to the public one weekend a month. Perhaps with a social enterprise cafe operating in the garden. Historical tours and garden tours are available. The garden could become a nexus for teaching the public about traditional English style gardens and native Australian gardens with mini-courses on open days. Teaching of traditional arts and crafts is another possibility (see suggestion about The Kings Foundation Australia below)
- Suggestion for funding a new vision for Bronte House and Garden: the KIngs Foundation Australia - read the mission statement to see that the Foundation is keen to promote traditional arts and crafts. Teaching traditional activities with a focus on gardening and watercolour painting as inspired by Georgiana Lowe. In this way, the history of Bronte House could be researched and honoured. The Foundation has an exciting project in Sutton Forest promoting traditional crafts and trades. Bronte House is an ideal location for the Foundation to manifest its vision in Sydney. It would benefit the local and broader communities if Bronte House were to become a public asset that has an educational and horticultural focus. Traditional and horticultural skills could be taught there that have real life applications

The Foundation could perhaps fund residencies for historians to do research and take people on tours. The garden tours run by Leo Schofield and Myles Baldwin were fantastic and something similar should be reinstated.

There is so much potential for Bronte House in a collaboration with an organisation like the Kings Foundation Australia.

As a resident I would like to express my gratitude to Waverley Council for caring for Bronte House up to this point and I look forward to its renaissance as a wonderful educational, horticultural and creative hub under the continuing and careful management of Council. Bronte House should not be sold or leased as a private residence.

Other income generating activities could include renting Bronte House for small functions like Elizabeth Bay House.

Response No:
5

Contribution ID: 39377
Member ID: 14530
Date Submitted: Jun 24, 2025, 03:45 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Courses and Workshops
Social Enterprise Initiative/Employment Opportunities
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2024
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am a Waverley Council resident
I would like to visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Bronte House is a community asset which should be dedicated to community use.

Response No:
6

Contribution ID: 39358
Member ID: 4977
Date Submitted: Jun 22, 2025, 09:20 PM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Other: Daily

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Gallery
Courses and Workshops

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Once

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2024

Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area

Q9


Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

I would love to see a centre for photography which has a gallery and runs courses in this very popular art form. There is no other venue in NSW dedicated to photography since the Australian Centre for Photography closed 5 years ago.

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Bronte House Future Use and Public Access Consultation - 3 minutes



Response No:
7

Contribution ID: 39342
Member ID: 14516
Date Submitted: Jun 20, 2025, 07:03 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public one day a month
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Residential Tenancy with Open Days to the public
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

No
- Q7

Short Text

What is your postcode?

2575
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I am interested in heritage
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

I believe the next tenant of the house should be required to make substantial restoration works to lessen the burden on the council and possibly increase the opening days.

Response No:
8

Contribution ID: 39326

Member ID: 14509

Date Submitted: Jun 19, 2025, 07:47 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Social Enterprise Initiative/Employment Opportunities
Tea Room
Gallery
Garden Tours
Courses and Workshops
Art and Historical Tours
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2011
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I live in the surrounding area
I visit Bronte House
I would like to visit Bronte House
I am interested in gardening
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- Bronte House should be a home to all. We would visit all the time, wandering through the garden, enjoying tea and scones on the verandah if we could, as part of a social enterprise program - win win! . It's a beautiful, gracious destination.

Response No:
9

Contribution ID: 39325

Member ID: 14508

Date Submitted: Jun 19, 2025, 05:42 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Social Enterprise Initiative/Employment Opportunities
Garden Tours
Gallery
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2035
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I am interested in gardening
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- Bronte house has an amazingly eclectic garden which is very unique to the eastern suburbs and has a lot more to offer than the current 6 public access days.

Response No:
10

Contribution ID: 39320
Member ID: 14505
Date Submitted: Jun 19, 2025, 09:02 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Social Enterprise Initiative/Employment Opportunities
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2022
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Council is probably not getting best return, socially or economically in its current use -that doesnt mean I wouldnt be up for being the next tenant!

Response No:
11

Contribution ID: 39302
Member ID: 164
Date Submitted: Jun 18, 2025, 12:29 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

No
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

I think 6 days per year is enough
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Residential Tenancy with Open Days to the public
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Once
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

No
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Bronte House was constructed as a residence. If it were to change use, there would be changes to the interior to allow this use. It is important to retain the heritage integrity of Bronte House and gardens.

Response No:
12

Contribution ID: 39263
Member ID: 2593
Date Submitted: Jun 17, 2025, 03:39 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
To preserve the heritage home ...
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Three times
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
No
- Q7** What is your postcode?
Short Text
2026
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am a Waverley Council resident
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
To preserve the beauty and heritage of Bronte House open to the public days should be restricted to current levels.

Response No:
13

Contribution ID: 39244
Member ID: 14481
Date Submitted: Jun 16, 2025, 12:39 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
Six is sufficient and tenants no doubt paying significant rent have a right to privacy.
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Once
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
No
- Q7** What is your postcode?
Short Text
2034
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am interested in gardening
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
14

Contribution ID: 39238
Member ID: 10028
Date Submitted: Jun 15, 2025, 08:51 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

No
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

The number of open days are satisfactory
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Residential Tenancy with Open Days to the public
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Twice
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

No
- Q7

Short Text

What is your postcode?

2026
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I visit Bronte House
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Response No:
15

Contribution ID: 39235
Member ID: 14480
Date Submitted: Jun 15, 2025, 08:30 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Social Enterprise Initiative/Employment Opportunities
Garden Tours
Gallery
Tea Room
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2024
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I live in the surrounding area
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- The absolutely disgusting state of the area directly behind Bronte House (in Bronte Gully) should be sorted out by Waverley Council. This includes removing the damaged and pointless fencing. Yet another example of the poor maintenance culture of Waverley Council of their assets. Go and have a look for yourself. It's shameful.

Response No:
16

Contribution ID: 39234

Member ID: 14479

Date Submitted: Jun 15, 2025, 06:43 AM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Other: Every weekend for art projects
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Tea Room

Art and Historical Tours

Gallery

Courses and Workshops
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

More than three times
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes
- Q7

Short Text

What is your postcode?

2031
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I am a Waverley Council resident
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Bronte house should be used by all people not just twice a year. Wedding ceremony. Art projects. School projects. I like the tearoom idea. It should not be leased to one person. It needs to be for everyone.

Response No:
17

Contribution ID: 39225
Member ID: 14475
Date Submitted: Jun 13, 2025, 04:51 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public one day a month
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Residential Tenancy with Open Days to the public
Social Enterprise Initiative/Employment Opportunities
Art and Historical Tours
Garden Tours
Courses and Workshops
Gallery
Tea Room
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Once
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

No
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
I live on the street
I am interested in gardening
I visit Bronte House
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Response No:
18

Contribution ID: 39222

Member ID: 7289

Date Submitted: Jun 12, 2025, 10:06 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If you selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Tea Room
Art and Historical Tours
Gallery
Garden Tours
Courses and Workshops
Social Enterprise Initiative/Employment Opportunities
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2030
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I am a Waverley Council resident
I would like to visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text

Response No:
19

Contribution ID: 39205
Member ID: 14457
Date Submitted: Jun 11, 2025, 03:35 AM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Tea Room
Garden Tours
Courses and Workshops

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2024

Q8

Multi Choice

What is your connection to Bronte House and the area?

I am a Waverley Council resident
I live in the surrounding area
I would like to visit Bronte House


Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

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Bronte House Future Use and Public Access Consultation - 3 minutes



Response No:
20

Contribution ID: 39204
Member ID: 14456
Date Submitted: Jun 10, 2025, 10:19 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
Too intrusive on the family in residence.
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Residential Tenancy with Open Days to the public
Garden Tours
Other: Annual Fund raising event held inside the house.
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Once
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2024
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Strongly believe it should remain a home rather than become an institution.

Response No:
21

Contribution ID: 39192
Member ID: 14448
Date Submitted: Jun 08, 2025, 09:44 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Gallery
Garden Tours
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2034
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I would like to visit Bronte House
I am interested in gardening
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
22

Contribution ID: 39187
Member ID: 14115
Date Submitted: Jun 08, 2025, 09:10 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Social Enterprise Initiative/Employment Opportunities
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2026
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I would like to visit Bronte House
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
This asset should not be for private use. It should be open to the public.

Response No:
23

Contribution ID: 39174
Member ID: 3239
Date Submitted: Jun 07, 2025, 06:30 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
I believe it is sufficient and to open it up more, will inevitably lead to commercialisation
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
No
- Q7** What is your postcode?
Short Text
2026
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am a Waverley Council resident
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
No.

Response No:
24

Contribution ID: 39166
Member ID: 14441
Date Submitted: Jun 07, 2025, 07:26 AM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public one day a month

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Tea Room
Gallery
Garden Tours
Courses and Workshops

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Three times

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2024

Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area


Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

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Response No:
25

Contribution ID: 39164
Member ID: 14440
Date Submitted: Jun 06, 2025, 10:17 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Once
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2024
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am a Waverley Council resident
I visit Bronte House
I am interested in gardening
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
26

Contribution ID: 39162
Member ID: 14439
Date Submitted: Jun 06, 2025, 08:01 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Other: Maybe Bronte House could be used as a place that the whole community gets to enjoy all the time -
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Social Enterprise Initiative/Employment Opportunities
Other: It could be the venue for an Offline Community - where peopleChoose toleave their devices at the door
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2024
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am a Waverley Council resident
I visit Bronte House
I would like to visit Bronte House
I am interested in heritage
Other: I think going offline is in line with what Bronte House offers - a space where you can unwind and connect with heritage and community.
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
It is such a valuable and under utilised resource.

Response No:
27

Contribution ID: 39146
Member ID: 14430
Date Submitted: Jun 06, 2025, 02:05 AM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

No
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Residential Tenancy with Open Days to the public
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

No
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area

I visit Bronte House

I am interested in heritage

I am a Waverley Council resident

I am interested in gardening

I would like to visit Bronte House
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Response No:
28

Contribution ID: 39145

Member ID: 14429

Date Submitted: Jun 05, 2025, 09:38 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Tea Room
Gallery
Garden Tours
Courses and Workshops
Art and Historical Tours
Other: Restaurant and venue hire
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
I would like to visit Bronte House
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Bronte house as a venue hire (birthdays, private functions, high tea, kids play) and community space especially with the surf club under construction.

The rarity of opening of Bronte house makes it (even for a local) inaccessible

Response No:
29

Contribution ID: 39138
Member ID: 14426
Date Submitted: Jun 05, 2025, 07:40 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Social Enterprise Initiative/Employment Opportunities
Courses and Workshops
Art and Historical Tours
Tea Room
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Twice
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2034
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Use of Bronte house as a venue for community wellness and creative workshops would be wonderful

Response No:
30

Contribution ID: 39113

Member ID: 14417

Date Submitted: Jun 04, 2025, 09:35 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice Tea Room
Art and Historical Tours
Garden Tours
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice Twice
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice Yes
- Q7** What is your postcode?
- Short Text 2029
- Q8** What is your connection to Bronte House and the area?
- Multi Choice I am a Waverley Council resident
I visit Bronte House
I am interested in heritage
I would like to visit Bronte House
I am interested in gardening
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text The public should have access to this beautiful home. There should be a tea garden there for all to enjoy and home tours like at Vacluse House. How can a council owned home like this one be kept as a private rental? My rates go to pay for this homes up keep yet I am not allowed to go in and look at the gardens all year round. Please open this beautiful house to the public. Even on open days the house is not fully opened to the public. Just a small section of the house is on display.

Response No:
31

Contribution ID: 39107

Member ID: 1033

Date Submitted: Jun 04, 2025, 07:48 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

No
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

The current openings are adequate, based on one opening each season
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Residential Tenancy with Open Days to the public
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Once
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

No
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area

I am a Waverley Council resident

I visit Bronte House

I am interested in heritage

I am interested in gardening
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

A commercial use will compromise the heritage nature of the house and will likely be commercially a failure. A commercial use, such as a tea room or restaurant, will effectively exclude lower income earners as the cost structure will be such that the pricing will be high. Further, a commercial use will necessitate modifications to comply with access. A residential use , with seasonal open days, is the best option and respects the historical use of the premises.

Response No:
32

Contribution ID: 39104
Member ID: 14416
Date Submitted: Jun 04, 2025, 03:18 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2021
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am interested in heritage
I am interested in gardening
I would like to visit Bronte House
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Transport and parking requirements and wheelchair access

Response No:
33

Contribution ID: 39098
Member ID: 1235
Date Submitted: Jun 04, 2025, 11:30 AM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Gallery

Courses and Workshops

Tea Room

Art and Historical Tours

Garden Tours

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2026

Q8

Multi Choice

What is your connection to Bronte House and the area?

I am a Waverley Council resident

Q9


Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

This is an amazing opportunity to turn Bronte House into an arts hub for locals. It on the bus line, and very accessible. A gallery! Workshops! Cafe! It would fund itself and be a wonderful asset. Whatever happens, it should not be leased privately and should be an asset we can all use.

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Response No:
34

Contribution ID: 39097
Member ID: 14415
Date Submitted: Jun 04, 2025, 10:39 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Social Enterprise Initiative/Employment Opportunities
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Once
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2026
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
35

Contribution ID: 39095
Member ID: 3077
Date Submitted: Jun 04, 2025, 08:36 AM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

No
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Current arrangement is sufficient
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Residential Tenancy with Open Days to the public
Garden Tours
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Twice
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

No
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
I am a Waverley Council resident
I visit Bronte House
I am interested in gardening
I am interested in heritage
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Response No:
36

Contribution ID: 39093
Member ID: 14414
Date Submitted: Jun 04, 2025, 06:53 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Other: Regular open access through the week and on weekends
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Social Enterprise Initiative/Employment Opportunities
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2026
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am a Waverley Council resident
I would like to visit Bronte House
I am interested in gardening
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Such an interesting, historic and beautiful venue should be permanently open to public use and visits. Elizabeth Bay House in. Vaucluse is open to the public throughout the year. The historic homes in the British National Trust are also open to the public. Can we look to how these models of public access to local historic houses are set up? Perhaps Council can adopt elements of these models
- Bronte House is a unique asset in the Council portfolio. It is worthy of investment by council to enable wide public enjoyment of this beautiful asset, rather than locking it behind the keys of a private leasehold for over 90 percent of the time. This model of private lease might generate a tiny income or offset a small amount of costs for Council but fails to achieve the public benefit and joy that would be generated wider public. access.
- In summary, we the rate payers want to enjoy this beautiful place throughout the entire year. Achievement of this public benefit is worthy of proper funding and investment by Council.

Response No:
37

Contribution ID: 39092

Member ID: 6552

Date Submitted: Jun 04, 2025, 06:03 AM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Courses and Workshops
Garden Tours
Tea Room

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2024

Q8

Multi Choice

What is your connection to Bronte House and the area?

I am a Waverley Council resident
I am interested in gardening


Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

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Bronte House Future Use and Public Access Consultation - 3 minutes



Response No:
38

Contribution ID: 39087
Member ID: 5194
Date Submitted: Jun 03, 2025, 09:20 PM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2026

Q8

Multi Choice

What is your connection to Bronte House and the area?

I am a Waverley Council resident


Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

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Bronte House Future Use and Public Access Consultation - 3 minutes



Response No:
39

Contribution ID: 39085
Member ID: 4366
Date Submitted: Jun 03, 2025, 08:24 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops
Social Enterprise Initiative/Employment Opportunities
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2031
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I would like to visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
40

Contribution ID: 39084
Member ID: 14409
Date Submitted: Jun 03, 2025, 06:53 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops
Social Enterprise Initiative/Employment Opportunities
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Twice
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2049
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I visit Bronte House
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
41

Contribution ID: 39082
Member ID: 14408
Date Submitted: Jun 03, 2025, 06:37 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Gallery
Garden Tours
Art and Historical Tours
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2022
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am a Waverley Council resident
I would like to visit Bronte House
I am interested in heritage
I am interested in gardening
I live in the surrounding area
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
I have lived in the area for most of my life and have never been able to visit Brontë house on an open day. It is such a wonderful spot and house and garden, it would be lovely to have a venue to visit and and offer an alternative to the commercial coffee shops in Bronte. Woollahra have their library and Bondi the pavilion, this is the opportunity for Bronte to have its own jewel.

Response No:
42

Contribution ID: 39080

Member ID: 2691

Date Submitted: Jun 03, 2025, 06:03 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Other: It should be open every day of the year as a cafe, arts venue, gallery, museum.
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops
Other: Arts and culture venue for garden performances, plays, music, etc. House for music, artists residencies, etc.
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- Once
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2026
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I live in the surrounding area
I visit Bronte House
I would like to visit Bronte House
I am interested in gardening
I am interested in heritage
Other: I want Waverley to use this brilliant asset as an amazing cultural venue, not just have it open to us for a few days a year.
I am a Waverley Council resident
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- I think it's a shame that Waverley seems to just accept that this amazing venue cannot be used better. It's a copout to hand it over to lucky residents for forget it. There are many locals who would love to help out, volunteer, to help too.

Response No:
43

Contribution ID: 39078
Member ID: 12590
Date Submitted: Jun 03, 2025, 05:25 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Other: Bronte House could be made avaialble for NFP arts organisations based in Waverley for exhibtions, talks and artist residences
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Gallery
Other: Salon for discussion, soirees, chamber music performances
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Once
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Public usage should have guidelines and parameters, such as no loud music, and a strict capacity to avoid overcrowding.

Response No:
44

Contribution ID: 39077
Member ID: 14405
Date Submitted: Jun 03, 2025, 05:07 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Garden Tours
Art and Historical Tours
Gallery
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2023
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I would like to visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
45

Contribution ID: 39075

Member ID: 2748

Date Submitted: Jun 03, 2025, 04:47 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Gallery
Garden Tours
Courses and Workshops
Art and Historical Tours
Tea Room
Social Enterprise Initiative/Employment Opportunities
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2024
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I live in the surrounding area
I am interested in gardening
I am interested in heritage
I would like to visit Bronte House
I am a Waverley Council resident
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- I would love to see Bronte house open for the community to enjoy. It should be as utilised as possible for community use and not be a private residence or business. Not for profit community use with a broad range of appeal.

Response No:
46

Contribution ID: 39073
Member ID: 2158
Date Submitted: Jun 03, 2025, 04:39 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Other: At least on the weekends
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Courses and Workshops
Tea Room
Social Enterprise Initiative/Employment Opportunities
Garden Tours
Art and Historical Tours
Gallery
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2026
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am a Waverley Council resident
I would like to visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
I have never been because it is rarely open - tea rooms to be managed by not for profit to ensure it keeps accessible to our community

Response No:
47

Contribution ID: 39072

Member ID: 13855

Date Submitted: Jun 03, 2025, 03:25 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice Other: I think opening Bronte House for 6 weekends a year (on alternate months) instead of one day a month would be preferable with additional Garden Tours which could be held during the week so as not to have too great an impact on the tenants
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice Yes
- Q7** What is your postcode?
- Short Text 2024
- Q8** What is your connection to Bronte House and the area?
- Multi Choice I am interested in heritage
I am interested in gardening
I am a Waverley Council resident
I would like to visit Bronte House
Other: Many years ago I volunteered on a weekend when Bronte House was open to the public
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text Being a member and volunteer for the National Trust I am aware that maintenance of heritage buildings is very expensive. I think Bronte House could make a beautiful gallery with a cafe/tea room along the lines of the SH Ervin Gallery or the Tea Rooms at Vacluse House but there would need to be sufficient income generated to do this. A Residential Tenancy (provided it is not given at a peppercorn rent) along with an admission charge on open days should generate an income to maintain the house and gardens.

Response No:
48

Contribution ID: 39069
Member ID: 5035
Date Submitted: Jun 02, 2025, 11:07 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Art and Historical Tours
Garden Tours
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Twice
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2022
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am a Waverley Council resident
I visit Bronte House
I am interested in heritage
I am interested in gardening
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Bronte house is a beautiful heritage building and should be treated as such. It is not a cash cow for council and should not be treated as such.
Perhaps if council can't treat the building with respect it may consider handing it over to the national trust.

Response No:
49

Contribution ID: 39068
Member ID: 6083
Date Submitted: Jun 01, 2025, 09:04 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- It is open enough and used for numerous events. If it is open more often who would pay for upkeep and keep it ?
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Art and Historical Tours
Gallery
Tea Room
Courses and Workshops
Other: Community space
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- Once
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2026
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I am a Waverley Council resident
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text
- It should not be a commercial operation . If anything a community space

Response No:
50

Contribution ID: 39065
Member ID: 10514
Date Submitted: Jun 01, 2025, 11:57 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Other: To the House should be permanently open to the public.
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Other: Restaurant/ cafe/ breakfast
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2024
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am interested in heritage
I visit Bronte House
I am a Waverley Council resident
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Would love to see Bronte House open to the public on permanent basis, offering breakfast, brunch, lunch and tea. It's a beautiful, historic home and should be readily accessible, on a similar basis to Vaucluse house.

And/ or turn it into a living museum.

Response No:
51

Contribution ID: 39061
Member ID: 14394
Date Submitted: May 31, 2025, 06:37 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
50001
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am a Waverley Council resident
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
oles

Response No:
52

Contribution ID: 39059

Member ID: 2507

Date Submitted: May 30, 2025, 09:33 PM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public one day a month

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Social Enterprise Initiative/Employment Opportunities
Tea Room
Gallery

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Once

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2024

Q8

Multi Choice

What is your connection to Bronte House and the area?

I live on the street

Q9


Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

This could be an opportunity to have a community based centre rather than a money making venture for the council!

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Bronte House Future Use and Public Access Consultation - 3 minutes



Response No:
53

Contribution ID: 39058
Member ID: 7520
Date Submitted: May 30, 2025, 07:18 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Other: It should become a public space at all times.
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Other: There should be an indoor / outdoor Bakery & Cafe with a few community rooms.
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2024
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
It should be used as a very casual place for the community, e.g. Bakery Cafe with community rooms.

Response No:
54

Contribution ID: 39057

Member ID: 14391

Date Submitted: May 30, 2025, 02:01 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
Plenty already
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
No
- Q7** What is your postcode?
Short Text
2024
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live on the street
I visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Bronte house currently more than pays it's way. Do not make it yet another drain on rate payers funds.

Response No:
55

Contribution ID: 39053

Member ID: 6432

Date Submitted: May 29, 2025, 04:52 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Other: Permanently
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Gallery
Tea Room
Garden Tours
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2026
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am a Waverley Council resident
I am interested in heritage
I visit Bronte House
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
56

Contribution ID: 39050
Member ID: 14389
Date Submitted: May 29, 2025, 12:08 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Tea Room
Other: Grounds open for enjoyment everyday!
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I am a Waverley Council resident
I would like to visit Bronte House
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Let's get these grounds open!

Response No:
57

Contribution ID: 39049

Member ID: 14388

Date Submitted: May 29, 2025, 11:07 AM

Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes

Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month

Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?

Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Social Enterprise Initiative/Employment Opportunities
Tea Room
Gallery
Art and Historical Tours
Garden Tours
Courses and Workshops

Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

Once

Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes

Q7

Short Text

What is your postcode?

2024

Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
I am a Waverley Council resident
I am interested in gardening
I am interested in heritage

Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Bronte house is a charming heritage dwelling and gardens that belongs to the community. It should be used and enjoyed by us all.

Response No:
58

Contribution ID: 39041

Member ID: 14097

Date Submitted: May 28, 2025, 06:03 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Social Enterprise Initiative/Employment Opportunities
Courses and Workshops
Art and Historical Tours
Gallery
Tea Room
Garden Tours
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2024
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I am a Waverley Council resident
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text

Response No:
59

Contribution ID: 39038

Member ID: 13523

Date Submitted: May 28, 2025, 04:26 PM

- Q1

Multi Choice

Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?

Yes
- Q2

Multi Choice

If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?

Bronte House should be open to the public more than twice a month
- Q3

Short Text

If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Q4

Multi Choice

Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?

Social Enterprise Initiative/Employment Opportunities
Gallery
Tea Room
Courses and Workshops
Art and Historical Tours
- Q5

Multi Choice

How many times have you visited Bronte House in the last 12 months?

I have not visited in the last 12 months
- Q6

Multi Choice

Would you visit Bronte House more often if it was open to the public?

Yes
- Q7

Short Text

What is your postcode?

2024
- Q8

Multi Choice

What is your connection to Bronte House and the area?

I live in the surrounding area
I am a Waverley Council resident
I would like to visit Bronte House
- Q9

Long Text

Do you have any further feedback or comments on the public access and usage of Bronte House?

Response No:
60

Contribution ID: 39028

Member ID: 14381

Date Submitted: May 28, 2025, 03:05 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
Once
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2031
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I am a Waverley Council resident
I live in the surrounding area
I would like to visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
61

Contribution ID: 39023

Member ID: 11877

Date Submitted: May 28, 2025, 01:54 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
No
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Residential Tenancy with Open Days to the public
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
No
- Q7** What is your postcode?
Short Text
2022
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I live in the surrounding area
I am a Waverley Council resident
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text
Rent the house for 1 year at a time for long time residents who are in housing stress

Response No:
62

Contribution ID: 39022

Member ID: 12828

Date Submitted: May 28, 2025, 01:27 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice
- Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice
- Other: Open daily to public
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Tea Room
Gallery
Art and Historical Tours
Garden Tours
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice
- I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice
- Yes
- Q7** What is your postcode?
- Short Text
- 2026
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I live in the surrounding area
I would like to visit Bronte House
I am interested in heritage
I am interested in gardening
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text

Response No:
63

Contribution ID: 39017
Member ID: 13241
Date Submitted: May 28, 2025, 12:48 PM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
Multi Choice
Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
Multi Choice
Bronte House should be open to the public one day a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
Multi Choice
Tea Room
Social Enterprise Initiative/Employment Opportunities
Art and Historical Tours
Garden Tours
Gallery
Courses and Workshops
- Q5** How many times have you visited Bronte House in the last 12 months?
Multi Choice
I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
Multi Choice
Yes
- Q7** What is your postcode?
Short Text
2030
- Q8** What is your connection to Bronte House and the area?
Multi Choice
I would like to visit Bronte House
I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
Long Text

Response No:
64

Contribution ID: 39012

Member ID: 88

Date Submitted: May 28, 2025, 10:03 AM

- Q1** Bronte House is currently required to open to the public for a minimum of six occasions per year. Do you believe Bronte House should be open to the public more often?
- Multi Choice Yes
- Q2** If your selected Yes to the above question, could you please specify how often you think Bronte House should be open to the public?
- Multi Choice Bronte House should be open to the public more than twice a month
- Q3** If you selected No to the above question, could you specify why you think Bronte House should not increase its open days?
- Short Text
- Q4** Bronte House is currently leased on a 5-year residential tenancy basis. Which of the following ways do you think Bronte House should be used moving forward?
- Multi Choice
- Tea Room
 - Gallery
 - Art and Historical Tours
 - Garden Tours
 - Courses and Workshops
 - Other: We should be able to pop in anytime we pass by to look around and grab something to eat and drink.
- Q5** How many times have you visited Bronte House in the last 12 months?
- Multi Choice I have not visited in the last 12 months
- Q6** Would you visit Bronte House more often if it was open to the public?
- Multi Choice Yes
- Q7** What is your postcode?
- Short Text 2022
- Q8** What is your connection to Bronte House and the area?
- Multi Choice
- I am a Waverley Council resident
 - I visit Bronte House
 - I would like to visit Bronte House
 - I am interested in heritage
- Q9** Do you have any further feedback or comments on the public access and usage of Bronte House?
- Long Text On previous more recent open days we have had other commitments so couldn't visit.