

Policies (to be placed on exhibition)

- Code of Meeting Practice
- Community Gardens
- Events
- Extinguishment of Easement
- Land Acquisition and Disposal
- Transfer of Crown Roads to Council
- Water Usage Charging Policy
- Property - Use by Community Organisations

Policy name	Code of Meeting Practice
Responsible manager(s)	General Manager
Contact officer(s)	Executive Support, Public Officer
Directorate	Office of the General Manager
Approval date	
Community Strategic Plan	7. We are an engaged and connected community 8. We work together to achieve our goals
Delivery Program	Office of the General Manager
Operational Plan	Ensure Council meetings are delivered to requirements of the Code of Meeting Practice

TABLE OF CONTENTS

INTRODUCTION	5
APPLICATION AND INTERPRETATION	5
GUIDE TO REFERENCES IN THIS CODE.....	6
PART 1 - THE CODE OF MEETING PRACTICE	7
1.1 APPLICATION OF THE CODE	7
1.2 PREPARATION OF THE CODE OF MEETING PRACTICE	7
1.3 ADOPTION AND AMENDMENT OF THE CODE.....	7
1.4 PUBLIC AVAILABILITY OF THE CODE	8
PART 2 - BEFORE COUNCIL MEETINGS.....	8
2.1 FREQUENCY AND TIMING OF MEETINGS.....	8
2.2 NOTICE OF MEETINGS TO COUNCILLORS.....	9
2.3 NOTICE FOR EXTRAORDINARY MEETING	9
2.4 PUBLIC NOTICE OF MEETINGS.....	10
2.5 COUNCILLOR BRIEFINGS.....	10
2.6 COUNCIL WORKSHOPS.....	11
PART 3 - QUORUM AND ATTENDANCE.....	12
3.1 QUORUM FOR A MEETING.....	12
3.2 COUNCILLOR PRESENCE AT COUNCIL MEETINGS	12
3.3 QUORUM NOT PRESENT	12
3.4 COUNCILLOR ATTENDANCE AT MEETINGS	13
3.5 APPLICATION FOR LEAVE OF ABSENCE	14
3.6 MEETING ATTENDANCE WHILE ON LEAVE OF ABSENCE	14
3.7 WHO IS ENTITLED TO ATTEND COUNCIL MEETINGS.....	14
3.8 ATTENDANCE OF GENERAL MANAGER	15
3.9 ATTENDANCE OF COUNCIL EMPLOYEES	15
PART 4 - PRESIDING AT MEETINGS OF COUNCIL	15
4.1 PRESIDING AT MEETINGS OF THE COUNCIL.....	15

4.2 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS.....	16
4.3 CHAIRPERSON TO HAVE PRECEDENCE.....	16
4.4 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS	16
4.5 RECOGNITION OF CHAIRPERSON	16
4.6 MODE OF ADDRESS	17
PART 5 - MEETING AGENDA AND BUSINESS	18
5.1 ORDER OF BUSINESS	18
5.2 AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS	19
5.3 DISTRIBUTION OF BUSINESS PAPERS AND PUBLIC NOTICE OF MEETINGS.....	19
5.4 DISTRIBUTION OF OTHER MATERIALS	20
5.5 GIVING NOTICE OF BUSINESS.....	20
5.6 DEALING WITH MATTERS WITHOUT NOTICE.....	21
5.7 MAYORAL MINUTE	21
5.8 AGENDA FOR EXTRAORDINARY MEETINGS	22
5.9 DEALING WITH MATTERS WITHOUT NOTICE AT AN EXTRAORDINARY MEETING.....	22
5.10 MEMBERS OF THE PUBLIC ADDRESSING COUNCIL (PUBLIC FORUM)	22
5.11 PUBLIC ACCESS SESSIONS.....	24
5.12 PUBLIC RECORDING OF MEETINGS PROHIBITED WITHOUT COUNCIL AUTHORITY....	25
5.13 AUDIO-VISUAL RECORDING OF MEETINGS BY COUNCIL EMPLOYEES.....	26
PART 6 - DECLARATIONS OF INTERESTS.....	26
6.1 PECUNIARY INTEREST	26
6.2 INTERESTS THAT DO NOT REQUIRE DISCLOSURE	26
6.3 DETERMINING WHO HAS A PECUNIARY INTEREST	28
6.4 DISCLOSURE OF PECUNIARY INTERESTS AND PRESENCE IN MEETINGS.....	28
6.5 SUFFICIENT GENERAL DISCLOSURE	29
6.6 DISCLOSURE OF NON-PECUNIARY INTERESTS	29
6.7 DISCLOSURE BY ADVISER.....	30
6.8 CIRCUMSTANCES WHERE DISCLOSURE RULES ARE NOT BREACHED	30
6.9 DISCLOSURE TO BE RECORDED IN MINUTES	30
6.10 MATTERS FOR TABLING – PECUNIARY INTERESTS.....	30
PART 7 - QUESTIONS TO COUNCILLORS AND EMPLOYEES.....	30
7.1 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES.....	30
7.2 QUESTIONS ON NOTICE	31
7.3 MATTERS FOR TABLING – PETITIONS.....	32
PART 8 - MOTIONS	33
8.1 NOTICES OF MOTION	33
8.2 NOTICE OF MOTION - ABSENCE OF MOVER	34
8.3 MOTIONS TO BE SECONDED	34

8.4 SPEAKING TO MOTIONS	34
8.5 SPEAKING TO A MISREPRESENTATION OR MISUNDERSTANDING.....	35
8.6 VARIATIONS TO MOTIONS	35
8.7 VARIATIONS TO MOTIONS BY CONSENT.....	35
8.8 AMENDMENTS TO MOTIONS.....	35
8.9 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED	36
8.10 FORESHADOWED MOTIONS	37
8.11 MOTIONS WITHOUT NOTICE	37
PART 9 - PROCEDURAL MOTIONS.....	37
9.1 GENERAL PROCEDURAL MOTIONS.....	37
9.2 POINT OF ORDER.....	37
9.3 MOTIONS OF DISSENT	38
9.4 PUTTING THE MOTION OR AMENDMENT	38
9.5 USE OF ELECTRONIC OVERHEAD SCREEN	39
PART 10 - ORDER AT MEETINGS	39
10.1 OBSERVE THE CODE OF CONDUCT AND CODE OF MEETING PRACTICE	39
10.2 QUESTIONS OF ORDER	39
10.3 ACTS OF DISORDER.....	39
10.4 DEALING WITH DISORDER AT MEETINGS	41
10.5 EFFECT OF EXPULSION	41
10.6 WARNING TO COUNCILLORS.....	41
10.7 POWER TO REMOVE PERSONS FROM COUNCIL MEETING.....	42
10.8 THE USE OF ELECTRONIC EQUIPMENT DURING MEETINGS	42
PART 11 - ADJOURNMENT OF MEETINGS	42
11.1 MOTION TO ADJOURN MEETING	42
11.2 AMENDMENT TO MOTION TO ADJOURN MEETING.....	43
11.3 RECONVENING AN ADJOURNED MEETING	43
PART 12 - CLOSED MEETINGS.....	43
12.1 GROUNDS TO CLOSE MEETINGS	43
12.2 LIMITATIONS TO CLOSING MEETINGS	44
12.3 DISCUSSION OF LEGAL MATTERS.....	44
12.4 MOTIONS TO CLOSE OTHER PARTS OF A MEETING.....	44
12.5 MATTERS OF PUBLIC INTEREST	45
12.6 DEPARTMENT GUIDELINES FOR MEETING CLOSURE.....	45
12.7 REPRESENTATION BY PUBLIC BEFORE A COUNCIL MEETING IS CLOSED	45
12.8 SPECIFYING GROUNDS FOR CLOSING MEETINGS	45
12.9 NOTICE OF CLOSURE NOT REQUIRED IN URGENT CASES	46
12.10 RESOLUTIONS TO BE MADE PUBLIC.....	46

PART 13 - VOTING AND DECISIONS OF COUNCIL.....	46
13.1 DECISIONS OF THE COUNCIL	46
13.2 VOTING ENTITLEMENTS OF COUNCILLORS AND CHAIRPERSON'S CASTING VOTE	46
13.3 ABSTENTIONS TO BE COUNTED	47
13.4 DIVISIONS	47
13.5 INVALIDATION OF COUNCIL PROCEEDINGS.....	48
13.6 RESCINDING OR ALTERING RESOLUTIONS OF THE COUNCIL.....	48
13.7 RESCISSION OF RESOLUTIONS GRANTING DEVELOPMENT CONSENT.....	50
PART 14 - COMMITTEES OF COUNCIL	50
14.1 COMMITTEE OF THE WHOLE	50
14.2 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEE OF THE WHOLE	51
14.3 VOTING PROCEDURE IN COMMITTEE OF COUNCIL.....	52
14.4 DISORDER IN COMMITTEE OF COUNCIL	52
14.5 CERTAIN PERSONS MAY BE EXPELLED FROM COMMITTEE MEETING.....	52
14.6 REPORTS OF COMMITTEES	52
PART 15 – AFTER THE MEETING	52
15.1 MAKING AND ACTING ON COUNCIL DECISIONS	53
15.2 GENERAL MANAGER REQUIRED TO ACT ON COUNCIL DECISIONS.....	53
15.3 PUBLIC AVAILABILITY OF DECISIONS	53
PART 16 - MINUTES AND ACCESS TO INFORMATION	53
16.1 KEEPING OF MINUTES	53
16.2 MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETING.....	53
16.3 MINUTES FOR CLOSED MEETINGS	54
16.4 INSPECTION OF THE MINUTES OF A COUNCIL MEETING.....	55
16.5 CONFIRMATION OF MINUTES	55
16.4 PUBLIC ACCESS TO CORRESPONDENCE AND REPORTS	55
PART 17 – DISCLOSURE AND MISUSE OF INFORMATION	55
17.1 DISCLOSURE AND MISUSE OF INFORMATION	55
17.2 HANDLING AND CIRCULATION OF CONFIDENTIAL INFORMATION	56
PART 18 - COUNCIL SEAL.....	56
DEFINITIONS.....	58
GOVERNANCE	59
SUPPORTING DOCUMENTS	59
RELATED LEGISLATION, POLICIES, CODES, AND GUIDELINES	59
RELATED EXTERNAL REFERENCES	60
REVIEW	60
CHANGE HISTORY	60

APPENDIX "A" ORDINARY MEETINGS OF COUNCIL	63
APPENDIX "B" GUIDELINES FOR PUBLIC ADDRESS TO COUNCIL	65
APPENDIX "C" REGISTRATION TO ADDRESS COUNCIL ON AGENDA ITEMS	67
APPENDIX "D" THE ROLE OF CHAIRPERSON	68
APPENDIX "E" MOTIONS, AMENDMENTS AND FORESHADOWED MOTIONS	69
APPENDIX "F" CALLING A POINT OF ORDER	71
APPENDIX "G" CLOSURE OF MEETINGS	72
APPENDIX "H" GUIDE TO COUNCIL MEETINGS	73
APPENDIX "I" CONDUCT OF ON-SITE INSPECTIONS.....	74
APPENDIX "J" GUIDE FOR PREPARING AND SUBMITTING A PETITION.....	75

The Code of Meeting Practice

Introduction

The objectives of Eurobodalla Shire Council's Code of Meeting Practice are to ensure that:

- all meetings of Council are conducted in an orderly, consistent and efficient manner;
- all meetings of Council are conducted according to the principles of procedural fairness and due process;
- all councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
- opportunities for community engagement are provided through Council meetings;
- all councillors, Council employees and members of the public fully understand their rights and obligations as participants in meetings of Council; and
- proceedings are transparent and understandable to all persons participating in and observing meetings of Council.

Application and interpretation

This Code may be cited as the Eurobodalla Shire Council Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the *Local Government Act 1993* (the Act or LGA), the *Local Government (General) Regulation 2005* (Regulation or Reg), the NSW Office of Local Government (OLG) *Practice Note 16: Meetings* (OLGPN16) and the Objectives of this Code.

This Code shall apply to all Council meetings (including meetings where the Council has resolved itself into a 'committee of the whole' under section 373 of the Act), and to any meetings of committees comprising of all councillors which have been appointed pursuant to clause 260 of the Regulation.

Other committees comprising of councillors and Council employees or community members (including Boards) may adopt this Code or variations at their discretion.

This Code consolidates provisions in relevant sections of the Act and Regulation, along with Supplementary Provisions which have been adopted by this Council, consistent with the Act and Regulation. This Code should be read in conjunction with related legislation, Codes of Practice, guidelines and internal policies.

Guide to references in this Code

This Code makes reference to relevant clauses and sections of the Act, Regulation, OLG Practice Note (PN) 16 and the Council's own supplementary provisions.

The Act or Regulation may be directly quoted, or Council's practical interpretation of the Act or Regulation described.

The 'Practice' notes in this Code are intended to be explanatory and advisory notes only, in order to assist with the understanding of the relevant provisions. For the avoidance of doubt, the Practice sections do not form part of the Code and should not be used to construe a particular provision of the Code.

The Appendices in this Code are intended to be explanatory and advisory documents only, in order to assist with the understanding and application of the Code. For the avoidance of doubt, the Appendices do not form part of the Code and should not be used to construe a particular provision of the Code.

Defined terms are included in the [Definitions section](#) of this Code at page 58.

References to all relevant clause or section numbers in the Act, Regulation or OLG PN16 are included in this Code, as follows:

Clause	generally refers to clauses within this Code (unless referencing a specifically quoted clause number from the Act or Regulation)
LGA Sec X	refers to the <i>Local Government Act 1993</i> , Section No. X
Reg X	refers to the <i>Local Government (General) Regulation 2005</i> , Regulation No. X
OLG PN16 X	refers to the <i>OLG Practice Note 16 (Meetings)</i> , clause no. X
Supp Prov	refers to Supplementary Provisions adopted by Eurobodalla Shire Council
Practice	an advisory/explanatory note clarifying how the Code is put into practice

1.0	PART 1 - THE CODE OF MEETING PRACTICE
1.1	<p>1.1 Application of the Code</p> <p>Conduct of meetings of Council</p> <p>(1) The Regulation may make provision with respect to the conduct of meetings of Councils and committees of Councils of which all members are Councillors.</p> <p>(2) Council may adopt a Code of Meeting Practice that incorporates the regulations made for the purposes of this section, and supplement those regulations with provisions that are not inconsistent with them.</p> <p>(3) Council and a committee of Council of which all members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by it.</p> <p style="text-align: right;">LGA Sec 360</p> <p>(4) This Code constitutes the Council's Code of Meeting Practice which has been adopted in accordance with section 360 of the Act.</p> <p style="text-align: right;">Supp Prov</p>
	<p>1.2 Preparation of the Code of Meeting Practice</p> <p>Preparation, public notice and exhibition of draft Code</p> <p>(1) Before adopting a Code of Meeting Practice, Council must prepare a draft Code.</p> <p>(2) The Council must give public notice of the draft Code after it is prepared.</p> <p>(3) The period of public exhibition must not be less than 28 days.</p> <p>(4) The public notice must also specify a period of not less than 42 days after the date on which the draft Code is placed on public exhibition during which submissions may be made to the Council.</p> <p>(5) The Council must publicly exhibit the draft Code in accordance with its notice.</p> <p style="text-align: right;">LGA Sec 361</p>
1.3	<p>1.3 Adoption and Amendment of the Code</p> <p>Adoption of draft Code</p> <p>(1) After considering all submissions received by it concerning the draft Code, the Council may decide:</p> <p style="padding-left: 20px;">(a) to amend those provisions of its draft Code that supplement the regulations made for the purposes of section 360 of the Act (see Clause 1.1), or</p> <p style="padding-left: 20px;">(b) to adopt the draft Code as its Code of Meeting Practice.</p> <p>(2) If the Council decides to amend its draft Code, it may publicly exhibit the amended draft in accordance with this Division (Part 1 of this Code) or, if the Council is of the opinion that the Amendments are not substantial, it may adopt the amended draft Code without public exhibition as its Code of Meeting Practice.</p> <p style="text-align: right;">LGA Sec 362</p> <p>Amendment of the Code</p> <p>(3) Council may amend a Code adopted under Part 1 of this Code by means only of a Code so adopted.</p> <p style="text-align: right;">LGA Sec 363</p> <p>Revision of the Code</p> <p>(4) The Council authorises the General Manager to reissue the Code without public exhibition to incorporate any amendments to the Act or Regulation, and where Council is of the opinion that any minor amendments required are insubstantial.</p> <p style="text-align: right;">Supp Prov</p>

	<p>Practice</p> <ol style="list-style-type: none"> Changes that are made to the Act or Regulation will automatically be incorporated into this Code and these changes will not be advertised, placed on public exhibition or reported to Council. Any further changes to the Code adopted by Council must be prepared, notified, exhibited and adopted in accordance with the provisions of s.360, 361, 362 & 364 of the Act.
1.4	<p>1.4 Public availability of the Code</p> <ol style="list-style-type: none"> This Code must be available for public inspection free of charge at the office of the Council during ordinary office hours. Copies of the Code must be available free of charge or, if the Council determines, on payment of the approved fee. <p style="text-align: right;">LGA Sec 364</p>
2.0	<p>PART 2 - BEFORE COUNCIL MEETINGS</p>
2.1	<p>2.1 Frequency and timing of Meetings</p> <p>Frequency of Council meetings Council is required to meet at least 10 times each year, each time in a different month. LGA Sec 365</p> <p>Dates and times</p> <ol style="list-style-type: none"> Council adopts an annual schedule of dates for Ordinary Council meetings. Council will recess during January. Ordinary Council meetings occur on Tuesdays. Ordinary Council meetings will be held on the 2nd and 4th Tuesday of each month. Ordinary Council meetings will commence at 10.00am and conclude by 2.00pm, with the potential to extend by one hour to 3.00pm if Council resolves. This commencement time may vary for particular meetings if Council resolves. Extraordinary meetings of Council will be held as and when required. <p style="text-align: right;">Supp Prov</p> <p>Practice</p> <ol style="list-style-type: none"> Appendix "A" sets out a summary guide to Ordinary Council meetings. Where four or more councillors indicate their intention to attend a seminar (or the like) which would conflict with a Council meeting, the date of that meeting may be altered by resolution of Council to ensure availability of the maximum number of councillors possible. (See Part 11 - Adjournment of meetings.) Council resolved on 10 Sept 2013 to conduct its Ordinary meetings from 4.30 to 9pm for a trial period of 6 months, then extended to 12 months. On conclusion of the trial and feedback from the community, Council resolved that its Ordinary meetings would return to being held earlier in the day, scheduled from 10.00am to 2.00pm with the potential to extend by one more hour to 3.00pm if required.

2.2	<p>2.2 Notice of meetings to councillors</p> <p>(1) The General Manager of the Council must send to each councillor, at least three (3) days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.</p> <p style="text-align: right;">LGA Sec 367(1)</p> <p>Days of Notice</p> <p>(2) Business papers for Ordinary Council meetings shall be distributed to councillors by the Wednesday prior to the meeting day.</p> <p>(3) The day of issue and the day of the meeting are not to be counted as days of notice (sect. 36 <i>Interpretations Act 1987</i>).</p> <p style="text-align: right;">Supp Prov</p> <p>Form of Notice</p> <p>(4) The notice and business proposed for the meeting may be given to councillors in electronic form.</p> <p>(5) In addition to the meeting cycle adopted, Council may resolve to hold additional meetings as considered necessary.</p> <p>(6) Additional meetings of Council convened by resolution of Council are subject to the five days' notice rule and must also be advertised in accordance with Clause 2.4 of this Code of Meeting Practice.</p> <p>(7) Circumstances may necessitate the distribution of reports after the time specified in subclause (2) above. Any such late reports, where possible, will be delivered to councillors prior to the commencement of the meeting.</p> <p>(8) Where the General Manager determines that a late report is necessary, all endeavours will be made to give public notice of the late report including placing the report on the Council website and making copies available at the meeting.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice</p> <p>1. Reports determined by the General Manager to be confidential in nature (refer Clause 12.1 (2) (sect.10A (2) of the Act) will be included in the business paper and these reports shall be marked appropriately as "confidential" items.</p>
2.3	<p>2.3 Notice for Extraordinary Meeting</p> <p>Calling of Extraordinary meeting on request by councillors</p> <p>(1) If the Mayor receives a request in writing signed by at least two councillors, the Mayor must call an Extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request.</p> <p style="text-align: right;">LGA Sec 366</p> <p>Notice of Extraordinary meetings</p> <p>(2) Notice of less than three days may be given of an Extraordinary meeting called in an emergency.</p> <p style="text-align: right;">LGA Sec 367(2)</p> <p>(3) Where practicable, Council will provide three days' notice to councillors and the community of a proposed Extraordinary Council meeting.</p> <p>(4) If an Extraordinary Council meeting is called in an emergency, a minimum of one days' notice will be provided to councillors and the community.</p> <p>(5) The notice will be posted on the Council website and the noticeboard in the Customer Service Centre foyer, 89 Vulcan Street, Moruya.</p> <p style="text-align: right;">Supp Prov</p>

	<p>Practice</p> <ol style="list-style-type: none"> 1. The Mayor must call an Extraordinary meeting of the Council on any matter or matters considered necessary in accordance with Clause 2.3 of this Code. 2. The Mayor in consultation with the General Manager must determine the time and place of an Extraordinary meeting called in accordance with Clause 2.3 (1). 3. The General Manager can give notice of less than three days of an Extraordinary meeting called in an emergency. The Act does not define emergency. It could cover things other than natural disasters, states of emergency, or urgent deadlines that must be met. Initially, the General Manager will decide what an “emergency” is (see OLG PN16 1.2.3). 4. Extraordinary meetings are not only held in “extraordinary” circumstances, but are usually held to deal with special business or in the exceptional circumstance where there is so much business to be dealt with that an additional meeting is required (see OLG PN16 and Reg 242).
<p>2.4</p>	<p>2.4 Public notice of meetings</p> <p>Public notice of meetings</p> <ol style="list-style-type: none"> (1) Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all members are Councillors. LGA Sec 9(1) (2) A notice of a meeting of Council must be published in a newspaper circulating in the area before the meeting takes place. (3) The notice must specify the time and place of the meeting. (4) Notice of more than one meeting may be given in the same notice. (5) This clause (these public notice requirements) does not apply to an Extraordinary meeting of Council or a committee. Reg 232(2)-(5) (6) Public notices of upcoming Ordinary meetings and public workshops will be placed in the local newspapers, displayed on the Council website, and on the noticeboard in the Customer Service Centre foyer, 89 Vulcan Street, Moruya. The notice will specify the time, location and date of Ordinary meetings and public workshops. (7) To ensure the community has sufficient time to determine when and where Ordinary meetings and public workshops are held, such a notice will be published and displayed on the Wednesday immediately prior to such meetings. Supp Prov <p>Practice</p> <ol style="list-style-type: none"> 1. Business Papers for Ordinary Council meetings will be available on Council’s website from the Wednesday prior to the meeting. 2. Copies of the agenda and business paper will also be available in the public gallery prior to the meeting. 3. Agendas for Extraordinary meetings will be made available as soon as is possible, and no later than 9.00am on the day of the meeting.
<p>2.5</p>	<p>2.5 Councillor briefings</p> <ol style="list-style-type: none"> 1) Council has resolved to hold councillor briefings on the 1st and 3rd Tuesday of each month, from the date of adoption of this Code. 2) Briefings are informal gatherings intended to provide useful background information to councillors, develop councillor knowledge and expertise, and assist

<p>2.5</p>	<p>their role as public officials. Briefings generally include an information session and/or a discussion group.</p> <ol style="list-style-type: none"> 3) Briefings will involve all councillors and relevant Council employees, and may involve invited participants where necessary. There is no obligation on councillors to attend briefings, but they are invited to and expected to attend every briefing. 4) Briefing papers contain information but no recommendations. 5) No recommendations are to be put to, and no agreement sought from, the councillors or other participants in the course of the briefing. General consensus on any options may be expressed by the participants. 6) No decision-making process can form part of any particular briefing. Briefings do not have any decision-making authority or powers and are merely a means to enable councillors to bring an informed mind to the appropriate decision-making forum. 7) Briefings should not be used for transaction of Council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, must be left to the open forum of a formal Council meeting. 8) Briefings are not formal meetings of Council and are therefore not constrained to the provisions of this Code for the conduct of such. 9) Matters for discussion will be provided via the councillors online document system but will not be deemed 'an Agenda' under the provisions of this Code. 10) Any information or briefing papers shall be given to all councillors. 11) As briefings are not meetings of the Council (or committees made up of councillors only), the attendance entitlements of the public do not apply. 12) The non-disclosure provisions of Clause 17.1 (sect. 664(1) and 664(2) of the Act) apply to briefings but, because they cannot be closed under sect. 10A of the Act, the confidentiality provisions of sect. 664(1A) and 664(1B) do not apply. 13) The provisions of this Code regarding pecuniary and non-pecuniary conflicts of interest (see Part 6.0) apply to briefings conducted under this clause. <p style="text-align: right;">Supp Prov (ref. OLG PN16 Part 13 and 3.1.2)</p> <p>Practice</p> <ol style="list-style-type: none"> 1. Where briefing sessions are held (particularly in relation to development applications or business enterprises), Council needs to remember its obligations and responsibilities under its Code of Conduct and community perceptions in terms of transparency of process. (ref. OLG PN16 13.3.3) 2. A councillor who has a pecuniary interest in any matter with which the Council is concerned should not be present at any discussion of that matter (see Clause 6.4 and sect. 451 of the Act). This exclusion is from all discussions on the matter, not just discussions on a formulated Motion or a resolution on the matter (see OLG Circular to Councils No. 05-17). A councillor who has a pecuniary interest in a matter which is being discussed at a briefing of Council should therefore make a disclosure to the briefing as soon as practicable.
<p>2.6</p>	<p>2.6 Council workshops</p> <ol style="list-style-type: none"> (1) For equity in access to information, Council may hold workshops from time to time. Such workshops are informal gatherings to provide useful information to councillors and/or the public.

	<p>(2) Council workshops may involve councillors, Council employees and may involve invited participants where necessary. There is no obligation on councillors to attend workshops, but they are invited to every workshop.</p> <p>(3) Council may invite the public and/or media to attend workshops.</p> <p>(4) Workshop briefing papers contain information but no recommendations.</p> <p>(5) Any information given to a particular councillor for a workshop in the performing of their civic duties, must also be available to any other councillor who requests it.</p> <p>(6) No recommendations are to be put to, and no agreement sought from, the councillors or other participants in the course of the workshop.</p> <p>(7) No decision-making process can form part of any particular workshop.</p> <p>(8) Workshops are not formal meetings of Council and are therefore not constrained to the provisions of this Code for the conduct of such.</p> <p style="text-align: right;">Supp Prov (ref. OLG PN16 Part 13)</p>
3.0	PART 3 - QUORUM AND ATTENDANCE
	<p>3.1 Quorum for a Meeting</p> <p>The quorum for a meeting of the Council is a majority of the councillors of the Council who hold office for the time being and are not suspended from office.</p> <p style="text-align: right;">LGA Sec 368</p>
3.1	<p>Practice</p> <p>A quorum is the minimum number of councillors necessary to conduct a meeting. If a quorum is not present at any time during a meeting, then the meeting cannot continue until a quorum is achieved or restored. If a quorum cannot be achieved or restored, the meeting must be adjourned. (See Clause 3.3, Reg 233 and OLG PN16)</p>
	<p>3.2 Councillor presence at Council meetings</p> <p>A councillor cannot participate in a meeting of Council unless personally present at the meeting.</p> <p style="text-align: right;">Reg 235</p> <p>If a councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not raise their hand to vote on an issue, then their vote is taken as against the Motion.</p> <p style="text-align: right;">Supp Prov (ref. OLG PN16 2.1.2)</p>
3.2	<p>Practice</p> <ol style="list-style-type: none"> 1. A councillor shall only be present at a Council meeting whilst in the Council Chamber (or another designated venue). The area known as the Council Chamber includes the public gallery seating area. 2. A councillor is deemed not to have left the Chamber until they have passed through any of the three doors leading to it. 3. A councillor must be present in person at a Council meeting to vote, as per Clause 3.2 (Reg 235). There is no provision for proxy votes to be allowed at Council meetings. Councillors cannot participate in a meeting by videoconferencing or teleconference. 4. A councillor with a pecuniary interest in a matter cannot be present at, or in sight of, the meeting that is considering the matter or voting on it. (See OLG PN16)
3.3	<p>3.3 Quorum not present</p> <p>(1) A meeting of Council must be adjourned if a quorum is not present:</p> <ol style="list-style-type: none"> (a) within half an hour after the time designated for the holding of the meeting; or (b) at any time during the meeting.

3.3	<p>(2) In either case, the meeting must be adjourned to a time, date and place fixed:</p> <ul style="list-style-type: none"> (a) by the Chairperson; or (b) in his or her absence - by the majority of the councillors present; or (c) failing that, by the General Manager. <p>(3) 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.</p> <p style="text-align: right;">Reg 233</p> <p>(4) A councillor who is not capable of voting on the business before the council, by reason of having disclosed a pecuniary interest in a matter, is regarded as being absent from a meeting for the purpose of determining whether or not a quorum is present. (ref. OLG PN16 4.2.3)</p> <p>(5) A reconvened meeting, being for the purpose of completing unfinished business of the previous adjourned meeting, shall be deemed a continuation of that adjourned meeting and no new business shall be brought forward.</p> <p>(6) If during a meeting of Council, a quorum is not present, the Chairperson shall suspend the proceedings for a period of three minutes, to allow the return of any absent councillors. If a quorum is not then present at the end of the three-minute suspension, the provisions of this clause (Reg 233) shall apply.</p> <p>(7) The minutes of the meeting shall record the names of those councillors who have left the meeting, and the time at which they left the Council Chamber.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. Council meetings must be adjourned if a quorum is not present within half an hour after the meeting is due to start. 2. Where apologies have been received for a majority of councillors the meeting will immediately be adjourned to a date and time specified by the Chairperson. 3. Council cannot abandon a meeting before the time set for the meeting because of an anticipated lack of a quorum. There is no provision in the Act or the Regulation for a council meeting to be abandoned or cancelled. If notice of a meeting has been given, it must be held or at least opened. 4. While a Council meeting without a quorum can be opened, it cannot make any decisions (s.371 of the Act). 5. Councillors should avoid leaving a meeting with the intention of removing the quorum so that business cannot proceed, as this is a political misuse of the meeting procedure. (ref. OLG PN 16 4.2.7) 6. See OLG PN16 4.2 'Quorum at Meetings' for more information
3.4	<p>3.4 Councillor attendance at meetings</p> <p>Vacancy in a civic office</p> <p>(1) A civic office becomes vacant if the holder:</p> <ul style="list-style-type: none"> (a) dies, or (b) resigns the office by writing addressed to the general manager, or (c) is disqualified from holding civic office, or (d) is absent from 3 consecutive ordinary meetings of the council (unless the holder is absent because he or she has been suspended from office under this Act or because the council has been suspended under this Act) without: <ul style="list-style-type: none"> (i) prior leave of the council, or (ii) leave granted by the council at any of the meetings concerned, or

	<p>(e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or</p> <p>(f) becomes a mentally incapacitated person, or</p> <p>(g) is dismissed from civic office, or</p> <p>(h) ceases to hold the office for any other reason.</p> <p style="text-align: right;">LGA Sec 234(1)</p>
3.5	<p>3.5 Application for leave of absence</p> <p>(1) For the purposes of Clause 3.4(1)(d) (sect. 234(1)(d) of the Act), a councillor applying for a leave of absence from a meeting of Council does not need to make the application in person and the Council may grant such leave in the absence of that councillor.</p> <p style="text-align: right;">LGA Sec 234(2)</p> <p>(2) A councillor's application for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.</p> <p style="text-align: right;">Reg 235A(1)</p> <p>(3) A request for leave of absence by a councillor from a meeting should be made in writing to the General Manager. The written request should state the dates of the meetings the councillor is expected to be absent, together with the reasons for absence. Councillor leave of absence may be granted at the discretion of Council.</p> <p>(4) Leave of absence may be granted by the Council prior to the meeting, or at the meeting for which leave is requested.</p> <p style="text-align: right;">Supp Prov (ref. OLG PN16 4.1.3)</p> <p>Tendering an apology</p> <p>(5) Tendering an apology is not the same as applying for a leave of absence.</p> <p>(6) The tendering of an apology is an accepted convention by which those present at a meeting are notified that the councillor tendering the apology will not be attending the meeting. It is a form of courtesy to those attending the meeting. Its purpose is also to aid the efficient conduct of meetings by informing the Chairperson as to who will not be attending. This avoids delaying the opening of a meeting pending the arrival of such persons.</p> <p style="text-align: right;">Supp Prov (ref. OLG PN16 4.1.4)</p>
3.6	<p>3.6 Meeting attendance while on leave of absence</p> <p>(1) If the holder of a civic office attends a Council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future Council meeting.</p> <p>(2) Subsection (1) above does not prevent the Council from granting further leave of absence in respect of any future Council meeting.</p> <p style="text-align: right;">LGA Sec 234(3)-(4)</p> <p>(3) A councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days' notice of his or her intention to attend.</p> <p style="text-align: right;">Reg 235A(2)</p>
3.7	<p>3.7 Who is entitled to attend Council meetings</p> <p>(1) Except as provided by this Part:</p> <p>(a) everyone is entitled to attend a meeting of the Council and of those of its committees of which all members are Councillors; and</p>

	<p>(b) Council must ensure that all meetings of the Council and of such committees are open to the public.</p> <p>(2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the Council if expelled from the meeting:</p> <p>(a) by a resolution of the meeting; or</p> <p>(b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.</p> <p>(3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the Regulations. (See Clause 5.10, 5.11, 10.3, 10.4)</p> <p style="text-align: right;">LGA Sec 10</p>
3.8	<p>3.8 Attendance of General Manager</p> <p>(1) 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 members are councillors.</p> <p>(2) 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.</p> <p>(3) However, the General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.</p> <p style="text-align: right;">LGA Sec 376</p>
3.9	<p>3.9 Attendance of Council employees</p> <p>The General Manager shall arrange for the attendance of such Council employees as are considered necessary by the General Manager for the transaction of the notified Council business.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice</p> <ol style="list-style-type: none"> 1. The seating arrangements for a meeting may be determined by the Chairperson of the meeting. 2. A Council officer has not left the Council chamber until they have passed through one of the three doors to the Chamber. The area known as the Council Chamber includes the public gallery seating area.
4.0	<p>PART 4 - PRESIDING AT MEETINGS OF COUNCIL</p>
4.1	<p>4.1 Presiding at meetings of the Council</p> <p>Chairperson and Deputy Chairperson</p> <p>(1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at meetings of the Council.</p> <p>(2) If the Mayor and the Deputy Mayor are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the Council.</p> <p style="text-align: right;">LGA Sec 369</p> <p>Practice</p> <ol style="list-style-type: none"> 1. An election to be conducted in accordance with Clause 4.1 above (sect. 369(2) of the Act) as above shall be conducted by the General Manager or their nominee, and the vote shall be recorded in the minutes. 2. The Mayor as Chairperson or a councillor elected as Chairperson shall be empowered with the conduct of the Council meeting subject to the provisions of the Act, the Regulation and this Code. 3. The role of the Chairperson is explained in Appendix "D" The role of Chairperson.

4.2	<p>4.2 Councillor to be elected to preside at certain meetings</p> <p>(1) If no Chairperson is present at a meeting of 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 (refer to Clause 4.1(2) above which provides for a councillor to be elected to chair a meeting of Council when the Mayor/Deputy Mayor is not present).</p> <p>(2) The election must be conducted:</p> <p>(a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or</p> <p>(b) if neither of them is present at the meeting or there is no General Manager or designated employee – by the person who called the meeting or a person acting on his or her behalf.</p> <p>(3) If, at an election of a Chairperson, two 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.</p> <p>(4) For the purposes of subclause (3), the person conducting the election must:</p> <p>(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and</p> <p>(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.</p> <p>(5) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.</p> <p style="text-align: right;">Reg 236</p>
4.3	<p>4.3 Chairperson to have precedence</p> <p>When the Chairperson speaks during a meeting of a council:</p> <p>(a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and</p> <p>(b) every councillor present must be silent to enable the Chairperson to be heard without interruption.</p> <p style="text-align: right;">Reg 237</p> <p>Practice</p> <p>A Chairperson shall be heard without interruption and everyone should maintain silence while the Chairperson is speaking.</p>
4.4	<p>4.4 Chairperson's duty with respect to Motions</p> <p>(1) It is the duty of the Chairperson at a meeting of Council to receive and to put to the meeting any lawful Motion that is brought before the meeting.</p> <p>(2) The Chairperson must rule out of order any Motion that is unlawful or the implementation of which would be unlawful.</p> <p>(3) Any Motion, Amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.</p> <p style="text-align: right;">Reg 238</p> <p>Practice</p> <p>The Chairperson has the right to rule out of order any Motion on the ground that the proposed resolution would if implemented, involve a contravention of the law.</p>
4.5	<p>4.5 Recognition of Chairperson</p> <p>(1) In addressing Council, councillors and other persons addressing the Council shall at all times speak through the Chairperson.</p> <p>(2) Councillors and other persons addressing the Council shall at all times show appropriate respect and observe the ruling of the Chairperson.</p>

	<p>(3) A councillor, despite the clauses immediately above, may, through a Motion of Dissent, challenge a ruling from the Chairperson.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice</p> <p>A councillor or officer of Council shall address all remarks or questions, either through or to the Chairperson. This includes remarks or questions to Council employees, which the Chairperson will refer through the General Manager.</p>
4.6	<p>4.6 Mode of address</p> <p>(1) In addressing Council, councillors and other persons addressing the Council will use the appropriate mode of address to the Mayor, fellow councillors, General Manager, Council employees, and members of the public in attendance.</p> <p>(2) Councillors or officers of Council when in a Council meeting will address and speak of other councillors or officers by their official designation e.g. Mayor, Chairperson, Councillor, General Manager, Director etc.</p> <p>(3) Councillors must not make imputations of improper motives or personal reflections and must refrain from the use of defamatory, offensive or inappropriate words in reference to any councillors, employees of Council and members of the public, consistent with Council's Code of Conduct.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice</p> <ol style="list-style-type: none"> 1. The Chairperson is responsible for making sure that the Council carries out its meetings in accordance with the Code and any statutory requirements. One part of this is maintaining order at meetings. This would include requiring a councillor to apologise for insults, personal comments, or implying improper motives with respect to another councillor, Council employee or member of the public. The Chairperson may also call a councillor to order whenever they believe it is necessary to do so (Ref. OLG PN 16 2.12.2). 2. Councillors may need to speak freely and publicly in carrying out their duties but should be aware in terms of their participation at meetings of the laws in relation to defamation. Councillors may be sued for defamation for remarks made in meetings of Council or its committees. While the defences of qualified privilege or justification may attach for councillors acting within their official capacity at meetings of Council on business relevant to the Council, there is no absolute privilege in relation to Council proceedings of the kind which attaches to statements made in Parliamentary proceedings. 3. The law of defamation is primarily concerned with the protection of reputation and to provide a remedy for injury to reputation caused by any defamatory communication or publication. 4. A statement may be said to be defamatory if it is likely to cause the ordinary, reasonable member of the community to think less of the person concerned, or to shun or avoid them. 5. For a statement to be defamatory, its meaning must be communicated to a person other than the defamed person. This can be by spoken words, signs or gestures, writing, images, in person or by broadcast. 6. Councillors, Council employees and members of the public can seek legal compensation, apology etc., if they are defamed. 7. Councillors should be guided by their own legal advice on defamation issues. (Ref. OLG PN16 2.12.1)

5.0	PART 5 - MEETING AGENDA AND BUSINESS
5.1	<p>5.1 Order of Business</p> <p>(1) At a meeting of Council (other than an Extraordinary meeting), the general Order of Business is (except as provided by the Regulation) as fixed by this Code.</p> <p>(2) The Order of Business fixed under subclause (1) may be altered if a Motion to that effect is passed. Such a Motion can be moved without notice.</p> <p>(3) Despite Clause 8.4 Speaking to Motions (Reg 250), only the mover of a Motion referred to in subclause (2) may speak to the Motion before it is put.</p> <p style="text-align: right;">Reg 239</p> <p>The Order of Business followed at Council meetings is:</p> <ol style="list-style-type: none"> 1. Acknowledgement of Country 2. Welcome and evacuation message 3. Apologies 4. Public Forum 5. Confirmation of minutes of previous meetings 6. Disclosures of Interest 7. Mayoral minute 8. Notices of Motion 9. Notices of Rescission 10. Questions on Notice from councillors 11. Petitions 12. Reports 13. Delegates reports 14. Urgent business 15. Closed session of Council <p>(4) Meetings will commence at 10.00am with a break for lunch at 12.00pm, and conclude at 2.00pm, with a potential to extend by one hour to 3.00pm if so resolved; unless otherwise resolved by Council.</p> <p>(5) Council may after confirmation of the minutes of the previous meeting make a variation of the order of the business to bring forward in the proceedings any matter on the business paper for consideration. Such action may be achieved by a resolution to "suspend standing orders".</p> <p>(6) Only the mover of a Motion to suspend standing orders may speak to such a Motion. Further, there shall be no debate on the Motion.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. Standing orders may be suspended for many reasons including: to bring forward an item which is of particular interest to the public in attendance; or to hear a person previously granted special permission to address Council on a matter of business; and where an item within the business paper needs to be considered in conjunction with another item under a separate heading or any other circumstance allowed by the Chairperson. 2. Council meetings will conclude at 2.00pm (with potential extension to 3.00pm if required). Business not concluded by this time will be disposed of at a date time and place determined by the Council, or (if no other resolution is passed dealing with disposing of the unfinished business) included on the business paper for the next Council meeting. It is noted that the resolution is required to be passed prior to the scheduled closure time of the meeting, except where the meeting is in

	<p>closed session in which case the resolution is required upon the conclusion of the closed session.</p> <p>3. Public Forum for questions and presentations from the public relating to items on the agenda will generally be scheduled at the commencement of the Council meeting unless resolved otherwise by Council.</p>
5.2	<p>5.2 Agenda and business papers for Council meetings</p> <p>(1) The General Manager must send each councillor notice of the business to be dealt with at the upcoming meeting (refer to Clause 2.2 of this Code).</p> <p style="text-align: right;">OLG PN16 1.4.1</p> <p>(2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.</p> <p>(3) The General Manager must cause the agenda for a meeting of the Council to be prepared as soon as practicable before the meeting.</p> <p>(4) The General Manager must ensure that the details of any item of business to which sect. 9 (2A) of the Act applies (Clause 5.3) are included in a business paper for the meeting concerned.</p> <p>(5) Nothing in this clause limits the powers of the Chairperson under Reg 243 (Mayoral Minute).</p> <p style="text-align: right;">Reg 240 (2)-(5)</p>
	<p>Practice</p> <p>1. In accordance with Clause 5.2 above (Reg 240) and Clause 5.5, the General Manager decides the business of which due notice is to be given and therefore included in the Agenda for a meeting of Council.</p> <p>2. The Mayor and councillors are provided with business papers at the same time.</p> <p>3. Once the agenda for a meeting has been sent to councillors, an item of business on the agenda cannot be removed from the agenda prior to the meeting.</p> <p>4. Any items determined as confidential by the General Manager will be marked "Confidential" and listed at the end of the business paper. This will form the confidential business paper for the meeting.</p> <p>5. Where a councillor is (or in the opinion of the General Manager is likely to be) the subject of proceedings by or against the Council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings will, if the matter is of a kind of business referred to in Clause 12.1 (sect. 10A of the Act), be withheld from the business paper of that councillor and will not be made available to that councillor by any person.</p>
5.3	<p>5.3 Distribution of business papers and public notice of meetings</p> <p>Council Business Papers</p> <p>(1) Agendas for Ordinary Council meetings will be distributed by the Wednesday in the week preceding the meeting. Agendas and Council business papers are available free of charge to the media and public:</p> <p>(a) on the Council's website www.esc.nsw.gov.au; and</p> <p>(b) through the Customer Service Centre in Moruya.</p> <p style="text-align: right;">Supp Prov</p> <p>(1A) Council may direct the General Manager to provide additional information. Where this is the case the additional papers will be marked separately from the</p>

	<p>business papers so as to avoid any confusion. Additional information may not be automatically available to the public like other business papers.</p> <p style="text-align: right;">Supp Prov (ref. OLG PN16 1.4.5)</p> <p>Public notice of meetings</p> <p>(2) Council and each committee of which all members are councillors must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.</p> <p>(2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:</p> <p>(a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and</p> <p>(b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.</p> <p>(3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.</p> <p>(4) The copies are to be available free of charge.</p> <p>(5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.</p> <p style="text-align: right;">LGA Sec 9(2)-(5)</p>
5.4	<p>5.4 Distribution of Other Materials</p> <p>Public access to reports</p> <p>(1) 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 reports laid on the table at, or submitted to, the ordinary meeting.</p> <p>(2) This section does not apply if the reports:</p> <p>(a) relate to a matter that was received or discussed, or</p> <p>(b) were laid on the table at, or submitted to the meeting,</p> <p>(c) when the meeting was closed to the public.</p> <p>(3) This section does not apply if the Council resolves at the meeting, when open to the public, that the reports, because they relate to a matter specified in sect. 10A (2) of the Act, are to be treated as confidential (see Clause 12.1).</p> <p style="text-align: right;">LGA Sec 11</p>
5.5	<p>5.5 Giving notice of business</p> <p>(1) Council must not transact business at a meeting of the Council:</p> <p>(a) unless a councillor has given notice of the business in writing no later than 4.30pm on the Friday preceding the distribution of the agenda for an Ordinary meeting, and</p> <p style="text-align: right;">Supp Prov (consistent with Reg 241(1))</p> <p>(b) unless notice of the business has been sent to the councillors in accordance with sect. 367 of the Act.</p> <p style="text-align: right;">Reg 241(1)</p> <p>(2) Subclause (1) does not apply to the consideration of business at a meeting if the business:</p> <p>(a) is already before, or directly relates to a matter that is already before, the Council, or</p>

	<p>(a) is the election of a Chairperson to preside at the meeting as provided by Clause 4.2 (Reg 236), or</p> <p>(b) is a matter or topic put to the meeting by the Chairperson in accordance with Clause 5.7 (Reg 243), or</p> <p>(b) is a Motion for the adoption of recommendations of a committee of the Council.</p> <p style="text-align: right;">Reg 241(2)</p> <p>(3) A Notice of Motion (except a Notice of Motion to rescind a resolution of Council – refer to Clause 13.6 (sect. 372 of the Act)) is only required to be signed by the proposer; the formal moving and seconding shall take place at the meeting.</p> <p>(4) The wording of the Motion shall be precise and clear and shall be reprinted on the business paper without alteration.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. Notices of Motion may only be dealt with at an Ordinary Council meeting. 2. In putting forward Notices of Motion, councillors must balance their civic responsibilities for representing the interest of their community with their obligation to use Council's resources effectively and efficiently.
5.6	<p>5.6 Dealing with matters without notice</p> <p>Giving notice of business</p> <p>(1) Despite (Clause 5.5) Reg 241, subclause (1), business may be transacted at a meeting of Council even though due notice of the business has not been given to the councillors. However, this can happen only if:</p> <ol style="list-style-type: none"> (a) a Motion is passed to have the business transacted at the meeting, and (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. <p>Such a Motion can be moved without notice.</p> <p>(2) Despite (Clause 8.4) Reg 250 <i>Speaking to Motions</i> only the mover of a Motion referred to in clause 5.6(1) can speak to the Motion before it is put.</p> <p style="text-align: right;">Reg 241(3)-(4)</p> <p>(3) Urgent business regarding operational issues will not be accepted, as there are alternative channels available to deal with these issues outside of meetings.</p> <p>(4) Urgent business will be recorded in the minutes of the meeting.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. An item will be considered as “urgent” if it has come up after preparation of the business paper and needs attention before the next Ordinary Council meeting. 2. Non-urgent business can be dealt with via Questions on Notice (Clause 7.2) or Notices of Motion (Clause 8.1). 3. In relation to Clause 5.6 (1) above, if a councillor wishes to raise a Motion without notice, the basis of the Motion shall be put to the Chairperson who will first rule whether the business is urgent and if it is in order for Council to consider it. 4. To meet the intent of providing all councillors and the public with proper notice of business to be conducted, late reports will not be considered except in accordance with the provisions of Clause 5.6 above (Reg 241 (3)).
5.7	<p>5.7 Mayoral Minute</p> <p>Official minutes</p>

	<p>(1) If the Mayor is the Chairperson at a meeting of Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.</p> <p>(2) Such a minute, when put to the meeting, takes precedence over all business on the Council's business paper for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move adoption of the minute without the Motion being seconded.</p> <p>(3) A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.</p> <p style="text-align: right;">Reg 243</p>
	<p>Practice</p> <p>1. A Mayoral Minute prepared in accordance with Clause 5.7 above (Reg 243) may be by formal notice contained in the business paper or tabled at the meeting.</p> <p>2. Although a seconder is not required if the Mayor is the mover, the normal rules of debate must apply to make sure the Motion is adequately discussed before being put to the meeting for a vote.</p>
5.8	<p>5.8 Agenda for Extraordinary meetings</p> <p>The General Manager must ensure that the agenda for an Extraordinary meeting of Council deals only with the matters stated in the notice of the meeting.</p> <p style="text-align: right;">Reg 242(1)</p>
5.9	<p>5.9 Dealing with matters without notice at an Extraordinary meeting</p> <p>(1) Despite Clause 5.8 (Reg 242 (1)), business may be transacted at an Extraordinary meeting of Council even though due notice of the business has not been given to the councillors. However, this can happen only if:</p> <p>(a) a Motion is passed to have the business transacted at the meeting, and</p> <p>(b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.</p> <p>Such a Motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.</p> <p>(2) Despite Reg 250 <i>Speaking to Motions</i> (Clause 8.4), only the mover of a Motion referred to in clause 5.9(1) can speak to the Motion before it is put. (Clause 8.4)</p> <p style="text-align: right;">Reg 242(2)-(3)</p>
5.10	<p>5.10 Members of the public addressing Council (Public Forum)</p> <p>(1) Council actively encourages participation of residents in the decision-forming process and hearing from people regarding matters raised in the business paper. Council makes provisions for members of the public to address Council at its meetings as set out in this Code.</p> <p>(2) Speakers are required not to make insulting or defamatory statements, and to take care when discussing other people's personal information (with or without their consent).</p> <p>(3) Members of the public who wish to address a meeting are required under this Code to provide information that is 'personal information' for the purposes of the <i>Privacy and Personal Information Protection Act (1998)</i>. The information will be stored in Council's records system. The purpose of collecting this information is to enable the Council to maintain a record of those persons who wish to address a</p>

meeting of the Council about items on the agenda and to highlight to those persons the relevant provisions relating to the conduct of a meeting as contained in this Code. The information may also be made available to other persons where such access is in accordance with the relevant statutory requirements in this regard.

Supp Prov

Public Forum - matters listed on the agenda

- (4) Part of Council meetings are made available for members of the public to address the Council or submit questions, either verbally or in writing, on matters included in the agenda for that meeting. This Public Forum will be scheduled at the commencement of the Council meeting unless otherwise resolved by Council.
- (5) The Public Forum forms part of Council meetings and will be recorded in those meetings' minutes.
- (6) Subject to subclause (17), members of the public will be permitted a maximum of five minutes to address the Council. A three minute extension of time may be granted if deemed necessary by Council.
- (7) Public addresses to the Council meeting will be audio-visually recorded and live-streamed via Council's website (see [Clause 5.13](#)). When members of the public address the Council they are asked to state their name and the nature of their address for the record. These recordings will remain publicly available via Council's website for an archive period of seven years.
- (8) Anyone wishing to address Council in Public Forum should notify Council's Executive Support (02 4474 1358) no later than noon of the business day prior to the meeting, specifying the subject of the question and/or presentation, to facilitate preparation of the agenda and so that an attempt to prepare a suitable response (if required) may be made.
- (9) Presenters must provide their name, and (if a response is required to a question) provide their postal or email address for the response (if any) to be sent.
- (10) A written copy of the question and/ or presentation must be provided to Council on the day of the meeting, and this will be published on Council's website. If a written copy of the presentation is not provided then this will be ruled a breach of this Code and (at the ruling of the Chairperson) the presenter may not be allowed to address Council at, or in some cases attend, future meetings.
- (11) When a question requiring a response has not been notified to Council prior to the day of the meeting, any required response may be given during the meeting if it is practical to do so, but cannot be guaranteed. If a suitable response cannot be given during the meeting it will be provided to the presenter as soon as practicable after the conclusion of the meeting, to the postal or email address provided by the presenter for this purpose. A copy of any such response will be provided to councillors via their online document system, and may be published on the Council's website if the presenter so elects.
- (12) Written confirmation of Council's resolution on each agenda item that a presenter has addressed will be sent to that presenter as soon as is practicable after the conclusion of the meeting, where the presenter has provided their postal or email address for such purpose.
- (13) Members of the public are not permitted to raise matters or provide information specified in sect. 10A(2) of the Act, which involves:
 - (a) personnel matters concerning particular individuals;
 - (b) personal hardship of any resident or ratepayer;

	<p>(c) information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;</p> <p>(d) commercial information of a confidential nature that would, if disclosed:</p> <ul style="list-style-type: none"> (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; <p>(e) information that would, if disclosed prejudice the maintenance of law;</p> <p>(f) matters affecting the security of the Council, councillors, Council employees or Council property;</p> <p>(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place;</p> <p>(h) an item of Aboriginal significance on community land;</p> <p>(i) alleged contraventions of any Code of Conduct requirements applicable under sect. 440 of the Act.</p> <p>(14) Members of the public must: be mindful of the laws relating to defamation and libel; confine their presentation to a statement of facts; not insult or make personal reflections, allegations or impute improper motives to any councillor or Council employee; not say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring Council into contempt; and allow other speakers to put their views without interruption.</p> <p>(15) Members of the public will not be permitted to use Public Forum for the purpose of abusing, vilifying, insulting, threatening, intimidating or harassing councillors, Council employees or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order by the Chairperson and may be expelled from the meeting.</p> <p>(16) If a presenter is asked to withdraw and/or apologise for comments or behaviour and refuses to do so, the Chairperson may expel them from the meeting, and the presenter will not be able to address Council until an apology has been made. For a presenter to be allowed to present again they must first apologise at a Council meeting, however will not be able to present at that same meeting.</p> <p>(17) Councillors are not entitled to use Public Forum for any purpose given the extensive opportunities available for raising matters formally. This includes where a councillor has a pecuniary interest.</p>
	<p style="text-align: right;">Supp Prov</p> <p>Practice</p> <ol style="list-style-type: none"> 1. Please see Appendix "B" Guidelines for public address to Council, Appendix "C" Registration to address Council on agenda items, and Appendix "H" Guide to Council Meetings. 2. Presenters at Public Forum will be given the option of having Council's response (if any) to their question published on the Council website, if it is appropriate to do so - for example, as long as this publication is in the public interest and does not breach privacy or any other legislation or policy.
<p>5.11</p>	<p>5.11 Public access sessions</p> <p>(1) Council will hold a public access session 30 minutes prior to the commencement of its Ordinary meetings, for members of the public to ask questions or make presentations to councillors on matters which are <i>not</i> included in that meeting's agenda.</p> <p>(2) These public access sessions will be limited to 30 minutes duration.</p>

	<p>(3) Public access sessions <i>do not</i> form part of the Council meeting and will not be recorded in the meetings' minutes.</p> <p>(4) Anyone wishing to address Council at a public access session should notify Council's Executive Support (02 4474 1358) no later than 12 noon of the business day prior to the meeting, specifying the subject of the question or presentation.</p> <p>(5) A written copy of any question or presentation must be provided to Council on or before the day of the public access session and this will be published on Council's website. If a written copy of the presentation is not provided, this will be ruled a breach of this Code and (at the ruling of the Chairperson) the presenter may not be allowed to address Council at, or in some cases attend, future public access sessions.</p> <p>(6) Presenters must provide their name, and (if a response to a question is required) their postal or email address for the response (if any) to be sent.</p> <p>(7) Responses to presenter's questions (if any) will be provided in writing to the presenter as soon as practicable after the conclusion of the session. A copy of the response (if any) will also be provided to councillors via their online document system, and may be published on the Council's website if the presenter so elects.</p> <p>(8) Presenters at public access sessions are expected to conduct themselves in accordance with the same provisions as for Public Forum. (see Clause 5.10 (12)-(15))</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> Public access sessions provide an opportunity for members of the community to ask questions or address Council on any issues which are not listed in the agenda of that day's Council meeting. As public access sessions are not part of a Council meeting, no minutes are taken and therefore they are not audio-recorded by Council. Presenters will be given the option of having Council's response (if any response is required) to their question(s) published on the Council website, if it is appropriate to do so - for example, as long as publication is in the public interest and does not breach privacy or any other legislation or policy.
<p>5.12</p>	<p>5.12 Public recording of meetings prohibited without Council authority</p> <ol style="list-style-type: none"> A person may use a tape recorder to record the proceedings of a meeting of the Council only with the authority of the Council. A person may, as provided by Clause 10.4 or 10.5 (sect. 10(2)(a) or (b) of the Act), be expelled from a meeting of the Council for using or having used a tape recorder in contravention of this clause. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place. In this clause, <i>tape recorder</i> includes a video camera and any electronic device capable of recording speech and or video, whether a magnetic tape is used to record or not. <p style="text-align: right;">Reg 273</p> <ol style="list-style-type: none"> As this clause applies to tape recordings and devices, it also applies to still photographs and audio visual recordings.

	<p>(6) If permission has been granted to take still photographs and/ or audio visual recordings at a meeting, the Mayor will advise all present that their image may be recorded, with respect to the principles of privacy protection.</p> <p>(7) Under no circumstances shall any confidential session of the Council or committee of the whole meeting be recorded.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice The use of any type of recording device is not permitted at Council meetings without Council's prior approval.</p>
5.13	<p>5.13 Audio-visual recording of meetings by Council employees</p> <p>(1) To facilitate greater community access to Council proceedings, Council will make audio-visual recordings of its meetings, to be live-streamed via Council's website during each meeting.</p> <p>(2) Council-produced recordings of meetings under this clause are to be kept for a minimum period of 7 years, and then destroyed. Note: This surpasses the requirements of State Records' <i>General Retention and Disposal Authority: Local Government Records GA39 (13.6.2)</i> which are: 'to retain until minutes of meeting have been confirmed, then destroy.'</p> <p>(3) During the archive period, access to audio-visual recordings of meetings will be publicly available via Council's website.</p> <p>(4) Full written transcriptions of proceedings shall not be made available.</p> <p>(5) Recordings are not to be used except in accordance with this Code.</p> <p style="text-align: right;">Supp Prov</p>
6.0	<p>PART 6 - DECLARATIONS OF INTERESTS</p>
6.1	<p>6.1 Pecuniary Interest</p> <p>(1) For the purposes of Part 6, a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.</p> <p>(2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in Clause 6.2 (sect. 448 of the Act)</p> <p style="text-align: right;">LGA Sec 442</p> <p>Practice</p> <ol style="list-style-type: none"> 1. It is the responsibility of each individual to determine whether or not they have a pecuniary interest, and if necessary to obtain legal advice. 2. It is not the role of the Chairperson or the General Manager to rule on any question of pecuniary interest. 3. The Code of Conduct adopted by Council for the purposes of sect. 440 of the Act imposes obligations on councillors, employees and delegates of Council with respect to the management of pecuniary and non-pecuniary interests. (Refer to Council's Code of Conduct for more information)
	<p>6.2 Interests that do not require disclosure</p> <p>The following interests do not have to be disclosed for the purposes of Part 6:</p> <ol style="list-style-type: none"> (a) an interest as an elector; (b) an interest as a ratepayer or person liable to pay a charge ;

6.2	<ul style="list-style-type: none"> (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part; (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part; (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not); (f) an interest of a member of a Council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee; (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of: <ul style="list-style-type: none"> (i) land in which the person or a person, company or body referred to in sect. 443 (1)(b) or (c) of the Act has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i) if the person or the person, company or body referred to in sect. 443 (1) (b) or (c) of the Act would by reason of the proprietary interest have a pecuniary interest in the proposal; (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company; (i) an interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership; (j) an interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by Council in respect of similar matters with other residents of the area: <ul style="list-style-type: none"> (i) the performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation, (ii) security for damage to footpaths or roads, (iii) any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on Council or by or under any contract; (k) an interest relating to the payment of fees to councillors (including the Mayor and Deputy Mayor);
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	<p>(l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Mayor and Deputy Mayor) in accordance with a policy under sect. 252 of the Act (see Councillors' Expenses and Facilities Policy);</p> <p>(m) an interest relating to an election to the office of Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor;</p> <p>(n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person;</p> <p>(o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a Council committee;</p> <p>(p) an interest arising from appointment of a councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate.</p> <p style="text-align: right;">LGA Sec 448</p>
6.3	<p>6.3 Determining who has a pecuniary interest</p> <p>(1) For the purposes of Part 6, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:</p> <p>(a) the person, or</p> <p>(b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or</p> <p>(c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.</p> <p>(2) However, a person is not taken to have a pecuniary interest in a matter as referred to in subclause(1)(b) or (c):</p> <p>(a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or</p> <p>(b) just because the person is a member of, or is employed by, the Council or a statutory body or is employed by the Crown, or</p> <p>(c) just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.</p> <p style="text-align: right;">LGA Sec 443</p>
6.4	<p>6.4 Disclosure of pecuniary interests and presence in meetings</p> <p>(1) A councillor who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.</p> <p>(2) The councillor must not be present at, or in sight of, the meeting of the Council:</p> <p>(a) at any time during which the matter is being considered or discussed by the Council, or</p> <p>(b) at any time during which the Council is voting on any question in relation to the matter.</p> <p>(3) For the removal of doubt, a councillor is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor has an interest in the matter of a kind referred to in Clause 6.2 (sect. 448 of the Act).</p> <p>(4) Subclauses (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:</p> <p>(a) the matter is a proposal relating to:</p>

	<p>(i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or</p> <p>(ii) the Amendment, alteration or repeal of an environmental planning instrument where the Amendment, alteration or repeal applies to the whole or a significant part of the council's area, and</p> <p>(b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.</p> <p>(5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:</p> <p>(a) be in the form prescribed by the Regulation, and</p> <p>(b) contain the information required by the Regulation.</p> <p>Note: The Code of Conduct adopted by Council for the purposes of sect. 440 of the Act may also impose obligations on councillors, employees and delegates of Council.</p> <p style="text-align: right;">LGA Sec 451</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. A councillor who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of Council at which the matter is being considered must make a disclosure to the meeting as soon as practicable about the existence and nature of the interest. 2. Once a councillor has disclosed a pecuniary interest they must not be present while the matter is being discussed or decided on. 3. A councillor who addresses a meeting on a matter in which the councillor has declared a pecuniary interest may still be in breach of Clause 6.4 above (sect. 451 of the Act) even if Council is not at the time considering a formal Motion on the matter. 4. A councillor with a pecuniary interest in a matter is not counted for the purposes of quorum on that matter. 5. Meeting proceedings will not be invalid just because a councillor does not identify a pecuniary interest at the meeting.
6.5	<p>6.5 Sufficient general disclosure</p> <p>A general notice given to the General Manager in writing by a councillor to the effect that the councillor, or the councillor's spouse, de facto partner or relative, is:</p> <p>(a) a member, or in the employment, of a specified company or other body, or</p> <p>(b) a partner, or in the employment, of a specified person,</p> <p>is, unless and until the notice is withdrawn, sufficient disclosure of the councillor's interest in the matter relating to the specified company, body or person that may be the subject of consideration by the Council after the date of the notice.</p> <p style="text-align: right;">LGA Sec 454</p> <p>Practice</p> <p>A general notice of disclosure can be made in some circumstances pursuant to sect 454 of the Act to fulfil the requirement of Clause 6.4 (sect 451(1) of the Act).</p>
6.6	<p>6.6 Disclosure of non-pecuniary interests</p> <p>(1) A councillor who has a non-pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or committee at which the matter is being considered, must consider disclosing a non-pecuniary interest prior to the meeting, in accordance with the Council's Code of Conduct.</p>

	<p>(2) A disclosure in accordance with subclause (1) must indicate the nature of the non-pecuniary interest.</p> <p>(3) Under the Code of Conduct, councillors should note that matters before Council involving campaign donors may give rise to a non-pecuniary conflict of interests.</p> <p style="text-align: right;">Supp Prov</p>
6.7	<p>6.7 Disclosure by adviser</p> <p>(1) A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee must disclose the nature of any pecuniary interest the person has in a matter to the meeting at the time the advice is given.</p> <p>(2) The person is not required to disclose the person's interest as an adviser.</p> <p style="text-align: right;">LGA Sec 456</p>
6.8	<p>6.8 Circumstances where disclosure rules are not breached</p> <p>A person does not breach Clause 6.4 and 6.7 (sect 451 and 456 of the Act) if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.</p> <p style="text-align: right;">LGA Sec 457</p>
6.9	<p>6.9 Disclosure to be recorded in minutes</p> <p>A disclosure made at a meeting of the Council must be recorded in the minutes of the meeting.</p> <p style="text-align: right;">LGA Sec 453</p>
	<p>Practice</p> <p>Councillors are not required to provide their disclosures in writing at a meeting because the minutes form a written record of their disclosure.</p>
6.10	<p>6.10 Matters for tabling – pecuniary interests</p> <p>Register and tabling of returns</p> <p>(1) The General Manager must keep a register of returns required to be lodged with the General Manager under sect. 449 of the Act.</p> <p>(2) The returns required to be lodged with the General Manager under sect. 449 of the Act must be tabled at a meeting of the Council, being:</p> <ul style="list-style-type: none"> (a) in the case of a return lodged in accordance with sect. 449(1) of the Act – the first meeting held after the last day for lodgement under that subsection, or (b) in the case of a return lodged in accordance with sect. 449(3) of the Act– the first meeting held after the last day for lodgement under that subsection, or (c) in the case of a return otherwise lodged with the General Manager – the first meeting after the lodgement. <p style="text-align: right;">LGA Sec 450A</p>
7.0	PART 7 - QUESTIONS TO COUNCILLORS AND EMPLOYEES
7.1	<p>7.1 Questions may be put to councillors and Council employees</p> <p>(1) A councillor:</p> <ul style="list-style-type: none"> (a) may, through the Chairperson, put a question to another councillor, and (b) may, through the General Manager, put a question to a Council employee.

	<p>(2) However, a councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.</p> <p>(3) The councillor must put every such question directly, succinctly and without argument.</p> <p>(4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or Council employee under this clause.</p> <p style="text-align: right;">Reg 249</p> <p>(5) Questions put to any Council employees during a Council meeting shall only relate to the business before Council or a particular matter under discussion.</p> <p>(6) Councillors and employees are under no obligation to answer a question that they consider to be inappropriate.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <p>1. If a question is put without notice, it can be ruled out of order if it does not relate to, or arise naturally out of, subjects before Council.</p> <p>2. There is no guarantee that such questions can be answered during that meeting if time is required to prepare a suitable response.</p>
<p>7.2</p>	<p>7.2 Questions on Notice</p> <p>(1) Questions on Notice must be lodged in writing with the General Manager or specified delegate no later than 4.30pm on the Friday before the distribution of the agenda of the meeting of Council at which the Questions on Notice are to be considered, where practicable.</p> <p>(2) Questions on Notice must directly relate to the business of Council and must comply with Clause 7.1.</p> <p>(3) Questions should not contain:</p> <ul style="list-style-type: none"> (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated; (b) argument; (c) inference; (d) imputation. <p>(4) Questions should not ask for legal opinion to be provided at the Council meeting.</p> <p>(5) Questions should not refer to confidential matters that have been previously, or are yet to be, discussed by Council in closed session, nor refer to confidential matters as listed in Clause 12.1 (sect. 10A(2) of the Act).</p> <p>(6) The General Manager or specified delegate may exclude from the agenda any Question on Notice which may, in the opinion of the General Manager or the General Manager's delegate, have the effect of exposing a councillor, the Council, or employee, to an action for defamation.</p> <p>(7) The General Manager or specified delegate may return to a councillor any Question on Notice that does not comply with this Code and provide a written reason. The question may be rewritten and resubmitted in accordance with subclause (1).</p> <p>(8) A councillor may appeal to the Mayor against a decision of the General Manager or specified delegate made under subclause (7). The Mayor will decide in those circumstances if the Question on Notice complies with this Code. The Mayor's decision will be final and no further appeal rights are available.</p>

	<p>(9) The Mayor may rule that a Question on Notice does not comply with this Code, notwithstanding a decision made under subclause (7) - and in such cases the Mayor is to provide a written reason for such a decision.</p> <p>(10) The Council business papers may include supplementary answers to previous questions, following Questions on Notice.</p> <p>(11) Should a Question on Notice have any resource implications, financial or otherwise, the General Manager will advise Council. This advice will be included in the business paper.</p> <p>(12) Each councillor may put a maximum of two Questions on Notice to any meeting.</p> <p>(13) Questions which in the opinion of the General Manager or General Manager's delegate relate to operational issues will not be accepted.</p> <p>(14) There is no guarantee that a response can be given to a Question on Notice for the next scheduled meeting, unless practical to do so. Some questions may require extra time to prepare a suitable response.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. Questions on Notice will be in a written format and delivered to the General Manager or their delegate for response at the next scheduled meeting where practicable as per Clause 7.2 above. 2. Questions which are of a personal nature or are not relevant to Council business shall not be raised or debated. 3. Urgent business shall be dealt with as per Clause 5.6 .
<p>7.3</p>	<p>7.3 Matters for Tabling – Petitions</p> <p>Petitions</p> <p>(1) The Mayor and councillors may table original Petitions at meetings of Council.</p> <p>(2) Petitions must:</p> <ol style="list-style-type: none"> (a) be addressed to 'the Eurobodalla Shire Council' or 'the Mayor and councillors of Eurobodalla Shire Council'; (b) be clearly written, typed or printed and not have anything attached and not contain any alterations; (c) state the facts which the Petitioners wish to bring to the notice of the Council; (d) conclude with a request that the Council do, or do not do, something or take some course of action; (e) contain at least five signatures. <p>(3) Petitions should be lodged in writing with the General Manager or their delegate no later than 4.30pm on the Friday preceding the distribution of the agenda for the meeting of Council at which the Petition is to be considered.</p> <p>(4) If notice of the Petition has not been given, Council must not discuss the matter, unless a Motion is passed in accordance with Clause 8.11 (Reg 241 (3) <i>Motion without Notice</i>), but may resolve to receive and note the Petition, or to include the Petition on the agenda at a subsequent meeting.</p> <p>(5) With respect to subclause (6), only the subject matter of a Petition and name of the Petitioner may be published in Council's business papers, and not the personal information of the signatories.</p> <p style="text-align: right;">Supp Prov</p> <p>(6) Care should be taken to follow the <i>Privacy and Personal Information Protection Act 1998</i> (PPIPA) with respect to the use and communication of personal information contained in Petitions. Sect.18 of PPIPA provides that Council may not</p>

	<p>communicate personal information unless it is directly related to the reason why the information was collected, and the Council has no reason to believe that the person concerned would object. Communication of the information can also take place if a person is likely to have been aware (or has been made aware in line with sect. 10 of PPIPA) that this type of information is usually told to another person or organisation.</p> <p style="text-align: right;">OLG PN16 2.14.2</p>
	<p>Practice</p> <ol style="list-style-type: none"> Any councillor presenting a Petition is responsible for ensuring that: <ol style="list-style-type: none"> he or she is familiar with the contents and purpose of the Petition; and the Petition is not derogatory or defamatory. A guide and a sample template for preparation and submission of Petitions by the public is included in Appendix "J" of this Code. Any attachments (such as photographs or documents) which have been provided with a Petition will be returned immediately to the principal petitioner and will not be presented to Council at a meeting. A councillor may without notice present a Petition to the Council during the part of the meeting scheduled for the presentation of Petitions (see Clause 5.1 Order of business), but the provisions of Clause 5.6 and Clause 8.11 will apply as to whether the Petition can be considered as urgent business for discussion at the meeting.
8.0	PART 8 - MOTIONS
8.1	<p>8.1 Notices of Motion</p> <ol style="list-style-type: none"> Notices of Motion must be lodged in writing with the General Manager or their delegate no later than 4.30pm on the Friday preceding the distribution of the agenda for the meeting of Council at which the Notices of Motion are to be considered. Notices of Motion which are received in accordance with subclause (1) shall be included on the business paper by the General Manager, if the General Manager considers that the content of the Motion meets the requirements of Clause 5.2 (Reg 240 (2)) Councillors are to ensure that, where it is intended that employees be asked to carry out some specific defined action, a Notice of Motion is written in such a way that, if carried, the Motion carries clear and unambiguous direction. The rules applying to the content of Questions also apply to the content of Notices of Motion (refer to clause 7.2 of this Code). A Notice of Motion cannot be withdrawn once it has been placed on the agenda. Should a Notice of Motion have any resource implications, financial or otherwise, the General Manager will advise Council. This advice will be included in the business paper. <p style="text-align: right;">Supp Prov</p> <p>Other Motions</p> <ol style="list-style-type: none"> The rules applying to the content of Questions on Notice and Notices of Motion apply to the content of any other Motion or Amendment moved at a Council meeting. Councillors are required, where they propose to move an Amendment to an employee recommendation, a committee recommendation, a Notice of Motion or any recommendation printed in the business paper, to provide copies of the proposed Amendment to the General Manager at, or prior to, the start of the meeting, for circulation to all councillors and relevant employees.

	<p>Practice</p> <ol style="list-style-type: none"> 1. A motion is a proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something and formally puts the subject of the motion forward as an item of business for the Council to consider. (Ref. OLG PN16 5.1.1) 2. A councillor cannot withdraw a Notice of Motion after it has been published in the agenda. They can advise the meeting when the Notice of Motion is before the Council that they do not intend to move the Motion, however this does not prevent another councillor moving the Motion (as per 8.2). More information on Motions is provided in Appendix "E" of this Code.
8.2	<p>8.2 Notice of Motion - absence of mover</p> <ol style="list-style-type: none"> (1) In the absence of a councillor who has placed a Notice of Motion on the agenda for a meeting of the Council: <ol style="list-style-type: none"> (a) any other councillor may move the Motion at the meeting, or (b) the Chairperson may defer the Motion until the next meeting of the Council at which such Motion can be considered. <p style="text-align: right;">Reg 245</p> (2) A councillor who has placed a Notice of Motion on the business paper and is unable to attend the meeting may request that the Motion be deferred. Provided the request is received prior to the meeting, the Chairperson upon receiving the request may defer the Motion to a future meeting. <p style="text-align: right;">Supp Prov</p>
8.3	<p>8.3 Motions to be seconded</p> <ol style="list-style-type: none"> (1) A Motion or an Amendment cannot be debated unless or until it has been seconded. This clause is subject to Clause 5.7 (Reg 243(2) <i>Mayoral Minute</i>) and Clause 9.4 (Reg 250 (5) <i>Where a Motion has been put</i>). <p style="text-align: right;">Reg 246</p> (2) The mover of a Motion may be allowed by the Chairperson to speak to the Motion before a "second" is sought. (3) The seconder of a Motion or of an Amendment may reserve the right to speak later in the debate. (4) Where a Motion has been seconded, it shall not be withdrawn without the seconder's permission. <p style="text-align: right;">Supp Prov</p>
8.4	<p>8.4 Speaking to Motions</p> <ol style="list-style-type: none"> (1) A councillor who, during a debate at a meeting of Council, moves an original Motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the Motion and to any Amendment to it, as well as the right to speak on any such Amendment. (2) 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. <p style="text-align: right;">Reg 250 (1)-(2)</p> (3) A councillor must not, without the consent of the Council, speak more than once on a Motion or an Amendment, or for longer than 5 minutes at any one time. <p style="text-align: right;">See Reg 250 (3)</p>

8.5	<p>8.5 Speaking to a misrepresentation or misunderstanding</p> <p>(1) A councillor must not, without the consent of the Council, speak more than once on a Motion or an Amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a Motion or an Amendment, and for longer than 5 minutes on that Motion or Amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.</p> <p style="text-align: right;">Reg 250 (3)</p> <p>(2) Nothing in Clauses 8.4 or 8.5 affects questions being asked, with the leave of the Chairperson, relevant to any matter under discussion at a meeting.</p> <p>(3) With the leave of the meeting a councillor may be granted an extension of three minutes in which to complete their speech. Further extensions may be granted by resolution of Council.</p> <p style="text-align: right;">Supp Prov</p>
8.6	<p>8.6 Variations to Motions</p> <p>A councillor may seek to vary a Motion by:</p> <p>(a) obtaining the unanimous consent of Council (Clause 8.7); or</p> <p>(b) proposing an Amendment to the Motion (Clause 8.8).</p> <p style="text-align: right;">Supp Prov</p>
8.7	<p>8.7 Variations to Motions by consent</p> <p>(1) If a councillor, including the seconder to the original Motion, proposes a variation to a Motion, the Chairperson shall ask whether any councillor objects to the variation.</p> <p>(2) If there is no objection, the proposed variation is adopted into the Motion by consent of the Council.</p> <p>(3) If there is an objection, the proposed variation must be dealt with as an Amendment and seconded and voted on accordingly.</p> <p>(4) If the variation is proposed by the seconder to the original Motion, but not accepted by councillors, then a new seconder should be sought for the original Motion.</p> <p>Note: The intention of a variation by consent is to enable a change to a Motion that is non-contentious, improves clarity or effects a correction. This is also consistent with the common law rule that a seconder to an original Motion cannot move an Amendment, but enables a seconder to move a variation.</p> <p style="text-align: right;">Supp Prov</p>
8.8	<p>8.8 Amendments to Motions</p> <p>(1) An Amendment is a proposition to alter a Motion that is under consideration by the meeting and is not subject to the Notice of Motion requirements set out at Clause 8.1.</p> <p>(2) A proposed Amendment to a Motion must be in the form of a Motion itself.</p> <p>(3) An Amendment must be moved and seconded.</p> <p>(4) The mover of an Amendment may be given the opportunity to explain the proposed Amendment before the seconder is called for.</p> <p>(5) The Amendment must be moved before the debate on the Motion has been concluded and the right of reply of the mover of the Motion has been exercised.</p>

	<p>(6) The mover of an original Motion may exercise a right of reply but shall confine themselves to answering remarks previously made and not introduce new information.</p> <p>(7) To be accepted as an Amendment, the proposed Amendment must be relevant to the Motion.</p> <p>(8) An Amendment cannot be accepted if it is a direct rebuttal of the Motion it seeks to amend.</p> <p>(9) An Amendment to a Motion shall be dealt with before the Motion and before any other Amendment can be considered.</p> <p>(10) Only one Amendment may be considered by the meeting at any one time. Debate is confined to the Amendment under consideration, although during debate a councillor may foreshadow an Amendment or Motion.</p> <p>(11) Once an Amendment has been moved and seconded, it cannot be withdrawn without the consent of the meeting.</p> <p>(12) When an Amendment is carried, it becomes the Motion.</p> <p>(13) Additions and alterations to a Motion or Amendment shall be allowed, so long as the fundamental nature and effect of the Motion is not significantly changed. Such alterations and additions may be in the form of an addendum subject to acceptance by the mover and seconder.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. An Amendment is a change to the motion before the Council (the substantive motion) and is moved while the initial motion is being debated. 2. An Amendment which is a direct negative of the Motion proposed is not legitimate and will not be accepted by the Chairperson, as the same effect can be achieved by voting against the original Motion. (Ref. OLG PN16) 3. When an Amendment is defeated, the original Motion stands. <p>See Appendix "E" for more information on Amendments.</p>
8.9	<p>8.9 How subsequent Amendments may be moved</p> <p>(1) If an Amendment has been rejected, a further Amendment can be moved to the Motion to which the rejected Amendment was moved, and so on, but no more than one Motion and one proposed Amendment can be before the Council at any one time.</p> <p style="text-align: right;">Reg 247</p> <p>(2) In the situation where a number of Amendments have been foreshadowed, they should be considered in due succession ensuring the practicality of the Motion.</p> <p>(3) Each Amendment is separately considered and voted on. Only discussion relevant to the particular Amendment that is being dealt with shall be allowed.</p> <p>(4) An Amendment should not be moved that is substantially the same as an earlier rejected Amendment on the Motion.</p> <p>(5) An Amendment that is in opposition to an Amendment already accepted should not be moved or accepted for debate.</p> <p>(6) When an Amendment is defeated, the original Motion shall stand and then and only then a further Amendment may be moved, seconded, debated and voted upon. If the further Amendment is defeated, the original Motion still stands and another Amendment then can be moved.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice</p>

	If an Amendment and a Motion are both before the Chair, a councillor may “foreshadow” a further Amendment to the Motion, although it cannot be debated until such time as only a Motion remains.
8.10	<p>8.10 Foreshadowed Motions</p> <p>(1) It is possible to advise the Council of an intention to put forward a Motion that relates to a Motion currently before the Council. However, the Chairperson cannot accept the new Motion until the first Motion is decided.</p> <p>(2) Foreshadowed Motions will be considered in the order they were notified to the meeting.</p> <p>(3) The Chairperson may exercise discretion and recommend to the meeting a change of order for foreshadowed Motions.</p> <p>(4) Foreshadowed Motions are still subject to Clause 8.3 (to be moved and seconded).</p> <p style="text-align: right;">Supp Prov</p>
8.11	<p>8.11 Motions without notice</p> <p>Giving notice of business</p> <p>(1) Despite subclause (1), Clause 8.1 <i>Notices of Motion</i>, business may be transacted at a meeting of Council even though due notice of the business has not been given to the Council (see Clause 5.6 <i>Dealing with matters without notice</i>). However, this may only occur if:</p> <p style="margin-left: 20px;">(a) a Motion is passed to have the business transacted at the meeting, and</p> <p style="margin-left: 20px;">(b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.</p> <p style="margin-left: 20px;">Such a Motion can be moved without notice.</p> <p style="text-align: right;">Reg 241(3)</p> <p>(2) If, after the councillor has addressed the Council, the Chairperson has ruled the matter is of great urgency, then the Motion is moved, seconded, debated and voted on.</p> <p>(3) If the Chairperson rules the Motion is not urgent, then no further debate on the matter is to be permitted.</p> <p>(4) If the Chairperson rules the Motion is not urgent, a councillor may move a Motion of Dissent.</p> <p style="text-align: right;">Supp Prov</p>
9.0	PART 9 - PROCEDURAL MOTIONS
9.1	<p>9.1 General procedural Motions</p> <p>(1) A procedural Motion is a Motion that refers to the conduct of a meeting.</p> <p>(2) Procedural Motions are not subject to the Notice of Motion requirements in Clause 8.1 <i>Notices of Motion</i>.</p> <p>(3) A procedural Motion requires a seconder, as per Clause 8.3.</p> <p>(4) A procedural Motion has precedence over substantive Motions and must be put to the meeting for a decision.</p> <p style="text-align: right;">Supp Prov</p>
9.2	<p>9.2 Point of Order</p> <p>(1) A councillor may draw the attention of the Chairperson to an alleged breach of the Code of Meeting Practice.</p> <p>(2) The councillor shall draw the attention of the Chairperson by raising a “point of order”. A point of order does not require a seconder.</p>

	<p>(3) A point of order must be taken immediately if it is raised.</p> <p>(4) The Chairperson must suspend business before the meeting and permit the councillor raising the point of order to state the meeting procedure he/she believes has been infringed.</p> <p>(5) Immediately this has been done, the Chairperson should rule - either upholding the point of order or overruling it.</p> <p style="text-align: right;">Supp Prov</p> <p>See Appendix "F" Calling a Point of Order for more information.</p>
9.3	<p>9.3 Motions of Dissent</p> <p>(1) A councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the Motion of Dissent.</p> <p>(2) 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 discharged as out of order, the Chairperson must restore the Motion or business to the agenda and proceed with it in due course.</p> <p>(3) Despite Clause 9.4 (Reg 250), 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.</p> <p style="text-align: right;">Reg 248</p> <p>(4) A Motion of Dissent does not require a seconder.</p> <p>(5) The Chairperson shall not be bound to leave the Chair during debate on a Motion of Dissent.</p> <p>(6) A councillor upon moving a Motion of Dissent from the ruling of the Chairperson at a Council meeting shall be given the opportunity to explain the reason for the Motion.</p> <p>(7) The Chairperson may reply to the Motion of Dissent and there shall be no further debate before the Motion is put to the vote.</p> <p>(8) If a Motion of Dissent is carried, the ruling of the Chairperson is overturned; if it is not, the ruling stands and the business shall proceed as if the Motion had not been presented.</p> <p>(9) The Mayor or Chairperson, if the situation arises, shall have a casting vote on any Motion of Dissent.</p> <p style="text-align: right;">Supp Prov</p>
9.4	<p>9.4 Putting the Motion or Amendment</p> <p>Limitation as to number of speeches</p> <p>(1) Despite Clause 8.4(1) and (2) (Reg 250 (1) and (2)), a councillor may move that a Motion or an Amendment "be now put":</p> <p>(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</p> <p>(b) if at least 2 councillors have spoken in favour of the Motion or Amendment and at least 2 councillors have spoken against it.</p> <p>(2) The Chairperson must immediately put to the vote, without debate, a Motion moved under subclause (1). A seconder is not required for such a Motion.</p> <p>(3) If a Motion that the original Motion or an Amendment be now put is passed, the Chairperson must, without further debate, put the original Motion or Amendment to the vote immediately after the mover of the original Motion has exercised his or her right of reply.</p>

	<p>(4) If a Motion that the original Motion or an Amendment be now put is rejected, the Chairperson must allow the debate on the original Motion or the Amendment to be resumed.</p> <p style="text-align: right;">Reg 250(4)-(7)</p> <p>(5) As per Clause 8.5 (1) (Reg 250 (3)), a councillor may be granted, with the leave of the meeting, an extension of three minutes in which to complete their speech.</p> <p>(6) Further extensions will only be granted upon resolution of Council.</p> <p style="text-align: right;">Supp Prov</p>
9.5	<p>9.5 Use of Electronic Overhead Screen</p> <p>During Council meetings, recommendations (from employee reports), Motions and Amendments may be shown on an overhead electronic screen prior to voting.</p> <p style="text-align: right;">Supp Prov</p>
10	<p>PART 10 - ORDER AT MEETINGS</p>
10.1	<p>10.1 Observe the Code of Conduct and Code of Meeting Practice</p> <p>(1) Councillors, employees of Council and other persons at the meeting are required to observe the Code of Conduct and Code of Meeting Practice at all meetings of Council.</p> <p>(2) Failure on the part of a councillor or Council employee to observe the Code of Meeting Practice may be subject to a complaint under Council's Code of Conduct.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice</p> <p>The Chairperson of the meeting, a councillor, Council employee or any other person may report in writing to the General Manager a complaint alleging a breach of the Code of Meeting Practice or the Code of Conduct.</p>
10.2	<p>10.2 Questions of order</p> <p>(1) The Chairperson, without the intervention of any other councillor, may call any councillor to order whenever in the opinion of the Chairperson it is necessary to do so.</p> <p>(2) A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.</p> <p>(3) The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.</p> <p>(4) The Chairperson's ruling must be obeyed unless a Motion dissenting from the ruling is passed.</p> <p style="text-align: right;">Reg 255</p>
10.3	<p>10.3 Acts of disorder</p> <p>(1) A councillor commits an act of disorder if the councillor, at a meeting of Council or a committee of a Council:</p> <ul style="list-style-type: none"> (a) contravenes the Act or any regulation in force under the Act, or (b) assaults or threatens to assault another councillor or person present at the meeting, or (c) moves or attempts to move a Motion or an Amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a Motion, Amendment or matter, or

	<p>(d) insults or makes personal reflections on or imputes improper motives to any other councillor, or</p> <p>(e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.</p> <p>(2) The Chairperson may require a councillor:</p> <p>(a) to apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b), or</p> <p>(b) to withdraw a Motion or an Amendment referred to in subclause (1)(c) and, where appropriate, to apologise without reservation, or</p> <p>(c) to retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e).</p> <p>(3) A councillor may, as provided by Clause 10.5 (sect. 10(2)(a) or (b) of the Act), be expelled from a meeting of Council for having failed to comply with a requirement under subclause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.</p> <p style="text-align: right;">Reg 256</p> <p>(5) For the purposes of this Clause the question of disorderly conduct is at the discretion of the Chairperson.</p> <p>(6) Acts of disorder committed by councillors during Council meetings may amount to misconduct within the meaning of sect. 440F of the Act.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. A councillor commits an act of disorder if the councillor, at a meeting of the Council reads beyond five minutes from any correspondence, report or other document, without the leave of Council (in accordance with Clauses 8.4 & 8.5). 2. Clause 10.3(2) (Reg 256 (2)) authorises the Chairperson to require a councillor to retract comments or to apologise without reservation for an act of disorder in the circumstances specified. 3. An act of disorder includes, but is not limited to, conduct where a person, without the consent of the Chairperson or in the opinion of the Chairperson, conducts themselves or behaves in such a way as to interrupt or impede debate by councillors or the conduct of the meeting. 4. Examples of disorderly conduct could include, but are not limited to, the following (but the ultimate determination is at the Chairperson's discretion): <ol style="list-style-type: none"> a. Audibly interrupts the conduct of the meeting; b. Behaves or acts in a manner which disrupts the conduct of the meeting or that is inconsistent with maintaining order at the meeting; c. Holds up, waves or displays a placard, banner, sign or document, in a manner which disrupts the conduct of the meeting or that is inconsistent with maintaining order at the meeting; d. Uses any video recorder, camera, filming device, voice recorder, or any electronic recording device without permission of the Council; e. Distributes in the Council Chamber or its precincts Federal, State or Local Government "how to vote" material or other election material without permission of the Council; or f. Insults or makes personal reflections on or imputes improper motives to any employee of Council. 5. If a councillor does not act as requested by the Chairperson, a councillor may be expelled from the meeting. This can be done by the Council, Chairperson (if

	authorised to do so by a resolution of the meeting) or by a person presiding at the meeting. However, Council must have resolved to authorise the person presiding to exercise the power of expulsion: this is in accordance with Clause 10.5 (sect. 10(2) of the Act). (ref. OLG PN 16 8.2.3)
	<p>10.4 Dealing with disorder at meetings</p> <p>(1) If disorder occurs at a meeting of Council, the Chairperson may adjourn the meeting for a period of not more than 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 subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.</p> <p>(2) A member of the public may, as provided by Clause 10.5 (sect. 10(2)(a) or (b) of the Act), be expelled from a meeting of Council for engaging in or having engaged in disorderly conduct at the meeting.</p> <p style="text-align: right;">Reg 257</p>
10.4	<p>Practice</p> <ol style="list-style-type: none"> 1. Council has a duty of care to provide a workplace in which all employees are treated with respect and which is free from bullying, harassment, discrimination and other intimidating behaviours. 2. Where the Chairperson determines that an employee present at a Council meeting is not being treated appropriately they may request that any offending comment be withdrawn and/or an apology given. 3. If the comment is not withdrawn and/or the apology given, the General Manager or their delegate may, in accordance with Clause 3.9, withdraw the employee(s) from the meeting.
10.5	<p>10.5 Effect of expulsion</p> <p>Entitlement to attend meetings</p> <p>A person (whether a councillor or another person) is not entitled to be present at a meeting of the Council or of a committee of which all members are Councillors if expelled from the meeting:</p> <ol style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sec 10(2)</p>
10.6	<p>10.6 Warning to councillors</p> <p>If the Chairperson of the meeting is of the view that the ongoing behaviour of a councillor is disruptive to the good order of the meeting, the Chairperson shall:</p> <ol style="list-style-type: none"> (a) warn the councillor that they could face a Motion to authorise removal from the meeting if they continue to breach the Code, and (b) if a further breach occurs, seek the views of the meeting as to the removal of the councillor. <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. A councillor who is named by the Chairperson for an act of disorder referred to in Clause 10.6 above, and fails to apologise for the disorder if requested to by the Chairperson, may be expelled from the meeting by resolution of Council in accordance with Clause 10.3 and Clause 10.5 (Reg 255 and 256).

	<p>2. A councillor expelled from a meeting in accordance with the above shall leave the Chamber for the duration of the meeting.</p> <p>3. The expulsion of a councillor shall be recorded in the minutes of the meeting.</p>
10.7	<p>10.7 Power to remove persons from Council meeting</p> <p>(1) The power to expel a person or persons from a meeting is delegated to the Mayor or to another Chairperson of the meeting in respect of a Council meeting; and to the Chairperson of each Council committee (pursuant to Reg 260) of which all members are councillors, in respect of a meeting of that committee.</p> <p style="text-align: right;">Supp Prov</p> <p>(2) If a councillor or a member of the public fails to leave the place where a meeting of the Council is being held:</p> <p>(a) immediately after the Council has passed a resolution expelling the councillor or member from the meeting, or</p> <p>(b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion - immediately after being directed by the person presiding to leave the meeting,</p> <p>a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.</p> <p style="text-align: right;">Reg 258</p> <p>Practice</p> <p>1. The power to remove a councillor is confined to those circumstances prescribed by Clause 10.3(3) of this Code (clause 256(3) of the Regulation) and Clause 10.5.</p> <p>2. For the purposes of this clause, the Chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the Council.</p>
10.8	<p>10.8 The use of electronic equipment during meetings</p> <p>(1) The use of electronic equipment such as iPhones and other smartphones, Blackberries, iPads, mobile phones, laptop computers or other devices should be kept to a minimum during Council meetings, and at all times these devices should be operated only in silent mode.</p> <p>(2) Councillors' iPads should be used during meetings only to access Council documents relating to the business paper and/ or agenda; or to email lengthy wording of Motions or Amendments to the Minute Taker.</p> <p style="text-align: right;">Supp Prov</p> <p>Practice</p> <p>1. Councillors, Council officers and members of the public gallery must ensure that their mobile phones are silent or switched off; and any other recording devices are switched off during meetings of Council (unless permission has been granted by Council to record the meeting).</p> <p>2. Failure to comply with Clause 10.8 above during a meeting of Council will be deemed to be an act of disorder and render the offender liable to expulsion from the meeting as per Clause 10.5.</p>
11.0	PART 11 - ADJOURNMENT OF MEETINGS
11.1	<p>11.1 Motion to adjourn meeting</p> <p>(1) A councillor may move the procedural Motion "that the meeting be adjourned".</p> <p>(2) The Motion before being put to the vote must be seconded by a councillor.</p>

	<p>(3) The mover of the Motion may address the meeting on the Motion.</p> <p>(4) No further debate on the Motion is permitted.</p> <p style="text-align: right;">Supp Prov</p>
11.2	<p>11.2 Amendment to Motion to adjourn meeting</p> <p>(1) Amendments to the Motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting.</p> <p>(2) Amendments to the Motion to adjourn a meeting are to be moved and seconded.</p> <p>(3) The mover of the Amendment may address the meeting as to the content of the proposed Amendment.</p> <p>(4) Any address to the Motion of adjournment or Amendment is limited to three minutes.</p> <p style="text-align: right;">Supp Prov</p>
11.3	<p>11.3 Reconvening an Adjourned Meeting</p> <p>(1) A reconvened meeting will commence in accordance with any Motion or Amendment and will continue as if there had been no break in the proceedings of the meeting.</p> <p>(2) In the circumstances of an adjourned meeting for which there was no specified time and place for the meeting to be re-convened, Council will deal with any unfinished business for which notice was given at the next meeting of Council.</p> <p style="text-align: right;">Supp Prov</p> <p>(3) A meeting may be adjourned to a time later in the same day.</p> <p>(4) An adjourned meeting is a continuation of the same meeting; it is <i>not</i> a new meeting.</p> <p>(5) If a meeting is adjourned to a different date, time or place, each councillor and the public should be notified of the new date, time or place.</p> <p style="text-align: right;">OLG PN16 4.3.1</p>
12.0	PART 12 - CLOSED MEETINGS
12.1	<p>12.1 Grounds to close meetings</p> <p>(1) Council or a committee of Council of which all members are councillors may close to the public so much of its meeting as comprises:</p> <ol style="list-style-type: none"> the discussion of any of the matters listed in subclause (2), or the receipt or discussion of any of the information so listed. <p>(2) The matters and information are the following:</p> <ol style="list-style-type: none"> personnel matters concerning particular individuals (other than councillors), the personal hardship of any resident or ratepayer, information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed: <ol style="list-style-type: none"> prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the Council, or reveal a trade secret, information that would, if disclosed, prejudice the maintenance of law, matters affecting the security of the Council, councillors, Council employee or Council property, advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

	<p>(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,</p> <p>(i) alleged contraventions of any Code of conduct requirements applicable under sect. 440 of the Act.</p> <p>(3) Council or a committee of Council of which all members are Councillors may also close to the public so much of its meeting as comprises a Motion to close another part of the meeting to the public.</p> <p style="text-align: right;">LGA Sec 10A(1)-(3) [See Appendix "G" Closure of Meetings]</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. The OLG has advised that it considers decisions involving tenders and the setting of reserve prices are recognised categories of confidential information, the disclosure of which could damage Council's competitive position. Therefore these matters can be considered in closed meetings in accordance with Clause 12.1 (2) (d) above (sect. 10A(2)(d) of the Act). 2. Please also refer to the Director-General Guidelines issued pursuant to sect. 10B(5) of the Act entitled "The Closure of Council Meetings to the Public", dated April 2013, for detailed information about the closure of meetings.
12.2	<p>12.2 Limitations to Closing Meetings</p> <p>Further limitations relating to closure of parts of meetings to the public</p> <p>(1) A meeting is not to remain closed during the discussion of anything referred to in Clause 12.1 (sect. 10A(2) of the Act):</p> <ol style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sec 10B(1)</p>
12.3	<p>12.3 Discussion of Legal Matters</p> <p>A meeting is not to be closed during the receipt and consideration of information or advice referred to in Clause 12.1 (2)(g) (sect. 10A(2)(g) of the Act) unless the advice concerns legal matters that:</p> <ol style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sec 10B(2)</p>
12.4	<p>12.4 Motions to Close other Parts of a Meeting</p> <p>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 12.1(3) (sect. 10A(3) of the Act)), 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 12.1 (2) (sect. 10A (2) of the Act)).</p> <p style="text-align: right;">LGA Sec 10B(3)</p>

12.5	<p>12.5 Matters of Public Interest</p> <p>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:</p> <ul style="list-style-type: none"> (a) a person may misinterpret or misunderstand the discussion, or (b) the discussion of the matter may: <ul style="list-style-type: none"> (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. <p style="text-align: right;">LGA Sec 10B(4)</p>
12.6	<p>12.6 Department guidelines for meeting closure</p> <p>In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must have regard to any relevant guidelines issued by the Director-General.</p> <p style="text-align: right;">LGA Sec 10B(5)</p> <p>Note: Refer to Director-General Guidelines issued pursuant to sect. 10B(5) of the Act entitled “The Closure of Council Meetings to the Public” dated April 2013.</p>
12.7	<p>12.7 Representation by public before a Council meeting is closed</p> <ul style="list-style-type: none"> (1) Council, or a committee of 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. <p style="text-align: right;">LGA Sec 10A(4)</p> <ul style="list-style-type: none"> (2) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the Motion to close the part of the meeting is moved and seconded. (3) That period is as fixed by this Code (see subclause (4)). Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings. <p style="text-align: right;">Reg 252; see also Reg 264</p> <ul style="list-style-type: none"> (4) A member of the public who wishes to address a Council meeting on a Motion that the meeting be closed to the public for discussion on a confidential item may address the Council for up to two (2) minutes, as to whether that part of the meeting should be closed. <p style="text-align: right;">Supp Prov</p>
12.8	<p>12.8 Specifying grounds for closing meetings</p> <p>Grounds for closing part of meeting to be specified</p> <ul style="list-style-type: none"> (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. (2) The grounds must specify the following: <ul style="list-style-type: none"> (a) the relevant provision of Clause 12.1(2) (sect. 10A (2)), (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)

	<p>an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</p> <p>LGA Sec 10D</p>
12.9	<p>12.9 Notice of closure not required in urgent cases</p> <p>Part of a meeting of Council or a committee of the Council where all members are Councillors may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:</p> <ul style="list-style-type: none"> (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in Clause 12.1(2) (sect. 10A (2) of the Act), and (b) the Council or committee, after considering any representations made under sect. 10A (4) of the Act, resolves that further discussion of the matter: <ul style="list-style-type: none"> (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. <p>LGA Sec 10C</p>
12.10	<p>12.10 Resolutions to be made public</p> <ul style="list-style-type: none"> (1) If Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended. <p style="text-align: right;">Reg 253</p> <ul style="list-style-type: none"> (3) Any such resolution must clearly specify the decision Council has made during the closed part of the meeting, but without revealing confidential information. <p style="text-align: right;">Supp Prov</p>
12.10	<p>Practice</p> <ol style="list-style-type: none"> 1. While discussions during a closed meeting must remain confidential, the resolution must allow the public to know what Council has decided during the closed part of the meeting, without revealing any confidential information. For example, a recommendation such as “Resolved as recommended in the report” does not adequately inform the public of the decision of Council. 2. To be mindful of protecting confidentiality of individuals or other details, Council’s resolution should (for example) state an assessment number instead of a person’s name when dealing with a rates matter. (See OLG Circular 07-08).
13.0	<p>PART 13 - VOTING AND DECISIONS OF COUNCIL</p>
13.1	<p>13.1 Decisions of the Council</p> <p>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. (See Clause 3.1)</p> <p style="text-align: right;">LGA Sec 371</p>
13.2	<p>13.2 Voting Entitlements of councillors and Chairperson’s casting vote</p> <p>Voting entitlements of councillors</p> <ul style="list-style-type: none"> (1) Each councillor is entitled to one vote. (2) However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. <p style="text-align: right;">LGA Sec 370</p> <ul style="list-style-type: none"> (3) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the

	<p>Council may resolve that the voting in any election by councillors for Mayor or Deputy Mayor is to be by secret ballot.</p> <p style="text-align: right;">Reg 251(5)</p> <p>Practice</p> <ol style="list-style-type: none"> 1. Each councillor is entitled to one vote on each Motion that comes before the meeting. 2. If the voting on a Motion is equal, the Chairperson has a second or “casting” vote. The legislation does not specify how a casting vote is to be used. It is a matter for the Chairperson as to how they will vote, after taking into consideration all relevant information. They do not need to vote the same way on their first and second vote. 3. Should the Chairperson decline or fail to exercise a casting vote the Motion being voted upon would be lost. (See OLG PN16 2.10)
<p>13.3</p>	<p>13.3 Abstentions to be counted</p> <p>Voting at Council meetings</p> <ol style="list-style-type: none"> (1) A councillor who is present at a meeting of Council but who fails to vote on a Motion put to the meeting is taken to have voted against the Motion. (2) If a councillor who has voted against a Motion put at a Council meeting so requests, the General Manager must ensure that the councillor's dissenting vote is recorded in the Council's minutes. <p style="text-align: right;">Reg 251(1)-(2)</p> <ol style="list-style-type: none"> (3) If a councillor is anywhere in the room where the Council meeting is being held, they are considered to be present for the purposes of voting. If they are in the room but do not raise their hand to vote on an issue, their vote is taken as against the Motion. <p style="text-align: right;">Supp Prov</p>
<p>13.4</p>	<p>13.4 Divisions</p> <p>Conducting a Division</p> <ol style="list-style-type: none"> (1) 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 demand a Division. (2) When a Division on a Motion is demanded, the Chairperson must ensure that the Division takes place immediately. The General Manager must ensure that the names of those who vote for the Motion and those who vote against it are respectively recorded in the Council's minutes. <p style="text-align: right;">Reg 251(3)-(4)</p> <p>Recording of Voting on Planning Matters</p> <ol style="list-style-type: none"> (3) In this section, “planning decision” means a decision made in the exercise of a function of Council under the <i>Environmental Planning and Assessment Act 1979</i>: <ol style="list-style-type: none"> (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but (b) not including the making of an order under Division 2A of Part 6 of that Act. (4) The General Manager is required to keep a register containing, for each planning decision made at a meeting 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. (5) For the purpose of maintaining the register, a Division is required to be called whenever a Motion for a planning decision is put at a meeting of the Council.

	<p>(6) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.</p> <p>(7) This section extends to a meeting that is closed to the public.</p> <p style="text-align: right;">LGA Sec 375A</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. A Division is to be called for all Motions and Amendments which notes the voting for and against. This is to include voting for all planning matters as required by Clause 13.4 above (sect. 375A of the Act). 2. All voting under a Division at Council meetings shall be recorded in the minutes of the meeting with all names of councillors who voted for or against a Motion or Amendment being recorded, or otherwise the words “unanimous” being recorded when all voting is the same.
13.5	<p>13.5 Invalidation of Council proceedings</p> <p>Certain circumstances do not invalidate Council decisions</p> <p>(1) Proceedings at a meeting of Council or a Council committee are not invalidated because of:</p> <ol style="list-style-type: none"> (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 committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council meeting in accordance with sect. 451 of the Act; or (e) a failure to comply with this Code. <p style="text-align: right;">LGA Sec 374</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. The intention of this clause is to validate a council's proceedings where there is some defect. It does not provide an avenue for the Chairperson, councillors or officers of Council to avoid compliance with the requirements of the Act, Regulation or this Code. It merely provides that the proceedings are not invalidated because of a failure on someone's part to observe a legal requirement or regulation. 2. In accordance with Clause 13.5 above (sect.374 of the Act), a failure to comply with this Code does not invalidate the proceedings of a meeting. 3. This includes points of order and determinations with regard to meeting procedure.
13.6	<p>13.6 Rescinding or altering resolutions of the Council</p> <ol style="list-style-type: none"> (1) A resolution passed by Council may not be altered or rescinded except by a Motion to that effect of which notice has been duly given in accordance with the regulations made under sect. 360 of the Act and this Code. (2) 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. (3) If a Motion has been negatived by Council, a Motion having the same effect must not be considered unless notice of it has been duly given in accordance with this Code.

- (4) A Notice of Motion to alter or rescind a resolution, and a Notice of Motion which has the same effect as a Motion which has been negated by the Council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the Motion was negated, as the case may be.
- (5) If a Motion to alter or rescind a resolution has been negated, or if a Motion which has the same effect as a previously negated Motion, is negated, no similar Motion may be brought forward within 3 months. This subsection may not be evaded by substituting a Motion differently worded, but in principle the same.
- (6) A Motion to which this section applies 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.
- (7) The provisions of this section concerning negated Motions do not apply to Motions of adjournment.

LGA Sec 372

- (8) A Notice of Motion to alter or rescind a resolution must be signed by three councillors and must be lodged in the following manner:-
 - (a) In circumstances where the resolution of the Council has been carried by 5 or more councillors voting in favour of the resolution, then the Notice of Motion to alter or rescind the resolution must be lodged at the Council meeting at which the resolution was carried; or
 - (b) In all other circumstances, the Notice of Motion to alter or rescind the resolution must be lodged with the General Manager or specified delegate by 5.00pm on the next working day after the meeting at which the resolution is carried.
- (9) If notice of a Rescission Motion is given by a councillor at the meeting at which the resolution is carried, or the councillor indicates at that meeting that a notice will be lodged on the next working day, no action is to be taken to carry the resolution of Council into effect until the Rescission Motion is dealt with.
- (10) If notice of a Rescission Motion has not been lodged at a Council meeting in accordance with subclause (8) and no notice of intention to lodge such a Notice of Motion has been given by a councillor at the meeting at which the resolution is carried, action may be taken to carry the resolution into effect.
- (11) If in the circumstances the General Manager or specified delegate receives a Notice of Motion in accordance with subclause (9), the General Manager or specified delegate must ensure that action to carry the resolution into effect, if not yet commenced, is not commenced; and, if already commenced, is ceased and no further action taken until the Rescission Motion is dealt with.
- (12) If notice of intention to lodge a Notice of Motion to alter or rescind a resolution has been given by a councillor at a Council meeting and a Notice of Motion has not been lodged with the General Manager or specified delegate in accordance with clause (8), action to carry the resolution into effect will commence.
- (13) A Rescission Motion will be dealt with at the next available meeting of Council (including an Extraordinary meeting) after the meeting at which the resolution is carried, unless the Council resolves to the contrary.
- (14) The draft Motion that is proposed to be moved, should the Rescission Motion be carried, must be lodged in accordance with the Notice of Motion requirements at [Clause 5.5](#) of this Code, if such proposed Motion has not already been stated in the Rescission Motion.
- (15) Notices of Rescission which attempt to alter or stop some course of action which has been substantially proceeded with shall be ruled out of order (See also [Clause 13.7](#) below).

Supp Prov

	<p>Practice</p> <ol style="list-style-type: none"> 1. If a Motion has been defeated, a Notice of Motion which is the same as the previously defeated Motion cannot be brought forward until three months has passed, unless it is signed by three councillors. 2. If a Notice of Motion which is the same as a previously defeated Motion is also defeated, a Motion which is the same as the two previously defeated Motions cannot be brought forward again until three months has passed. 3. A Rescission Motion must be in writing and signed by three councillors. 4. A Rescission Motion can only prevent a resolution of Council from being effective immediately if notice is given at the meeting at which the resolution was passed. 5. Once a Notice to alter or rescind a resolution has been signed by three councillors and given to the General Manager in accordance with Clause 13.6 (sect.360 of the Act), the purported withdrawal of support for the Motion by one or more of the signatories to the Motion will not invalidate the Motion. The General Manager is therefore obliged to include the Motion on the agenda for the next available Council meeting (unless the Motion is, or the implementation of the Motion would be, unlawful). 6. The “next available Council meeting” includes any Extraordinary meeting which may have been called. 7. A Motion to rescind or alter a resolution of Council cannot be withdrawn once submitted, irrespective if all three councillor’s signatories are withdrawn prior to its consideration at a Council meeting. The Motion will remain listed for Council’s consideration at its next available Council meeting. 8. If the Motion does not have support at the meeting, it may lapse for the want of a mover or seconder, or be defeated in a vote.
	<p>13.7 Rescission of resolutions granting development consent</p> <p>A Rescission Motion (to rescind a Motion granting development consent) which is lodged after the development consent has been issued to the applicant will be ruled out of order.</p> <p style="text-align: right;">Supp Prov</p>
13.7	<p>Practice</p> <ol style="list-style-type: none"> 1. Under sect. 83 of the <i>Environmental Planning and Assessment Act 1979</i>, development consent has effect from the date endorsed on the written notification (subject to any appeal action). 2. Once the applicant has been formally advised of council’s decision, there may be issues of compensation to the applicant if consent is later rescinded.
14.0	<p>PART 14 - COMMITTEES OF COUNCIL</p>
14.1	<p>14.1 Committee of the Whole</p> <p>(1) A council may resolve itself into a committee to consider any matter before the council.</p> <p style="text-align: right;">LGA Sec 373</p> <p>(2) If at the time Council resolves itself into the “committee of the whole” while the meeting was open to the public, then the meeting will remain open to the public unless Council resolves to exclude the public under Clause 12.1 (sect. 10A of the Act).</p> <p>(3) The committee of the whole may not pass a Council resolution. It makes recommendations to Council in the same way as any other committee of Council.</p>

	<p>(4) Once the committee of the whole has completed its business and the Council meeting has resumed, Council considers any recommendations made by the committee.</p> <p style="text-align: right;">OLG PN16 2.6</p> <p>(5) All the provisions of the Regulation relating to meetings of Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.</p> <p>(6) 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 proceedings in committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.</p> <p>(7) 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.</p> <p style="text-align: right;">Reg 259</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. During the course of a Council meeting, Council may resolve itself into the "committee of the whole" under s.373 of the Act. That part of the Council meeting then becomes a committee meeting. 2. The main advantage of a Council forming into "committee of the whole" is that the limits on the number and duration of councillors speeches referred to in Clause 8.4 and 8.5 (Reg 250) do not apply. 3. After a meeting resolves itself out of committee of the whole, any recommendations from the committee of the whole are to be immediately considered by the Council meeting for determination. 4. If Council resolves itself into committee of the whole the meeting remains open to the public, unless Council closes it under sect. 10A(2). 5. Councils purporting to close meetings by resolving into the committee of the whole are not complying with the provisions of the Act. (see OLG Circular 07-08)
<p>14.2</p>	<p>14.2 Chairperson and deputy Chairperson of committee of the whole</p> <ol style="list-style-type: none"> (1) The chairperson of each committee of Council must be: <ol style="list-style-type: none"> (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. (2) Council may elect a member of a committee of the council as deputy Chairperson of the committee. (3) If neither the Chairperson nor the deputy Chairperson of a committee of 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. (4) The Chairperson is to preside at a meeting of a committee of 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. <p style="text-align: right;">Reg 267</p>

14.3	<p>14.3 Voting procedure in committee of Council</p> <p>(1) Subject to subclause (3), each committee of Council may regulate its own procedure.</p> <p>(2) Without limiting subclause (1), a committee of Council may decide that, whenever the voting on a Motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote.</p> <p>(3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).</p> <p style="text-align: right;">Reg 265</p> <p>(4) A councillor who is present at a meeting of a committee but who fails to raise their hand to vote on a Motion put to the meeting is taken to have voted against the Motion. <i>(This subclause does not apply to a councillor who does not vote because he or she has a pecuniary interest in the subject matter of the Motion.)</i></p> <p>(5) If a councillor who has voted against a Motion put at a committee meeting so requests, the General Manager must ensure that the councillor's dissenting vote is recorded in the minutes.</p> <p style="text-align: right;">Supp Prov</p>
14.4	<p>14.4 Disorder in committee of Council</p> <p>The provisions of the Act and of the Regulation relating to the maintenance of order in Council meetings apply to meetings of committees of Council in the same way as they apply to meetings of Council.</p> <p style="text-align: right;">Reg 270</p>
14.5	<p>14.5 Certain persons may be expelled from committee meeting</p> <p>(1) If a meeting or part of a meeting of a committee of Council is closed to the public in accordance with sect. 10A of the Act, any person who is not a councillor may be expelled from the meeting as provided by sect. 10(2)(a)(b) of the Act (Clause 10.5).</p> <p>(2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, committee 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.</p> <p style="text-align: right;">Reg 271</p>
14.6	<p>14.6 Reports of committees</p> <p>(1) If in a report of a committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.</p> <p>(2) The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.</p> <p>(3) If a committee of 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:</p> <p style="margin-left: 20px;">(a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and</p> <p style="margin-left: 20px;">(b) report the resolution or recommendation to the next meeting of the Council.</p> <p style="text-align: right;">Reg 269</p>
15.0	<p>PART 15 – AFTER THE MEETING</p>

15.1	<p>15.1 Making and acting on Council decisions</p> <p>(1) The Act requires councillors as a group to direct and control the Council's affairs, allocate Council's resources, determine Council policies and objectives and monitor Council's performance (sect. 223 and 232 of the Act).</p> <p>(2) The General Manager is responsible for the efficient and effective operation of Council's organisation, the day-to-day management of the council, employment of council employees and for acting on Council decisions (sect.335 of the Act).</p> <p style="text-align: right;">OLG PN 16 10.1</p>
15.2	<p>15.2 General Manager required to act on Council decisions</p> <p>Sect. 335 (1) of the Act states that the General Manager is generally responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of decisions of the council.</p> <p style="text-align: right;">OLG PN16 10.1.2</p>
15.3	<p>15.3 Public availability of decisions</p> <p>Councils make decisions at open Council meetings following the issuing of agendas and business papers to councillors and members of the public. Usually each item of business to be dealt with at the meeting is on the agenda, however, in cases of great urgency, business can be dealt with at a meeting without it being recorded on the agenda. Decisions made at Council meetings will be recorded in the minutes of the meeting which will be made available to the public.</p> <p style="text-align: right;">Supp Prov</p>
16.0	<p>PART 16 - MINUTES AND ACCESS TO INFORMATION</p>
16.1	<p>16.1 Keeping of Minutes</p> <p>(1) The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.</p> <p>(2) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.</p> <p style="text-align: right;">LGA Sec 375</p>
16.2	<p>16.2 Matters to be included in minutes of Council meeting</p> <p>(1) Council is required to ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council (other provisions of the Regulation and of the Act require particular matters to be recorded in Council's minutes).</p> <p style="text-align: right;">LGA Sec 375</p> <p>(2) The General Manager must ensure that the following matters are recorded in the Council's minutes as a minimum:</p> <ul style="list-style-type: none"> (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 is passed or lost, (d) the circumstances and reasons relating to the absence of a quorum together with the names of the councillors present, (e) the dissenting vote of a councillor, if requested, (f) the names of the councillors who voted for a Motion in a Division and those who voted against it (Note: Under Clause 13.4 (sec 375A of the Act), a Division is always required when a Motion for a planning decision is put at a meeting of the Council),

	<p>(g) a report of the proceedings of the committee of the whole, including any recommendations of the committee, Reg 233(3), 251(2-4), 254, 259(3)</p> <p>(h) The grounds for closing part of a meeting to the public,</p> <p>(i) The report of a committee leading to a Rescission or alteration Motion,</p> <p>(j) The disclosure at a meeting by a councillor of a pecuniary interest. LGA Sec 10D, 372(6), 453</p> <p>(3) In the interests of privacy protection, only a précis of any Petitions tabled at meetings of the Council shall be recorded in the minutes of that meeting, and not the entire Petition containing personal information. See Clause 7.3.</p> <p>(4) Minutes are not intended to provide a transcript of the proceedings of the Meeting nor include details of discussion or debate.</p> <p>(5) Council does not record or provide full (Hansard) transcripts of Council meetings.</p> <p>(6) Audio recordings are available during the archive period to verify details of meeting proceedings.</p> <p>(7) The structure and presentation of the minutes shall be at the General Manager's discretion, unless formally directed otherwise by Council.</p> <p style="text-align: right;">Supp Prov</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. The purpose of the minutes is to record business and decisions from the meeting. 2. The minutes shall not record things said by way of debate or comment, unless resolved by Council. 3. The correctness of the minutes of every preceding ordinary, extraordinary or special meeting (not previously confirmed) shall be taken into consideration as an item of business at every Ordinary meeting of Council where practicable, in order that such minutes can be confirmed. Any Motion or discussion with respect to such minutes will be out of order, except with regard to their accuracy as a true record of proceedings. 4. In relation to the recording of Motions and Amendments, the minutes of the meeting shall show the Motion or Amendment, whether it was "carried" or "lost", and the mover and seconder of the Motion or Amendment. 5. If a councillor is temporarily absent from the Council Chamber when a vote occurs during a meeting, their absence shall be recorded in the minutes of the meeting.
<p>16.3</p>	<p>16.3 Minutes for closed meetings</p> <ol style="list-style-type: none"> (1) Subject to Clause 16.4, any person is entitled to inspect minutes containing resolutions or recommendations from the closed parts of meetings. (2) In accordance with the Regulation (254) minutes of closed meetings must include the details of all Motions and Amendments; the names of their movers and seconders; and whether the Motions and Amendments are passed or lost. (3) The minutes should record sufficient details of the resolution to indicate the nature of the decision. It is not sufficient, for example, to resolve to "implement the committee's recommendation". More specific information is required. While Council cannot keep its decisions confidential, it is possible to discuss matters in the minutes in such a way as not to reveal confidential details. <p style="text-align: right;">Supp Prov (ref. OLG PN 16 7.3.2)</p>

16.4	<p>16.4 Inspection of the minutes of a Council meeting</p> <p>(1) An inspection of the minutes of Council or committee of Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.</p> <p>(2) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.</p> <p style="text-align: right;">Reg 272</p> <p>(3) Minutes of Council meetings are to be made accessible to councillors and the public via the Council's website as soon as practicable following Council meetings.</p> <p style="text-align: right;">Supp Prov</p>
16.5	<p>16.5 Confirmation of minutes</p> <p>(1) Every entry in the minutes of the business transacted at a meeting of the council and purporting to be signed by the person presiding at a subsequent meeting of the council is, until the contrary is proved, evidence:</p> <p style="margin-left: 20px;">(a) that the business as recorded in the minutes was transacted at the meeting; and</p> <p style="margin-left: 20px;">(b) that the meeting was duly convened and held.</p> <p style="text-align: right;">LGA Sec 703</p> <p>(2) The minutes of a meeting are "unconfirmed" until they are submitted for confirmation at a subsequent meeting. The minutes can be amended in terms of their accuracy by Council resolution at the meeting prior to their confirmation.</p> <p style="text-align: right;">Supp Prov</p>
16.6	<p>16.4 Public access to correspondence and reports</p> <p>(1) A Council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.</p> <p>(2) This section does not apply if the correspondence or reports:</p> <p style="margin-left: 20px;">(a) relate to a matter that was received or discussed; or</p> <p style="margin-left: 20px;">(b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.</p> <p>(3) This section does not apply if the Council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in Clause 12.1 (2) (sect. 10A (2) of the Act), are to be treated as confidential.</p> <p style="text-align: right;">LGA Sec 11</p>
17.0	<p>PART 17 – DISCLOSURE AND MISUSE OF INFORMATION</p>
17.1	<p>17.1 Disclosure and misuse of information</p> <p>(1) A person must not disclose any information obtained in connection with the administration or execution of the Act unless that disclosure is made:</p> <p style="margin-left: 20px;">(a) with the consent of the person from whom the information was obtained, or</p> <p style="margin-left: 20px;">(b) in connection with the administration or execution of the Act, or</p> <p style="margin-left: 20px;">(c) for the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings, or</p>

	<p>(d) in accordance with a requirement imposed under the <i>Ombudsman Act 1974</i> or the <i>Government Information (Public Access) Act 2009</i>, or</p> <p>(e) with other lawful excuse.</p> <p>(1A) In particular, if part of a meeting of a Council or a committee of a Council is closed to the public in accordance with sect. 10A (1) of the Act, a person must not, without the authority of the Council or the committee, disclose (otherwise than to the Council or a councillor of the Council) information with respect to the discussion at, or the business of, the meeting.</p> <p>(1B) Subsection (1A) does not apply to:</p> <p>(a) the report of a committee of Council after it has been presented to Council, or</p> <p>(b) disclosure made in any of the circumstances referred to in subsection (1)(a)(e), or</p> <p>(c) disclosure made in circumstances prescribed by the Regulation, or</p> <p>(d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with sect. 12 of the Act.</p> <p>(2) A person acting in the administration or execution of the Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.</p> <p>(3) A person acting in the administration or execution of the Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:</p> <p>(a) the determination of an application for an approval, or</p> <p>(b) the giving of an order.</p> <p style="text-align: right;">LGA Sec 664</p> <p>(4) For the purposes of sect. 664(1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.</p> <p style="text-align: right;">Reg 412</p>
17.2	<p>17.2 Handling and circulation of confidential information</p> <p>Councillors shall have access to information related to matters on the agenda which is marked as confidential through the councillor's online document system.</p> <p style="text-align: right;">Supp Prov</p>
18.0	PART 18 - COUNCIL SEAL
18.1	<p>(1) The seal of Council must be kept by the Mayor or the General Manager, as the Council determines.</p> <p>(2) The seal of Council may be affixed to a document only in the presence of:</p> <p>(a) the Mayor and the General Manager, or</p> <p>(b) at least one councillor (other than the Mayor) and the General Manager, or</p> <p>(c) the Mayor and at least one other councillor, or</p> <p>(d) at least 2 councillors other than the Mayor.</p> <p>(3) The affixing of the Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause(2)) attest by their signatures that the seal was affixed in their presence.</p>

	<p>(4) The seal of Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.</p> <p>(5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.</p> <p style="text-align: right;">Reg 400</p>
	<p>Practice</p> <ol style="list-style-type: none"> 1. A council seal is like the signature of the council. It signifies Council's approval to the content of the document to which it is affixed. 2. A council resolution is required before each use of the seal. The resolution must specifically refer to the document to be sealed.

Code of Meeting Practice – concluded

Definitions

Acknowledgement of Country	A sign of respect whereby people acknowledge the Traditional Aboriginal Custodians of the land upon which an event is taking place.
the Act (or LGA)	The <i>Local Government Act 1993 (NSW)</i> (referenced in format 'LGA Sec X' where X represents a specific section number).
Amendment	In relation to an original (or 'substantive') Motion, means a Motion moving an Amendment to that Motion.
business day	A weekday (Monday to Friday) which is not a public holiday.
Business Paper	The details of any item of business to which sect. 9 of the Act applies (see clause 5.3) must be included in a business paper for the meeting concerned.
Chairperson	The person presiding at the meeting as provided by sect. 369 of the Act, and (in relation to a meeting of a committee of Council)-means the person presiding at the meeting as provided by clause 267 of the Regulation.
this/the Code	Eurobodalla Shire Council Code of Meeting Practice.
committee	In relation to this Code, means the Council when it has resolved itself into a committee of the whole, or a committee established under clause 260 of the Regulation.
defamatory	"A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person"
OLG PN16	NSW Office of Local Government's Practice Note 16 "Meetings".
misconduct	Failure to comply with the Act or Council's Code of Conduct is misconduct under sect. 440F of the Act.
Motion	A proposal to be considered by Council at a meeting. It is a request to do something or to express an opinion about something. A Motion formally puts the subject of the Motion as an item of business for the Council.
Petition	A request for action on a matter over which Council has the power to act. The "terms" of a Petition consist of the reasons for Petitioning Council and a request for action by Council. A Petition must include the name, address and signature of each person signing the Petition and a contact name, address and telephone number for the person responsible for the Petition.
presentation	A presentation made to Council on a subject which Council may consider.
record	A document (including any written or printed material) or object (including an audio or video recording, Coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or Council employee and, in particular, includes the minutes of meetings of the Council or of a committee of the Council.
Regulation (or Reg)	The <i>Local Government (General) Regulation 2005 NSW</i> (referenced in format 'Reg X' where X represents a specific clause number).
relative	In relation to a person, means any of the following: parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse; or the spouse or de facto partner of the person.

Rescission Motion	A Motion to rescind (withdraw) a previous decision of Council.
Resolution	A Motion that has been passed by a majority of councillors at the meeting. While in practice it means the “Council decision”, the word “resolution” also indicates the process by which the decision was made.
substantive Motion	means the original Motion.
supplementary provision (or Supp Prov)	Eurobodalla Shire Council’s adopted specific meeting provisions for Council to achieve its objectives, which are not inconsistent with the Act and Regulation (referenced in format ‘Supp Prov’)
year	The period beginning 1 July and ending the following 30 June.

Governance

Supporting Documents

Name	Link
Ordinary meetings of Council (2 Pages)	Appendix “A”
Guidelines for Public Address to Council	Appendix “B”
Request to address Council: Registration Form	Appendix “C”
The role of Chairperson	Appendix “D”
Motions, Amendments and foreshadowed Motions	Appendix “E”
Calling a Point of Order	Appendix “F”
Closure of Meetings	Appendix “G”
Guide to Council Meetings (handout)	Appendix “H”
Conduct of On-Site Inspections	Appendix “I”
Guide to preparing and submitting a Petition	Appendix “J”

Related legislation, policies, codes, and guidelines

Name	Link
Code of Conduct	www.esc.nsw.gov.au/inside-Council/Council/Council-policies
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
Local Government (General) Regulation 2005	www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+487+2005+cd+0+N
OLG Practice Note 16: Meetings Practice Note (2009)	www.olg.nsw.gov.au/sites/default/files/Practice-Note-16-Meetings-Practice-Note-August-2009.pdf
Director-General’s Guideline “The Closure of Meetings to the Public” April 2013	www.olg.nsw.gov.au/sites/default/files/Closure-of-Council-Meetings-to-the-Public.pdf
Model Code of Conduct for Local Councils in NSW (2013)	www.kyogle.nsw.gov.au/cp_content/resources/ModelCodeofConduct2013.pdf
State Records Act 1998	www.legislation.nsw.gov.au/maintop/view/inforce/act+17+1998+cd+0+N

General Disposal Authority: Local Government Records GA39 (2011)	www.records.nsw.gov.au/recordkeeping/government-recordkeeping-manual/rules/general-retention-and-disposal-authorities/files/GA39.pdf
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Related external references

Name	Link
State Records	www.records.nsw.gov.au/recordkeeping/recordkeeping
Dictionary to the Local Government Act	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N

Review

This Code of Meeting Practice may be updated as necessary when legislation or the OLG requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its meeting practices.

This Code of Meeting Practice will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages its Council meetings.

Reviews of the effectiveness of this Code could include the following:

Performance indicator	Data source(s)
Complaints, Internal or external review, Number of Breaches of Code	Council records, Audit

Change history

Version	Approval date	Approved by	Minute No	File No	Change
#6	23 Mar 2010	Council	10/68	E06.0429	Endorsed and adopted.
#7	NA	None	NA	E06.0429	Placed on exhibition Sep 2012, not adopted by Council.
1.8	10 Sep 2013	Council	13/271	E06.0429 E13.7095	Completely revised and rewritten. Added new Supplementary Provisions, updated format, review date, references, links. Change to evening meetings for 6-12 month trial period.
1.9	25 Sep 2013	Council	NA	E06.0429	Minor edit: amended Order of Business to include timing of dinner break and Public Forum
1.10	24 Jul 2014	NA	NA	E06.0429	Minor edit: Updated references to Division of Local Government (DLG) to new name: Office of Local Government (OLG)

2.0	9 Dec 2014	Council	14/369	E06.0429	Updated, removed references to committees, added practice notes and additional appendices. Revert to day-time meetings. Include live-streaming via website.
3.0	dd mmm 2017	Council	TBA	E16.0297	Reviewed and updated (start of new Council term)

Internal use only

Responsible officer	General Manager	Approved by	Council		
Min no	14/369	Report no	GMR14/036	Effective date	9 Dec 2014
File No	E06.0429	Review date	Sep 2016	Pages	77 incl. appendices

Appendix “A” Ordinary Meetings of Council

Meeting Date	2 nd and 4 th Tuesday of month, excluding January
Meeting Time	10am till 2pm with option to extend to 3pm
Membership	Full Council – 9 councillors
Quorum	5 members
Chairperson	The Mayor
Deputy Chairperson	The Deputy Mayor
Casting Vote	Chairperson
Charter	To address and consider agenda items relating to the business of Council.
Public Participation	In accordance with Council’s Code of Meeting Practice, which allows a maximum of 5 minutes per person, it also allows councillors to ask questions of the speaker.
Advertising	Meetings will be advertised on Council’s website and in local newspapers.
Recording	The meetings will be audio recorded for the purposes of minute taking. They will be audio-visually recorded for the purpose of live-streaming via the Council’s website.
Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act 1993:	<ul style="list-style-type: none"> – the appointment of a General Manager; – the making of a rate; – a determination under sect. 549 of the Act as to the levying of a rate; – the making of a charge; – the fixing of a fee; – the borrowing of money; – the voting of money for expenditure on its works, services or operations; – the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment); – the acceptance of tenders which are required under the Act to be invited by the Council; – the adoption of a management plan under sect. 406 of the Act; – the adoption of a financial statement included in an annual financial report; – a decision to classify or reclassify public land under Division 1 Part 2 Chapter 6 of the Act; – the fixing of an amount or rate for the carrying out by Council of work on private land; – the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the Council for the carrying out of any such work; – the review of a determination made by the Council, and not by a delegate of the Council, of an application for approval or an application that may be reviewed under sect. 82A of the Environmental Planning and Assessment Act 1979; – the power of the Council to authorise the use of reasonable force for the purpose of gaining entry to premises under sect. 194 of the Act; – a decision under sect. 356 of the Act to contribute money or otherwise grant financial assistance to persons;

	<ul style="list-style-type: none"> – the making of an application or the giving of a notice to the Governor or Minister; – the power of delegation; – any function under the Act or any other Act that is expressly required to be exercised by resolution of the Council.
Other matters and functions determined by Ordinary Council meetings will include:	<ul style="list-style-type: none"> – Notices of Motion – Motions of Rescission – Council elections, polls, Constitutional Referendums and Public hearings / inquiries – Ministerial committees and inquiries – Mayor and councillors' annual fees – Recommendations relating to: <ul style="list-style-type: none"> – Local Government Remuneration Tribunal – Local Government Boundaries – NSW Ombudsman – Administrative Decisions Tribunal – Delegations of Functions by the Minister – Delegation of Functions to General Manager – High-Level Organisational structure – Code of Conduct – Code of Meeting Practice – Honesty and Disclosure of Interests – Access to information – Protection of Privacy – Enforcement Functions (statutory breaches/prosecutions/recovery of rates) – Council land and Property development – Annual Financial Reports, Auditors Reports, Annual Reports and State of the Environment reports – Performance of the General Manager – Equal Employment Opportunity – Powers of Entry – Liability and Insurance – Memberships of organisations – Any matter or function not within the delegable function of committees – Matters referred from committees for determination – Affixing of the Common Seal of Council

Appendix “B” Guidelines for public address to Council

Who can speak at a Meeting?

Anyone! To assist the decision-making process, Council provides the opportunity for members of the public to address Council during meetings. Community members can address Council on items on the agenda, during Public Forum. You can speak as a representative of a local organisation or authority, or you can have someone else speak on your behalf. If you have any questions, please phone us on **02 4474 1358**.

Please be aware that Council meetings in open session are recorded for public record. Audio recordings may be available to the public via the Customer Service Centre or on Council’s website (subject to technological availability) during the archive period.

What can I speak about?

You may speak on any Council related matter listed on the agenda, except for confidential matters under sect.10 of the *Local Government Act 1993*, e.g. some legal matters, tenders, personnel matters (check with us on 02 4474 1358 if you’re not sure!)

Note: *Presentations or questions about items which are not on the agenda can be made during the public access session held 30 minutes before the start of an ordinary Council meeting. The access session is not part of the meeting and will not be recorded or included in the minutes.*

- You can only speak about local issues or matters otherwise related to Council business.
- You may not make insulting or defamatory statements, and you should take care when discussing other people’s personal information.
- Where you have previously addressed Council on an issue, further requests to address Council will only be accepted if new issues are to be introduced. Issues previously raised by you are not to be re-canvassed.
- This does not prevent you from addressing Council for the first time on a matter that has previously been the subject of a Public Forum presentation or question by another speaker.

What are the rules for addressing Council at a meeting?

- Speakers should register by 12 noon on the business day prior to the meeting.
- A written copy of the presentation or question must be provided to Council.
- Public Forum during the Council meeting generally commences at the beginning of the meeting as per the Order of Business, unless otherwise resolved by Council.
- Each speaker is permitted to address Public Forum for up to 5 minutes. Council may resolve to extend this by a further 3 minutes if considered appropriate.
- You may use and distribute printed information, sketches etc, but we can’t accommodate audio-visual presentations or equipment.
- Council accepts no responsibility for any defamatory comments made by speakers in respect of anything said or any material presented to the Meeting.

- There is no guarantee that a response can be given to your address during the meeting, unless practical to do so. Some questions or statements may require extra time to prepare a suitable response. If insufficient notice has been provided before the meeting, councillors or employees cannot be expected to provide an answer to your question or statement at the same meeting. If a suitable response cannot be given during the meeting it will be provided to you in writing as soon as practicable after the meeting.

Conduct of Speakers

- All speakers should conduct themselves with due respect to the Council and observing Council's Code of Meeting Practice, i.e. not disrupting the conduct of the meeting, treating all people with respect and courtesy, and not making defamatory comments.
- In the event that you do not conduct yourself accordingly, the Chairperson may request you to apologise, desist from the inappropriate behaviour, return to the public gallery, or otherwise enact provisions of Council's Code of Meeting Practice.
- If you are asked to withdraw and/or apologise for comments or behaviour and refuse to do so, the Chairperson may expel you from the meeting. An expelled presenter will not be able to address Council until an apology has been made at a Council meeting, however will not be able to present at that same meeting.

NOTE: The Chairperson may (at their discretion) vary these practices to promote equity or assist the conduct of the meeting.

Replies to Speakers

- Where your address relates to an issue of general interest, the Mayor or General Manager may be able to provide a reply to you when you finish speaking. If a formal reply or research is required, the General Manager will respond in writing as soon as practicable.

How do I register to address Council at a meeting?

Registration should be made to Executive Support by 12.00pm on the business day prior to the meeting, to allow for preparation of the business paper.

Send your registration by emailing the form and a copy of your presentation to council.meetings@eurocoast.nsw.gov.au OR hand the form and a copy of your presentation into the Customer Service Centre.

Your registration must include:

- your name, postal or email address, and contact telephone number;
- the organisation or group you are representing (if applicable);
- details of the item number in the agenda, the issue to be addressed or the question to be presented to the meeting;
- whether you are opposing or supporting the matter (if applicable).

Appendix "C" Registration to address Council on agenda items



Registration to address Council on agenda items

- Ordinary Council meetings commence at 10.00am and Public Forum is usually scheduled first in the order of business, unless resolved otherwise by Council.
- Speakers are required to state their name for the record. The proceedings of all Council meetings in open session are recorded for public record and are available to members of the public during the archive period.
- Speakers do not have absolute privilege (parliamentary privilege) in respect of anything said or any material presented to the meeting.

Date of Council meeting:

Your Full Name:

Postal or Email address *(only used for a response to your question to be sent, if required)*

.....
.....

Daytime phone: *(if we need to contact you about the meeting)*.....

Group(s) or organisation(s) represented: *(if applicable)*

.....

Do you want to: ☐ **Make a statement** ☐ **Ask a question**

Addressing agenda item no(s):

☐ **In support of the matter** ☐ **Opposing the matter** ☐ **Other**

Please summarise your address to Council below, and attach a written copy of your presentation or question to this form *(a copy of your presentation or question will be published on Council's website, subject to statutory requirements e.g. privacy legislation).*

.....
.....
.....

If a response is required: Do you want Council's response published on our website?

(Any responses published will be subject to privacy and other legislation) ☐ **No** ☐ **Yes**

- To register please phone 4474 1358, hand this form into Customer Service, or email it to council.meetings@eurocoast.nsw.gov.au. All registrations must be received by Executive Support by 12.00 noon on the business day prior to the meeting.
- Please refer to the [Guidelines](#) for more information.

Appendix “D” The role of Chairperson

- The Chairperson shall insist upon the proper conduct of debate.
- The Chairperson should be impartial and consistent in rulings on all occasions regardless of their personal views and beliefs on the subject being discussed whether or not they have made their view known.
- The Chairperson shall receive and put to the meeting any Motion which is brought before the meeting in accordance with the Act, Regulation and Code of Meeting Practice.
- The Chairperson should not permit discussion unless there is a Motion before the meeting.
- The Chairperson shall have no power to adjourn the meeting of his or her own accord except, but not limiting the provisions of the Act or the regulation, the Chair can adjourn when the meeting lacks a quorum and when disorder arises.
- The Chairperson has the authority to advise and counsel the meeting.
- The Chairperson shall preserve order and endeavour to prevent interference with speakers by private talk or heckling remarks, offensive statements and the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise. (Refer to Regulation 255 – Questions of Order)
- The Chairperson of Council Meeting or Committees of which all councillors are members shall have the right to exercise a casting vote.

Appendix “E” Motions, Amendments and foreshadowed Motions

Motions

- A Motion is a proposal, moved by one councillor and seconded by another calling for a specific action to be taken or a decision to be made on the particular matter before the Committee or Council.
- If that Motion is passed it becomes a resolution of the Council or the Committee (within the Committee’s delegation).
- The mover of a Motion may be given the opportunity to explain the Motion before a seconder is called for, if considered necessary by the Chairperson.
- Once a Motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it, or suggesting changes to it.
- If there is no objection to a Motion before Council or Committee, there shall be no right of reply, and the Chair shall put the Motion.
- Where there is a Motion and an Amendment, following debate on the Amendment and then the Motion, the mover of the Motion has a right of reply prior to voting on the Amendment taking place.
- A Motion should be very specific in its intention, and must be capable of being implemented.
- A Motion should start with the word ‘THAT’, for example ‘THAT the road be closed’.
- Motions should be written in a positive sense so that a ‘yes’ vote indicates support for the action, and a ‘no’ vote indicates that no action should be taken.
- The Motion should be simple and easy to understand so that there is no doubt about its meaning - it should be well structured and if it involves a number of different aspects then there should be different parts to the Motion.
- If possible, a Motion should be qualified by referring to a timetable, financial implications, who is to take the necessary action, etc.
- When a Motion is complex in its wording and intent, to assist other councillors of the Committee/Council a councillor shall submit the Motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format. This will allow the Motion/Amendment to be displayed accurately on the visual screens at the time that the Motion or Amendment is being discussed. This will remove any doubt in the minds of councillors as to what exactly is being moved.
- Likewise, the Chairperson should ensure that any Motion/Amendment is clearly understood by all councillors present prior to voting.
- A councillor seconding the Motion is in effect saying "I support this proposal." If no person present is prepared to second the Motion it then lapses and should not be discussed further.

- The mover of the Motion has the right to speak first, and a general “right of reply” at the end of the debate. No new information or material should be argued during the “right of reply.”
- The seconder of the Motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
- At the end of the debate, the Chairperson puts the Motion to the meeting for voting by councillors.

Amendments

- An Amendment to a Motion requires a mover and a seconder to put it forward.
- The Amendment must be dealt with before voting on the main Motion. Debate is allowed only in relation to the Amendment and not the main Motion – which is suspended while the Amendment is considered.
- If the Amendment is passed, it becomes the Motion and this new Motion can be debated. If the Amendment is not supported, the main Motion stays in its original form.
- There should only be one Amendment to a Motion before Council at any time. If several Amendments are proposed, each should be moved, seconded, debated and voted upon before the next.
- Amendments may be in the form of additional words to a Motion and/or the removal of words. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the Motion. In any case an Amendment to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

Foreshadowed Motions/Amendments

- It is possible to advise the Council of an intention of a foreshadowed Motion or Amendment that relates to the business currently before Council.
- The Chairperson cannot accept the foreshadowed Motion or Amendment until the current Motion or Amendment has been determined.

Appendix “F” Calling a Point of Order**A Point of Order may be called in the following circumstances:**

- (a) A matter is raised that does not relate to the subject being discussed.
- (b) There is no quorum present in the Council Chamber.
- (c) There has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate.
- (d) A councillor has used objectionable, insulting, offensive, abusive language or made defamatory insinuations about a person's motives or conduct.
- (e) A speaker has exceeded the time limit for speeches.
- (f) An Amendment under discussion has not been seconded.
- (g) A matter is raised which is outside the powers of the Council.
 - The Chairperson may rule a councillor out-of-order in two ways - generally upon a ruling being given by the Chairperson after another councillor has made a point of order, or by the Chairperson on his or her own initiative making the ruling.
 - When a councillor raises a point of order, the person speaking must stop speaking until the point has been dealt with. The councillor who raises the point of order shall where possible refer to the specific section of the Code of Meeting Practice, for example:
“Under section 8.4 of the Code of Meeting Practice....”
 - No other councillor may speak on the Point of Order.
 - The Chairperson will then rule on the Point of Order, either by agreeing that the speaker is out-of-order or disagreeing and allowing the speaker to continue.
 - If there is an objection to the Chairperson's ruling, a councillor may move a Motion of Dissent. (Refer to [Clause 9.3](#) / Regulation 248)
 - A Point of Order must not be taken for the purpose of contradicting statements made by another councillor or providing a personal explanation. It must only be concerned with the conduct of the meeting.
 - An explanation or contradiction is not a Point of Order.

Appendix “G” Closure of Meetings

The table below summarises the provisions of sect. 10A and 10B of the Act. Council may go into closed session for receipt or discussion of any of the following matters, for as much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security:

Matter - Section 10A	Restrictions - Section 10B
(2)(a) personnel matters concerning particular individuals	
(2)(b) personal hardship of any resident or ratepayer	
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of council, or (iii) reveal a trade secret	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (except for trade secrets)
(2)(e) information that would, if disclosed, prejudice the maintenance of law	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(f) matters affecting the security of the council, councillors, council employee or council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land	(2) advice must concern legal matters that: (a) are substantial issues relating to a matter in which the council is involved (b) are clearly identified in the advice, and (c) are fully discussed in that advice
2(i) alleged contraventions of any Code of Conduct requirements applicable under sect. 440 <i>Code of Conduct</i> of the Act	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(3) so much of its meeting as comprises a Motion to close another part of the meeting	(3) must not include any consideration of the matter or information to be discussed

Appendix “H” Guide to Council meetings**Welcome to our meeting!**

Meetings of the Council are open to the public.

For the consideration of all present, respectful and orderly conduct is expected and mobile telephones are to be turned off during the meeting.

The proceedings of all Council meetings in open session are sound-recorded to confirm accuracy of the minutes, and may be available for listening by members of the public during the archive period via Council’s website (subject to technological availability) or electronically (e.g. on CD or USB drive) for a nominal fee.

Order of business - Council meetings are chaired by the Mayor. Each item on the agenda is dealt with separately. Items in which there is general public interest may be dealt with first. The Public Forum for questions and presentations on agenda items is usually scheduled at the beginning of Council meetings.

Business paper - The business paper is a booklet containing a copy of the report for each item on the agenda. It is available for viewing via Council’s website (www.esc.nsw.gov.au) and at each of Council’s libraries, three days before the meeting.

Agenda - The agenda lists all items for consideration at the meeting, and is included in the front of the business paper. Separate copies of the agenda are available at the entrance to the Council Chambers on the day of the meeting.

Addressing Council at Public Forum – our Council endeavours to foster open discussion on matters to help make decisions for the benefit of our community. To achieve this, members of the public may request to address a Council meeting during Public Forum on any item listed on the agenda. Anyone wanting to speak at a Council meeting should email council.meetings@eurocoast.nsw.gov.au, or hand a request form into Council’s customer service centre, by 12 noon on the business day prior to the meeting.

For more information on the meeting process or addressing Council meetings please check Council’s website at www.esc.nsw.gov.au, call 4474 1358, or refer to the [guidelines](#).

Appendix “I” Conduct of On-Site Inspections**Aim**

For councillors to familiarise themselves with the site and area to gain an understanding of the impact of a proposal (e.g. development or event).

Decisions to have an on-site inspection

When a decision to hold an inspection is made, it is important that a clear indication be given as to who will be notified of the inspection.

Conduct of inspections

The purpose of the inspection is for the gathering of facts and for councillors to gain an appreciation and a full understanding of the onsite circumstances of a proposal. A decision on the proposal will not be made at the inspection.

Key points relating to the conduct of inspections are:

- Applicants and objectors may be asked to contribute by assisting with advice and explanation of their various points of view and to answer questions from councillors and Council officers.
- Objectors/applicants are not to debate issues with each other, councillors or Council officers.
- Applicants and objectors will have the right to apply to address Council or Committee meeting when the matter is under consideration.
- Inspections shall not be used for the transaction of council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) council decision is made.
- Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal Council meeting.

Appendix “J” Guide for preparing and submitting a Petition

What is a Petition?

A Petition expresses a concern about an issue, usually on matters of public policy or administration, and contains a request for action to be taken (or in some cases, not taken). It is a way that people can directly place issues before Council for a response.

Individuals, groups or organisations may seek to have Petitions presented to the Council.

What must be in a Petition?

To be presented to Council, a Petition must:

- be addressed to ‘The Eurobodalla Shire Council’ or ‘the Mayor and Councillors of Eurobodalla Shire Council’;
- explain **the reason** for Petitioning Council – this must be an issue or matter on which the Council has the power to act, that is, a local government administrative or operational matter (*some matters are the responsibility of NSW or Australian Government, other local authorities, or private entities*);
- contain **a request for action** to be taken by the Council;
- include the original signature, full name and address of a **principal Petitioner** (the person responsible for the Petition) and at least four other signatures.

Please be aware that a Petition must:

- be written in moderate language;
- not promote illegal acts;
- consist only of original, hand written signatures (photocopies, faxes or electronic signatures are not accepted);
- contain all signatures on pages which include at least the request for action (as stated on the first page of the Petition); and
- not contain attachments, letters, photos or supporting documentation. (Any such documents will be returned to the principal Petitioner.)

Submitting a Petition

Petitions should be submitted by post to the General Manager, the Mayor or to an elected councillor, who all share the same address at: PO Box 99, Moruya NSW 2537

Action on Petitions

After a Petition is received the General Manager or councillor will assess whether it complies with requirements. Petitions which comply with requirements will then be presented to the Council at a meeting and may be included on the Council’s website. If a Petition does not meet requirements, it will be returned to the principal Petitioner.

When Council has responded, the response will be recorded in Council’s record system and the response will be sent to the principal Petitioner, and may be included on the Council’s website.

A sample Petition template has been included in this Appendix to assist Petitioners.

TO THE MAYOR AND COUNCILLORS OF EUROBODALLA SHIRE COUNCIL

This Petition of:

draws to the attention of the Council:

We therefore ask the Council to:

Must be addressed to Eurobodalla Shire Council

Who the petition is **from**, e.g. 'residents of Broulee'

REASON: explain the issue of concern. It must be a matter on which Council has the power to act.

REQUEST: state the action you want Council to take.

PRINCIPAL PETITIONER

Full Name: _____

Signature: _____

Address: _____

_____ Postcode: _____

Email (if any): _____

Telephone (daytime): _____

CONTACT DETAILS for principal petitioner

This information is only for office use. It will not be published, but when the petition has been presented to Council it may be available for the public to view.

NAME AND SIGNATURE

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10.

SIGNATURES OF OTHER PETITIONERS

- At least 5 signatures are required for a petition to go to Council.
- Other information such as postal addresses can be provided, but they are **not** required. (Petitions seeking other information should state that it is a 'voluntary' field)
- If needed, attach more pages for signatures. Signatures on the back of a page or on a blank page, will **not** be counted.

We therefore ask the Council to:

NAME AND SIGNATURE

The request (the action you want Council to take) **must** appear at the top of **each additional page** of names and signatures

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POLICY

Policy name	Community Gardens Policy
Responsible manager(s)	Director Community, Arts and Recreation Services
Contact officer(s)	Divisional Manager, Community and Recreation Development
Directorate	Community, Arts and Recreation Services
Approval date	

Purpose

Community gardens are places for actively building community through shared activities, and for learning and sharing sustainable living practices. They play a role in improving access to fresh locally grown food for their members, as well as providing a valuable recreational activity, social interaction and educational benefits for the local community.

Council values the utilisation of appropriate public open space for community gardening for its contribution to the health and wellbeing of the wider community and for the creation of a sustainable living environment.

The purpose of this policy is to outline Council's position on the concept of community gardens and to clarify the roles of Council and community groups who apply for community gardens on Council owned or managed land within the Eurobodalla Shire.

Policy statement

1	<p>Application</p> <p>This policy applies to Council owned community land as classified under the <i>Local Government Act 1993</i> (the Act) and Crown land where Council is the Trust Manager. All Council owned Community Land is required to be covered by Plans of Management under the Act. Where this policy differs from the Plan of Management for the site, the Plan of Management shall be the governing document.</p> <p>The preferred land type for community gardens is Council owned Community Land, which must be categorised as either Park or General Community Use under the Act. Council may consider applications for the use of Crown land where Council is the Trust Manager and appropriate community land is not available.</p>
2	<p>Legislation</p> <p>This policy is established under the <i>Local Government Act 1993</i>.</p>
2.1	<p>Land Use Planning</p> <p>Development consent is not required for community gardens on community land. Community garden groups with a licence for the use of Council owned or managed land are acting by or on behalf of Council in accordance with the Act and as such minor development as outlined in the <i>State Environmental Planning Policy (Infrastructure) 2007</i>, would be exempt. This would include but is not limited to, pergolas, rain water tanks, sheds of a certain size and fencing. The size, location and number of these structures are required to be shown on the site plan and will form part of the licence conditions.</p>

3	Objectives of Community Gardens Community gardens on Council owned or managed land should aim to: <ul style="list-style-type: none"> • strengthen sense of community by increasing opportunities for participation in community gardening; • promote access to fresh organic and locally produced fruit and vegetables; • encourage more sustainable resource and energy use in the community; • encourage education and training opportunities in the sustainable production of food; and • provide recreation opportunities to enhance Council's public open space network.
3.1	Council's Role Eurobodalla Shire Council is committed to supporting community groups to establish community gardens on Council owned or managed land within the Eurobodalla Shire. Council's primary role is as a landowner or land manager. Council will act as an enabler and supporter where possible within its financial and operational capacity. Council's authorities under the policy are specified in the Community Gardens Code of Practice. The supporting Community Gardens Guidelines outlines possible ways in which different sections of Council may be able to assist in the establishment or ongoing management of Community Gardens.
3.2	Community Groups Role The community garden must be managed and operated in a way that it does not have a negative impact on the amenity, health or safety of the surrounding community or the natural environment.
3.3	Licence for Use A licence agreement must be established between the Council and the eligible community group for the purpose of establishing and operating a community garden on Council owned or managed land.
3.4	Funding The community group will be responsible for appropriate income generation to support the establishment and ongoing operation of the garden. In part, this will be through the establishment of appropriate membership fees, fund raising, partnerships and through application for grants and funding from Council and external grant providers. This Policy does not commit Council to providing initial or ongoing funding or donations to Community Garden Groups. The process of obtaining donations or funding from Council is outlined in Council's Financial Assistance – Donations and Grants Policy.

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following Council's Community Gardens Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Director Community, Arts and Recreation Services

2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Divisional Manager, Community and Recreation Development
3	Concerns Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Request Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
4	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.	Public Officer
5	Consultation Consultation that may occur in relation to this policy will involve key stakeholders, community garden groups, Council's Parks Coordinator and the community.	Divisional Manager Community and Recreation Development, Parks Coordinator

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary if legislation requires it; or when Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages community gardens.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Complaints	Council records
Customer Feedback Survey Responses	Surveys
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N

Associations Incorporation Act 2009	www.legislation.nsw.gov.au/maintop/view/inforce/act+7+2009+cd+0+N
State Environmental Planning Policy (Infrastructure) 2007	www.legislation.nsw.gov.au/maintop/view/inforce/epi+641+2007+cd+0+N
Financial Assistance – Donations and Grants Policy	www.esc.nsw.gov.au/

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/

Supporting documents

Name	Link
Code of Practice	Internal Document
Community Gardens Guidelines	http://www.esc.nsw.gov.au/living-in/facilities-parks-gardens/community-gardens
Plan of Management	Plan of Management applying to the relevant site. See Council staff.

Definitions

Word/Term	Definition
community garden	A shared garden managed by a not for a profit community organisation and valued for its social, recreational, educational and community building benefits. The garden may contain shared plots, allotments or a mix of both.
shared plot	A garden that is cultivated by the members of a group working as a group. The work and produce is shared between its members.
allotment garden	A garden that is divided into separate sections for the sole use of individual parties. The user of each allotment takes responsibility for that area.

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	28 June 2011	Council	11/186	E11.5098	Policy adopted –report O11/126
2	23 Jul 2013	Council	13/173	E13.7095	Updated to new Policy Template, updated review date, updated references and links

Internal use

Responsible manager	Director Community, Arts and Recreation Services			Approved by	Council
Min no:	13/172	Report no:	O13/112	Effective date:	23 July 2013
File No:	E13.7095	Review date:	Sept 2016	Pages:	4

POLICY

Policy name	Events Policy
Responsible manager(s)	Divisional Manager – Business Development
Contact officer(s)	Events and Grant Development Coordinator
Directorate	Finance and Business Development
Approval date	TBA
Focus area	Productive Communities
Delivery Program link	P1.3 Seek and support the development and hosting of events
Operational Plan link	P1.3.1 Support event organisers in the delivery of a range of events

Purpose

The purpose of this policy is to state Eurobodalla Shire Council's commitment to events and set out Council's approach to process event requests on council owned and controlled land, but not including Council buildings.

This Policy must be read in conjunction with the *Eurobodalla Shire Events Guidelines*.

Council recognises the value and vitality events bring to the community in its Community Strategic Plan 2030 and Destination Management Plan 2011-2020, where

Council identifies the following strategic goals to:

- help our economy grow; and
- develop and promote a vibrant cultural and leisure tourism destination.

Council:

- Welcomes events which contribute to one or more of the following:
 - Build strong communities;
 - Support community health and wellbeing;
 - Contribute to economic development;
 - Strengthen participation in culture and recreation;
 - Enhance the Shire's reputation as a tourism, leisure and event destination known for its unique natural beauty; and
 - Considers access and inclusion.
- Strives to make it easy to stage events;
- Acknowledges it has a role to support events of benefit to the Eurobodalla Shire; and
- Balances its support for events with protection of resident and public amenity.

The following policy statement is designed to recognise Council's complex role in balancing the rights and responsibilities of event organisers, participants and community members.

Policy statement

1	<p>Application</p> <p>This policy is specifically directed at Commercial and Community Events that are held on Council owned or managed land and public roads.</p> <ul style="list-style-type: none"> • Commercial Events - are events that directly benefit the local economy by attracting visitor numbers to the area or provide the area with local, national or international recognition. • Community Events - are events that create and foster a positive community spirit through involvement, participation, relationship building and cooperation. <p>Exemptions</p> <p>The Policy does not apply to:</p> <ul style="list-style-type: none"> • Events on private land • Events in Council buildings?? • Activities of a small scale that do not interrupt the day to day running of the shire and usually only require a booking for the use of a Council venue or public space such as a street, park, beach, sports ground or reserve. <p>Note: This type of use is not covered by the Events Policy and Guidelines, but instead falls under the umbrella of Council's <i>Sports Facilities Seasonal Hire Policy, Casual Hire and/or Adopted Fees and Charges</i>.</p>
2	<p>Approval Process and Legislation</p> <p>Council's events team is responsible for processing all community and commercial event applications on public land and issuing licences to hold an event.</p> <p>Council will ensure the event approval process meets relevant legislative requirements.</p> <p>The full process for assessing event applications is outlined in the <i>Eurobodalla Shire Events Guidelines</i>.</p>
3	<p>Council's role</p> <p>Council will not act in an event organiser capacity although it may occasionally deliver its own events. It does have a role to support events and this is outlined in the draft events strategy. Council's administrative role is to facilitate the assessment of event applications, issuing of an event licence and associated approvals and to provide event organisers with the assistance required to foster the planning of events in the shire through the following:</p> <ul style="list-style-type: none"> • provision of a transparent framework for the consistent assessment of event applications • applying a cross-organisational approach to the approval phase of all events in the Shire that have an impact on residents and visitors • provision of advice and detailed information on appropriate event venues • provision of event guidelines to assist event organisers in preparing and submitting event applications • provision of a fee structure that enables events while recouping the costs associated with maintenance and enhancement of event venues. <p>While the Council acknowledges the important role of events in developing a vibrant community, the Council is not obliged to provide any financial support to events. Some events may receive financial assistance.</p>

4	Community and Environmental Impacts There must be a balance between the frequency and economic benefit of events and the needs and requirements of affected businesses, residents and other stakeholders. Events must have a minimal impact on the natural environment.
5	Payment of Fees Event fees will be determined annually as part of the Council financial review.
6	Indemnity The event organiser conducts an event at their own risk and must indemnify and hold harmless the Council against all claims resulting from any damage, loss, death or injury in connection with the venue used.

Implementation

Requirements		Responsibility
1	Guidelines This policy will be implemented by following Council's <i>Eurobodalla Shire Events Guidelines</i> , which specifies in detail the plan, procedures and matters to be considered.	Corporate Services
2	Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
3	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council Officers
4	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy will be considered during the exhibition period.	As required

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

This policy may also be reviewed and updated as necessary should legislation requires it; or when council's functions, structure or activities change; or when technological advances or new systems change the way that council manages events.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns	Council records
Customer Feedback Survey Responses	Surveys

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and the *Eurobodalla Shire Events Guidelines*.

Related legislation and policies

Name	Link
Sporting Facilities Seasonal Hire Policy	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Environmental Planning and Assessment Act 1979	www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/
Food Act 2003	www.austlii.edu.au/au/legis/nsw/consol_act/fa200357/
Roads Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/
Road Transport (Safety and Traffic Management) Act 1999	www.austlii.edu.au/au/legis/nsw/consol_act/rtatma1999412

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/

Supporting documents

Name	Link
<i>Eurobodalla Shire Events Guidelines</i>	www.esc.nsw.gov.au

Definitions

Word/Term	Definition
Small scale	<ul style="list-style-type: none"> • Less than 200 attendees • Using only one location within a council reserve • Limited traffic alterations required (excluding parking arrangements) • Infrastructure with minimal site/environmental impact • No alcohol sales • No ticket sales

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Feb 2012	Council	12/29	E11.5098	Policy commenced.

2	10 Sep 2013	Council	13/275	E13.7095	Reviewed and updated.
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Internal use

Responsible officer		Chief Financial Officer and Business Development		Approved by	Council
Min No	13/275	Report no	O13/59	Effective date	10 Sep 2013
File No	E13.7095	Review date	Sep 2016	Pages	4

POLICY

Policy name	Extinguishment of Easements
Responsible manager(s)	Divisional Manager Corporate Services
Contact officer(s)	Property Manager
Directorate	Finance and Business Development
Approval date	27 August 2013

Purpose

Eurobodalla Shire Council's policy is designed to ensure a consistency of approach to the extinguishment of easements over private property when no longer required by Council.

Easements can be created for a variety of purposes such as pedestrian or vehicular access, stormwater drainage, water supply and sewerage purposes. The majority of easements dealt with under this policy are likely to be those for stormwater drainage.

Many easements are acquired by Council through subdivision at no cost but become a Council owned right or asset. However, if Council acquires an easement other than in subdivision it is usual to pay compensation to the landowner for the potential detriment to the land and to pay other associated valuation, legal and administrative costs.

Extinguishment of an easement can enhance the value of the property through removal of the encumbrance. The increased value can be determined by a registered Valuer.

Policy statement

1	Application This policy applies to the extinguishment of easements over private property when no longer required by Council.
2	Legislation Council complies with the <i>Local Government Act 1993</i> and all other relevant legislation.
3	Extinguishment Council supports the extinguishment of easements it has over private properties when the benefit of the easements are no longer required. Where Council no longer requires an existing easement(s), such easement(s) can be extinguished provided the landowner pays Council at least an amount determined by a registered Valuer. If the extinguishment is owner initiated then an application fee together with a deposit to cover the legal, valuation and Council administrative costs as determined annually by Council are to be borne by the owner. If the extinguishment is Council-initiated then legal and valuation costs are to be borne by Council.

Implementation

Requirement		Responsibility
1	Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
2	Concerns Concerns received regarding this policy will be recorded on council's customer service request (CSR) or records system and handled in accordance with council's Customer Service Request Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
3	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
4	Consultation This policy has been developed in consultation with legal advice, relevant staff and referring to applicable legislation. The policy shall be placed on exhibition for public comment when required.	As required

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.*

This policy may also be reviewed and updated as necessary when legislation requires it or council's functions, structure or activities change; or when technological advances or new systems change the way that council manages easements.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Code of Practice	www.esc.nsw.gov.au/site/Publications/Strategies/PolicyReg/ViewCodes.aspx
Other Related Council Policy	www.esc.nsw.gov.au/site/Publications/Strategies/PolicyReg/

	Default.aspx
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy reviewed and retained (report G09/99)
2	27 Aug 2013	Council	13/246	E13.7095	Updated to new Policy Template, updated review date, updated references and links

Internal use

Responsible officer	CFO and Business Development		Approved by	Council	
Min No	13/246	Report no	O13/131	Effective date	27 Aug 2013
File No	E13.7095	Review date	Sep 2016	Pages	3

Policy name	Land Acquisition and Disposal
Responsible manager(s)	Divisional Manager Business Development and Events
Contact officer(s)	Property Manager
Directorate	Finance and Business Development
Approval date	TBA
Community Strategic Plan Objective	Support Services
Delivery Program/Operational Plan	SS3.3.4 Manage Council Property to achieve best value to the community

Purpose

Eurobodalla Shire Council will from time to time acquire or dispose of land or its interest in land, including road reserves

The policy aims to:

1. Ensure Eurobodalla Shire Council has open and accountable processes to consider the acquisition and disposal of land or its interest in land.
2. Ensure best value is achieved in Council land dealings.
3. Establish the criteria under which Council will consider acquisition and disposal of land or its interest in land.

Policy criteria

1	Application This policy applies to all acquisition and disposal of Council lands or its interests in land including easements over private property. Council (as custodian of public assets) acquires and disposes of all property interests in open market format to ensure due probity of process and optimal financial return (and minimal risk). All dealings in Council land can only be achieved through a resolution of Council.
2	Legislation This policy ensures Eurobodalla Shire Council's compliance with the <i>Local Government Act 1993</i> ; the <i>Real Property Act 1900</i> ; the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ; and the <i>Roads Act 1993</i> .
3	Land Acquisition Section 186 of the <i>Local Government Act 1993</i> prescribes what purposes Council can acquire land for: <ol style="list-style-type: none"> a) A council may acquire land (including an interest in land) for the purpose of exercising any of its functions. b) Without limiting subsection (a), a council may acquire: <ol style="list-style-type: none"> i. land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or

	<p>ii. <i>land which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired under this Part.</i></p> <p>Acquisition Requirements</p> <ol style="list-style-type: none"> 1. Properties are to be identified taking into consideration the purpose for which they need to be acquired, the strategic nature of such properties and the value that such properties have to the community. 2. Where properties are listed for sale on the open market, Council officers shall negotiate the terms of purchase with either the vendor or the vendor's agent. 3. Where properties are not listed on the open market, council officers shall arrange a valuation report as a basis for negotiation and the valuation report shall be attached to the report submitted to Council, as required. 4. For all land and easement acquisitions for properties not listed on the open market, the acquisition must be undertaken in strict accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. 5. Authority to compulsorily acquire land is granted under the Roads Act 1993 or the Local Government Act 1993. 6. Any negotiations are to be conducted on the basis that a formal offer cannot be made until Council has considered a report authorising purchase of the property. 7. In the event of a formal valuation being obtained, this shall be used as a guide in any negotiations and subsequent report to Council. 8. At the time of acquisition, Council must resolve the classification of the land to be either Operational or Community land.
4	<p>Land Disposals</p> <p>Land and buildings are to be tested against a number of criteria to determine whether the property is retained and developed for community use or developed or sold to realise its commercial potential.</p> <p>The seven (7) criteria contained in the assessment are:</p> <ol style="list-style-type: none"> 1. Statutory influences (restrictions or limitations) – are there statutory reasons for the Council ownership of the property? This will extend to actual or implied trusts that have been established as a result of Council's acquisition of the land. 2. Existing usage – Is the land used or likely to be used to meet operational, community or recreational needs? 3. Potential future use – is the land or road likely to be required for Council's operational needs. 4. Spatial distribution – are there adequate-like facilities and opportunity to meet future needs in the area and serving the local community? 5. Conservation value – does the land or road have cultural, natural or heritage value that should be maintained? 6. Site constraints and opportunities – in addition to conservation value are there other site constraints which may extend to [but not restricted to] flood liability, land slip, mine subsidence or other physical impairment? 7. Maintenance issues – what maintenance requirement does Council have for the land? <p>Should the proposed sale be impacted by any of these matters, it should not proceed unless it can be demonstrated that there is a public and/or economic benefit to the</p>

	<p>sale or the contract conditions can be structured to ensure that the issue is addressed.</p> <p>Where land (including surplus areas of public road) is capable of being sold on the open market and able to be developed independently of any other property, the sale shall be by competitive process involving public auction, private treaty, tender or expression of interest unless circumstances warrant sale by Direct Negotiation (as set out below). For public auction, the General Manager will set the reserve price based on a recommendation of an independent valuer.</p>
4.1	<p>Direct Negotiation</p> <p>Council can dispose of land by Direct Negotiation under the following circumstances:</p> <ol style="list-style-type: none"> 1. Where the total cost of the public sale process will exceed the expected community benefit. For example, where the land is worth \$1,000 and the cost to market the land is \$5,000. 2. Where there is only one identifiable purchaser. For example, where a site is not large enough for development in its own right (including a portion of road reserve) and is surrounded by public roads on all sides other than the adjoining owner. Where a site adjoins two owners such as laneways, they will each be offered 50%. 3. Where Council is bound by a contractual obligation. For example, a tenant with a first right of refusal, where that tenancy has been entered into as a result of public competition. 4. Disposal of land to a government or utility authority for the purpose of infrastructure provision. 5. Where a public marketing process which has been undertaken within the last 12 months in accordance with this policy has failed to achieve the desired outcome. 6. In response to a proposal which achieves specific policy goals of Council. 7. This exclusion aims to allow Council to respond to an approach for the development of a unique project. Any such proposal must comprise a concept plan and description of the project and clear demonstration of the achievement of specific policy and strategic goals and objectives of Council, eg a land-swap transaction. <p>The report to Council covering these sales will identify the reasons why this sale process was chosen.</p>
4.2	<p>Council Resolution</p> <p>The sale of Council land cannot be delegated and, as required by the <i>Local Government Act 1993</i>, all sales must be effected by a resolution of Council.</p>
4.3	<p>Classification</p> <p>All Council land is classified under the <i>Local Government Act 1993</i> as either operational or community land.</p> <p>The Act provides that only operational land can be sold, and if an area of community land is identified as being surplus, the land must first be reclassified to operational prior to that sale proceeding.</p> <p>The process of reclassification must be undertaken in accordance with the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/</p>
4.4	<p>Probity Plan</p> <p>Where land is being sold by direct negotiation, a probity plan will be developed to cover the following matters:</p>

	<ul style="list-style-type: none"> a) obtaining best value for money; b) demonstrating accountability and transparency; c) dealing with conflict of interest; d) providing a fair chance for all to participate; and e) where Council sells property subject to a development application, that application will be assessed independently and submitted to either the Independent Hearing and Assessment Panel or the Joint Regional Planning Panel.
4.5	<p>Valuation Requirements</p> <p>Where Council proposes to sell land by direct negotiation and the value of the land is greater than \$1 million, Council will obtain either:</p> <ul style="list-style-type: none"> a) two independent valuations where the site has no special value to an adjoining owner and the market value based on the highest and best use can be established by analysis of direct comparative sales data; or b) one valuation undertaken jointly by two consultant valuers or a consultant valuer and land economist, quantity surveyor or retail specialist where the sale has a special value either to an adjoining owner or where the purchaser is acquiring the land for a specific purpose for which direct comparable sales data is not available. <p>For all other Council land proposed to be sold other than by public auction, Council will obtain a valuation from an independent valuer to establish the market value, taking into account the highest and best use of the site and any conditions Council may place on the sale.</p> <p>For land being sold to an adjoining owner, the valuation shall be carried out on an added-value basis and the sale price shall be consistent with the difference in values on a before-and- after basis.</p> <p>Council recognises that valuation advice is not an exact science and it is not unreasonable that a sale price of up to 10% variation from that valuation may be achieved. However, where the negotiated outcome results in a sale price more than 10% less than the assessed market value, it shall be acknowledged in the report to Council giving reason why that variation shall be adopted.</p>
4.6	<p>Escalation Fee</p> <p>Where the sale is conditional on the determination of a development application, approval of a road closure, or making of a LEP to reclassify the land to operational, the agreed value shall increase at a rate of 5% pa (or such other amount as determined by Council from time to time) If:</p> <ul style="list-style-type: none"> • settlement is not achieved within 12 months from the date of the Council resolution authorising the sale, and • the delay is not as a result of Council or statutory process.
4.7	<p>Form of Contract</p> <p>Where Council resolves to sell community land (subject to reclassification) to a prospective purchaser, a Deed of Agreement shall be entered into between Council and the prospective purchaser committing each party to entering into a contract immediately should the reclassification be finalised. That Deed will be structured so that Council's regulatory responsibilities are not compromised.</p> <p>Where Council resolves to sell a portion of public road that is subject to a road closure under the Roads Act 1993 www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/ and</p>

	<p>the value of that land is less than \$100,000, the sale can be by memorandum of transfer.</p> <p>All other land sales shall be by contract.</p>
4.8	<p>Public Road Closures</p> <p>Areas of surplus Public Road must be closed under the <i>Roads Act 1993</i> to enable a sale to proceed. The closure process is managed by the Department of Primary Industries – Crown Lands Division.</p> <p>For public roads, the proposal shall also be subject to compliance with local service authorities whose utilities are located within the area affected by the proposed sale.</p> <p>For classified roads, the approval of the Roads and Maritime Services must be obtained prior to the matter being referred to Council for consideration.</p> <p>For purchaser-initiated closures and sales, the costs associated with the road closure will be borne by the prospective purchaser.</p>
4.9	<p>Transfer of Crown Roads to Council</p> <p>A Crown road may need to be transferred to Council for a development to proceed where the road provides the only means of legal access to the development. When Council becomes the roads authority, it also assumes the liability for the roads. If the road is not constructed or has only a gravel surface, Council may face future requests from the user(s) of the road to upgrade the road to a higher standard. Eurobodalla Shire Council will comply with <u><i>Roads Act 1993 Section 151</i></u></p> <p>Council will only consent to the transfer of a Crown road to a public road under the care and control of Council if:</p> <ol style="list-style-type: none"> 1. The Crown road reserve cannot be closed to become a private access; or 2. Access cannot be practically provided by an easement over private land; and 3. The road is constructed at the beneficiary's cost at the time of transfer to the minimum standard required by Council.
4.10	<p>Extinguishment of Easement</p> <p>Council supports the extinguishment of easements it has over private properties when the benefits of the easements are no longer required.</p> <p>Where Council no longer requires an existing easement(s), such easement(s) can be extinguished provided the landowner pays Council at least an amount determined by a registered Valuer.</p> <p>If the extinguishment is owner initiated then an application fee together with a deposit to cover the legal, valuation and Council administrative costs as determined annually by Council are to be borne by the owner.</p> <p>If the extinguishment is Council-initiated then legal and valuation costs are to be borne by Council.</p>

Implementation

Requirements		Responsibility
1	Staff Under supervision, applicable council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
2	Concerns Public concerns communicated to Council in relation to this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council Officers
3	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.	As applicable

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

This policy may also be reviewed and updated as necessary when legislation requires it; or council's functions, structure or activities change; or when technological advances or new systems change the way that council manages the acquisition and disposal of land or interest in land.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns or Complaints registered	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit
Delivery Program/ Operational Plan achieved	Council reporting

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Code of Practice – Acquiring Land for Public Purposes	www.esc.nsw.gov.au/inside-council/council/council-policies/
Related Council Policies –	www.esc.nsw.gov.au/inside-council/council/council-policies/

<ul style="list-style-type: none"> Land Investment Asset Management Property – Use by Community Organisations 	
<i>Local Government Act 1993</i>	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
<i>Real Property Act 1900</i>	www.austlii.edu.au/au/legis/nsw/consol_act/rpa1900178/
<i>Land Acquisition (Just Terms Compensation) Act 1991</i>	www.austlii.edu.au/au/legis/nsw/consol_act/latca1991442/
<i>Roads Act 1993</i>	www.austlii.edu.au/au/legis/nsw/consol_act/ra199373/

Supporting documents

Name	Link
Property Strategy	www.esc.nsw.gov.au when available

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	14 Oct 2014	Council	14/284	E01.5073	Policy commenced
2	TBA	Council	TBA	E16.0297	Policy review and update

Internal use

Responsible officer		General Manager	Approved by	Council	
Min no	14/284	Report no	FBD14/066	Effective date	14 Oct 2014
File No	E13.7095	Review date	Sep 2016	Pages	7

POLICY

Policy name	Transfer of Crown Roads to Council
Responsible manager(s)	Divisional Manager Corporate Services
Contact officer(s)	Property Manager
Directorate	Finance and Business Development
Approval date	10 September 2013

Purpose

The Crown Lands Division of the Department of Primary Industries no longer consents to construction works within Crown roads. As Crown roads provide the only means of legal access to many rural properties in the Shire, this creates a problem for development of those lands.

A Crown road may need to be transferred to Council for development to proceed. However, when Council becomes the roads authority, it also assumes the liability for the roads. If the road is not constructed or has only a gravel surface, Council may face future requests from the user(s) of the road to upgrade the road to a higher standard.

The policy is designed to ensure that Council will only accept Crown roads as public roads if the required standard of road is constructed at the beneficiary's cost at the time of transfer.

The policy aims to:

- Promote an integrated framework for dealing with the transfer of Crown Roads to Council.
- Ensure consistency and fairness in the manner in which the council deals with the transfer of Crown Roads to Council.
- Ensure compliance with legislative requirements under the *Roads Act 1993*.
- Promote awareness of the requirements of the Act with respect to the transfer of Crown Roads to Council.
- Take such steps as are appropriate to ensure Crown Roads transferred to Council are constructed to an approved Council standard.
- Make Council's policies and requirements for the transfer of Crown Roads to Council readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to developers and/or landowners required to construct access within a Crown road reserve.
2	Legislation Eurobodalla Shire Council will comply with <u><i>Roads Act 1993 Section 151</i></u>
3	Transfer of Crown Roads to Council
3.1	Conditions required for transfer Council will only consent to the transfer of a Crown road to a public road under the care and control of Council if: <ol style="list-style-type: none"> 1. The Crown road reserve cannot be closed to become a private access; or 2. Access cannot be practically provided by an easement over private land; and 3. The road is constructed at the beneficiary's cost at the time of transfer.

3.2 Road Construction Standard

The required minimum standard for construction is set out in the Transfer of Crown Roads to Council Code of Practice.

Implementation

Requirements		Responsibility
1	Code of Practice This policy will be implemented by following council's Transfer of Crown Roads to Council Code of Practice, which specifies in detail the plan, procedures and matters to be considered.	Divisional Manager Technical Services
2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
3	Concerns Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
4	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
5	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.*

This policy may also be reviewed and updated as necessary when legislation requires it; or council's functions, structure or activities change; or when technological advances or new systems change the way that council manages the transfer of Crown roads to Council.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer Concerns or Customer Feedback Survey Responses	Council records
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Code of Practice - Transfer of Crown Roads to Council	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182
Roads Act 1993 - Section 151	www.austlii.edu.au/au/legis/nsw/consol_act/ra199373

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	22 Sep 2009	Council	09/291	E09.3418	Policy adopted.
2	10 Sep 2013	Council	13/272	E13.7095	Policy reviewed and updated.

Internal use

Responsible officer	Director Infrastructure Services			Approved by	Council
Minute no	13/272	Report no	O13/56	Effective date	10 Sep 2013
File No	E13.7095	Review date	Sep 2016	Pages	3

POLICY

Policy name	Water Usage Charging
Responsible manager(s)	Director Finance and Business Development
Contact officer(s)	Revenue Accountant
Directorate	Finance and Business Development
Approval date	TBA
Focus Area	Support Services

Purpose

Council provides a water supply service which is funded by users of the service through annual and usage charges. This policy applies to owners of property that are connected to Council's water supply systems and explains how Council determines water usage accounts. The policy aims to:

- Confirm who is responsible for the payment of water usage charges.
- Explain how water usage accounts are calculated.
- Detail Council's requirements for dealing with disputed water meter readings.
- Provide concessions where a concealed leak has resulted in a significant increase in a customer's water use, for home haemodialysis patients and for public hospitals.
- Promote an integrated framework for determining water supply usage accounts.
- Ensure consistency and fairness in the manner in which the Council deals with water supply customers.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*.
- Make the Council's policies and requirements for water supply and charging readily accessible and understandable to the public.

Policy statement

1	Application This policy applies to owners of properties connected to Council's water supply systems.
2	Legislation Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and the <i>Local Government (General) Regulation 2005</i> .

Implementation

Requirements		Responsibility
1	Policy The owner(s) of a property is responsible for all water usage that is recorded on the water meter/s servicing that property.	Customer
2	Meter readings	Customer

	Water meter readings are accepted as final and conclusive as measurement for water, subject to the meter not being defective.	
3	<p>Disputed Meter Readings</p> <p>At the request of the owner or occupier of premises and on the payment of a fee, Council will arrange for a water meter to be inspected and tested.</p> <p>If, as a result of such an examination and test, a water meter is found not to correctly measure the quantity of water passing through it, the council may charge for the supply of water:</p> <ul style="list-style-type: none"> • Where the meter is reading in favour of Council - on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year, in which case Council will refund the meter testing fee; or • Where the meter is reading in favour of the customer - on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year, in which case Council will refund the meter testing fee; or • Where the meter is reading in favour of the customer – the water consumption recorded for the period, in which case Council will not refund the meter testing fee. <p>A water meter that registers less than 3 per cent more or less than the correct quantity is taken to correctly measure the water passing through it.</p> <p>The meter test fee payable is the fee published annually in Council's Fees and Charges as part of the Operations Plan.</p> <p>Defective meters shall be replaced at Council's expense.</p>	Revenue Accountant
4	<p>Undetected Leaks Concession</p> <p>Notwithstanding the property owner being responsible for all water usage at a property, Council may apply a concession where a concealed leak has resulted in a significant increase in water use, subject to the following conditions:</p> <ol style="list-style-type: none"> a) An application is to be made on the appropriate form. b) The application must be received by Council within 60 days of the water usage account being issued. c) The applicant must be the owner or agent of the premises for which the application applies. d) The leak must have been concealed - the occupant could not reasonably have known that a leak existed (e.g. below ground leaks or leaks under buildings). e) The leak must have been repaired and the internal plumbing system tested at a minimum test pressure of 800KPa. f) A copy of the licensed plumbers invoice or account should accompany the application. The invoice should state the location of the leak, the repairs that were necessary and a statement that the internal plumbing system has been tested and that the entire system is in good condition. g) The leak must have been significant. A leak is determined to be significant if the water usage for the period is greater than 	Revenue Accountant

	<p>50 kilolitres and is at least 1.5 times greater than the average water usage of the corresponding meter reading period for the previous three years.</p> <p>h) The maximum reduction shall be 1,000 kilolitres.</p> <p>i) A reduction shall not be granted where relief has been granted in the previous three years.</p>	
5	<p>Haemodialysis Concession</p> <p>Residents undergoing haemodialysis at home shall receive 20 kilolitres of water per billing period without charge.</p> <p>Applicants must provide a medical certificate from the Southern NSW Local Health District confirming that a patient is undergoing haemodialysis and the address of the patient.</p>	Revenue Accountant
6	<p>Public Hospital Concession</p> <p>A public hospital shall be supplied free of charge with 300 litres per day for each person resident in the hospital.</p>	Revenue Accountant
7	<p>Water Usage Accounts</p> <p>Water usage charges payable are determined by multiplying the measured quantity of water less any approved concessions by the water usage charge in Council's Fees and Charges published annually as part of the Operations Plan.</p> <p>No allowance will be made where customers use water from a metered water supply servicing their property for the maintenance of adjacent public land.</p> <p>A minimum charge of \$10 per usage account shall be charged.</p>	Customer
8	<p>Staff</p> <p>Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.</p>	Council Officers
9	<p>Concerns</p> <p>Concerns received regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.</p>	Council Officers
11	<p>Consultation</p> <p>Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.</p>	As required

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.*

This policy may also be reviewed and updated as necessary if legislation requires it; or when council's functions, structure or activities change the way Council manages Water Usage charging.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Customer Concerns, Customer Feedback Survey Responses	Council records
Internal or external audit	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Other related council Policy	www.esc.nsw.gov.au
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Local Government (General) Regulation 2005	www.bing.com/search?q=local+government+(general)+regulation+2005&form=DLRDF8&pc=MDDR&src=IE-SearchBox

Change history

Version	Approval date	Approved by	Minute No	File No	Change
1	2006	Council	06/26	.	'Water supply and charging' Policy Commenced policy.
2	22 Sep 2009	Council	09/291	E09.3418	Policy reviewed and adopted.
3	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated. Policy Name changed.
4	TBA	Council		E16.0297	Minor formatting updates

Internal use

Responsible officer	CFO	Approved by	Council
Min no	13/272	Report no	O13/56
File no	E13.7095	Review date	Sep 2016
	E16.0297		June 2017
		Effective date	10 Sep 2013
		Pages	4

POLICY

Policy name	Property - Use by Community Organisations
Responsible manager(s)	Director Community, Arts and Recreation Services
Contact officer(s)	Divisional Manager Community and Recreation Development
Directorate	Community, Arts and Recreation Services
Approval date	

Purpose

Many community organisations rely on the use of public land (either Council-owned or Crown land under Council's care, control and management) to conduct their activities or to develop infrastructure and improvements to achieve their objectives.

This policy aims to establish a consistent and fair framework to deal with requests for the use of public land by a diverse range of community organisations.

The policy aims to:

- promote an integrated framework for dealing with requests by community organisations for the use, or allocation, of public land;
- ensure consistency and fairness in the manner in which Council deals with such requests;
- ensure compliance with legislative requirements under the Local Government Act 1993 and the Crown Lands Act 1989;
- promote awareness of the requirements of these Acts with respect to the use of public land by community organisations;
- make Council's policies and requirements for such use readily accessible and understandable to the public;
- ensure that the proposed use is appropriate to the land identified and to its environmental and other values.

Policy statement

1	Application This policy applies to all requests by community organisations for the use and or allocation of public land owned or managed by Eurobodalla Shire Council.
2	Legislation Eurobodalla Shire Council will comply with the Local Government Act 1993 and the Crown Lands Act 1989 and any regulations made thereunder.
3	Considerations Council will take the following matters into consideration when it receives a request from a community organisation for the use or allocation of public land. Generally these steps will be undertaken in the order set out below.

3.1	Community organisation profile and background The community organisation is to provide Council with the necessary documentation to identify and demonstrate its official status, membership, organisational objectives and financial capacity to undertake the effective management of the property.
3.2	Land assessment An assessment will then be made as to the appropriate use of the subject land having regard to existing and likely future zoning and the provisions of any Plan of Management that may apply.
3.3	Revenue earning potential of the land An assessment is to be made of both the short and long term revenue earning potential of the land.
3.4	Alternative sites Possible alternative sites will be identified and evaluated for their suitability for the proposed use.
3.5	Council Approval Council approval is required for all uses of community land by community organisations. Fees will apply.

Implementation

Requirements		Responsibility
1	Code of Practice There is currently no Code of Practice applying to the policy	
2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
3	Concerns Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
4	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.	Public Officer
5	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council

revokes it sooner. **Note:** Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2020.

This policy may also be reviewed and updated as necessary when legislation requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that council manages the use of public land under this policy.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns registered	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Crown Lands Act 1989	www.austlii.edu.au/au/legis/nsw/consol_act/cla1989134/
Policy – Fees for Licences Granted to Not for Profit Groups and Organisations	www.esc.nsw.gov.au
Policy – Land Investment	www.esc.nsw.gov.au

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au/
Division of Crown Lands	www.crownland.nsw.gov.au/
Crown Reserve policies, guidelines and publications	www.lpma.nsw.gov.au/crown_land/crown_reserves

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	17 Dec 1991	Council	.	.	Policy commenced.
2	2006	Council	867	06.0365	Policy reviewed and updated.
3	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.

Internal use

Responsible manager	Director Community, Arts and Recreation Services			Approved by	Council
Min no	13/272	Report no	O13/56	Effective date	10 Sep 2013
File No	E13.7095	Review date	Sep 2016	Pages	3