

27 February 2019

His Worship the Mayor & Councillors

**Notice of Policy Committee Meeting of Bathurst Regional Council -
Wednesday, 6 March 2019**

I have to advise that a **Policy Committee Meeting** will be held in the Council Chambers on Wednesday, 6 March 2019 commencing at 6.00 pm.



D J Sherley
GENERAL MANAGER

BUSINESS AGENDA

POLICY COMMITTEE

TO BE HELD ON WEDNESDAY, 6 MARCH 2019

1. 6:00 PM - MEETING COMMENCES

2. APOLOGIES

3. REPORT OF PREVIOUS MEETING

* MINUTES - POLICY COMMITTEE MEETING - 5 DECEMBER 2018

4. DECLARATION OF INTEREST

To assist the Councillors and committee members in their correct consideration of business before them at the meeting, please give consideration to Section 451 of the Local Government Act, in relation to Declaration of Interest at meetings.

5. RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

* DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES' REPORT

* DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT

6. GENERAL BUSINESS

7. DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS - Nil

8. DISCUSSION FORUM OTHER - Nil

9. MEETING CLOSE

MINUTE

1 MEETING COMMENCES

Present: Councillors Hanger (Chair), Aubin, Bourke, Fry, Jennings, North, Rudge.

MINUTE

2 APOLOGIES

MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the apologies from Cr Christian and Cr Morse be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING AND MINUTES

POLICY COMMITTEE

1 MINUTES - POLICY COMMITTEE MEETING - 5 DECEMBER 2018 (07.00064)

Recommendation: That the Minutes of the Policy Committee Meeting held on 5 December 2018 be adopted.

Report: The Minutes of the Policy Committee Meeting held on 5 December 2018, are **attached**.

Financial Implications: N/A

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 5 DECEMBER 2018
(07.00064)

MOVED: Cr W Aubin SECONDED: Cr J Rudge

RESOLVED: That the Minutes of the Policy Committee Meeting held on 5 December 2018 be adopted.

MINUTES OF THE POLICY COMMITTEE
HELD ON 5 DECEMBER 2018

MEETING COMMENCES

1 MEETING COMMENCES 6:00 PM

Present: Councillors Hanger (Chair), Bourke, Christian, Fry, Jennings, Morse, North, Rudge.

APOLOGIES

2 APOLOGIES

MOVED Cr B Bourke and **SECONDED** Cr J Jennings

RESOLVED: That the apology from Cr Aubin be accepted and leave of absence granted.

REPORT OF PREVIOUS MEETING

3 Item 1 MINUTES - POLICY COMMITTEE MEETING - 7 NOVEMBER 2018 (07.00064)

MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That the Minutes of the Policy Committee Meeting held on 7 November be adopted.

DECLARATION OF INTEREST

4 DECLARATION OF INTEREST 11.00002

MOVED Cr I North and **SECONDED** Cr J Fry

RESOLVED: That the Declaration of Interest be noted.

RECEIVE AND DEAL WITH GENERAL MANAGER'S AND DIRECTORS' REPORTS

General Manager's Report

5 Item 1 SENIOR STAFF CONTRACTS (19.00030)

MOVED Cr J Rudge and **SECONDED** Cr A Christian

RESOLVED: That the information be noted.

Director Environmental Planning & Building Services' Report

- 6** **Item 1 USE OF REMOTELY PILOTED AIRCRAFT SYSTEMS/DRONES (41.00089)**
MOVED Cr I North and **SECONDED** Cr M Morse

RESOLVED: That Council:

- (a) place the draft Policy "Use of Remotely Piloted Aircraft Systems/Drones" on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the Policy;
- (c) if submissions are received, provide a further report to Council.

- 7** **Item 2 COMPANION ANIMAL MANAGEMENT PLAN (02.00006)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That Council:

- (a) place the Companion Animal Management Plan on public exhibition for a period of 28 days;
- (b) if no submission are received, adopt the Plan;
- (c) if submissions are received, provide a further report to Council.

Director Corporate Services & Finance's Report

- 8** **Item 1 POLICY REVIEW - NAMING OF COUNCIL FACILITIES (04.00008, 41.00089)**
MOVED Cr I North and **SECONDED** Cr J Rudge

RESOLVED: That Council adopt the Naming of Council Facilities Policy with the proposed amendment and update the Council Policy Manual.

Director Cultural & Community Services' Report

- 9** **Item 1 POLICY - CENTRAL BUSINESS DISTRICT (CBD) CLOSED CIRCUIT TELEVISION (CCTV) POLICY (07.00106)**
MOVED Cr I North and **SECONDED** Cr A Christian

RESOLVED: That Council:

- (a) Note the submission received during the public exhibition period.
- (b) Provide a letter to the individual who provided a submission thanking them for their contribution to the Central Business District (CBD) Closed Circuit Television (CCTV) Policy.
- (c) Adopt the Central Business District (CBD) Closed Circuit Television (CCTV) Policy.
- (d) Provide a copy of the endorsed Central Business District (CBD) Closed Circuit Television (CCTV) Policy to Chifley District Police Command.

GENERAL BUSINESS

10 Go Kart Development Application 2015/196

Cr Bourke - Is the Development Application that was approved in 2015 still valid? Noted current Development Application is a modification.

General Manager advised that the 2015 Development Application is still valid.

11 Item 2 Water Restrictions 32.00017

Cr Bourke asked whether a letter box drop was occurring? He spoke to representations being received.

Director Engineering Services advised that a letter box drop was commencing on 6 December 2018.

12 Item 3 Water Restrictions 32.00017

Cr Rudge has sought clarification on this matter and notes a review of the Drought Management Plan is being proposed for 2019/2020 budget. Spoke to current plan and existing conditions that are in place and considerations given in adopting water restrictions. Noted pool usage issue that has been raised and also information on Council's website.

13 Item 4 Design Exhibition Chifley Home 21.00113

Cr Rudge - spoke to Kim Bagot exhibition being held and connection to Chifley Home which was very successful. The exhibition will then tour to other areas.

14 **Item 5 Bathurst Arts Council Youth Awards 18.00063**

Cr Rudge - talent was outstanding with the top three talents performing at future functions.

15 **Item 6 Inland Sea of Sound 23.00154**

Cr Jennings - congratulated staff on the presentation of the Inland Sea of Sound event. The challenge is to grow the festival. Spoke to sister relationships with sister councils in Sydney to promote the event.

16 **Item 7 Carillon 04.00021**

Cr Morse - thanked Council's Engineering and Finance staff for their assistance for getting the new bells installed. Noted project is now a beneficiary of the "Return and Earn" scheme.

Meeting was suspended at 6.15 pm for the commencement of the Discussion Forum.

General Business resumed at 7.02 pm following the conclusion of the Discussion Forum

17 **Item 8 Inland Sea of Sound 23.00154**

Cr Christian - Heard it was a massive success, but numbers were very low which was a very disappointing result. Let's see how next year goes. Cannot do much more than what was done.

The **General Manager** noted a detailed analysis on this and other major events will be provided to Councillors in the New Year.

18 Item 9 Farming Futures Conference 18.00157

Cr Fry on behalf of Greening Bathurst/Flannery Centre - thanked Council for the support provided for the "Farming Futures Conference". Numbers were excellent. Spoke to discussions held and issues of agriculture. The speakers provided invaluable information and video packages were made.

19 Item 10 Weeds - Stewart Street/Suttor Street/Great Western Highway 13.00022

Cr Christian - can this problem be looked into.

20 Item 11 Perthville Works 36.00624

Cr North - are there any timelines for when work will be finished? Spoke to contractor issues.

Director Engineering Services advised work has recommenced and will review timelines and get back to Council. Contracts do have measures to take action and Engineering Department is working with the contractor.

21 Item 12 Water Restrictions 32.00017

Cr North - our communication is not good, flyers should have been ready to go when restrictions were implemented. Not everyone reads the newspaper or listens to the radio.

22 Item 13 People in the Gallery 21.00039

Cr North - thanked them for being in attendance during the year.

23 Item 14 George/Howick Street 25.00006

Cr North - what is the timeline expected for these works?

Director Engineering Services - works have commenced with water infrastructure.

Rest of works to start in January 2019 and then spoke to timetable.

24 **Item 15 Mitre/Suttor/Lambert Streets 25.00095**

Cr North - raised timeline and concerns when will be completed.

Director Engineering Services advised still working on opportunity to divert water works through Scout hall land, will make job much faster. Awaiting Crown Land response on access.

25 **Item 16 Upper Macquarie County Council 18.00172**

Cr North - Oberon Council has agreed to extra support. Blayney and Lithgow Councils are yet to advise.

26 **Item 17 George/Howick Streets pedestrian crossings 25.00006 & 25.00007**

Cr North - before crossings are changed, can Council get information and flyers out to residents concerning road safety issues.

Director Engineering Services advised an education campaign will occur.

27 **Item 18 Staff thank you 23.00012**

Cr North - thanked staff and Councillors for the efforts undertaken over the last 12 months. It has been a busy and hectic year.

DISCUSSION FORUM - DEVELOPMENT APPLICATION SUBMISSIONS

28 **Item 1 DEVELOPMENT APPLICATION 2015/196 – RECREATION FACILITY (GO KART TRACK) AT MCPHILLAMY PARK, BROCKS SKYLINE, MOUNT PANORAMA. APPLICANT: BATHURST REGIONAL COUNCIL. OWNER: BATHURST REGIONAL COUNCIL (DA/2015/196)**

Discussion included:

Steve Angelucci - Secretary Kart Club

- Has 250 members. Started seven years ago.
- Spoke to objectives of the group.
- Noted policy of Council to build large self-sustaining facilities. There is interest from all around the world. They have had to refuse requests at this time as track is not in place.
- Noted visitor spend that will occur.
- The Kart Club is focused on junior development and spoke to opportunities that will be presented if circuit is developed, particularly if built to FIA standard. This is a visionary project.
- The Kart Club is here to run sports not make a profit.

Ian McPherson - citizen of Bathurst

- Not here to talk whether we need a kart club but where facility should be placed.
- Concern at community division. The debate is becoming distorted and has led to arguments about rights.
- Need to look at best place to put it, don't trample Mount Panorama/Wahluu. This is not just an Aboriginal issue. Need to be aware of cultural heritage that is important to the community.
- Asks Councillors not to just make an easy decision; harvest our better selves.
- Spoke to positive role of Aboriginal community in 2015 celebrations. If Council powers ahead and approves development application, this is not productive - find a better solution.

M Laybutt - Karting Australia

- Spoke of involvement in Condobolin in karting and also Cherry Tree Hill track in this region and noted support that existed for it.
- Why Mount Panorama? People know Mount Panorama and to give people the opportunity to stand on the Mount and to compete would be the greatest. The site is in the motor racing precinct. Top level racing in Australia has diminished with less circuits, eg Oran Park.
- Need a place for our juniors to train. Bathurst will give an opportunity to get back to top level racing.
- Oceania's were last held in Australia in 1996. The circuit proposed will attract high level drivers and many people from overseas.

B Allen - Wiradyuri Elder

- Understands what is being said about kart racing. The Elders are not against kart racing but do not believe it should be located on the Mount. The ACHA says that there are artefacts there. The report should be publicly released. Percy Gresser found 2,000 artefacts, the bluestone cottage is an artefact - the Council is lying about artefacts.
- Spoke to significance of Mount Panorama/Wahluu and lack of available land for Wiradyuri to practice their culture. The track should be built down at the proposed second circuit.
- Noted the programs the Wiradyuri people are running and the need for respect. Wiradyuri are sharing, but are not getting anything in return. 2015 is "deja vu". The community is not being respected. Need area to teach their young.

R Taylor - Kart Club and second circuit action group

This is page 7 of Minutes of the Policy Committee held on 5 December 2018

- Spoke to purpose of modification and congratulated Council on its vision to ensure higher level events can be held.
 - Gave examples of the many facilities (sporting) that are first class in Bathurst.
 - Noted volunteer assistance, economic value, etc. Concerned at how long this process has taken.
 - The proposal to put with second circuit is not supported; needs to be separate.
 - A development application for a 950 metre circuit was previously approved and this was on privately owned land; if modification not approved will action prior development application.
- **B Sugden - Forest Grove**

Attended Inland Sea of Sound last weekend and noted Wahluu Mount Panorama is a special place and needs to be protected. Then spoke to late 1950's/1960's when heritage was destroyed in a frenzy of modernisation. We need to preserve heritage including Wahluu. Urged Council to think forward 65 years and consider what is Council's vision; we don't want people to think Council had a lack of foresight. Wahluu is not to be treated as a place to be exploited. Spoke to existing facilities at the top of the Mount which are ugly.

P Dowling - Mr Allen said artefacts have been found, could this be clarified.

General Manager spoke to findings of Go-Kart ACHA concerning artefacts and noted the ACHA found that there were no Aboriginal objects, as defined, in the Go Kart area.

A Gerard - CSU - Law and Justice and Resident

- There is common ground for a Go-Kart track, the issue is where to locate it on Mount Panorama/Wahluu. Do not locate it on top of Mount Panorama.
- Further, spoke to role of Elders in regard to culture, law and history in the community. They are to be respected and noted linkages with Charles Sturt University.
- Then noted huge opportunity to work together eg Suttor/Windradyne. Go-Kart track should not be placed on an area of great cultural heritage, need to be aware of intangible cultural heritage. Bathurst needs to be in step with other areas. Let's move forward on a positive basis.

G Dixon - Bathurst resident

- Relocated to Bathurst in 1976 with the Central Mapping Authority (CMA). May be the CMA was built on the wrong place; it is a dilemma we face everyday. Previously the Kart Club was offered the old drive-in theatre site. Sons drove go karts, people come to Bathurst and are in awe of our facilities.
- Have been waiting four and a half years, concern at how long must further wait.
- Spoke to views of all around the area. Club has been very patient and deserve a resolution.

A Gainsford - representative of Bathurst community of Elders

- Has gone to Wahluu over many years as part of her cultural heritage. Would like to pass this cultural understanding to children and grand-children, particularly at Mount Panorama. Works at Charles Sturt University and spoke

to law/justice degrees being offered.

- Wahluu is a special place; it is spiritual and doesn't want these places taken away.
- Noted recent role at Inland Sea of Sound of the Wiradyuri community.
- Feels cultural connection is rolled in and out when it suits people. The Go-Kart track is needed but it should not be at Wahluu. If we know better we can do better. Councillors should attend a cultural immersion course.

MEETING CLOSE

29 **MEETING CLOSE**

The Meeting closed at 7.18 pm.

CHAIRMAN: _____

MINUTE

4 DECLARATION OF INTEREST 11.00002
MOVED: Cr B Bourke SECONDED: Cr I North

RESOLVED: That the Declaration of Interest be noted.

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'
REPORT AND MINUTES**

POLICY COMMITTEE

6 MARCH 2019

1 ON-SITE SEWAGE MANAGEMENT STRATEGY (41.00089, 14.00006)

Recommendation: That Council:

- (a) place the On-site Sewage Management Strategy on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the strategy; and
- (c) if submissions are received, a further report will be prepared for Council.

Report: In 2009 Council adopted the On-site Sewage Management Strategy (OSSM Strategy). NSW Government guidelines require that Council adopt and regularly review an OSSM Strategy.

The operators of on-site sewage management systems (eg septic systems, Aerated Wastewater Treatment Systems and other approved systems) are required to have a current "approval to operate". Council has a long term program to ensure that the number of systems operating with a current approval increases each year.

The OSSM Strategy has been reviewed and updated to incorporate changes to relevant Australian Standards and other references (see **attachment 1**). The key changes proposed in the revised OSSM Strategy are:

- * change in the approval to operate period for a medium risk system from four (4) to five (5) years;
- * change in the approval to operate period for a low risk system from six (6) to eight (8) years; and
- * removal of the "exempt" criteria.

Medium and low risk systems represent less than 20% of those systems with a current "approval to operate". The "exempt" criteria was designed to exempt a small number of systems of routine inspection, but not from the requirement to hold an "approval to operate". In practice this exempt category has not been applied and is recommended to be removed.

It is recommended that Council place the revised OSSM Strategy on public exhibition and seek feedback from the community.

Financial Implications: The preparation and implementation of the On-site Sewage Management Strategy is managed within existing budgets.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 3: Environmental stewardship Strategy 3.1
- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

- Consult To obtain public feedback on alternatives and/or decisions

MINUTE

5 Item 1 ON-SITE SEWAGE MANAGEMENT STRATEGY (41.00089, 14.00006)
MOVED: Cr I North SECONDED: Cr W Aubin

RESOLVED: That Council:

- (a) place the On-site Sewage Management Strategy on public exhibition for a period of 28 days;
- (b) if no submissions are received, adopt the strategy; and
- (c) if submissions are received, a further report will be prepared for Council.

2 LIGHTING - WHITE WAY LIGHTING UNDER AWNINGS IN THE CBD (41.00089, 28.00014)

Recommendation: That Council revoke the Policy "Lighting - White Way Lighting Under Awnings in the CBD".

Report: In 2004 Council adopted a policy that required developers to meet the full capital cost of under awning lighting for new commercial developments, and that the lights would be added to the streetlight inventory and owned by (the former) Country Energy, and that operational and maintenance costs would be met by Council.

Essential Energy have advised Council that they will no longer accept under awning (or white way) lighting on the street lighting inventory. This is for a number of reasons including:

- The lights are "non-standard lights" under the Public Lighting code.
- Most of the inventory is at the end of it's economic life.
- Many of the awning linings are in a poor state of repair and contain asbestos sheeting.

The owners of buildings are not prohibited from installing and operating under awning lights, however they must be owned and maintained by the building owner.

It is therefore appropriate that Council revoke the policy to reflect the current Public Lighting Code and the policies of Essential Energy.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.5

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

6 Item 2 LIGHTING - WHITE WAY LIGHTING UNDER AWNINGS IN THE CBD
(41.00089, 28.00014)

MOVED: Cr W Aubin SECONDED: Cr J Jennings

RESOLVED: That Council place on public exhibition for 28 days the intention to revoke the Policy "Lighting - White Way Lighting Under Awnings in the CBD."

Yours faithfully

A handwritten signature in black ink, appearing to read 'N Southorn', with a long horizontal flourish extending to the right.

N Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT AND
MINUTES**

POLICY COMMITTEE

6 MARCH 2019

1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28 NOVEMBER 2018 (07.00096)

Recommendation: That the recommendations of the Audit & Risk Management Committee Meeting held on 28 November 2018 be adopted.

Report: The minutes of the Bathurst Regional Council Audit and Risk Management Committee Meeting held on 28 November 2018 are shown at **attachment 1**.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 32: To ensure Council is supported by an adequate workforce and appropriate governance procedures. Strategy 32.2
- Objective 28: To plan for the growth of the region and the protection of the region's environmental, economic, social and cultural assets. Strategy 28.8

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

**7 Item 1 REPORT OF AUDIT AND RISK MANAGEMENT COMMITTEE - 28
NOVEMBER 2018 (07.00096)**

MOVED: Cr J Rudge SECONDED: Cr I North

RESOLVED: That the recommendations of the Audit & Risk Management Committee Meeting held on 28 November 2018 be adopted.

2 DRAFT CODE OF MEETING PRACTICE (07.00064, 07.00065)

Recommendation: That Council:

- (a) place the Draft Code of Meeting Practice on public exhibition for a period of not less than 28 days; and
- (b) receive a report following the public exhibition period.

Report: Council has received notification from the Office of Local Government (Circular No 18-45) of the commencement of the new Model Code of Meeting Practice for Local Councils in NSW (Model Code).

Council is now required, by no later than 14 June 2019, to adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code.

As raised at the Councillor Working Party held on 13 February 2019, Council's existing Code of Meeting Practice is not able to be modified or adapted given the extensive redactions that have occurred to the Local Government (General) Regulation 2005. Accordingly, the Model Code has been tailored to reflect Council's practices.

The Draft Code of Meeting Practice (Draft Code), shown at **attachment 1**, in addition to being an extensive re-write of Council's current code, introduces a number of new provisions. These include, but are not limited to:

- the administration and management of public forums
- the requirement to webcast meetings on or before 14 December 2019
- the provision to deal with agenda items by exception

In accordance with section 361 of the Local Government Act 1993, Council is required to exhibit the Draft Code for a period of at least 28 days and provide members of the community at least 42 days in which to make submissions to the Draft Code.

Financial Implications: Nil.

Bathurst Community Strategic Plan - Objectives and Strategies

- Objective 6: Community leadership and collaboration Strategy 6.4, 6.5

Community Engagement

- Inform To provide the public with balanced and objective information to help them understand the problem, alternatives opportunities and/or solutions.

MINUTE

8 Item 2 DRAFT CODE OF MEETING PRACTICE (07.00064, 07.00065)
MOVED: Cr I North SECONDED: Cr J Jennings

RESOLVED: That Council:

- (a) place the Draft Code of Meeting Practice on public exhibition for a period of not less than 28 days; and
- (b) receive a report following the public exhibition period.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A Jones', written over a large, hand-drawn oval shape.

A Jones
DIRECTOR
CORPORATE SERVICES & FINANCE

GENERAL BUSINESS

POLICY COMMITTEE

MINUTE

9 Item 1 RANKIN/DURHAM STREET INTERSECTION (25.00089)

Cr North - requested an update on traffic treatment for this intersection.

Cr Aubin noted that Road & Maritime Services (RMS) are looking at a possible no right hand turn.

The Director Engineering Services advised that RMS has commenced traffic investigations across the area, the study will look at this area. Expect results in 4-6 months.

MINUTE

10 Item 2 PERTHVILLE AND EGLINTON RIVER ISSUES (31.00011)

Cr North - spoke to concerns being raised by community and noted issues on private land. Could concerns be raised with the local member about State Government controls that are causing problems?

The Director Engineering Services spoke to current controls in place.

MINUTE

11 Item 3 WATER RESTRICTIONS (32.00017)

Cr North - asked could a report come back to Council showing water levels, usage levels this year as against last year?

The General Manager noted a Working Party has been scheduled for next week on this matter. Further, a report is being prepared for Council's April/May meeting.

MINUTE

12 Item 4 WEBSITE - ADVICE OF EVENTS (21.00002)

Cr North - asked how do we let people know what events are on in the City?

The General Manager noted events are listed on the Bathurst Visitors Information Centre (BVIC) web page. Groups are encouraged to provide advice to BVIC so can be included.

MINUTE

13 Item 5 KEPPEL STREET BUSINESS OWNERS (EVENTS) (25.00039)

Cr North - advised meeting held with shop owners was very good, particularly discussed Winter Festival. Could they be invited to a Working Party of Council?

The General Manager advised that this can be arranged. Requested they put in a letter providing details prior to the meeting.

MINUTE

14 Item 6 POLICY MEETINGS (07.00064)

Cr North - requests a Policy Committee meeting be held in February each year.

MINUTE

15 Item 7 OAKTREE RETIRMENT VILLAGE (13.00019, 22.04712)

Cr North - advised the Retirement Village have expressed concerns with pine trees at the back of their village, could this be looked at?

MINUTE

16 Item 8 KEPPEL STREET PRECINCT (25.00039)

Cr Fry - spoke to meeting held, it was positive and noted possible Winter Festival connections.

MINUTE

17 Item 9 WATER/SEDIMENT MOVEMENT (13.00031)

Cr Fry - spoke to recent storms, water flows are changing and noted impacts across the State. There is massive disruption and this is impacting food provision. Noted Blue Mountains have declared a state of climate emergency. There needs to be a reality check. Cr Fry then spoke to water controls/availability, recycling projects, effluent reuse, smart meters, Ben Chifley Dam controls.

The Director Engineering Services spoke to review of drought management strategy and current practices in place.

MINUTE

18 Item 10 KEPPEL STREET (25.00039)

Cr Jennings - spoke to recent meeting with owners, went well and spoke to various activity names.

MINUTE

19 Item 11 RAGLAN PUBLIC SCHOOL - DOG POO BAGS (13.00006)

Cr Jennings - advised the bags are being used and then being thrown into the school. Could this be followed up?

MINUTE

20 Item 12 CLASSIC CAR SALE (21.00005)

Cr Jennings - asked did we review the recent sale in Gosford?

The Director Corporate Services & Finance advised that the classic car auctions held no items of significance to the National Motor Racing Museum.

MINUTE

21 Item 13 MACQUARIE PLAZA (22.01375)

Cr Jennings - area looks appalling. Noted Cr Christian has same concern. How is the Public Art Policy going?

The Director Cultural & Community Services advised the Policy has just come off public exhibition. Will be reported to April/May meeting. The Policy proposes a Committee to review projects, be established. This will include Councillors.

MINUTE

22 Item 14 CBD WIFI TEST (37.00610)

Cr Jennings - asked how is this going? Some areas not working.

The Director Corporate Services & Finance noted where current trial is at.

MINUTE

23 Item 15 BMX/VELODROME (04.00140)

Cr Jennings - advised there is a hand painted sign on Vale Road indicating the facility. Could we look at putting in a more professional sign.

MINUTE

24 Item 16 DISABILITY ACCESS - ADULT CHANGE TABLE (09.00020)

Cr Jennings - asked could this be included for consideration in future toilet upgrades?

MINUTE

25 Item 17 DISABILITY ICON (09.00020)

Cr Jennings - advised Central Coast Council has changed icon to half wheelchair and half standing person. Could Council look at adopting the change?

MINUTE

26 Item 18 COLLEGE ROAD - PLAYGROUND (04.00034)

Cr Jennings - met with local residents to get them involved in design and development of play equipment/shelter, trees etc for the park. Feels a budget of \$10,000 to \$15,000 would be needed and community engaged to build.

The General Manager recommended a submission be made to the 2019/2020 Operational Plan.

MINUTE

27 **Item 19 DEVELOPMENT APPLICATION NOISE LIMITS (13.00021)**

Cr Jennings - queried what limits occur once a Development Application is approved, in regards to building work.

The Acting Director Environmental, Planning & Building Services advised that other than prescribed hours of work, no prescribed limits are in place.

MINUTE

28 Item 20 DROUGHT STRATEGY (13.00031)

Cr Jennings - asked in preparing this, could risk mapping be undertaken, using state data sources?

MINUTE

29 Item 21 STREET LIBRARIES (21.00054)

Cr Jennings - noted Yetholme/Perthville got structures from the Woodies. Could we look at a program for villages?

MINUTE

30 Item 22 GREENSPACES/PARKS (04.00034)

Cr Rudge - spoke to maintenance levels in areas outside the CBD. Noted resource levels available, with growth of open spaces need to look at making more resources available.

MINUTE

31 Item 23 WALKERS ON THE MOUNT (04.00019)

Cr Rudge - Bus Drivers have stated the walkers will not move out of the way, it is dangerous. Could the Traffic Committee look at this? Could we remind people of safety issues?

The Director Engineering Services noted Boardwalk project currently in place, this will alleviate some of the problems. Have previously undertaken community awareness programs.

MINUTE

32 Item 24 KEPPEL STREET GROUP (25.00039)

Cr Rudge - great that they are getting together. They can be used as an example of businesses having a go.

MINUTE

33 Item 25 BATHURST 2019 DESTINATION PLANNER (24.00010)

Cr Rudge - stated new booklet is fantastic. Visitation will increase with the \$2.5 billion upgrade announced today for the Great Western Highway (Lithgow to Katoomba).

MINUTE

34 Item 26 BEN CHIFLEY DAM PIPELINE (36.00215)

Cr Rudge - referred to 2008 strategy undertaken. There are water sharing rules etc to be looked at. Requests a Working Party be held.

MINUTE

35 Item 27 INTERNATIONAL WOMEN'S DAY (23.00155)

Cr Rudge - spoke to an exciting range of events that are scheduled for this week.

Cr North spoke of recent meeting held where comments were made about International Women's Day events.

MINUTE

36 Item 28 GILMOUR STREET UNITS, NEAR HOPE CHURCH (25.00035)

Cr Bourke - residents have asked for another chair on Hereford Street. In addition, could we also look at these on the Kath Knowles walkway.

The Director Engineering Services will review possible options.

MINUTE

37 Item 29 GRAFITTI (20.00045)

Cr Bourke - expressed concern that painting on public walls will encourage grafitti.

MINUTE

38 MEETING CLOSE

The Meeting closed at 7.04 pm.

CHAIRMAN: _____

**DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES'
REPORT - ATTACHMENTS**

POLICY COMMITTEE

6 MARCH 2019



BATHURST
REGIONAL
COUNCIL

On-Site Sewage Management Strategy 2019

TABLE OF CONTENTS

1.	TITLE	1
2.	BACKGROUND	1
3.	APPLICATION OF THIS STRATEGY	1
4.	OBJECTIVES	1
5.	RELATIONSHIP TO OTHER DOCUMENTS	2
5.1	THE LOCAL GOVERNMENT ACT 1993	2
5.2	Protection Of The Environment Operations Act 1997 (POEO Act)	2
5.3	The Environment and Health Protection Guidelines for On-site Sewage Management for Single Households	3
5.4	National Construction Code and Australian/New Zealand Standards	3
5.5	Council Policies	4
6.	TYPES OF ON-SITE SEWAGE MANAGEMENT SYSTEMS	4
7.	APPROVAL PROCESS FOR THE INSTALLATION, CONSTRUCTION OR ALTERATION OF AN ON-SITE SEWAGE MANAGEMENT SYSTEM	5
7.1	Site Layout Plan	5
7.2	Specifications	5
7.3	Wastewater/Geotechnical Report	5
8.	PERFORMANCE CRITERIA	6
8.1	Climatic conditions	6
9.	ASSESSMENT PROCESS	6
10.	OPERATION AND MAINTENANCE OF AN ON-SITE SEWAGE MANAGEMENT SYSTEM	7
10.1	Responsibility of the Owner or Occupier	7
10.2	Maintenance of Septic Tanks	7
10.3	AWTS Maintenance and Service Technicians	7
10.4	General Maintenance Considerations	8
10.5	Maintenance of disposal area	8
11.	MONITORING AND INSPECTION REGIME	8
11.1	Risk rating	8
11.2	Inspection and Approval Regime	10
11.3	Failing Systems	10
11.4	Complaints about failing systems	10
12.	FEES & CHARGES	11
	REVIEW OF POLICY	11

Bathurst Regional Council
On-site Sewage Management Strategy

1. TITLE

The title of this Strategy is: - "Bathurst Regional Council – On-site Sewage Management Strategy."

2. BACKGROUND

In March 1998 the NSW Minister for Local Government introduced The Local Government (Approvals) Amendment (Sewage Management) Regulation 1998 and the Environment and Health Protection Guidelines. The Regulations and Guidelines were in response to studies conducted in NSW which indicated both a failure rate of up to 70% of on-site sewage management systems, and an enormous potential for unsatisfactory cumulative impacts on the environment and on public health arising from the previous ad-hoc management strategies/methods. The Regulation has since undergone review and the relevant legislation is now contained within the Local Government (General) Regulation 2005.

Both Bathurst Regional Council (Council) and landholders have responsibilities in relation to the installation and operation of on-site sewage management systems to ensure protection of public health and the environment.

It is estimated that there are more than 2800 on-site sewage management systems in operation in the Bathurst LGA. All on-site sewage management systems should be registered with Council and have a current approval. However it is recognised that historically the management of such systems has not been a high priority for Council and that there have been insufficient staff resources to effectively manage these systems in a strategic manner.

3. APPLICATION OF THIS STRATEGY

This Strategy applies to:

- all land within the Bathurst Local Government Area (LGA) **not** provided with reticulated sewerage infrastructure;
- all existing and proposed installations of on-site sewage management systems on residential premises;
- all Development Applications for new or amended/altered works on land not provided with reticulated sewerage infrastructure;

This strategy is principally aimed at outlining the relevant guidelines for single residential premises. Dual occupancies may be subject to conditions differing from those detailed in this strategy and will be assessed on a case by case basis. It is acknowledged that commercial and industrial premises require a different approach to residential installations, and therefore will be addressed on a case by case basis.

4. OBJECTIVES

The objectives of this Strategy are to ensure that on-site sewage management systems in the Bathurst Local Government Area are installed and operated in a manner that ensures the following:

- (a) prevention of risks to public health;

Bathurst Regional Council
On-site Sewage Management Strategy

- (b) protection of surface and groundwater from pollution;
- (c) protection of soils and surrounding environment from pollution and degradation;
- (d) protection of community amenity by not producing odours or attracting vectors of disease.

Further this strategy aims to:

- (a) set the minimum standards for the design, installation and maintenance of on-site sewage management system;
- (b) outline the processes related to monitoring and inspection of on-site sewage management systems in the Bathurst LGA.

5. RELATIONSHIP TO OTHER DOCUMENTS

In the event that the relevant Legislation, Guidelines or Australian Standards are revised post the adoption of this Strategy, the revised documents are to replace the repealed documents specified in this Strategy.

The following sections outline the legislative framework for the approval and monitoring of on-site sewage management systems in NSW.

5.1 The Local Government Act 1993

The Local Government (General) Regulation 2005 (under section 68 of The Local Government Act 1993 - Approvals):

- (a) specifies requirements for the design, installation, alteration and operation of domestic on-site sewage management systems, under s. 68 and s.68A of the Act, and allows fees to be charged under s. 608;
- (b) specifies information required to accompany an application to operate, install or alter an on-site sewage management system;
- (c) clarifies accreditation roles and responsibilities of NSW Health;
- (d) describes minimum performance criteria for the installation and operation of on-site sewage management systems;
- (e) prescribes where public health or the environment are at risk an Order under Section 124 of the Act may be issued depending on the situation, including Orders - 21, 22, 24, 25, 30 or an Emergency Order (which may be issued where public health or the environment is at risk);
- (f) provides that following the expiration of an Order, a Penalty Infringement Notice (PIN) under the Act may be issued depending on circumstances;

5.2 Protection Of The Environment Operations Act 1997 (POEO Act)

The Act provides local government with powers to investigate and issue notices. Councils are the Appropriate Regulatory Authority (ARA) for activities relating to on-site sewage management facilities (excluding Scheduled Premises). Where an on-site sewage management facility is detected to be failing the following actions are available to Council under the POEO Act:

- (a) Clean Up Notices - are quick responses to pollution incidents. These notices incur an administration fee (fees are listed in Council's Revenue Policy);
- (b) Prevention Notices - can be issued where an on-site sewage management facility is operating in an environmentally unsatisfactory manner. These notices incur an administration fee (fees are listed in Council's Revenue Policy);

Bathurst Regional Council
On-site Sewage Management Strategy

(c) PIN under the Act may be issued.

Any enforcement action undertaken by Council will be guided by the procedures outlined in Council's Enforcement Policy. At all times Council aims to work with landholders to ensure the safe and efficient management of on-site sewage management systems. However some circumstances may require Council to utilise powers under the LG Act or POEO Act.

5.3 The Environment and Health Protection Guidelines for On-site Sewage Management for Single Households

These Guidelines, which are called up in the regulations and dually empowered by the application of the regulations recommend that Councils should:

- (a) develop, implement and regularly review a Sewage Management Strategy;
- (b) consider all issues relating to approving the installation and operation of on-site sewage management facilities, particularly environment and health issues;
- (c) develop conditions of Approval to Operate for systems of on-site sewage management and specific sites;
- (d) undertake ongoing community education programs; and
- (e) implement a long-term program of inspections to monitor the performance and impact of on-site sewage management facilities on the wider environment.

5.4 National Construction Code and Australian/New Zealand Standards

The following must be adhered to in the application of this policy:

NCC VOLUME 3 (PLUMBING CODE OF AUSTRALIA) INCORPORATING AS/NZS 3500.2:2008
PLUMBING AND DRAINAGE

This standard is highly relevant to the licensed plumbers and installers who conduct repairs or alterations to existing on-site sewage management facilities or new installations.

This standard covers the requirements for the design and installation of any plumbing and drainage.

AS/NZS 1547:2012 ON-SITE DOMESTIC WASTEWATER MANAGEMENT

This standard provides specific details for a range of domestic on-site sewage management facilities and land application areas for all persons and agencies involved with on-site sewage management in Australia and New Zealand. The Standard provides guidance for:

- system flows up to a maximum of 14,000L/week and population equivalent of up to 10 persons; and
- site investigation, land application system design, installation, operation and maintenance to achieve sustainable outcomes and public health performance.

AS/NZS 1546 ON-SITE DOMESTIC WASTEWATER TREATMENT UNITS

AS/NZS 1546.1:2008 Septic tanks

This standard is highly relevant to manufacturers of on-site sewage management

Bathurst Regional Council
On-site Sewage Management Strategy

facilities, by specifying technical means of system compliance and test specifications to achieve sustainable outcomes and public health performance.

AS/NZS 1546.2:2008 Waterless composting toilets

This standard covers the requirements of waterless composting toilets that are intended primarily as stand-alone units for residential use but may be suitable for non-residential applications.

AS/NZS 1546.3:2009 Aerated wastewater treatment systems

This standard sets out performance requirements, design requirements, means of compliance, installation requirements, requirements for operation and maintenance and specifications for testing aerated wastewater treatment systems (AWTS) and associated fittings.

5.5 Council Policies

This strategy must be read with reference to the following Council policies:

- Greywater Reuse Policy
- Trade Waste Policy
- Enforcement Policy
- Revenue Policy

6. TYPES OF ON-SITE SEWAGE MANAGEMENT SYSTEMS

The on-site sewage management system utilised on a premises may include one or more of the following elements:

- Septic tank and absorption trenches
- Septic tank and evapo-transpiration areas
- Aerated wastewater treatment systems (AWTS)
- Septic tank and collection well (pump-out system)
- Dry composting toilets
- Wet composting toilets and subsurface application systems
- Septic tank and constructed wetlands
- Septic tank and soil mound systems
- or any other system designed to treat and dispose of sewage

Greywater treatment and re-use systems are defined as a system of sewage management by the LG Act. These systems must comply with Council's Greywater Reuse Policy and are not discussed further in this strategy. Pump-out systems are not considered to be a viable on-site waste management technique and as such will be considered as the last option and generally on existing sites where existing site constraints or environmental or health risks preclude other options.

Clause 41 (1) of the Local Government (General) Regulation 2005 requires that Council will not approve the installation or construction of a sewage management facility unless the Council is satisfied that the facility is to be installed or constructed to a design or plan that is the subject of a certificate of accreditation from the NSW Health, being a certificate that is in force www.health.nsw.gov.au/environment/domesticwastewater

Bathurst Regional Council
On-site Sewage Management Strategy

The most suitable system for a particular site will be dependent on a wide range of criteria which are outlined in subsequent sections of this strategy.

7. APPROVAL PROCESS FOR THE INSTALLATION, CONSTRUCTION OR ALTERATION OF AN ON-SITE SEWAGE MANAGEMENT SYSTEM

Prior to the installation, construction or alteration of an on-site sewage management system (or an addition to an on-site sewage management system), the landowner must make an application to Council. An application shall be made on the prescribed form, and accompanied by any associated fees as prescribed in Council's Revenue Policy. The application must be accompanied by the following:

7.1 Site Layout Plan

The application must be accompanied by a plan (drawn to scale with accurate dimensions), showing:

- (a) the location of the on-site sewage management system proposed to be installed or constructed on the premises including accurate measurements to all buildings and structures, boundaries, natural features including dams, waterways, creeks, drainage depressions (located both within and external to the property, within the range of the required buffer distances), and native vegetation; and
- (b) the precise location of any related effluent application areas and its relationship to all of those features listed above; and
- (c) a plan detailing how even distribution of wastewater is to be achieved within the disposal area(s); and
- (d) any buildings or facilities existing on, any land located within 100 metres of the on-site sewage management system or effluent application areas; and
- (e) location of any proposed structures that will impact on the performance of the irrigation or disposal system e.g. swimming pools, tennis courts, large sheds; and
- (f) the location of any environmentally sensitive areas of any land located within 100 metres of the sewage management system or effluent application areas; and
- (g) any related drainage lines or pipework (whether natural or constructed); and
- (h) slope of the site (or contours at 0.5m (RL) intervals across the site where requested by Council); and
- (i) all related buffer distances.

7.2 Specifications

The application must be accompanied by a copy of the full NSW Health accredited specifications of the on-site sewage management system proposed to be installed or constructed on the premises together with specifications of the proposed effluent application system(s).

7.3 Wastewater/Geotechnical Report

A geotechnical report is to be submitted with the "Application to Install a System of Sewage Management" to determine the suitability of the site with respect to the on-site disposal of effluent.

- (a) This study is to be carried out by an experienced geotechnical engineering consultant, with associated testing being conducted by a NATA registered laboratory. Matters such as geology, stratigraphy (in particular soil profile and permeability) must be addressed.

Bathurst Regional Council
On-site Sewage Management Strategy

- (b) The report must also state whether or not the proposed dwelling and the proposed effluent disposal area are located in a position and are of a design and capacity to ensure that all effluent arising from the dwelling can be disposed of on the site without causing nuisances and/or pollution, both in the short and the long term.
- (c) The report must reference compliance with AS/NZS 1547:2012 and the Environment and Health Protection Guidelines – On-site sewage management for single households
- (d) The final location of the dwelling on the land may be determined by the findings and recommendations of the required geotechnical report. The location of the dwelling should therefore not be finalised until the results of the geotechnical report is known.

A geotechnical report is not required to be submitted with an application to alter a system of sewage management where an increased load is proposed but no subsequent augmentation to the effluent disposal area. However advice from a geotechnical engineer in the form of a letter is required in this situation to recommend no additional effluent disposal is required or if augmentation is required detailing the design.

8. PERFORMANCE CRITERIA

The Council must consider performance criteria when determining applications for Approval to Install, construct, alter or operate on-site sewage management facilities. The Local Government (General) Regulation 2005 {Cl.44(1)} specifies minimum objectives, which are listed below:

- (a) the prevention of the spread of disease by micro-organisms;
- (b) the prevention of the spread of foul odours;
- (c) the prevention of the contamination of water;
- (d) the prevention of the degradation of soil and vegetation;
- (e) the discouragement of insects and vermin;
- (f) ensuring that persons do not come into contact with untreated sewage or effluent in the ordinary activities on the premises concerned;
- (g) the minimisation of adverse impacts on the amenity of the premises and surrounding lands; and
- (h) if appropriate, provision for the reuse of resources including nutrients, organic matter and water.

8.1 Climatic conditions

All applications should consider the average climatic conditions for the Bathurst LGA as reported by the Bureau of Meteorology.

9. ASSESSMENT PROCESS

It is the responsibility of the applicant to ensure that all required information is supplied to Council with the completed application form. Council staff are available provide assistance and advice in ensuring that the application is complete prior to submission.

The application will be assessed and the applicant will be notified in writing of the determination. That is, the application has been:

- (a) **Approved** subject to conditions of consent and amendments where required, or
- (b) **Refused** with an explanation if it is established that the proposal would not provide a satisfactory level of human health protection and environmental well-being.

Bathurst Regional Council
On-site Sewage Management Strategy

An applicant or their contractor must not commence work on the installation of a system of on-site sewage management without **prior written Approval** from Council.

10. OPERATION AND MAINTENANCE OF AN ON-SITE SEWAGE MANAGEMENT SYSTEM

At the completion of an installation, construction or alteration of an on-site sewage management system, the system is not permitted to be operated until such time as Council has issued an Approval to Operate a Sewage Management System. This will only be issued once the system has been installed, constructed or altered in accordance with the approval as issued by the Council.

If Council finds that a condition of the Approval to Operate has not been complied with, Council may modify or revoke the approval, or require remedial works to be undertaken to ensure compliance.

10.1 Responsibility of the Owner or Occupier

It is the responsibility of the homeowner / occupier to ensure that the on-site sewage management system on their property is maintained and operated in a manner which does not pose any risk to public health and or the environment. The owner and or occupier should be aware of the operation and maintenance requirements for their system and must ensure that the necessary service contracts are in place. The owner or occupier should notify Council if their on-site sewage management system is failing and prior to arranging the necessary repairs or replacement of the system in compliance with Council requirements. Written approval must be obtained from Council prior to commencing any modifications or alterations to the system.

10.2 Maintenance of Septic Tanks

Septic tanks shall be desludged as required by an authorised human waste removal service, and disposed of at an approved facility. Desludging is required when:

- (a) the scum layer is within 100mm of the bottom of the inlet square junction, or the sludge layer is within 200mm of the bottom of the outlet square junction;
- (b) the sludge occupies the basic allowance (1550L) of the septic tank; or
- (c) the total depth of sludge and scum is equal to one third of the depth of the tank.

The desludging procedure should ensure:

1. That sufficient water is introduced in to the tank after desludging to prevent the tank from being lifted by soil hydrostatic pressure.
2. Caution shall be taken during the desludging process to protect the facility the collapse or displacement of internal compartments or components.

10.3 AWTS Maintenance and Service Technicians

All AWTS's require servicing and maintenance at 3-monthly intervals (or at intervals as specified in the NSW Health accreditation for the system).

- (a) Therefore:

Bathurst Regional Council
On-site Sewage Management Strategy

- (i) the owner must enter into an annual service contract with a suitably qualified and experienced service contractor;
 - (ii) the service contractor is required to check or test all of the mechanical, electrical and functioning parts of the AWTS in accordance with NSW Health Certificate of Accreditation for the specific system.
- (b) At the completion of a service a report sheet should be completed and a copy must be provided to Council after each service.

10.4 General Maintenance Considerations

When an on-site sewage management facility is:

- (a) due to be serviced;
- (b) in need of repair;
- (c) requiring replacement;
- (d) to be installed;
- (e) to be altered, modified or attended to in terms of operational adjustment;

All works may only be carried out by a person who is a qualified service technician or licensed tradesperson where required. Written approval must be obtained from Council prior to commencing any alterations or modifications to the system. Any replacement work must comply with the manufactures specifications and the NSW Health Accreditation for the system.

10.5 Maintenance of disposal area

It is the responsibility of the owner or occupier to ensure that the disposal area is maintained in accordance with the relevant 'Approval to operate a system of sewerage management'.

11. MONITORING AND INSPECTION REGIME

In order to ensure that existing systems meet the performance objectives of this strategy Council must develop a long term monitoring and inspection regime for the entire LGA.

11.1 Risk rating

All on-site sewage management systems in the Bathurst LGA will be assigned a risk rating. Three categories are proposed:

- High risk
- Medium risk
- Low risk

The property/system is assigned the appropriate risk if it satisfies **one** or more criteria. In the case where the property may fall within two categories the **higher** risk category will prevail.

All new systems will be granted an approval period of two (2) years in the first instance. Upon application for renewal of the approval to operate the relevant risk rating will be applied.

11.1.1 High risk criteria

Bathurst Regional Council
On-site Sewage Management Strategy

- Area of property is less than 1.0Ha
- Less than 100m from a waterway or less than 40m from a dam
- Disposal area is less than 12m from an uphill boundary
- Disposal area is less than 6m from a downhill boundary
- Slope is greater than 20% (or 1 in 5)
- Nearest bore or well used for domestic water supply is less than 200m
- No stormwater diversion is in place
- Uses/proposes surface disposal eg AWTS
- Proposes to use composting or reed beds or constructed wetlands for disposal
- Located in the Chifley Dam catchment area
- Proximity to human activity* of disposal area is less than 6m if uphill
- Proximity to human activity of disposal area is less than 3m if downhill
- Potable water supply is reticulated town water
- Topographical position is in an overland flow path
- Property is within 1% AEP flood zone
- Property is other than a single domestic dwelling
- Surface water is present in disposal area
- Soil erosion is present in or near disposal area
- Newly installed systems

* human activity includes recreational lawn areas, children's play areas, vegetable gardens or fruit trees.

11.1.2 Medium risk criteria

- Area of property is 1.0 to 4.0Ha
- Disposal area is between 100m and 200m from a waterway
- Disposal area is greater than 12m from an uphill boundary
- Disposal area is greater than 6m from a downhill boundary
- Slope is less than 20% (or 1 in 5) but more than 10% (1 in 10)
- Nearest bore or well used for domestic water supply is greater than 200m but less than 300m
- Stormwater is partially diverted from the disposal area and all on-site sewage management infrastructure
- Uses sub-surface disposal but no geotechnical report has been provided (for existing systems)
- Proximity to human activity of disposal area is between 6m and 20m
- Potable water supply is bore or dam water
- Topographical position is not in an overland flow path
- Property is outside 1% AEP flood zone
- Property is infrequently used (eg low load system servicing a sports facility)
- Surface water is not present in disposal area
- Soil erosion is not present in or near disposal area

11.1.3 Low Risk Systems

- Area of property is greater than 4.0Ha
- Disposal area is greater than 200m from a waterway
- Disposal area is greater than 12m from an uphill boundary
- Disposal area is greater than 6m from a downhill boundary
- Slope is less than 10% (1 in 10)
- Nearest bore or well used for domestic water supply is greater than 300m

Bathurst Regional Council
On-site Sewage Management Strategy

- Stormwater is fully diverted from the disposal area and all on-site sewage management infrastructure
- Uses sub-surface disposal and an approved geotechnical report has been provided (for existing and proposed systems)
- Proximity to human activity of disposal area is greater than 20m
- Potable water supply is rainwater tanks only
- Topographical position is not in an overland flow path
- Property is outside 1% AEP flood zone
- Property is a single private dwelling
- Surface water is not present in disposal area
- Soil erosion is not present in or near disposal area

11.2 Inspection and Approval Regime

Existing installations, which during the course of inspections carried out by Council, are found to be functioning in a manner that meets the performance criteria and not requiring alteration, will be given a risk classification. This classification will be made in relation to the performance of the unit, the condition of the unit, possible impacts on public health, water quality, soils, native flora and community amenity.

Council will grant an approval to operate for a period of time based on the risk rating of the system as follows:

- **High risk system – two (2) years**
- **Medium risk systems – five (5) years**
- **Low risk systems – eight (8) years**

Additional inspections may be carried out at Council's discretion. The approval will specify the performance objectives of the Regulation and provide a mechanism for accountability to the Council concerning compliance with basic requirements (conditions) aimed at the protection of public health and the environment.

A system which has met all operational and approval conditions on two (2) consecutive inspections may be granted a lower risk rating at the discretion of Council.

Upon routine reinspection or expiration of the 'Approval to Operate' the landholder will be required to make an application for renewal of their approval to operate and pay the associated fees in accordance with Council's Revenue Policy.

11.3 Failing Systems

Where an on-site sewage management system is found to be functioning in a manner which Council deems to be unsatisfactory and is a risk to either or both the environment and or public health, Council will take appropriate action under relevant legislation to ensure that the issues with the system are rectified and to ensure that the system is operating in a satisfactory manner. This action is irrespective of whether or not the system is being operated under a current Approval to Operate. If this is the case, Council holds the authority to revoke the Approval to Operate.

An 'Application to Alter a System of Sewage Management' will be required to be submitted to Council for determination should any rectification work be required.

11.4 Complaints about failing systems

Bathurst Regional Council
On-site Sewage Management Strategy

A member of the community who has a problem with the operation of an on-site sewage management system is entitled to approach Council about the concern. Council will investigate complaints relating to system failures irrespective of the priority area. The inspection may replace the next scheduled inspection for any system that is the subject of a complaint. Changes may be made to the risk category of systems as a result of any investigation.

12. FEES & CHARGES

Council charges fees for both inspections and the issue of an approval to operate as detailed in its Revenue Policy. These fees cover some of the costs associated with the implementation of the program. The fees for inspections and the approval have been determined in accordance with Section 608 regulatory fees the Local Government Act 1993. Council's Revenue Policy is reviewed on an annual basis.

REVIEW OF POLICY

Council seeks feedback from the public on ways to improve the policy and make it easier to understand.

Please address your comments in writing to:

The General Manager
Bathurst Regional Council
Private Mail Bag 17
BATHURST NSW 2795

**DIRECTOR CORPORATE SERVICES & FINANCE'S REPORT -
ATTACHMENTS**

POLICY COMMITTEE

6 MARCH 2019

MINUTES OF THE AUDIT & RISK MANAGEMENT COMMITTEE
HELD ON 28 NOVEMBER 2018

MEETING COMMENCES

1 MEETING COMMENCES 1:00 PM

Present: Andrew Fletcher (Chair), Phil Burgett, Cr Jacqui Rudge

In Attendance: Leanne Smith (Intentus), Shephard Shambira (IA), Manager Financial Services, Manager Corporate Governance, Monique Bartley (Audit Office) by telephone.

APOLOGIES

2 APOLOGIES

RESOLVED: That the apologies from Cr Hanger, Cr Bourke and the General Manager be accepted and leave of absence granted.

DECLARATION OF INTEREST

3 DECLARATION OF INTEREST 11.00002

Nil.

REPORT OF PREVIOUS MEETING

4 Item 1 MINUTES - AUDIT & RISK MANAGEMENT COMMITTEE - 26 SEPTEMBER 2018 (07.00096)

MOVED P Burgett and **SECONDED** A Fletcher

RESOLVED: That the Minutes of the Audit & Risk Management Committee Meeting held on 26 September 2018 be adopted.

RISK MANAGEMENT

5 Item 1 ENTERPRISE RISK MANAGEMENT PLAN - STRATEGIC RISK REGISTER (DIRECTOR CORPORATE SERVICES & FINANCE) (07.00096)

MOVED Cr J Rudge and **SECONDED** P Burgett

The Manager Technical Services gave a presentation on Flood Management.

RESOLVED: That:

(a) the information be noted; and

(b) the Committee thank the Manager Technical Services for the presentation.

6 Item 2 SECOND CIRCUIT DEVELOPMENT - MOUNT PANORAMA (DIRECTOR ENGINEERING SERVICES) (36.00631)

MOVED P Burgett and **SECONDED** Cr J Rudge

RESOLVED: That:

- (a) the information be noted;
- (b) the Committee ask the Director Engineering Services to do a presentation for the next meeting; and
- (c) organise a potential site visit for the location of the second circuit.

INTERNAL AUDIT REPORTS & COMPLIANCE

7 Item 1 INTERNAL AUDIT PROGRAM - STATUS REPORT (INTERNAL AUDITOR) (07.00096)

MOVED Cr J Rudge and **SECONDED** P Burgett

RESOLVED: That:

- (a) the information be noted; and
- (b) the Committee recommends Council include an audit of Child Care Centre, Events Management, IT Processes and Business Continuity in the 3 year Audit Program

8 Item 2 INTERNAL AUDIT REVIEW - CORPORATE RISKS REGISTER REVIEW - RISK #18 - POLLUTION (INTERNAL AUDITOR) (07.00096)

MOVED P Burgett and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

9 Item 3 OPERATING PLAN ACTIONS REVIEW - 31 OCTOBER 2018 (DIRECTOR CORPORATE SERVICES & FINANCE) (16.00155)

MOVED P Burgett and **SECONDED** Cr J Rudge

RESOLVED: That the information be noted.

10 Item 4 ORDERS RAISED AFTER INVOICE DATE (DIRECTOR CORPORATE SERVICES & FINANCE) (07.00096)

MOVED P Burgett and **SECONDED** Cr J Rudge

RESOLVED: That:

- (a) the information be noted;
- (b) Council provide breakup of report to Audit Office and Committee; and
- (c) this item be placed on the agenda for the next meeting for Audit Office to respond.

11 Item 5 REVIEW OF INTERNAL AUDIT CHARTER (DIRECTOR CORPORATE SERVICES & FINANCE) (07.00096)

MOVED P Burgett and **SECONDED** Cr J Rudge

RESOLVED: That consideration of the review of IA Charter and ARMC Charter be deferred to the March 2019 meeting.

12 Item 6 ARMC - PURPOSE AND FUNCTION CHECKLIST (GENERAL MANAGER) (07.00096)

MOVED Cr J Rudge and **SECONDED** P Burgett

RESOLVED: That the information be noted.

GENERAL BUSINESS

13 Item 1 SITE VISIT OF COUNCIL FACILITIES (DIRECTOR CORPORATE SERVICES & FINANCE) (07.00096)

MOVED Cr J Rudge and **SECONDED** P Burgett

RESOLVED: That:

- (a) the information be noted; and
- (b) the next site visit be held at the location of the second circuit.

14 Item 1.01 EXTERNAL AUDIT ENGAGEMENT CLOSING REPORT (16.00034)

MOVED P Burgett and **SECONDED** Cr J Rudge

Leanne Smith gave an outline of report which was provided to Committee under separate cover.

RESOLVED: That:

- (a) the Engagement Closing Report be noted; and
- (b) management letter with response from Council be circulated out of session.

**BATHURST REGIONAL COUNCIL
CODE OF MEETING PRACTICE**

2019

Table of Contents

1	INTRODUCTION	3
2	MEETING PRINCIPLES	3
3	BEFORE THE MEETING.....	3
4	PUBLIC FORUMS.....	7
5	COMING TOGETHER.....	9
6	THE CHAIRPERSON.....	12
7	MODES OF ADDRESS.....	13
8	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	14
9	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS.....	14
10	RULES OF DEBATE.....	16
11	VOTING.....	19
12	COMMITTEE OF THE WHOLE.....	20
13	DEALING WITH ITEMS BY EXCEPTION.....	21
14	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	22
15	KEEPING ORDER AT MEETINGS.....	25
16	CONFLICTS OF INTEREST.....	28
17	DECISIONS OF THE COUNCIL	28
18	AFTER THE MEETING.....	30
19	COUNCIL COMMITTEES.....	31
20	IRREGULARITIES	35
21	DEFINITIONS	36

1 INTRODUCTION

This Code of Meeting Practice for Bathurst Regional Council is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

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

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of Council will commence at 6:00pm on the third Wednesday of each month, except that the December meeting will be held on the second Wednesday, and the January meeting will be held on the first Wednesday in February.

3.2 An Ordinary meeting of Council will be held, if required, on the first Wednesday of each month. This meeting will commence at 6:30pm or immediately following the Policy Committee and will include matters considered urgent by the Mayor, Councillors or General Manager and Reports of Officers to facilitate decision making.

- 3.3 Council may change the time or date of any particular meeting, by resolution at a preceding meeting, without prior notice being given.

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

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

Note: Clause 3.4 reflects section 366 of the Act.

Notice to the public of council meetings

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

Note: Clause 3.5 reflects section 9(1) of the Act.

- 3.6 For the purposes of clause 3.5, 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.

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

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.

Note: Clause 3.8 reflects section 367(1) of the Act.

- 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.

Note: Clause 3.9 reflects section 367(3) of the Act.

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.

Note: Clause 3.10 reflects section 367(2) of the Act.

Giving notice of business to be considered at council 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 eight (8) business days 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.
- 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 report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.14 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion.

Questions with notice

- 3.15 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.
- 3.16 A councillor is not permitted to ask a question with notice under clause 3.15 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 3.15 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.18 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.

- 3.19 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.11.
- 3.20 Nothing in clause 3.19 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.21 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.22 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.22 reflects section 9(2A)(a) of the Act.

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

Availability of the agenda and business papers to the public

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

Note: Clause 3.24 reflects section 9(2) and (4) of the Act.

- 3.25 Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.25 reflects section 9(2A)(b) of the Act.

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

Note: Clause 3.27 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

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

4 PUBLIC FORUMS

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

- 4.2 Public forums are to be chaired by the mayor or their nominee.
- 4.3 Nominated candidates at federal, state or local government elections are not permitted to speak at a public forum.
- 4.4 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.5 Each speaker will be allowed four (4) minutes to address the council, with a one (1) minute warning sounded at three (3) minutes. This time is to be strictly enforced by the chairperson.
- 4.6 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.7 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.8 Speakers are under no obligation to answer a question put under clause 4.7. Answers by the speaker, to each question are to be limited to one (1) minute.
- 4.9 Speakers at public forums cannot ask questions of the council, or councillors. Questions may be asked of council staff. Questions of council staff may be taken on notice with a response being provided subsequent to the meeting.
- 4.10 The general manager or their nominee may, with the concurrence of the chairperson, address the council in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.11 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.12 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.13 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.12, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.14 Clause 4.13 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.15 Where a speaker engages in conduct of the type referred to in clause 4.12, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.16 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

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

5 COMING TOGETHER

Attendance by councillors at meetings

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

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

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

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

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

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

The quorum for a meeting

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

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

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

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

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

- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of

councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), 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 3.4.

Entitlement of the public to attend council meetings

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

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

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

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

Note: Clause 15.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

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

Note: Council will be required to webcast meetings from 14 December 2019.

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

- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for one (1) year. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the general manager and other staff at meetings

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

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

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

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

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

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

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

6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

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

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

Chairperson to have precedence

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

7 MODES OF ADDRESS

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

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an ordinary meeting of the council shall be:

1. Opening of meeting
2. Prayer
3. Acknowledgement of country
4. Apologies and applications for a leave of absence by councillors
5. Confirmation of minutes
6. Disclosures of interests
7. Mayoral minute(s)
8. Receive and Deal with General Manager's and Directors' Reports
9. Reports of committees
10. Notices of motions/Questions with notice
11. Rescission Motions
12. Councillor/Delegates Reports
13. Confidential matters
14. Conclusion of the meeting

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

Note: Part 13 allows council to deal with items of business by exception.

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

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 chairperson to preside at the meeting, or
- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
- (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

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

Staff reports

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

Reports of committees of council

- 9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

- 9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.11 and 3.15.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.11 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 chairperson, move the motion at the meeting, or

- (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

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

Amendments to motions

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

- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

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

Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of councillors

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

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

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

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

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

Voting at council meetings

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

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

Voting on planning decisions

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

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

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

12 COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

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

12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.

13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

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

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

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

Matters to be considered when closing meetings to the public

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

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

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.

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

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

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

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

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

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

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

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.22 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

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

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

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

14.11 Where the matter has been identified in the agenda of the meeting under clause 3.22 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 12 noon before the meeting at which the matter is to be considered.

14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than five (5) 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 3.22 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than five (5) speakers to make representations in such order as determined by the chairperson.

14.17 Each speaker will be allowed two (2) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

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

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

Resolutions passed at closed meetings to be made public

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

15 KEEPING ORDER AT MEETINGSPoints of order

- 15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

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

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction

- of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

15.12 The chairperson may require a councillor:

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

How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

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

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

15.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

- 15.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.22 Any person who contravenes or attempts to contravene clause 15.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16 CONFLICTS OF INTEREST

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

17 DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 17.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

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

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.11.

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

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

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

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

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

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

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.12 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 12 noon on the first working day after the meeting at which the resolution was adopted.

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

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

18 AFTER THE MEETING

Minutes of meetings

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

Note: Clause 18.1 reflects section 375(1) of the Act.

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

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

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

Note: Clause 18.3 reflects section 375(2) of the Act.

18.4 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.

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

Note: Clause 18.5 reflects section 375(2) of the Act.

18.6 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.

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

Access to correspondence and reports laid on the table at, or submitted to, a meeting

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

Note: Clause 18.8 reflects section 11(1) of the Act.

- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 18.9 reflects section 11(2) of the Act.

- 18.10 Clause 18.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 18.10 reflects section 11(3) of the Act.

- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

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

Note: Clause 18.12 reflects section 335(b) of the Act.

19 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

- 19.2 The council may, by resolution, establish such committees as it considers necessary.
- 19.3 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.
- 19.4 The quorum for a meeting of a committee of the council is to be:
- (a) such number of members as the council decides, or
 - (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

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

Notice of committee meetings

19.6 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.

19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

19.8 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.

19.9 Clause 19.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

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

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

Chairperson and deputy chairperson of council committees

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

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

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

19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the

committee must elect a member of the committee to be acting chairperson of the committee.

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

Procedure in committee meetings

- 19.15 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.
- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 19.15.
- 19.17 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).

Closure of committee meetings to the public

- 19.18 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.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 19.19 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

- 19.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 19.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.24 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.
- 19.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 19.26 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.
- 19.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

Timing of Policy Committee meetings

- 19.28 Policy Committee meetings of council will commence at 6:00pm on the first Wednesday of each month except for January, where no meeting is held.

Order of Business of Policy Committee meetings

- 19.29 The general order of business for a Policy Committee meeting of the council shall be:
1. Opening of meeting
 2. Apologies
 3. Confirmation of minutes
 4. Disclosures of interest
 5. Mayor's reports
 6. General Manager's and Directors' reports
 7. General business
 8. Discussion forum
 9. Conclusion of meeting

- 19.30 The order of business as fixed under clause 19.29 may be altered for a particular policy committee meeting of council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 19.31 Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 19.30 may speak to the motion before it is put.

20 IRREGULARITIES

- 20.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
 - (b) a failure to give notice of the meeting to any councillor or committee member, or
 - (c) any defect in the election or appointment of a councillor or committee member, or
 - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
 - (e) a failure to comply with this code.

Note: Clause 20.1 reflects section 374 of the Act.

21 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 19.11 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 19.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
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 clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June