

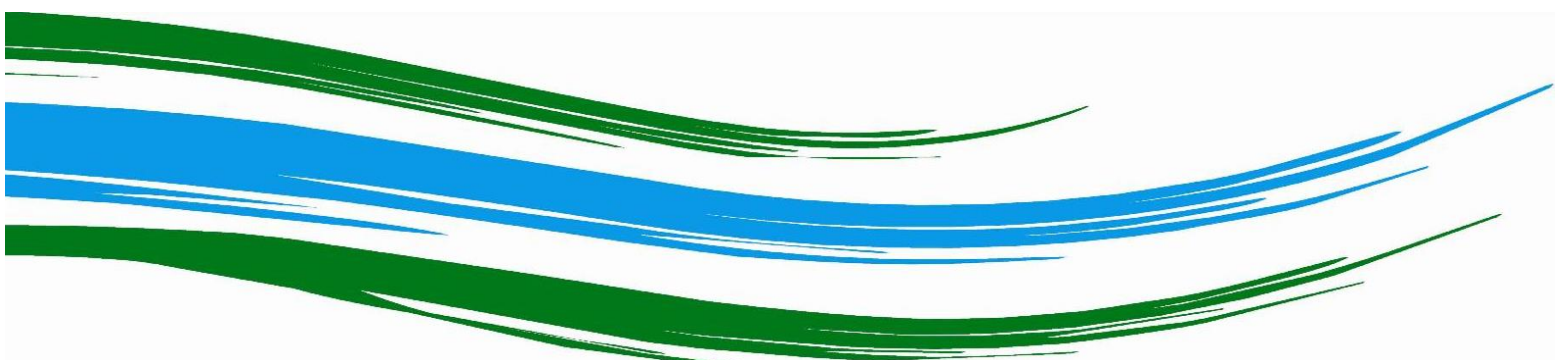


Camden Council

Attachments

Ordinary Council Meeting
9 April 2019

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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Oran Park Precinct Development Control Plan

Part B4 Controls for the Oran Park Employment Area

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1. Introduction

1.1 Land to which this Part Applies

This part applies to the land zoned IN1 General Industrial located in the north-west portion of the precinct, as shown in **Figure 1**.

In addition to the detailed controls outlined in this Part, the general controls outlined in Part A of the Development Control Plan also apply.

1.2 Purpose of this Part

The purpose of this part is to provide a planning framework that establishes the outcomes and requirements for permissible development in the Employment Area in the Oran Park Precinct, to support the provisions within *Appendix 1 Oran Park and Turner Road Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

1.3 Structure of this Part

The Part is structured as follows:

- Section 1:** Sets out the administrative provisions of the Part
- Section 2:** Outlines the vision and development objectives
- Section 3:** Outlines the key controls and principles for the Oran Park Employment Area

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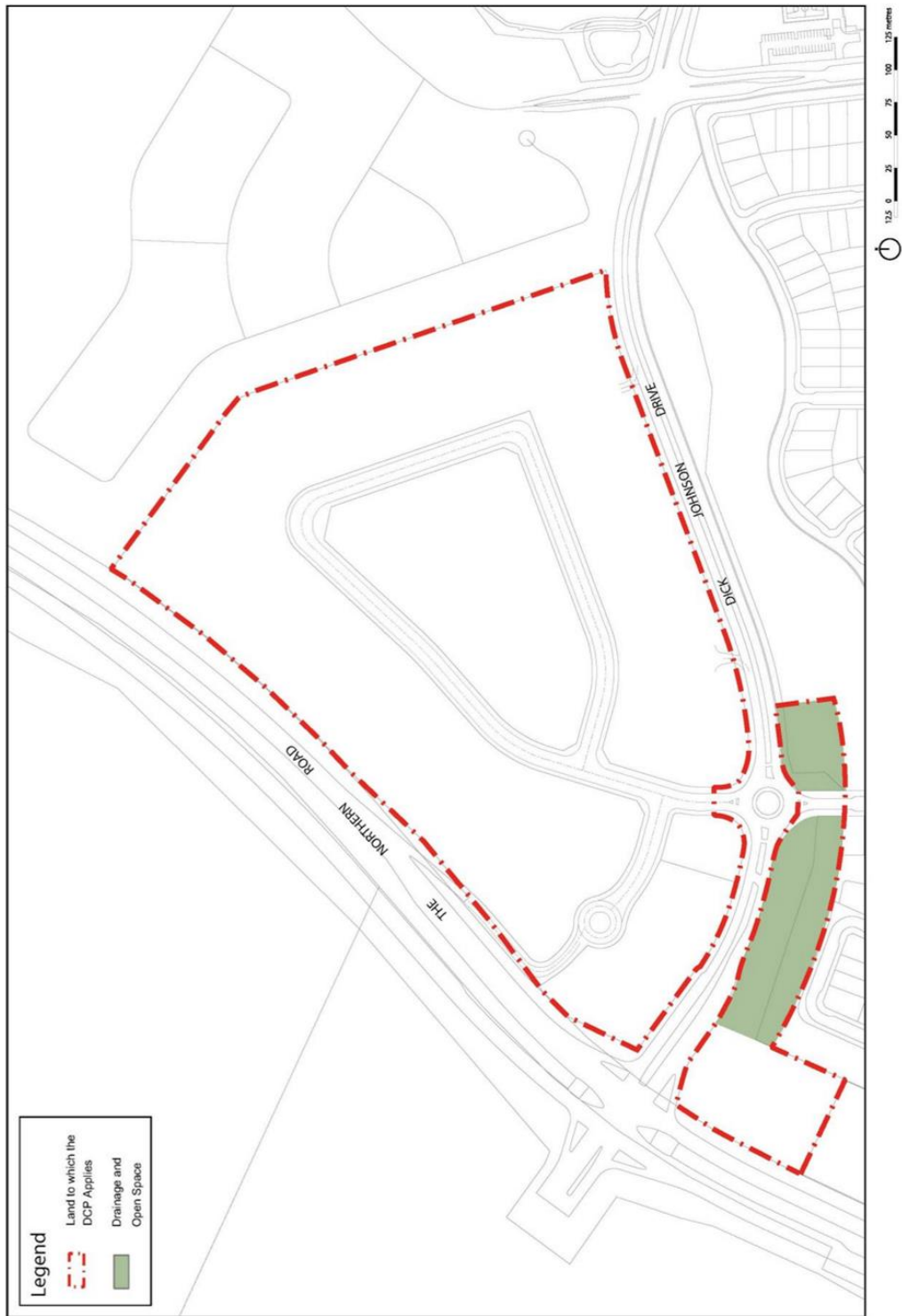


Figure 1: The Oran Park Employment Area

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2. Vision and Development Objectives

2.1 Employment Area Character

The Oran Park Employment Area, located in the north west portion of the Oran Park Precinct, is a dynamic employment area of quality design. It provides the opportunity for a variety of employment activities to service the Oran Park Precinct and the wider district.

The Employment Area has access points from Dick Johnson Drive and a dedicated left slip lane off The Northern Road. The left slip lane into the Employment Area will help to separate employment related and local residential related traffic movements. The Employment Area provides a simple internal road network, ensuring that traffic movements to and from the site are appropriately managed.

The Employment Area will provide a mix of General Industrial, Light Industrial, warehouse and convenience retail land use of various size and type. Industrial development will operate to best practice industry standards, located and designed to avoid impacts on nearby residential lands and open space areas.

Separation from the surrounding residential areas in a visual and operational sense is a key design element of the Employment Area. This is managed through landscaping, limits on building heights on the perimeter of the Employment Area and locating more intensive industrial uses in the centre of the precinct. Buildings are appropriately designed to address the street and other public domain areas and all street frontages contain quality landscaping that establishes a high standard of character and design.

2.2 Key Development Objectives

The key objectives of this Part are:

- (1) To maximise opportunities for local employment within the Oran Park Precinct.
- (2) To provide for an active and vibrant employment area by requiring development to address the Northern Road, Dick Johnson Drive and prominent streets.
- (3) To ensure that the detailed design of the Oran Park Employment Area is undertaken in a co-ordinated manner to achieve an urban design outcome of high quality.
- (4) To ensure Northern Road and Dick Johnson provide attractive, landscaped entry points to the employment area.
- (5) To ensure traffic can enter and move throughout the employment area easily and safely from Northern Road and Dick Johnson Drive.
- (6) To ensure the provision of suitable and safe pedestrian and vehicular accessibility, servicing and parking.
- (7) To ensure the operation of employment activities has a minimal impact on surrounding land uses.
- (8) To facilitate the flexible delivery of industrial activities in response to varying demands and requirements for land.
- (9) To ensure that the impact of development upon existing site outcomes, drainage, stormwater management and water quality are regarded.
- (10) To ensure that development promotes the principles of ecologically sustainable development.

3. Land Uses

Objectives

- (1) To provide for a range of employment generating development with high employment levels preferred.
- (2) To maximise opportunities for local employment within the Oran Park Precinct with a diverse range of employment generating development.
- (3) To provide active and attractive frontages along Dick Johnson Drive.
- (4) To ensure development provides an attractive frontage or is appropriately screened to The Northern Road.
- (5) To minimise impacts of industry on surrounding land uses by locating more intensive industrial uses within the centre of the Employment Area.
- (6) To provide small-scale retail uses to serve the needs to the local workforce.

Controls

- (1) Development is to be undertaken generally in accordance with the preferred Land Use Plan (**Figure 2**) subject to consistency with the objectives and development controls set out in this DCP.
- (2) Development should be designed to provide visual interest and achieve an attractive presentation to The Northern Road. Where an active frontage is not proposed, the development must be appropriately screened from The Northern Road.
- (3) Any development that fronts or presents to Dick Johnson Drive should architecturally activate the streetscape and provide visual interest. Uses may include but are not limited to neighbourhood shops, take away food and drink premises and ancillary retail uses that serve the employment area and local open space.
- (4) More intensive industrial land uses should be appropriately located within the centre of the Employment Area indicated as 'General Industrial' in **Figure 2** to avoid adverse amenity impacts on residential or open space areas
- (5) Any application for child centre facilities is to consider the provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

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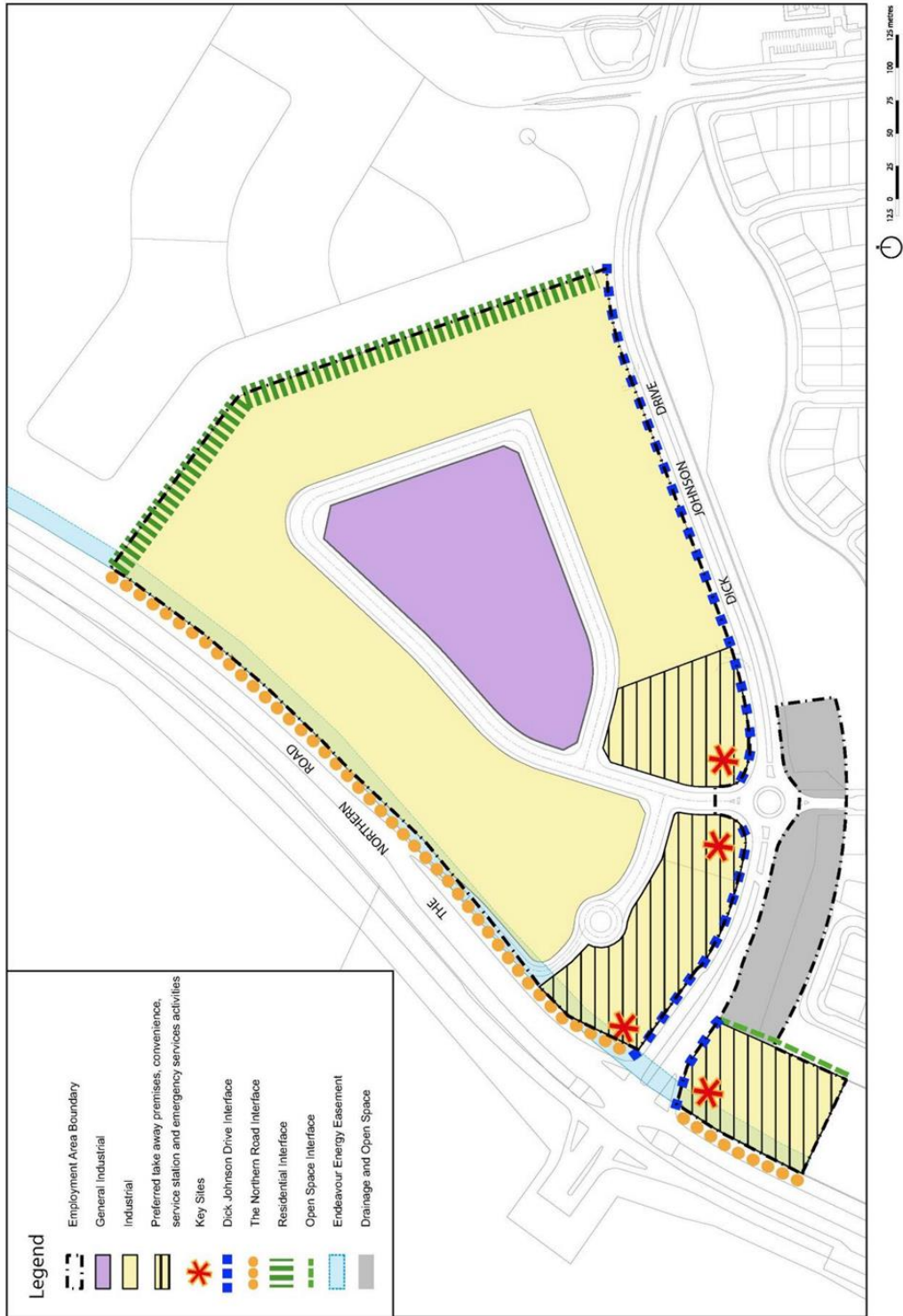


Figure 2: Land Use Plan

4. Subdivision

Objectives

- (1) To provide a range of lot sizes to facilitate a variety of uses.
- (2) To establish a subdivision layout that utilises the employment area efficiently, maximises the natural attributes of the land, appropriately addresses the street and public domain and responds to the residential interface.

Controls

- (1) Subdivision design should be generally consistent with the road pattern shown in **Figure 3**. Where an alternative design outcome is proposed, the applicant is to demonstrate consistency with the Vision and Key Development Objectives of this part of the DCP.
- (2) Lot sizes should be diverse to meet a range of different land uses. Irregular shaped allotments with narrow street frontages should be avoided, particularly where several of these are proposed in an adjoining manner.
- (3) Battle-axe shaped allotments should be avoided. Where they are proposed, they must be designed in accordance with AS2890.2.
- (4) Subdivision applications for lots less than 2000m² (excluding any access thereto) must include supporting plans and information that demonstrate that the site can meet all other relevant development controls.
- (5) Lots should be orientated and aligned to encourage building design that:
 - (a) faces the street to increase visual surveillance and minimise the visual impact of loading docks and long blank walls;
 - (b) facilitates solar efficiency;
 - (c) has frontage toward riparian corridors and open space areas.
- (6) Any future application for subdivision of land will require a comprehensive noise assessment of the land to be undertaken in accordance with Council's Environmental Noise Policy 2018 and section "2.4.2- Amenity Noise Levels in areas near an existing or proposed cluster of industry" of the NSW EPA's Noise Policy for Industry (NPI). The submitted noise assessment must address the following:
 - (a) apply appropriate noise limits to each lot to guide land use proposals and ensure that the Employment Area will meet relevant noise criteria as per above.
 - (b) consider future residential lots that are identified as 'Residential Interface' in **Figure 2**. For lots directly adjacent to the residential interface require a vegetation buffer and acoustic fencing made of durable materials along the common boundary as per **Figure 8**.
- (7) Development applications for subdivision of land directly adjacent to a riparian corridor or open space (inclusive of land fronting a road adjacent to a riparian corridor or open space area) shall facilitate development of a kind that:
 - (a) will have an articulated and landscaped appearance when viewed from the adjoining riparian corridor or open space land;
 - (b) will have minimal adverse impacts on the environment or the amenity of surrounding land;
 - (c) will provide opportunities for passive surveillance of the open space land., where possible;

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- (8) Where a Strata or Community Title subdivision is proposed, parking, landscaping, access areas and directory board signs shall be included as common property.
- (9) For industrial lots along the Residential Interface, a positive covenant is to be placed on title requiring the maintenance of the 5m vegetated buffer and acoustic fencing along the common boundary.

Note: In sensitive locations such as where industrial land is in close proximity to residential land, development consents for subdivision may include advice to future land owners that consideration must be given to the impact of development on the environment and amenity of surrounding land.

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5. Movement Network

Objectives

- (1) To ensure pedestrian and traffic safety.
- (2) To provide a permeable road network that facilitates movement in and through the employment area.
- (3) To minimise impacts on The Northern Road and Dick Johnson Drive.
- (4) To minimise impacts on surrounding residential uses.

Controls

- (1) The road network should be generally consistent with the Movement Network Plan shown in **Figure 3**. Council may consider alternatives to the Plan where appropriate urban design outcomes can be demonstrated and the overall function objectives of the network are maintained or improved.
- (2) Roads in the Employment Area are to be provided in accordance with **Figure 3** and designed in accordance with Council's Engineering Specifications. **Figure 4A** and **Figure 4B** provide the minimum dimensions for roads in the employment area. Roads may need to be wider where traffic management facilities (e.g. roundabouts, etc.) are determined to be required.
- (3) Where necessary, a traffic report may be required to be submitted with a development application for development in the employment area to:
 - (a) demonstrate that the minimum road cross section or an alternative cross section is appropriate for each road;
 - (b) recommend appropriate traffic management facilities at intersections in the employment area.
 - (c) specify the type of heavy vehicles to service the site and adequately demonstrate safe manoeuvrability of these vehicles.
- (4) Direct vehicular access to and from The Northern Road is not permitted except for a single, common left-in slip lane, which links into the Employment Area as detailed in **Figure 3**.
- (5) All road infrastructure within and accessing the Employment Area are to be designed to accommodate heavy vehicles.
- (6) Heavy vehicles are not permitted direct access to lots from Dick Johnson Drive.
- (7) Off street parking is to be provided in accordance with 'Part D4.4 Parking and Access' of Camden DCP 2011. At grade parking areas are to be located so as to minimise visual impacts.
- (8) A shared pedestrian and cycleway is to be provided in accordance with **Figure 3** and **Figure 4A**.
- (9) All industrial roads are to be designed to accommodate buses, however it is expected that future bus routes will be planned to use Dick Johnson Drive.
- (10) Detention and treatment of stormwater runoff from industrial roads shall be addressed with development applications to subdivide the land.

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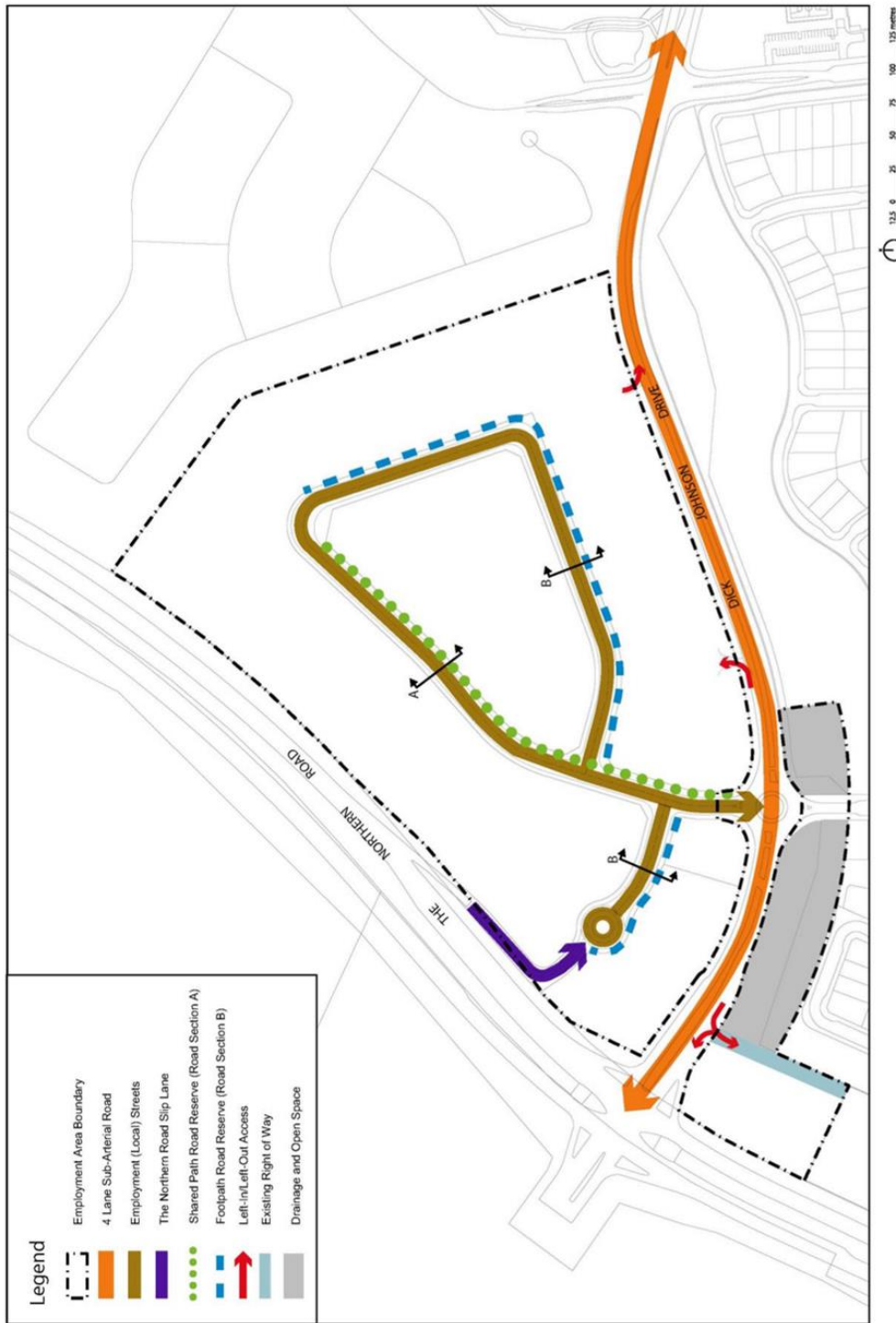


Figure 3: Movement Plan

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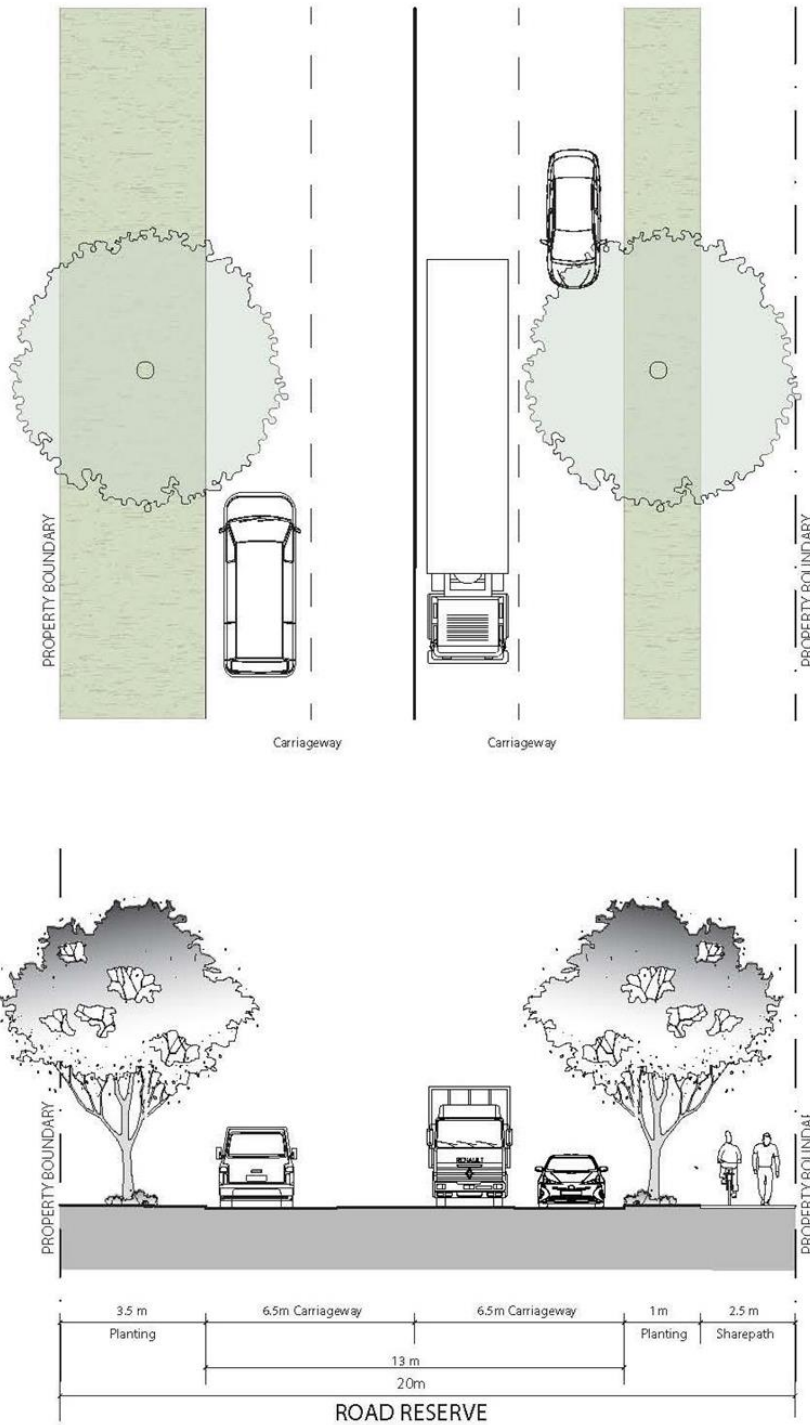


Figure 4A: Employment Land Local Street with Share Path (Road Section A as per Figure 3)

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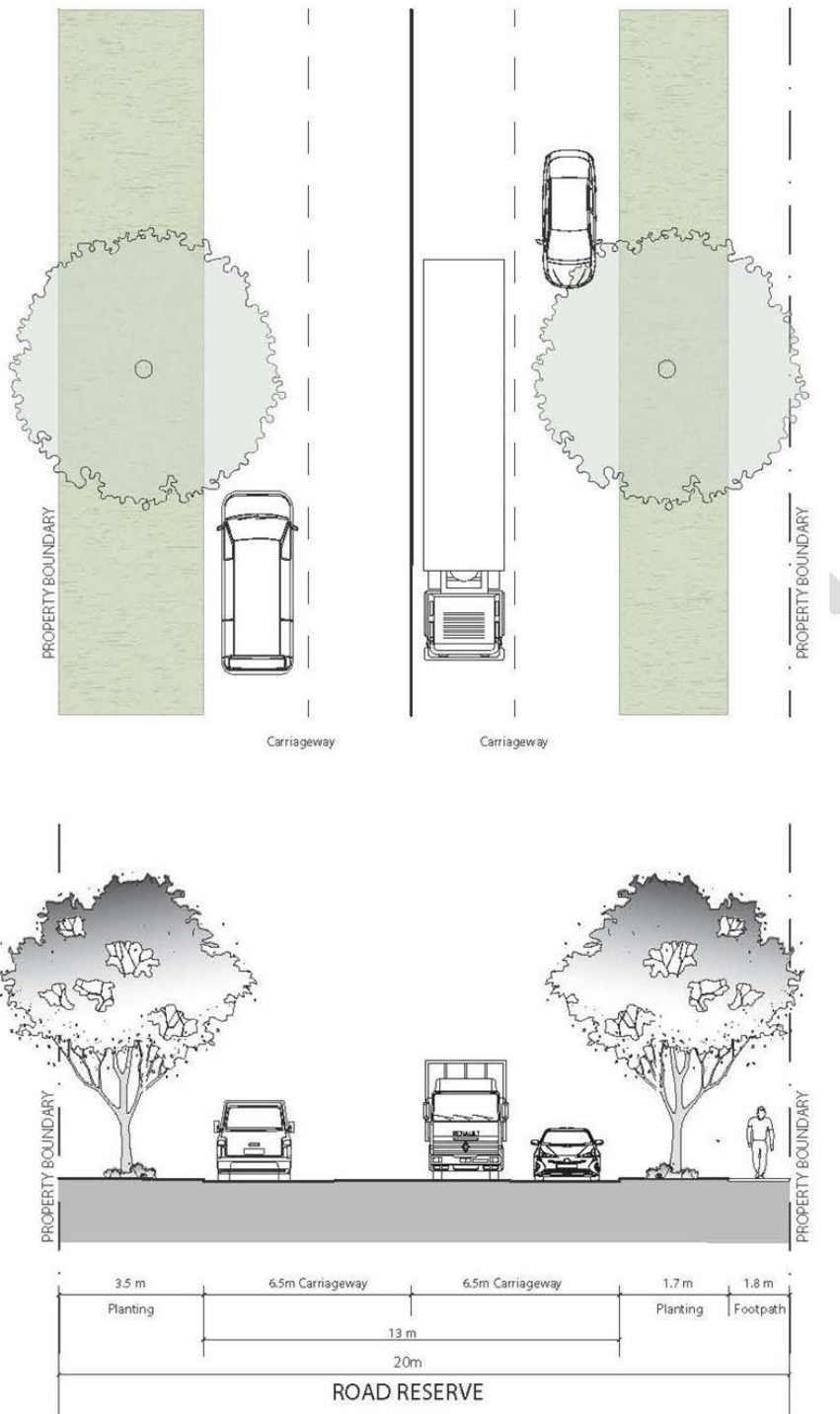


Figure 4B: Employment Land Local Street with Footpath (Road Section B as per Figure 3)

6. Site Planning

Note: Refer to Section 6.1 Public Domain and Special Interface Areas for further site planning controls.

Objectives

- (1) To ensure that the opportunities and constraints of the site and surrounding area are fully considered and incorporated into the final design.
- (2) To provide appropriate setbacks to the proposed use of and characteristics of the location of the land.
- (3) To achieve attractive streetscapes and quality landscaped settings for buildings.

Controls

- (1) Development is to be consistent with the front setbacks shown at **Figure 6**.
- (2) Front setback areas are to be landscaped and not dominated by parking areas or loading facilities. Where car parking is proposed forward of the building line, the carparking must:
 - a. not encroach on the minimum front landscaping setback.
 - b. be suitably located away from building entrance points so that the building entrance remains visible from the street.
 - c. adequately screened and broken up with suitable landscaping (e.g. shrubs) and/or fencing while maintaining view lines between the street and the building.
 - d. designed to be provide convenient, safe and comfortable pedestrian access to the building entrance.
- (3) Each development site in the Employment Area is to be designed to minimise the impacts of stormwater run-off on adjoining riparian corridors and demonstrate compliance with **Section 8.2 Stormwater and Construction Management of Part A** of this DCP.

6.1 Public Domain and Special Interface Areas

Objectives

- (1) To create quality streetscapes with high pedestrian amenity.
- (2) To recognise key sites and apply specific controls to enhance their amenity and manage potential impacts, including the mitigation of opportunities for crime.
- (3) To manage interface areas to reduce the impact of the employment area on surrounding residential uses and on riparian corridors and open space links.

Controls

- (1) The streets in the employment area are to be designed and constructed to provide pedestrian safety, amenity and visual interest. Footpaths are to be provided generally in accordance with **Figure 3** and **Figure 4A and Figure 4B**.
- (2) Landscaping should utilise predominately native, drought resistant species.

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- (3) The principles of Crime Prevention Through Environmental Design (CPTED) and the Safer by Design (NSW Police) must be incorporated into the design of all development within the Employment Area.
- (4) Provide street tree plantings that enhance the streetscape and provides shade for pedestrians.
- (5) Development must address the following general design considerations set out below:
- (a) Building elevations must be sited to positively address the street frontage.
 - (b) Long unbroken walls (i.e. walls in excess of 15 metres in length) generally must be avoided.
 - (c) Provide visual interest and passive surveillance by incorporating design features such as:
 - articulated building façade;
 - recessing or projecting architectural elements;
 - mixture of building materials;
 - palette of colours and finishes to enhance variation;
 - glazing to ground and additionally, to first floor levels;
 - balconies;
 - awnings;
 - roof feature; and
 - landscaping.
 - (d) Car parking that is visually dominant from the street should be avoided. Where car parking is proposed forward of the building line, the carparking must:
 - not encroach on the minimum front setback required for landscaping.
 - suitably located away from building entrance points so that the building entrance remains visible from the street.
 - adequately screened and broken up with suitable landscaping (e.g. shrubs) and/or fencing while maintaining view lines between the street and the building.
 - designed to be provide convenient, safe and comfortable pedestrian access to the building entrance.
 - (e) Provide a coordinated landscape theme that is consistent with the provisions of **Section 7 Setbacks** and **Section 11 Landscaping**.
 - (f) Provide a clear, articulated public entry that is visible from the street and clearly indicate entry/exit access pathways.
 - (g) Provide a delineated and safe pedestrian pathway to the building entrance, separate from vehicular access.
 - (h) Ensure that site servicing, loading facilities and waste storage are suitably located and designed such that they do not dominate the streetscape. When visible from the street, the loading dock and its doors should be:
 - Setback at least 1m from the building line; and

- designed to be integrated with the front building façade, comprising neutral/recessive colours which minimise its visual impact on the street.
- (i) Ensure that utilities are suitably located to the side or rear of the building where possible and designed to minimise visual impact on the public domain. Where proposed, utilities should:
- have colour treatments compatible with the building façade; and
 - suitably screened from the street with landscaping
- (j) Proposed signage should be:
- minimised in terms of number, size and extent;
 - generally limited to business identification signage that is integrated into the building design and/or pylon signs at entry/exit points; and
 - encouraged on corner sites where building identification signs are integrated into the building façade and help to activate the primary and secondary frontage.
- (k) Consistent, open-style fencing is preferred. Any proposed fencing must be provided in accordance with **Section 12.2 Fencing**.
- (6) Additional design considerations set out below, shall apply to Special Interface Areas identified in the character statements below.

Dick Johnson Drive Interface

The Dick Johnson Drive Interface serves a main entry point for the Employment Lands and overall precinct. As a significant entry point to Oran Park, development fronting Dick Johnson Drive will be encouraged to have active uses and consistent landscaping to create a high-quality streetscape that is pedestrian-friendly. Development will be carefully designed to avoid a streetscape with visually dominant car parking, loading docks and long blank walls.

The area also interfaces with the open space and drainage area to the south side of Dick Johnson Drive. To cater for walking and cycling between the Employment Area and the open space area, a shared path connection is being provided along Dick Johnson Drive and to and within the Employment Area.

- (a) Avoid long expanses of blank walls (i.e. walls in excess of 15 metres in length). Where long walls are proposed, the facade should be structurally and visually articulated through the incorporation of design elements such as window glazing, mix of building materials and finishes, roof features, awnings, blade walls, colour variation.
- (b) Where there is potential for side building façades to be visible from the public domain, they should be provided variation in colour and replicate treatments from the front façade to enhance visual presentation.
- (c) Provide building entries and office components close to and clearly visible from the street frontage to provide a clear visitor entry point and to activate the street frontage.
- (d) Carparking must be suitably designed to reduce its visual impact on Dick Johnson Drive. Specifically,
- carparking should be designed to provide convenient, safe and comfortable pedestrian access to the building entrance, where possible, it is preferred for carparking to be located to the side or rear of the building so that parking does not dominate the street frontage.
 - where proposed forward of the building line, carparking must be adequately screened and broken up with suitable fencing and/or landscaping (e.g. shrubs of a mature height).

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(e) Business signage should be carefully incorporated into the building design.

The concept layouts below illustrate how the above design objectives could be achieved.



Figure 5A: Dick Johnson Drive Concept Layout 1

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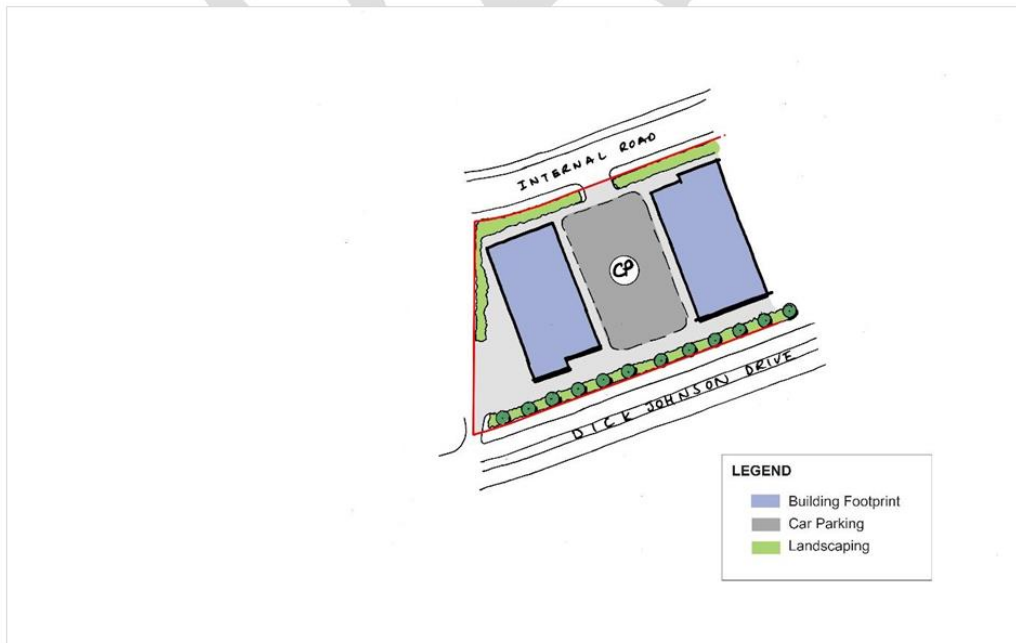
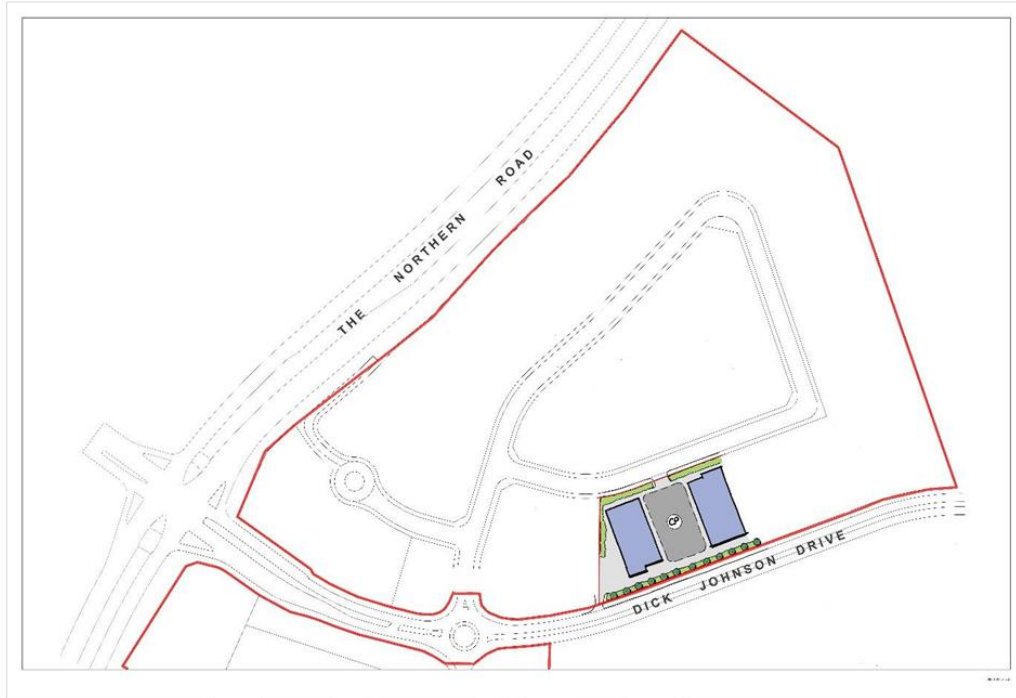


Figure 5B: Dick Johnson Drive Concept Layout 2

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The Northern Road Interface

To the west of the Employment Lands is the Northern Road Interface where opposite is future residential development and the Northern Neighbourhood Centre in the north-west portion of the precinct. Development along the Northern Road Interface is to be suitably designed to address the visual impact of built form on the Northern Road. This will be achieved through a wider setback from the Northern Road with suitable landscape treatment and high-quality built form that provides visual interest so as to take advantage of passing traffic.

- a) Avoid long expanses of blank walls (i.e. walls in excess of 15 metres in length). Where long walls are proposed, the facade should be structurally and visually articulated through the incorporation of design elements such as articulated second storey element, roof features, awnings or blade walls as well as colour variation.
- b) Providing landscape breaks through canopy vegetation and integrating building identification signs into the building design, should also be considered.
- c) In locations where an Endeavour Energy powerline easement is identified, landscape and fencing treatments are to be in accordance with Endeavour Energy specifications.

Open Space Interface

- a) Avoid long expanses of blank walls (i.e. walls in excess of 15 metres in length). Where long walls are proposed, the facade should be structurally and visually articulated through the incorporation of design elements such as roof features, awnings or blade walls as well as colour variation. Providing landscape breaks through canopy vegetation and integrating building identification signs into the building design, should also be considered.
- (a) Consistent, open-style fencing is preferred. Alternative solutions may be considered by Council where it can be demonstrated that the fencing is well-designed to maintain high visual amenity to the open space area.
- (b) Development on land adjacent to the open space interface identified in **Figure 2** shall have minimal adverse impacts on the environment or the amenity of surrounding land.
- (c) Will provide opportunities for passive surveillance of the open space land, where possible.

Internal Ring-road Interface

The siting and design of development along the internal ring-road interface should consider the provision of passive surveillance to the street. Where possible, site servicing and loading facilities, waste storage and other infrastructure are to be suitably located and designed to minimise visual impact on the public domain.

Key Sites

Key sites have been identified within the precinct. They will serve as main entry points and are located along the Northern Road and Dick Johnson Drive as identified in **Figure 2**.

- (a) Development on these key sites is to be appropriately sited and suitably designed to ensure that presentation to both road frontages is achieved.
- (b) Building identification signs that are integrated into the building facade should be encouraged on corner sites to help activate both the primary and secondary frontage.

Residential Interface

- (a) Development along the interface with residential properties, identified in **Figure 2**, should be designed and operated to minimise impacts on adjacent residential areas in terms of overshadowing, noise, traffic and circulation, light spill emissions, bulk and scale.
- (b) A vegetated buffer and fencing made of durable materials and having acoustic attenuation qualities is to be provided along the residential interface and employment area common boundary in accordance with **Figure 6** and **Figure 8**. These works are to be undertaken at subdivision stage with positive covenants placed on the titles of affected industrial lots requiring maintenance of the vegetated buffer and fencing.

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6.2 Topography Cut and Fill

The topography of Oran Park provides local and distant vistas from public and private domains. The topography of the Oran Park Employment Area gently falls in a west to east direction from The Northern Road. Industrial development should consider the topography of the land so that building and site design ensure minimal impact on surrounding development and public domains.

Objectives

- (1) To protect and enhance the aesthetic quality of the area by controlling the form, bulk and scale of land forming operations.
- (2) To ensure the dimensions of building footprints are appropriately sized and sited to minimise the extent of cut and fill.
- (3) To ensure that the amenity of adjoining residential, open space and drainage areas is not adversely affected by any land forming operations.
- (4) To promote attractive streetscapes where landscaped retaining walls are visible from the street.

Controls

- (1) Development Applications are to illustrate where it is necessary to cut and/or fill and provide justification for the proposed changes to the land levels.
- (2) Retaining walls to public interfaces should be a maximum height of 1m before incorporating a landscape step and all earthwork batters are to be landscaped to mitigate adverse visual impacts.

7. Setbacks

Objectives

- (1) To ensure buildings are of an appropriate bulk and scale when viewed from the street and public domain.
- (2) To ensure setbacks are appropriate for the proposed use and location of the site.
- (3) To enable the integration of built and landscape elements to create an attractive, visually consistent streetscape.
- (4) To ensure that carparks, site servicing, loading facilities and waste storage do not dominate the streetscape.

Controls

- (1) Minimum building setbacks are to be in accordance with **Figure 6**.
 - a. Notwithstanding clause (1) above, no building is permitted within the Endeavour Energy powerline easement located adjacent to The Northern Road.
 - b. In the event that any identified easement is removed, the building setbacks identified in **Figure 6** apply.
 - c. Where a 2m setback is applied on the Building Setback Plan in **Figure 6**, an active street frontage is to be provided.
- (2) Outdoor amenity areas and small ancillary uses, such as cafe shade structures and seating areas for employees and visitors, are permitted within the front setback but must be located at least 1m behind the front landscaped setback to maintain visual and acoustic privacy.
- (3) Where the site is a corner lot that also addresses Dick Johnson Drive, the primary and secondary frontage must be treated as that facing Dick Johnson Drive and apply the Development Controls accordingly.
- (4) Front setbacks are to be landscaped in accordance with **Section 11 'Landscaping'**. Where parking is proposed forward of the building line, the parking area is not permitted within the landscaping setback. Carparking is to be integrated with landscaping to provide convenient and safe access to the building entrance.
- (5) Rear and side setbacks are zero where the site is directly adjoined by other industrial uses. Where a zero setback is proposed, the design and construction of buildings are to be in accordance with Building Code of Australia and relevant Australian Standards. Rear and side setbacks may be required and considered on merit depending on the nature of adjoining development.
- (6) A 5m vegetated buffer is to be provided along the residential and employment area interface within the rear portion of the industrial allotments in accordance with **Figure 6 and 8**.

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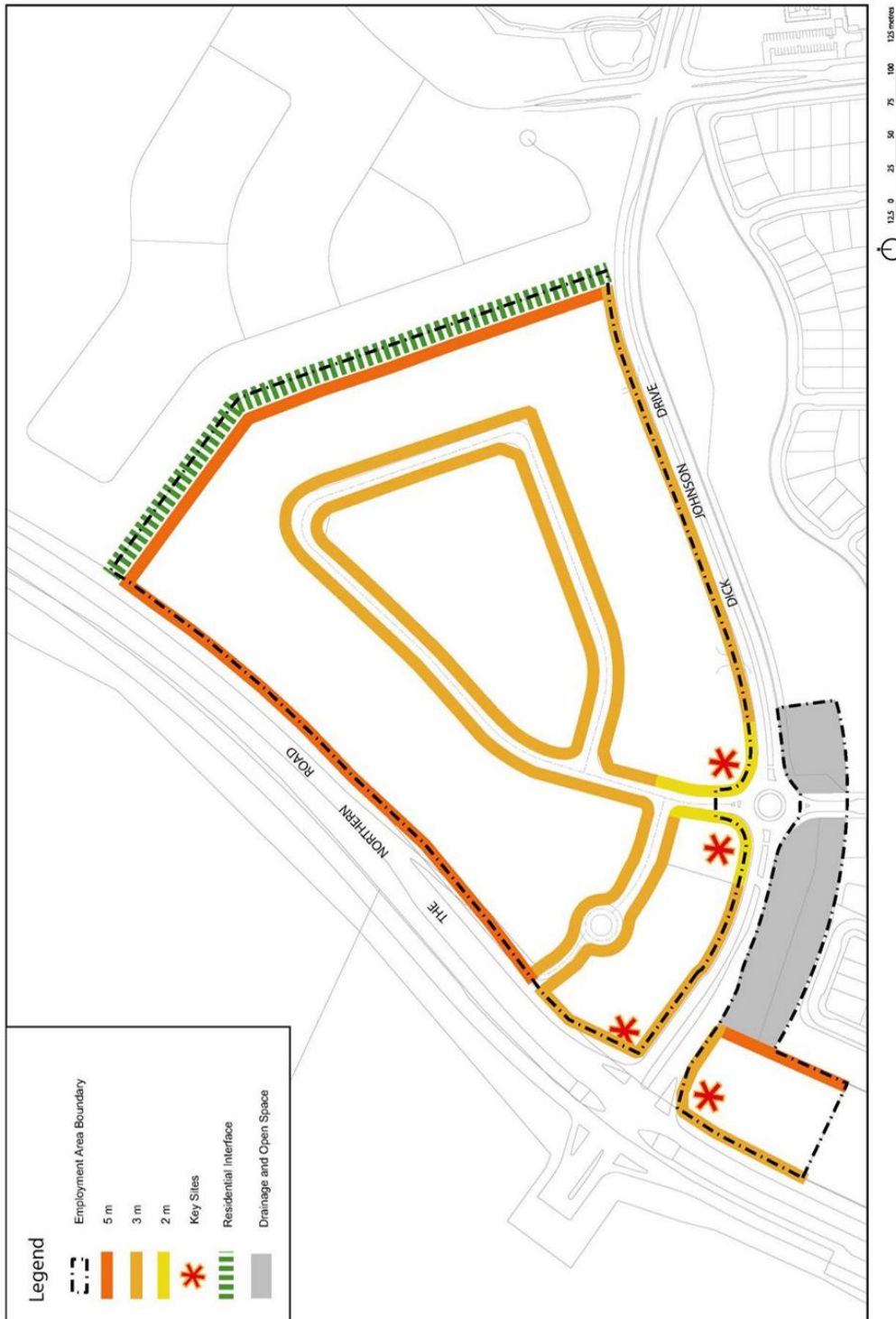


Figure 6: Building Setback

8. Height of Buildings

Objectives

- (1) To ensure that building height does not adversely affect surrounding land uses or scenic amenity.
- (2) To consider intended use, visual bulk, human scale and appropriate scale of development, while ensuring that land is not underutilised.

Controls

- (1) Building heights are to be in accordance with **Figure 7**.
 - a. In the area marked 'periphery area', a maximum building height of 15m is permitted for development fronting The Northern Road and Dick Johnson Drive.[^]
 - b. In the area marked 'residential interface', the height of industrial buildings adjacent to residential dwellings (identified as 'Residential Interface') must not exceed 9.5m for a distance of 10.5m from the rear boundary in accordance with **Figure 8**.
 - c. In the area marked "core area", building heights greater than 15m may be considered where industrial plant structures (e.g. silos, concrete batching plants) and the like, are proposed.

Note:

[^] Heights are limited to a maximum 15m along The Northern Road and roads fronting Dick Johnson Road ('East-West road'), in accordance with clause 4.3(5) of *Appendix 1 Oran Park and Turner Road Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

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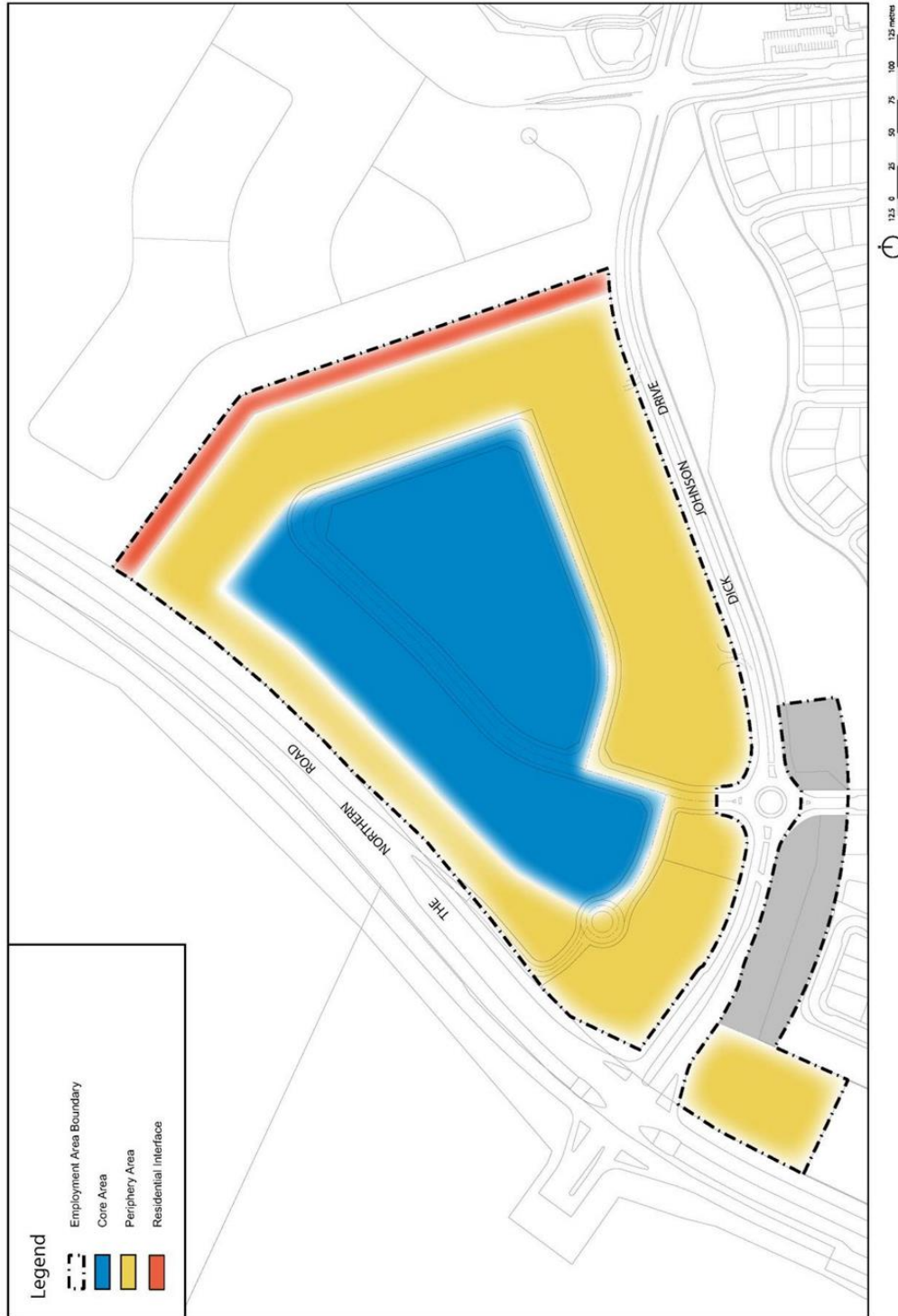


Figure 7: Height Transition

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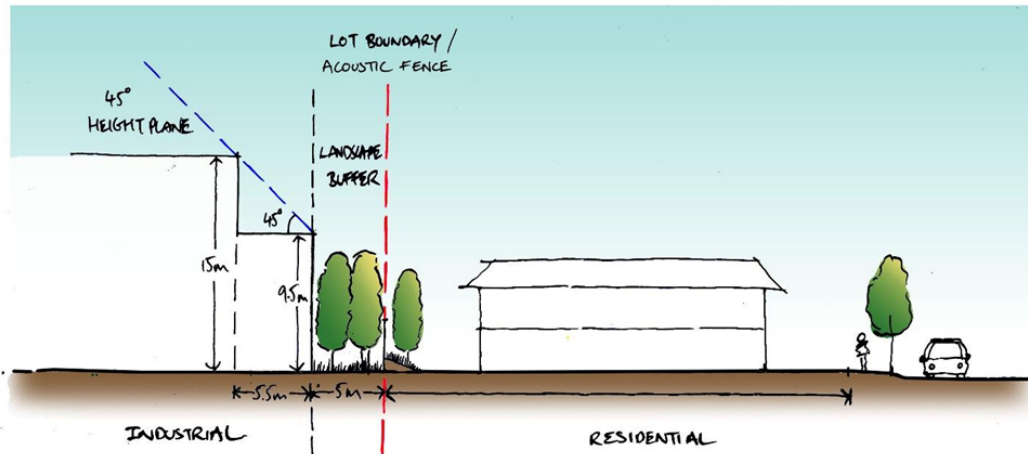


Figure 8: Employment Area and Residential Interface

Note: 5m Landscape buffer to be located within the rear portion of industrial lots.

9. Overshadowing

Objectives

- (1) To minimise overshadowing of adjacent residential development.
- (2) To ensure satisfactory solar access to public and private spaces within the Employment Lands.

Controls

- (1) Any Development Application for the construction or alteration of buildings adjoining residential development, open space and drainage areas is required to submit detailed Shadow Diagrams indicating shadows cast by buildings, roof overhangs and fences for 9am, 12pm and 3pm on Summer and Winter Solstice (21st December and 21st of June respectively) inclusive of consideration of the land gradient.
- (2) Development should provide adequate solar access to outdoor amenity areas.
- (3) Development should minimise impact of overshadowing on existing neighbouring solar panels.

Oran Park Precinct Development Control Plan

10. Building Design

10.1 Building Form and Materials

Objectives

- (1) To ensure that materials, architectural features and the built form enhance the desired character of the area, streetscape aesthetic and interface elevations.
- (2) To encourage the use of durable, non-toxic, low embodied energy, quality materials and finishes to minimise environmental impact and ensure thermal comfort and amenity of the building.
- (3) To encourage use of materials appropriate to the solar, climatic and other local conditions.
- (4) To ensure a mix of materials and finishes that act to reduce the bulk, scale and mass of large buildings.
- (5) To avoid large blank walls, particularly those visible from the public domain and streetscape.

Controls

- (1) A mix of materials, colours and architectural features must be used. A schedule of materials and colour palettes is to be submitted with the development application.
- (2) The scale and massing of buildings should reinforce the urban design character of the precinct. Building scale and massing should generally be consistent within a streetscape.
- (3) The office component of any development is to be incorporated into the overall design of the building and generally located along the primary street frontage.
- (4) The built form and architecture of development on 'Key Sites' identified in **Figure 2** is to enhance its location and positively respond to and emphasise the corner.
- (5) Appropriate screening to suit the architectural character of the building and surrounds is required to screen plant equipment, storage, rubbish disposal and related uses in all areas.
- (6) Visible rooftop structures (including plant rooms, air-conditioning and ventilation systems) where visible from the public domain, are to be incorporated into the design of the building to create an integrated appearance.,
- (7) Blank building facades facing the primary street frontage are not permitted.
- (8) Design with regard to passive design principles including thermal mass, solar screening, solar access/ shading to outdoor amenities, insulation, ventilation, where possible.
- (9) Use of metal cladding:
 - a. Use of metal cladding is discouraged on front elevations unless it can be satisfactorily demonstrated that it forms part of an architectural design solution in association with masonry, glass and other high quality materials.
 - b. Where a side or rear elevation is visible from the public domain, the use of metal cladding must only comprise 50% of that wall's building material.
- (10) Materials that are likely to contribute to poor internal air quality such as those generating formaldehyde or those that may create a breathing hazard in the case of fire (e.g. polyurethane) should be avoided.
- (11) Glazing should not exceed 20% reflectivity.

10.2 Bulk and Scale - Large Floor Plate Development

Objectives

- (1) To encourage large floor plate development that is consistent with the surrounding context.

Controls

- (1) Where development with a floor plate greater than 4,000m² is proposed, the following controls must be taken into consideration:
 - a. Long building façade walls should be adequately articulated and are to be less than 15m length and 5m height.
 - b. Large format signage and branding across entire elevations or window displays is not allowed.
 - c. Activation of at least 50% of the building frontage with a generous, articulated and identifiable building entrance, display windows and human scale, built form elements including shade structures, awnings, outdoor amenity spaces, landscaping, canteens and cafes is preferred.
 - d. Incorporate architectural detail and interest at visually prominent building locations such as entrances, lower level front facades, roof tops, visible corners and at the terminations of street vistas.
 - e. Development is to minimise the impacts of overlooking, overshadowing, noise and lighting on adjoining land uses, and provide appropriate landscape buffers and visual screening treatments to mitigate impacts. This may include vegetation on raised mounds and/or feature acoustic walls.
 - f. Where practical, external loading docks are to be located at the rear of buildings. Detrimental amenity impacts on residential dwellings and other surrounding land uses must be avoided.

Oran Park Precinct Development Control Plan

11. Landscaping

Objectives

- (1) To provide consistent, quality landscaping to the streetscape and locality.
- (2) To integrate a high standard of visual amenity and character into the development.
- (3) To improve workplace and outdoor amenity for employees and visitors.
- (4) To reduce heat island effects from hard surfaces and to improve the energy performance of buildings and the microclimate.
- (5) To encourage water sensitive urban design that reduces stormwater runoff by allowing natural infiltration into landscaping.

Controls

- (1) A concept landscape plan must be submitted with Development Applications. Proposed removal of trees or vegetation must be identified on the plan.
- (2) Proposed landscaping must demonstrate the provision of plantings that assist in creating a human scale, reducing visual bulk to the streetscape and/or within the site and offering amenity.
- (3) Street setback areas excluding access ways, are to have a landscape buffer of at least 3.0m depth, to enhance the amenity of the streetscape. This can be reduced to 2m along boundaries where no fencing is proposed. Adequate and quality landscape treatment for the buffer is to be demonstrated through the concept landscape plan.
- (4) Proposed landscaping forward of the building line should maintain open view lines between the street and the building use.
- (5) Where practical, tree planting within car park areas is encouraged to provide shade.
- (6) Native and low water usage plant species are preferred.
- (7) Landscaping along The Northern Road interface and within the Endeavour Energy easement shall be in accordance with Endeavour Energy specifications.

Oran Park Precinct Development Control Plan



Figure 9: Effective Site Landscaping



Figure 10: Inappropriate landscaping

[Oran Park Precinct Development Control Plan](#)

12. Ancillary Building Uses and Structures

12.1 Shops and Factory Outlets

Objectives

- (1) To provide services and small-scale retail that provides for the day to day needs of the local industrial workforce and community.
- (2) To permit the display or sale of goods manufactured on site.
- (3) To retain the retail primacy of existing retail centres.
- (4) To ensure industrial land is primarily used for industrial purposes.

Controls

- (1) Retail uses will be considered by Council if it can be demonstrated that the retail use:
 - (a) services the day to day needs of the workforce and immediate community through the provision of general merchandise or services such as a convenience store, newsagency, cafe or restaurant;
 - (b) is ancillary to industrial uses on the same allotment, such as a small shop that sells goods associated with factory production of such goods and attached to the factory.
 - (c) The retail use does not compromise the retail primacy of local, strategic and district centres.
- (2) The floor area of shops and factory outlets must not exceed 80m².

12.2 Fencing

Objectives

- (1) To encourage an attractive and consistent theme of fencing within the Employment Area.
- (2) To ensure fences of high quality that minimise visual impact on the streetscape and integrate with landscaping.
- (3) To ensure fencing that provides acoustic and visual privacy where the Employment Lands adjoin with residential areas and public open space.

Controls

- (1) Where fencing is proposed forward of the building line to a street it is to be:
 - (a) black open-style steel palisade fencing with a maximum height of 2.4m, measured from ground level (finished);
 - (b) sited so it does not impede sight lines for drivers.

Details of fencing are to be provided at the development application/complying development certificate stage.

- (2) Fencing along The Northern Road interface adjacent to the Endeavour Energy easement, shall be consistent in height along the length of The Northern Road and in accordance with Endeavour Energy specifications.

- (3) Notwithstanding controls (1) & (2) above, alternative fencing may be permitted where noise attenuation is required for neighbouring residential development and open space areas. Alternative fencing must be appropriately designed and treated and/or softened with suitable landscaping to provide visual and acoustic amenity to surrounding land uses.
- (4) For all other roads (other than The Northern Road) , where fencing is proposed forward of the building line, it must be located either:
- (a) Along the site boundary to the street, with a suitably landscaped buffer of at least 3m behind the fence line; or
 - (b) Setback 3m from the site boundary with suitable landscaping within the 3m setback (i.e. between the lot boundary and the fence line);
- (5) Gates are to be consistent with the adjacent style of fencing and must be designed to open inwards.
- (6) Fencing adjacent to residential lots, should comprise of durable materials and provide acoustic and visual privacy.

Oran Park Precinct Development Control Plan

13. Employment Operations

Objectives

- (1) To provide appropriate levels and design of access, parking and loading facilities.
- (2) To ensure that the operation of employment activities does not have a detrimental impact on the amenity of the surrounding residential land and open space areas.

Controls

- (1) Access, parking and loading to be in accordance with Part D4.4, of the Camden DCP 2011.
- (2) Development Applications for developments within the Employment Lands must provide the following details:
 - (a) proposed hours of operation;
 - (b) number and timing of deliveries expected per day;
 - (c) nature, frequency and routes of heavy vehicles expected to access the premises;
 - (d) nature of machinery proposed to be operated at the premises, including noise levels generated and noise attenuation measures proposed to be implemented; and
 - (e) proposed locations and hours of operation of external light sources and the extent of light spillage outside of the new subject property.
- (3) For industrial lots within the residential interface, the maximum permitted hours of operation (including deliveries) for development opposite or adjacent to residential development are between the hours of 7:30am to 5:30pm Monday to Saturday with no operation permitted on Sundays. Alternative hours may be considered subject to the proposal demonstrating no adverse amenity impacts.
- (4) All development applications must be acoustically assessed to comply with the provisions of Camden Council's Environmental Noise Policy 2018 as well as any specific noise limits (determined by Council) to apply to the lot being developed.

14. Outdoor Storage

Objectives

- (1) To ensure that goods, materials and equipment which are stored outside buildings do not impose any adverse environmental impacts.
- (2) To ensure that storage areas are consistent with the overall building design and do not detract from the amenity and appearance of the streetscape, public domain or the broader community.
- (3) To ensure that storage areas are adequately screened from public roads and places.

Controls

- (1) External storage of goods, materials and equipment such as garbage bins, is not permitted when visible from the public domain.
- (2) Waste collection and outdoor storage areas must be located behind the building line, be screened with landscaping and fencing and have a sealed ground surface.
- (3) The Development Applications must indicate:
 - (a) the types of goods, materials and equipment to be stored externally;
 - (b) the dimensions of the outdoor storage area; and
 - (c) details of screening.

MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

2018



MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW
2018

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Model Code of Meeting Practice for Local Councils in NSW

1 Introduction

ORD02

Attachment 1

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

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

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

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

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

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

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

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

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

2 Meeting Principles

2.1 Council and committee meetings should be:

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

Model Code of Meeting Practice for Local Councils in NSW

3 Before the Meeting

ORD02

Attachment 1

Timing of ordinary council meetings

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

Note: Councils must use either clause 3.1 or 3.2

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

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

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

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

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

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

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

Notice to councillors of ordinary council meetings

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

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

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

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

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

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

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

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

Questions with notice

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

Agenda and business papers for ordinary meetings

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

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

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

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

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

Availability of the agenda and business papers to the public

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

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

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

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

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

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

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

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

Agenda and business papers for extraordinary meetings

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

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

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

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

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

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

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

Pre-meeting briefing sessions

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

4 Public Forums

ORD02

Attachment 1

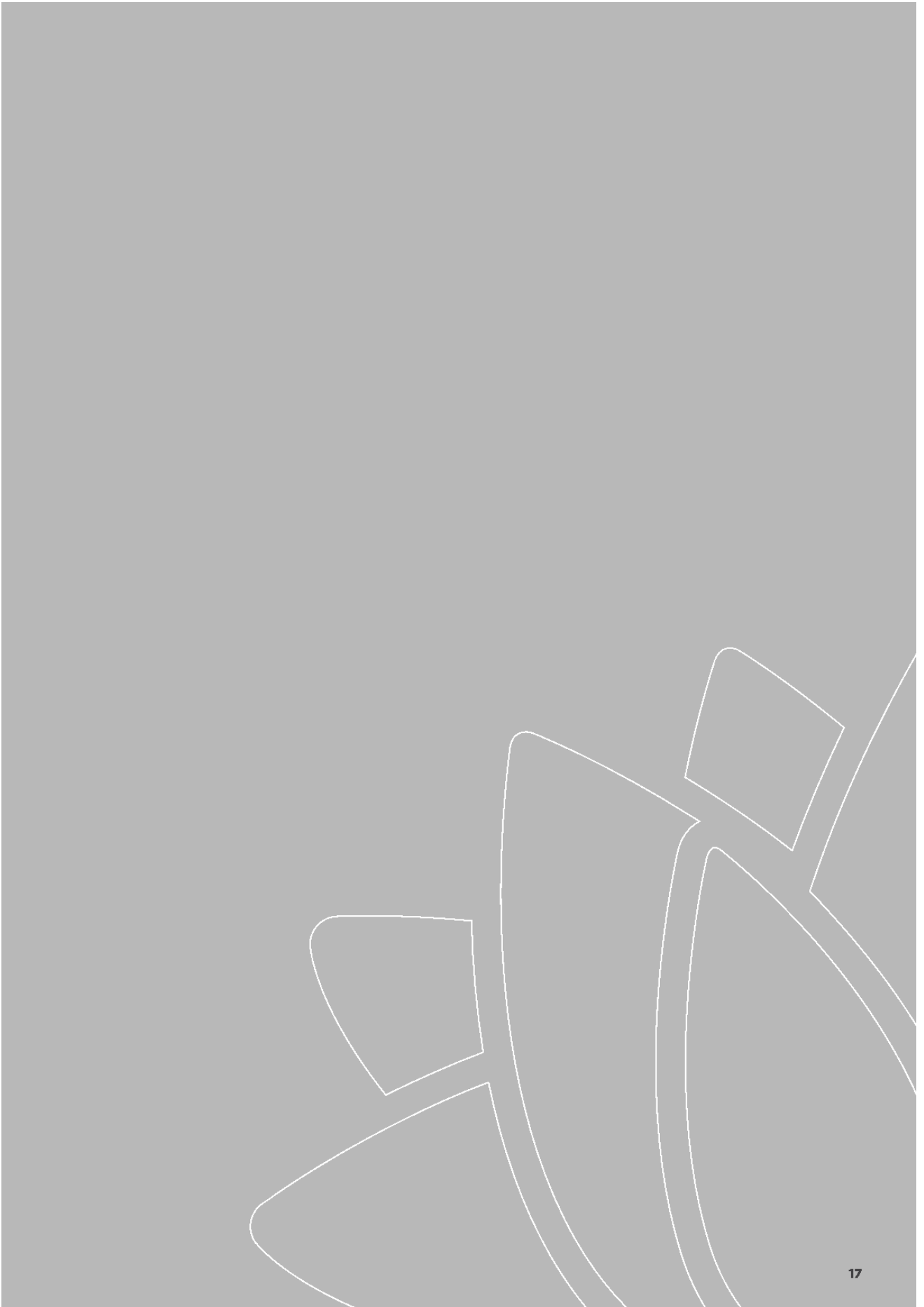
- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees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

Model Code of Meeting Practice for Local Councils in NSW

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

ORD02

Attachment 1



5 Coming Together

ORD02

Attachment 1

Attendance by councillors at meetings

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

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

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

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

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

such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

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

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

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

The quorum for a meeting

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

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

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

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

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

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

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

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

5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor,

cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

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

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

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

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

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

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

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council

and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Webcasting of meetings

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

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

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

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

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

5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

Attendance of the general manager and other staff at meetings

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

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

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

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

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

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

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

6 The Chairperson

ORD02

Attachment 1

The chairperson at meetings

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

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

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

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

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

- 6.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

- 6.6 For the purposes of clause 6.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

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

7 Modes of Address

ORD02

Attachment 1

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

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8 Order of Business for Ordinary Council Meetings

ORD02

Attachment 1

8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.

8.2 The general order of business for an ordinary meeting of the council shall be:
[councils may adapt the following order of business to meet their needs]

01 Opening meeting

02 Acknowledgement of country

03 Apologies and applications for a leave of absence by councillors

04 Confirmation of minutes

05 Disclosures of interests

06 Mayoral minute(s)

07 Reports of committees

08 Reports to council

09 Notices of motions/Questions with notice

10 Confidential matters

11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under [8.1/8.2] **[delete whichever is not applicable]** may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

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

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

9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

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

it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

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

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9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Reports of committees of council

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

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

Questions

9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to

answer a question put to them through the general manager at the direction of the general manager.

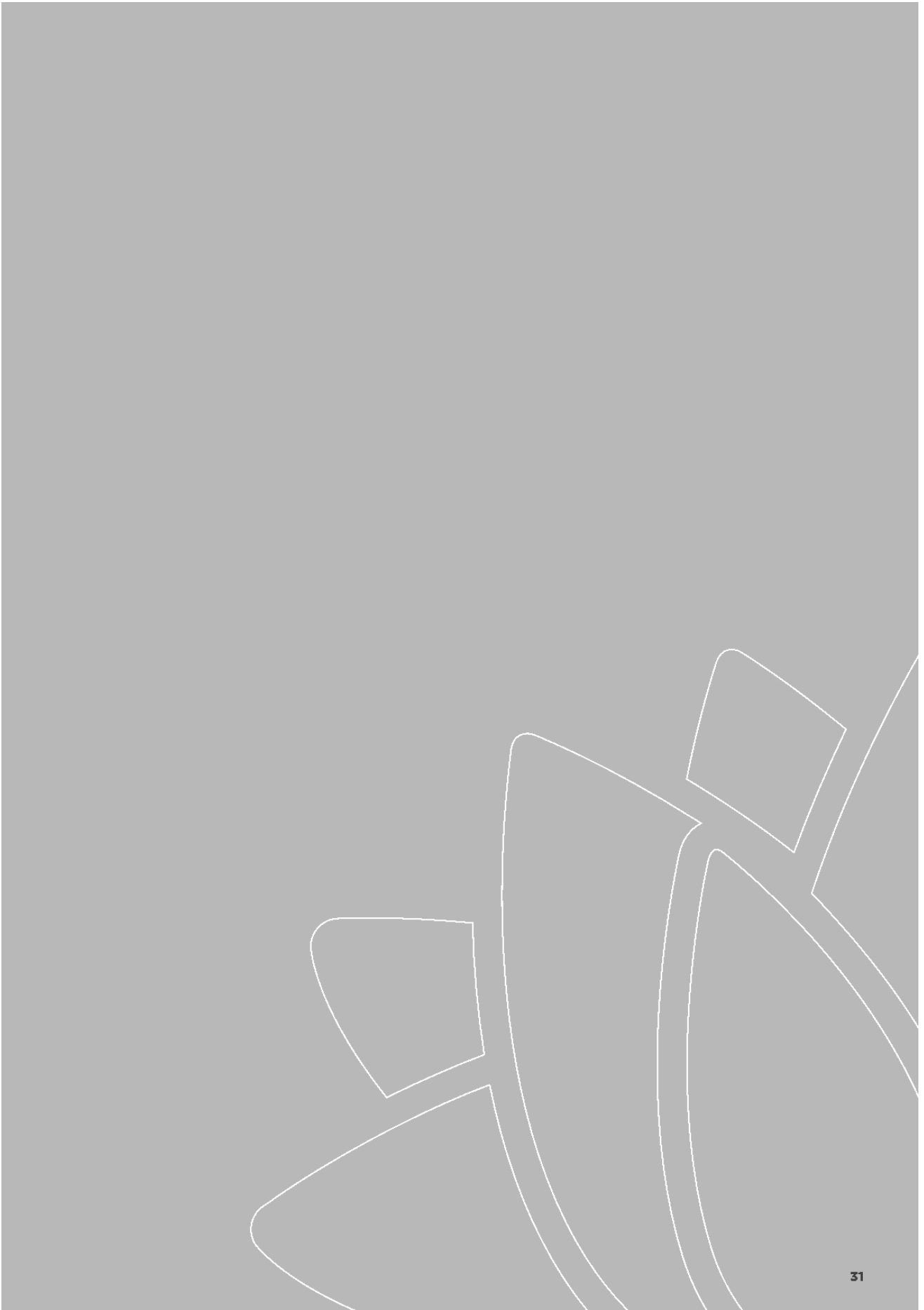
9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

9.18 Councillors must put questions directly, succinctly, respectfully and without argument.

9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

ORD02

Attachment 1



10 Rules of Debate

ORD02

Attachment 1

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

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

- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

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

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

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- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

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

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

Participation by non-voting representatives in joint organisation board meetings

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

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

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

11 Voting

ORD02

Attachment 1

Voting entitlements of councillors

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

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

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

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

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

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

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

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

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

Voting at council meetings

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

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

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

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

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

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

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

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

Voting on planning decisions

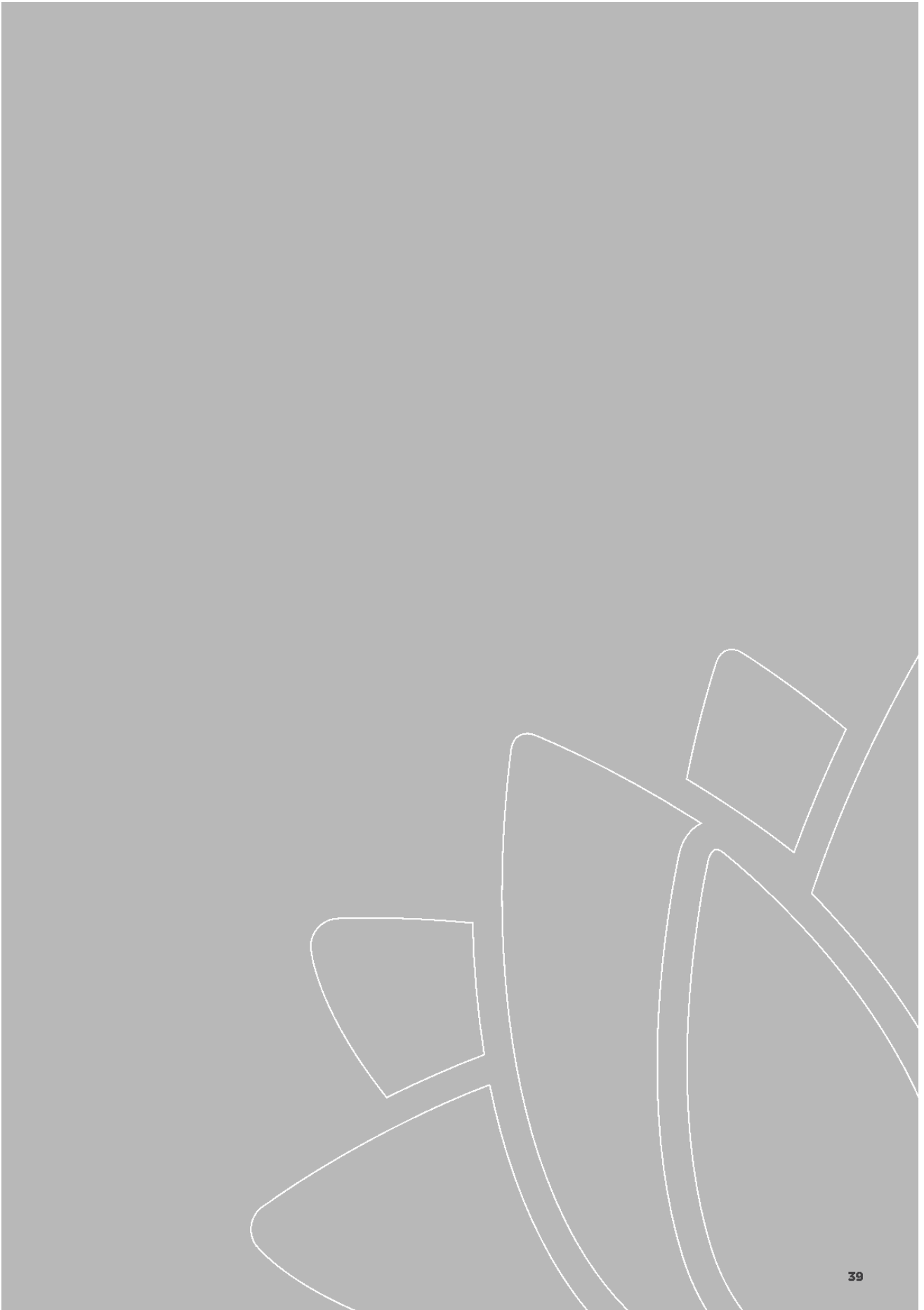
- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

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

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

ORD02

Attachment 1



12 Committee of the Whole

ORD02

Attachment 1

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

Note: Clause 12.1 reflects section 373 of the Act.

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

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

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

13 Dealing with Items by Exception

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

Model Code of Meeting Practice for Local Councils in NSW

14 Closure of Council Meetings to the Public

ORD02

Attachment 1

Grounds on which meetings can be closed to the public

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

- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

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

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

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

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
- (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

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

Representations by members of the public

- 14.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.
- Note: Clause 14.9 reflects section 10A(4) of the Act.**
- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

- 14.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,

- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

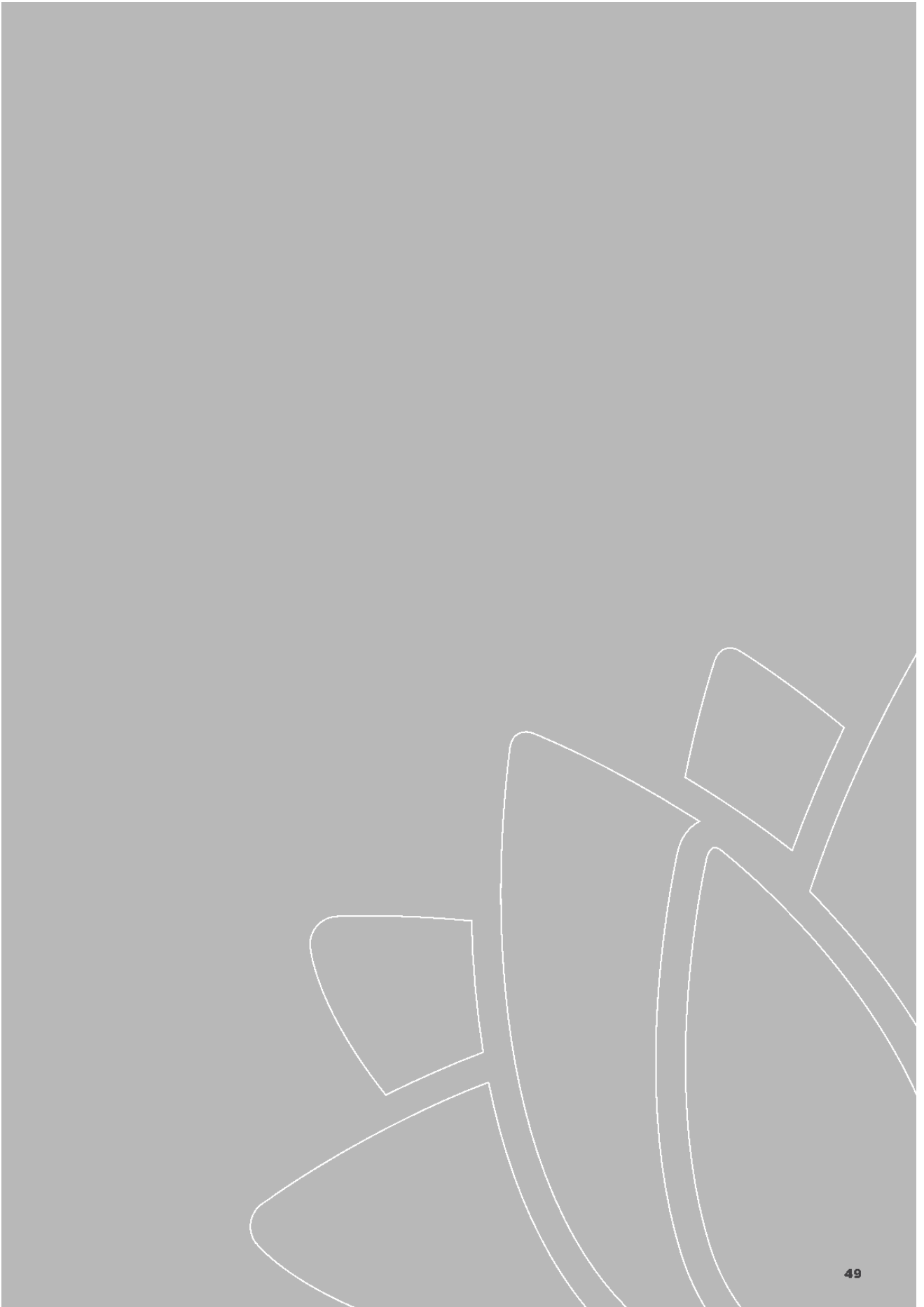
Note: Clause 14.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

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

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Attachment 1



15 Keeping Order at Meetings

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Attachment 1

Points of order

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

Questions of order

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

Motions of dissent

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

Acts of disorder

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

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

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

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- Note: Councils may use either clause 15.14 or clause 15.15.**
- 15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.

16 Conflicts of Interest

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

17 Decisions of the Council

Council decisions

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

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

Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.

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

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

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

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

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

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

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

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

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted.

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

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

17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

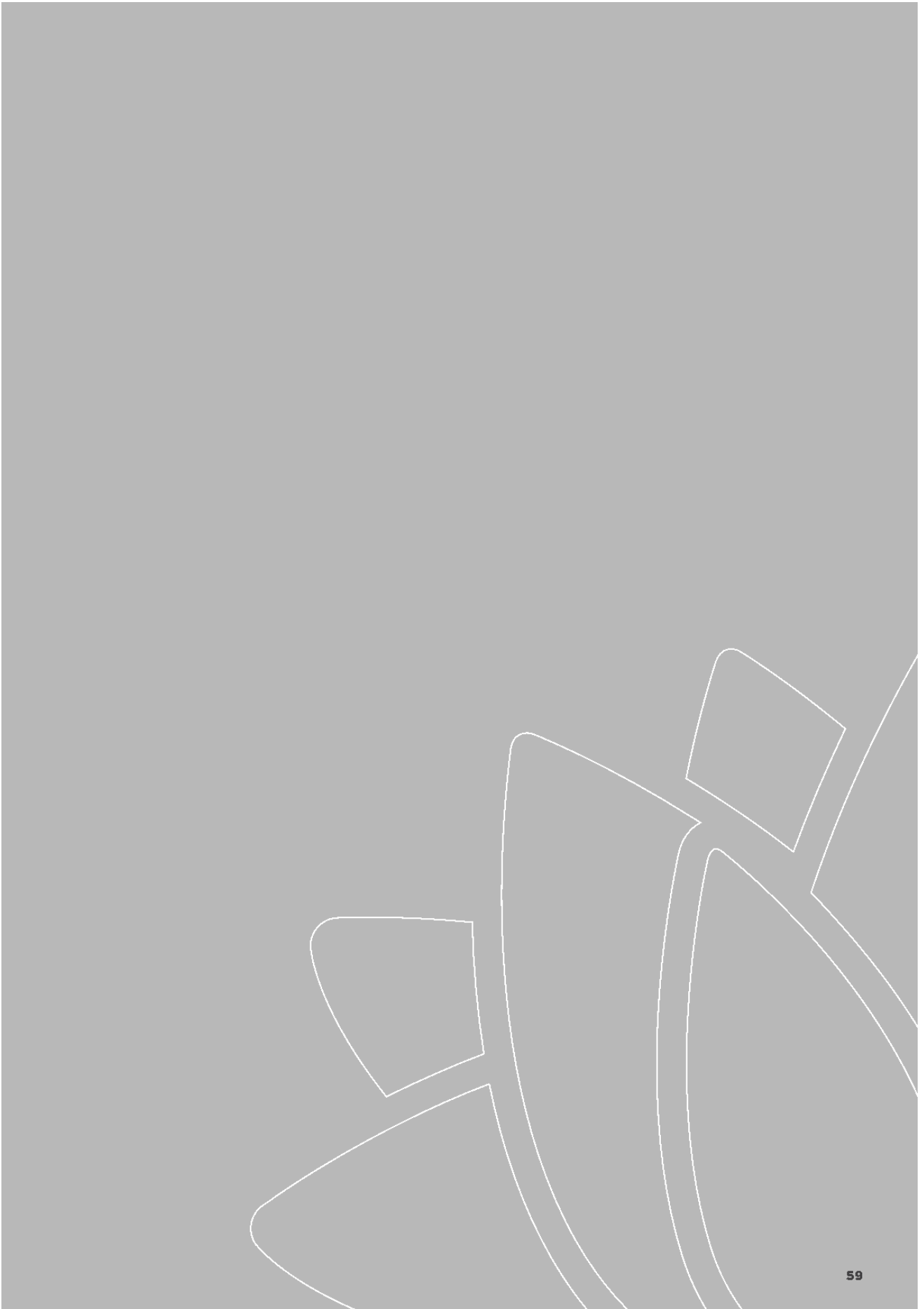
17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20-10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

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18 Time Limits on Council Meetings

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- 18.1 Meetings of the council and committees of the council are to conclude no later than **[council to specify the time]**.
- 18.2 If the business of the meeting is unfinished at **[council to specify the time]**, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at **[council to specify the time]**, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 After the Meeting

Minutes of meetings

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

Note: Clause 19.1 reflects section 375(1) of the Act.

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

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

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

Note: Clause 19.3 reflects section 375(2) of the Act.

19.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

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

Note: Clause 19.5 reflects section 375(2) of the Act.

19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

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

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

Note: Clause 19.8 reflects section 11(1) of the Act.

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

Note: Clause 19.9 reflects section 11(2) of the Act.

19.10 Clause 19.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 19.10 reflects section 11(3) of the Act.

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- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

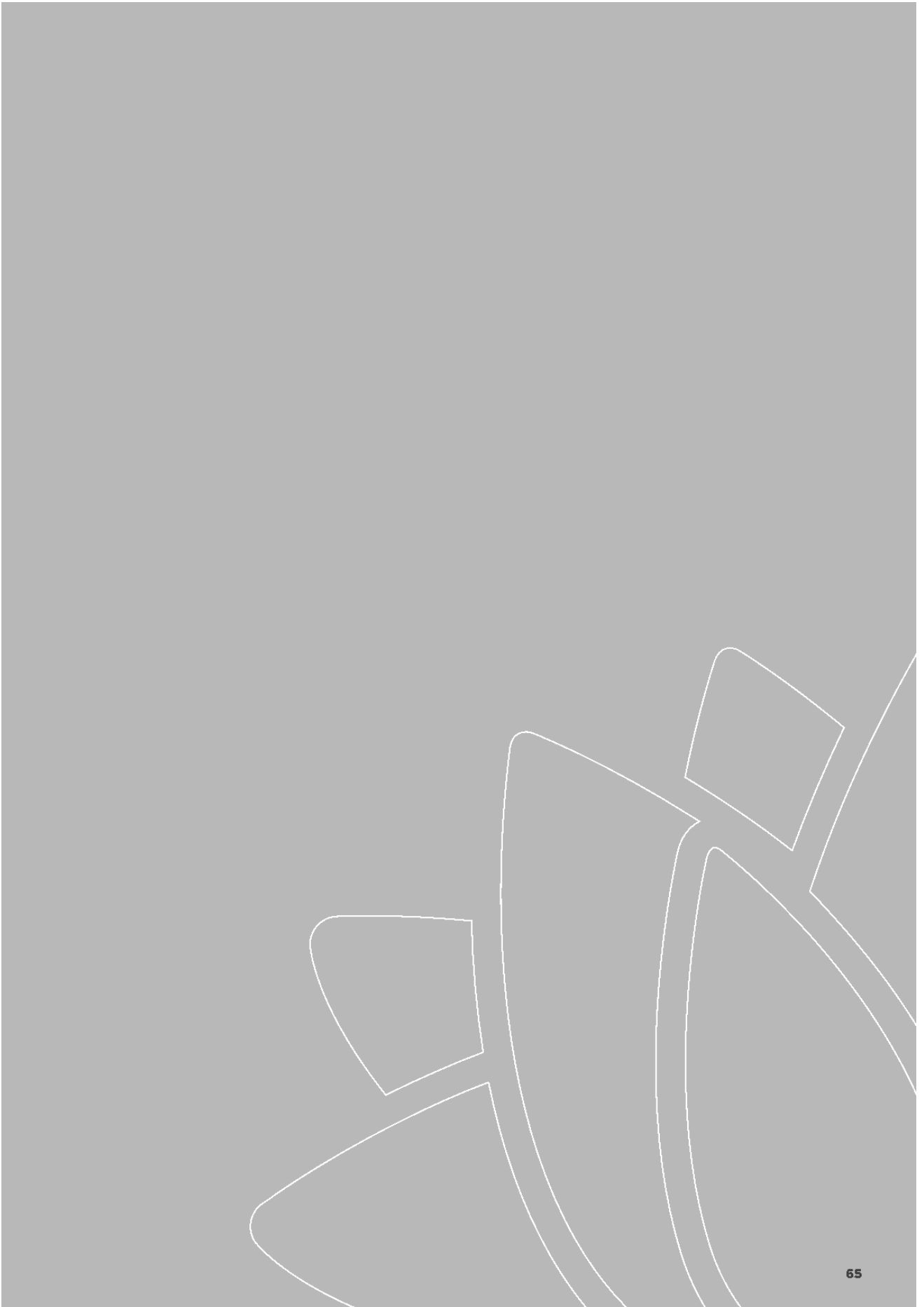
Implementation of decisions of the council

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

Note: Clause 19.12 reflects section 335(b) of the Act.

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20 Council Committees

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Attachment 1

Application of this Part

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

(b) the business proposed to be considered at the meeting.

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

Council committees whose members are all councillors

20.2 The council may, by resolution, establish such committees as it considers necessary.

20.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

20.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

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

Notice of committee meetings

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and

Attendance at committee meetings

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

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

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

Chairperson and deputy chairperson of council committees

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

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note: Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.**
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

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

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

20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

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

20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

Disorder in committee meetings

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

Minutes of council committee meetings

20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

21 Irregularities

ORD02

Attachment 1

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

Note: Clause 21.1 reflects section 374 of the Act.

22 Definitions

ORD02

Attachment 1

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the <i>Model Code of Conduct for Local Councils in NSW</i>
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

Model Code of Meeting Practice for Local Councils in NSW

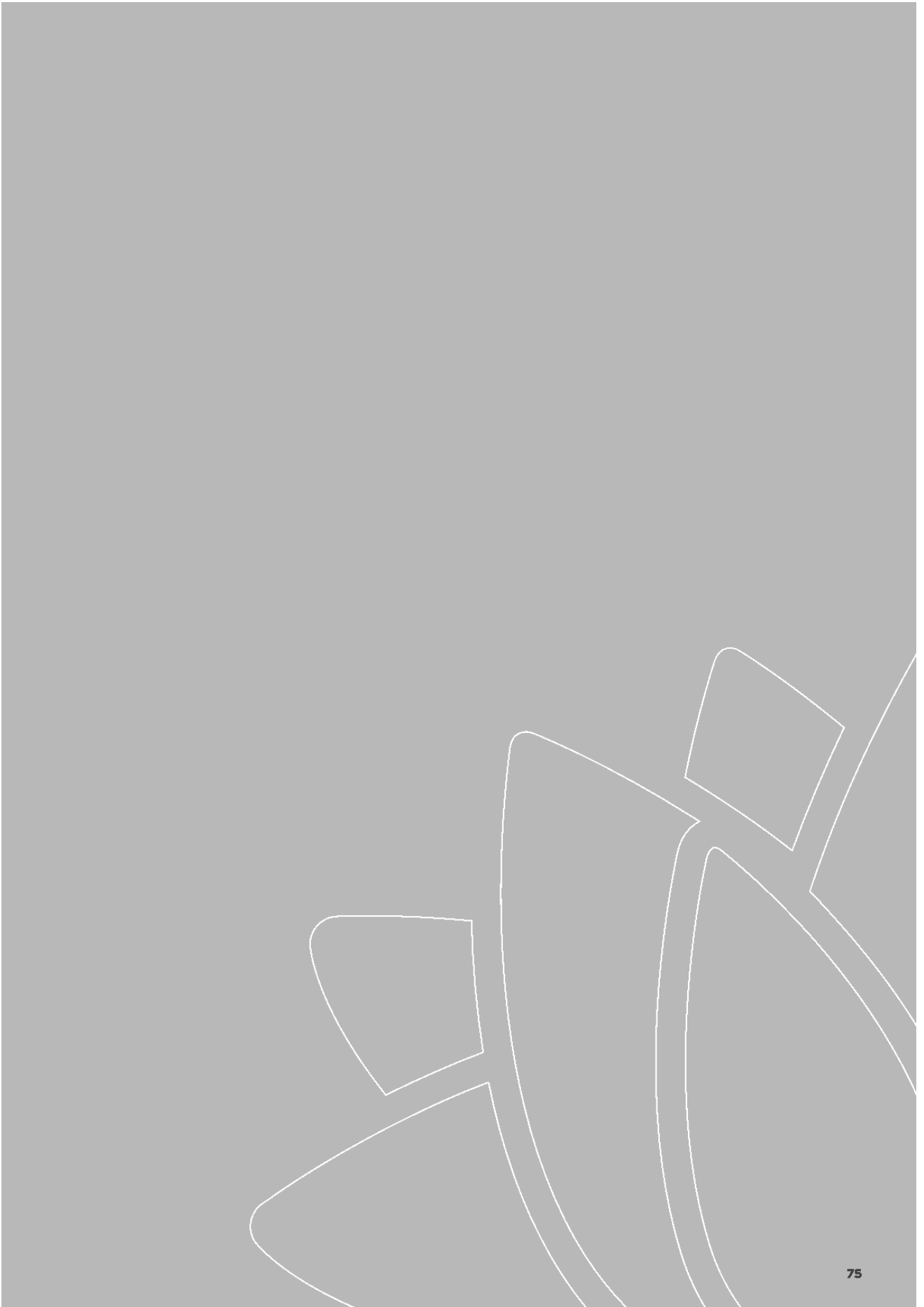
ORD02

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

Attachment 1

ORD02

Attachment 1





ORD02

Attachment 1



Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A581161
Your Reference:
Contact: Council Governance
Phone: 02 4428 4100

Ms Deborah Taylor
Governance Officer
Camden Council
By email: Deborah.Taylor@camden.nsw.gov.au



E-MAILED

13/2/18 KA

Dear Ms Taylor

Thank you for your emails of 29 December 2017 and 7 February 2018 asking about the proposed non-mandatory provisions of the draft Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) which is currently being exhibited for consultation.

As discussed with Mr Dylan Reynolds of the Office of Local Government's (OLG) Council Governance Team, I can confirm that councils will not be required to incorporate the non-mandatory provisions of the Model Meeting Code into their adopted Code of Meeting Practice.

Councils will have the option of incorporating other provisions into their adopted Codes of Meeting Practice. These provisions could either be variations to the non-mandatory provisions or entirely different to the non-mandatory provisions. Councils may also include supplementary provisions. However, these provisions must not be inconsistent with the mandatory provisions of the Model Meeting Code.

Finally, it is important to emphasise that the Model Meeting Code is currently in draft form and OLG is consulting with councils and the sector more broadly in order to gain their insights and input.

Submissions can be made to OLG up until 16 March 2018 and should be marked to the attention of OLG's Council Governance Team. Any feedback from Camden Council would be welcome.

I trust this information is of assistance.

Yours sincerely

John Davies
Manager, Council Governance

12-2-2018

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Key:

Black font – mandatory provisions of the Model Meeting Code that must be adopted

Red font – non-mandatory provisions of the Model Meeting Code

Yellow highlight – supplementary provisions that also include any changes from Camden's previous Code of Meeting Practice shown by underlining (additions) or strikethrough (deletions)



CODE OF MEETING PRACTICE

P3.0113.6

CODE OF MEETING PRACTICE

DIVISION: Customer and Corporate Strategy

BRANCH: Governance and Risk

CATEGORY: 1

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1 INTRODUCTION

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

This Code of Meeting Practice applies to all meetings of Councils and Committees of Councils of which all the members are Councillors (Committees of Council). Council Committees whose members include persons other than Councillors may adopt their own rules for meetings unless the Council determines otherwise.

This Code of Meeting Practice incorporates the mandatory provisions of the Model Meeting Code, some non-mandatory provisions and other supplementary provisions as indicated throughout the document. This Code of Meeting Practice is not inconsistent with the mandatory provisions of the Model Meeting Code. The section and clauses referred to in brackets after headings of this Code, refer to sections of the Act and clauses of the Regulation. Supplementary provisions are those practices that are specific to Camden Council.

This Council and any Committees of the Council of which all the members are Councillors must conduct its meetings in accordance with this Code of Meeting Practice as adopted by the Council.

2 MEETING PRINCIPLES

2.1 Council and Committee meetings should be:

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

3 BEFORE THE MEETING

Timing of Ordinary Council meetings

- 3.1 Ordinary meetings of the Council will generally be held on the following occasions:
Generally the second and fourth Tuesday of each month at 6.00pm in Council's Administration Centre, Oran Park. This may vary for particular meetings if Council so resolves.

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

Extraordinary meetings

- 3.2 If the Mayor receives a request in writing, signed by at least two (2) Councillors, the Mayor must call an Extraordinary meeting of the Council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The Mayor can be one of the two Councillors requesting the meeting. **(Section 366)**

Notice to the public of Council meetings

- 3.3 The Council must give notice to the public of the time, date and place of each of its meetings, including Extraordinary meetings and of each meeting of Committees of the Council. **(Section 9(1))**
- 3.4 For the purposes of clause 3.3, notice of a meeting of the Council and of a Committee of Council is to be published before the meeting takes place. The notice must be published on the Council's website, and in such other manner that the Council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.5 Council will advertise each Council meeting on its facebook page and other social media platforms. (Supplementary)

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

Notice to Councillors of Ordinary Council meetings

- 3.7 The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting. **(Section 367(1))**
- 3.8 The day of issue and the day of the meeting are not to be counted as days of notice. (Supplementary)**
- 3.9 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form. **(Section 367(3))**

Notice to Councillors of Extraordinary meetings

- 3.10 Notice of less than three (3) days may be given to Councillors of an Extraordinary meeting of the Council in cases of emergency. **(Section 367(2))**
- 3.11 Council may resolve to hold additional meetings as considered necessary. Additional meetings of Council convened by resolution of Council are subject to 3 days' notice and must also be advertised in accordance with this Code. (Supplementary)**

Giving notice of business to be considered at Council meetings

- 3.12 A Councillor may give notice of any business they wish to be considered by the Council at its next Ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **5** business days before the meeting is to be held. **(refer to Appendix B)**
- 3.13 A notice of motion to alter or rescind a resolution must be submitted to the General Manager no later than 2 business days after the meeting at which the resolution was adopted. **(Supplementary – refer to Appendix A)**
- 3.14 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.15 For the avoidance of doubt, the Mayor may also lodge a notice of motion or a rescission motion in accordance with these provisions. **(Supplementary)**

Questions with notice **(refer to Appendix C)**

- 3.16 A Councillor may, by way of a notice submitted under clause 3.12, ask a question for response by the General Manager about the performance or operations of the Council.
- 3.17 A Councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.18 The General Manager or their nominee may respond to a question with notice submitted under clause 3.16 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

Agenda and business papers for Ordinary meetings

- 3.19 The General Manager must cause the agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
- 3.20 The General Manager must ensure that the agenda for an Ordinary meeting of the Council states:
- all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
 - if the Mayor is the Chairperson – any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - all matters, including matters that are the subject of staff reports and reports of Committees, to be considered at the meeting, and
 - any business of which due notice has been given under clause 3.12.
- 3.21 Nothing in clause 3.20 limits the powers of the Mayor to put a Mayoral Minute to a meeting under clause 9.6.
- 3.22 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.

- 3.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business. **(Section 9(2A)(a))**
- 3.24 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.25 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the Council and Committees of Council, are to be published on the Council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the Council, at the relevant meeting and at such other venues determined by the Council. **(Section 9(2) and (4))**
- 3.26 Clause 3.25 does not apply to the business papers for items of business that the General Manager has identified under clause 3.23 as being likely to be considered when the meeting is closed to the public. **(Section 9(2A)(b))**
- 3.27 For the purposes of clause 3.25, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors. **(Section 9(3))**
- 3.28 A copy of an agenda, or of an associated business paper made available under clause 3.25, may in addition be given or made available in electronic form. **(Section 9(5))**

Agenda and business papers for Extraordinary meetings

- 3.29 The General Manager must ensure that the agenda for an Extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.30 Despite clause 3.29, business may be considered at an Extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.
- 3.31 A motion moved under clause 3.30(a) can be moved without notice but only after the business notified in the agenda for the Extraordinary meeting has been dealt with.
- 3.32 Despite clauses 10.23–10.34, only the mover of a motion moved under clause 3.30(a) can speak to the motion before it is put.

- 3.33 A motion of dissent cannot be moved against a ruling of the Chairperson under clause 3.30(b) on whether a matter is of great urgency.

Briefing Sessions

3.34 Council may hold regular briefings in accordance with its meeting timetable or otherwise as determined by the General Manager from time to time. Councillor briefings are informal gatherings or briefing sessions and may involve Councillors, Council staff and invited participants. Such briefings shall be chaired by the General Manager or another senior Council officer and should not be used for detailed or advanced discussions where agreement is reached. In conducting such briefings, Council is cognisant of its obligations and responsibilities in terms of open decision making and transparency of process. **(Supplementary)**

4 PUBLIC ADDRESS AT COUNCIL MEETINGS

- 4.1 The public address session at a Council meeting provides an opportunity for people to speak publicly on any item on Council's business paper. **(Supplementary)**
- 4.2 The public address session at a Council meeting will be conducted in accordance with the Public Address Guidelines, which are included in **Appendix D** to this Code. **(Supplementary)**
- 4.3 A list of applicants speaking at the public address segment of the Council meeting, together with any information supplied by applicants, will be made available to Councillors at the meeting. **(Supplementary)**

5 COMING TOGETHER

Attendance by Councillors at meetings

- 5.1 All Councillors must make reasonable efforts to attend meetings of the Council and of Committees of the Council of which they are members.

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

- 5.2 A Councillor cannot participate in a meeting of the Council or of a Committee of the Council unless personally present at the meeting.
- 5.3 Where a Councillor is unable to attend one or more Ordinary meetings of the Council, the Councillor should request that the Council grant them a leave of absence from those meetings. This clause does not prevent a Councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this Code and the Act.
- 5.4 A Councillor's request for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 Any application for leave of absence should be sent to the General Manager in writing by no later than 5.00pm on the Monday preceding the first Ordinary meeting from which the Councillor intends to be absent. **(Supplementary)**

- 5.6 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.
- 5.7 A Councillor's civic office will become vacant if the Councillor is absent from three (3) consecutive Ordinary meetings of the Council without prior leave of the Council, or leave granted by the Council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA. **(Section 234(1)(d))**
- 5.8 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.
- 5.9 If a Councillor 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. **(Supplementary)**

The quorum for a meeting

- 5.10 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office. **(Section 368(1))**
- 5.11 Clause 5.10 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council. **(Section 368(2))**
- 5.12 A meeting of the Council must be adjourned if a quorum is not present:
- at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - within half an hour after the time designated for the holding of the meeting, or
 - at any time during the meeting.
- 5.13 In either case, the meeting must be adjourned to a time, date and place fixed:
- by the Chairperson, or
 - in the Chairperson's absence, by the majority of the Councillors present, or
 - failing that, by the General Manager.
- 5.14 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.15 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Mayor may, in consultation with the General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

- 5.16 Where a meeting is cancelled under clause 5.15, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary meeting of the Council or at an Extraordinary meeting called under clause 3.2.

Entitlement of the public to attend Council meetings

- 5.17 Everyone is entitled to attend a meeting of the Council and Committees of the Council. The Council must ensure that all meetings of the Council and Committees of the Council are open to the public. **(Section 10(1))**
- 5.18 Clause 5.17 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.19 A person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or a Committee of the Council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion. **(refer clause 15.14) (Section 10(2))**

Webcasting of meetings

- 5.20 All meetings of the Council and Committees of the Council are to be webcast on the Council's website.
- 5.21 For the purposes of clause 5.20, Council will broadcast an audio visual live stream of each Council meeting and upload an audio visual recording of that meeting in conjunction with the release of the minutes on the Friday immediately following that meeting. **(Supplementary)**
- 5.22 Clause 5.20 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.23 At the start of each meeting the Chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.24 At the start of each meeting, the Chairperson is to make a statement that, in accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, the meeting is being live streamed and recorded by Council staff for minute taking and webcasting purposes, that no other webcasting or recording by a video camera, still camera or any other electronic device capable of webcasting or recording speech, moving images or still images is permitted without the prior approval of Council, that Council has not authorised any other webcasting or recording of this meeting, and that a person may, as provided under section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used any device in contravention of this clause. **(Supplementary)**
- 5.25 A recording of each meeting of the Council and Committee of the Council is to be retained on the Council's website only until the minutes of that meeting are adopted by the Council at a subsequent meeting. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the General Manager and other staff at meetings

- 5.26 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all of the members are Councillors. **(Section 376(1))**
- 5.27 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. **(section 376(2))**
- 5.28 The General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager. **(Section 376(3))**
- 5.29 The attendance of other Council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

6 THE CHAIRPERSON

The Chairperson at meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council. **(Section 369(1))**
- 6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council. **(Section 369(2))**

Election of the Chairperson in the absence of the Mayor and Deputy Mayor

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

- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

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

7 MODES OF ADDRESS

- 7.1 If the Chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the Chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].
- 7.5 Members of the public attending meetings of Council are required to address the Chairperson courteously and not address other Councillors or staff directly unless requested to do so. **(Supplementary)**

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an Ordinary meeting of the Council shall be:
- Prayer
 - Acknowledgement of Country
 - Webcasting of Council Meetings
 - Apologies and Leaves of Absence
 - Declaration of Interest
 - Public Addresses
 - Confirmation of Minutes
 - Mayoral Minute
 - Agenda Reports
 - Motions of Rescission
 - Notice of Motion
 - Questions With Notice
 - Closed Council
 - ~~Diary.~~
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the Council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.23 - 10.34, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a Council meeting

- 9.1 The Council must not consider business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business, as required by clause 3.12, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an Ordinary meeting or clause 3.10 in the case of an Extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
 - (b) is the election of a Chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral Minute, or
 - (d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a Committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.23–10.34, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the Chairperson under clause 9.3(b).

Mayoral Minutes

- 9.6 Subject to clause 9.9, if the Mayor is the Chairperson at a meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of a Mayoral Minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a resolution of the Council.

- 9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

Staff reports

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

Reports of Committees of Council

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

Questions

- 9.13 A question must not be asked at a meeting of the Council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.12 and 3.16.
- 9.14 A Councillor may, through the Chairperson, put a question to another Councillor about a matter on the agenda.
- 9.15 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.16 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.17 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.18 Questions shall not call for action to be taken nor be used for political expedience. Each Councillor is permitted a maximum of 1 minute per item to put a question or series of related questions. **(Supplementary)**
- 9.19 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 RULES OF DEBATE

Motions to be seconded

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

10.2 Councillors, in the course of debate, shall not introduce material that is irrelevant to the item under discussion. If a Councillor is called to order for introducing irrelevant material, he or she shall immediately cease speaking to that irrelevant material. **(Supplementary)**

Notices of motion

10.3 A Councillor who has submitted a notice of motion under clause 3.12 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.4 If a Councillor who has submitted a notice of motion under clause 3.12 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.

10.5 The withdrawal of a notice of motion under clause 10.4 must be requested verbally before that item is moved at the Council meeting. Council must then resolve whether to withdraw the notice of motion. **(Supplementary)**

10.6 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:

- (a) any other Councillor may, with the leave of the Chairperson, move the motion at the meeting, or
- (b) the Chairperson may defer consideration of the motion until the next meeting of the Council.

Chairperson's duties with respect to motions

10.7 It is the duty of the Chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.8 The Chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.9 Before ruling out of order a motion or an amendment to a motion under clause 10.8, the Chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.10 Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been lost.

Amendments to motions

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

10.12 To ensure the accuracy of decisions, Councillors should hand a copy of any proposed motions or amendments in writing to the Chairperson and minute taker. **(Supplementary)**

10.13 An amendment to a motion must relate to the matter being dealt with in the original motion before the Council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.

10.14 The Chairperson shall reject an amendment if the proposed amendment:

- a. is beyond the scope of the motion; or
- b. is irrelevant; or
- c. appears designed to prevent the meeting coming to a decision on the matter; or
- d. is inconsistent with a resolution passed earlier at the meeting; or
- e. is of such nature that the original motion loses its identity. **(Supplementary)**

10.15 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.16 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before Council at any one time.

10.17 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.

10.18 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

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

Foreshadowed motions

10.20 A Councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the Council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

10.21 Where an amendment has been moved and seconded, a Councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the Council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

10.22 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

10.23 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.24 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.25 The seconder of a motion or of an amendment may reserve the right to speak later in the debate. **(Supplementary)**

10.26 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.27 Despite clause 10.26, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

10.28 Despite clause 10.26, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.29 Despite clauses 10.23 and 10.24, a Councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
- (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.

10.30 The Chairperson must immediately put to the vote, without debate, a motion moved under clause 10.29. A seconder is not required for such a motion.

10.31 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.23.

10.32 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

10.33 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.

10.34 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

11 VOTING

Voting entitlements of Councillors

11.1 Each Councillor is entitled to one (1) vote. **(Section 370(1))**

11.2 The person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. **(Section 370(2))**

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

Voting at Council meetings

- 11.4 A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.
- 11.6 All voting at Council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions (Section 375A)

- 11.7 The General Manager must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.
- 11.8 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.
- 11.9 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.10 Clauses 11.7 – 11.9 apply also to meetings that are closed to the public.

12 COMMITTEE OF THE WHOLE

- 12.1 The Council may resolve itself into a Committee to consider any matter before the Council. **(Section 373)**
- 12.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the whole, except the provisions limiting the number and duration of speeches.
- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the Committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or Committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the Chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 13.3 The Council or Committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or Committee must resolve to alter the order of business in accordance with clause 8.2.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

- 14.1 The Council or a Committee of the Council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:
- (a) personnel matters concerning particular individuals (other than Councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of the Council's Code of Conduct. **(Section 10A(1) and (2))**

- 14.2 The Council or a Committee of the Council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public. **(Section 10A(3))**

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest. **(Section 10B(1))**
- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or Committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice. **(Section 10B(2))**
- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1. **(Section 10B(3))**
- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or Committee. **(Section 10B(4))**
- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government. **(Section 10B(5))**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a Committee of the Council, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and

- (b) the Council or Committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public. **(Section 10C)**

Representations by members of the public

- 14.9 The Council, or a Committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. **(Section 10A(4))**
- 14.10A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by **4.00pm** on the day of the meeting at which the matter is to be considered.
- 14.12 The application referred to in clause 14.11 must be in writing to the General Manager. (Supplementary)**
- 14.13 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.14 No more than **7** speakers are to be permitted to make representations under clause 14.9.
- 14.15 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 14.16 The General Manager (or their delegate) is to determine the order of speakers.
- 14.17 Where the Council or a Committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.23 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The Chairperson is to permit no more than **7** speakers to make representations in such order as determined by the Chairperson.
- 14.18 Each speaker will be allowed **4** minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.

Expulsion of non-Councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

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

Resolutions passed at closed meetings to be made public

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

15 KEEPING ORDER AT MEETINGS

Points of order

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

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council:
- (a) contravenes the Act or any regulation in force under the Act or this Code, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the Committee, or addresses or attempts to address the Council or the Committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the Committee into disrepute.
- 15.12 The Chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

How disorder at a meeting may be dealt with

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

Expulsion from meetings

15.14 All Chairpersons of meetings of the Council and Committees of the Council are authorised under this Code to expel any person other than a Councillor, from a Council or Committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.

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

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

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

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

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

Use of mobile phones and the unauthorised recording of meetings

15.20 Councillors, Council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the Council and Committees of the Council.

15.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the Council or a Committee of the Council without the prior authorisation of the Council or the Committee.

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

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

16 CONFLICTS OF INTEREST

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

17 DECISIONS OF THE COUNCIL

Council decisions

17.1 A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council. **(Section 371)**

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

Rescinding or altering Council decisions

17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.13. **(Section 372(1))**

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with. **(Section 372(2))**

17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.12. **(Section 372(3))**

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost. **(Section 372(4))**

17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same. **(Section 372(5))**

17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment. **(Section 372(7))**

17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.14 with the consent of all signatories to the notice of motion.

17.10A motion to alter or rescind a resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council. **(Section 372(6))**

17.11 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three Councillors is submitted to the Chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the Chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary meeting of the Council.

17.12A motion moved under clause 17.11(b) can be moved without notice. Despite clauses 10.23–10.34, only the mover of a motion referred to in clause 17.11(b) can speak to the motion before it is put.

17.13A motion of dissent cannot be moved against a ruling by the Chairperson under clause 17.11(c).

18 AFTER THE MEETING

Minutes of meetings

18.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council. **(Section 375(1))**

18.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:

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

18.3 The minutes of a Council meeting must be confirmed at a subsequent meeting of the Council. **(Section 375(2))**

18.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

18.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting. **(Section 375(2))**

18.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

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

- 18.8 The Council and Committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting. **(Section 11(1))**
- 18.9 Clause 18.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public. **(Section 11(2))**
- 18.10 Clause 18.8 does not apply if the Council or the Committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act. **(Section 11(3))**
- 18.11 Correspondence or reports to which clauses 18.9 and 18.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the Council

- 18.12 The General Manager is to implement, without undue delay, lawful decisions of the Council. **(Section 335(b))**

19 COUNCIL COMMITTEES**Application of this Part**

- 19.1 This Part only applies to Committees of the Council whose members are all Councillors.

Council Committees whose members are all Councillors

- 19.2 The Council may, by resolution, establish such Committees as it considers necessary.
- 19.3 A Committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- 19.4 The quorum for a meeting of a Committee of the Council is to be:
- (a) such number of members as the Council decides, or
 - (b) if the Council has not decided a number – a majority of the members of the Committee.

Functions of Committees

- 19.5 The Council must specify the functions of each of its Committees when the Committee is established but may from time to time amend those functions.

Notice of Committee meetings

- 19.6 The General Manager must send to each Councillor, regardless of whether they are a Committee member, at least three (3) days before each meeting of the Committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.

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

Attendance at Committee meetings

19.8 A Committee member (other than the Mayor) ceases to be a member of a Committee if the Committee member:

- (a) has been absent from three (3) consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

19.9 Clause 19.8 does not apply if all of the members of the Council are members of the Committee.

Non-members entitled to attend Committee meetings

19.10A Councillor who is not a member of a Committee of the Council is entitled to attend, and to speak at a meeting of the Committee. However, the Councillor is not entitled:

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

Chairperson and deputy Chairperson of Council Committees

19.11 The Chairperson of each Committee of the Council must be:

- (a) the Mayor, or
- (b) if the Mayor does not wish to be the Chairperson of a Committee, a member of the Committee elected by the Council, or
- (c) if the Council does not elect such a member, a member of the Committee elected by the Committee.

19.12 The Council may elect a member of a Committee of the Council as deputy Chairperson of the Committee. If the Council does not elect a deputy Chairperson of such a Committee, the Committee may elect a deputy Chairperson.

19.13 If neither the Chairperson nor the deputy Chairperson of a Committee of the Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.

19.14 The Chairperson is to preside at a meeting of a Committee of the Council. If the Chairperson is unable or unwilling to preside, the deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

Procedure in Committee meetings

19.15 Subject to any specific requirements of this Code, each Committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all Committees of the Council unless the Council or the Committee determines otherwise in accordance with this clause.

19.16 Whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote unless the Council or the Committee determines otherwise in accordance with clause 19.15.

19.17 Voting at a Council Committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of Committee meetings to the public

19.18 The provisions of the Act and Part 14 of this Code apply to the closure of meetings of Committees of the Council to the public in the same way they apply to the closure of meetings of the Council to the public.

19.19 If a Committee of the Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the Chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the Council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the Chairperson under clause 19.19 during a part of the meeting that is webcast.

Disorder in Committee meetings

19.21 The provisions of the Act and this Code relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council.

Minutes of Council Committee meetings

19.22 Each Committee of the Council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a Committee must ensure that the following matters are recorded in the Committee's minutes:

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

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

19.24 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the Committee.

19.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

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

19.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

20 RECEIPT OF PETITIONS

20.1 A petition may be received in hard copy, by email or other means. If petitioners sign the petition by accessing a website hosting the petition, it is considered an e-petition. **(Supplementary)**

20.2 A petition (not being an e-petition) will only be valid if the General Manager is satisfied that the following have been complied with:

- The petition contains a written statement requesting Council to do something or to refrain from doing something.
- The petition contains a covering letter addressed to the General Manager or Mayor containing a clear and concise statement identifying the subject matter of the petition along with the number of signatures contained and the full name, address, phone number and signature of the principal petitioner.
- Each person who signed the petition has included their full name, address, signature and date of signature. **(Supplementary)**

20.3 An e-petition will only be valid if the General Manager is satisfied that the following have been complied with:

- The e-petition contains a statement requesting Council to do something or to refrain from doing something.
- The e-petition contains a statement identifying the subject matter of the petition along with the full name, address, phone number and email of the principal petitioner.
- Each person who has signed the e-petition has included their full name and a valid email address. **(Supplementary)**

20.4 A person may not sign a petition on behalf of anyone else, except in cases of incapacity or sickness. Upon receiving a valid or invalid petition, the General Manager will advise all Councillors of its receipt including the subject matter and the number of signatures. **(Supplementary)**

20.5 On receipt of a valid petition, a report will be submitted to the next available meeting of Council. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter. **(Supplementary)**

20.6 Councillors will be made aware of additional signatures to already reported petitions if they are received. **(Supplementary)**

21 IRREGULARITIES

21.1 Proceedings at a meeting of a Council or a Council Committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any Councillor or Committee member, or
- (c) any defect in the election or appointment of a Councillor or Committee member, or
- (d) a failure of a Councillor or a Committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or Committee meeting in accordance with the Council's Code of Conduct, or
- (e) a failure to comply with this Code. **(Section 374)**

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this Code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
Chairperson	in relation to a meeting of the Council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this Code, and in relation to a meeting of a Committee – means the person presiding at the meeting as provided by clause 19.11 of this Code
this Code	means the Council's adopted Code of Meeting Practice
Committee of the Council	means a Committee established by the Council in accordance with clause 19.2 of this Code (being a Committee consisting only of Councillors) or the Council when it has resolved itself into Committee of the whole under clause 12.1
Council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two Councillors who must rise and call for a division and it requires the recording of the names of the Councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a Councillor under clause 10.21 of this Code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a Councillor under clause 10.20 of this Code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means

planning decision	means a decision made in the exercise of a function of a Council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of Councillors or Committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	A video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time For the purposes of this Code, webcast means to broadcast an audio visual live stream of each Council meeting, and upload an audio visual recording of that meeting to Council's website. (Supplementary)
year	means the period beginning 1 July and ending the following 30 June

□ * * *

RELEVANT LEGISLATIVE INSTRUMENTS: *Local Government Act 1993*
Local Government (General) Regulation 2005

RELATED POLICIES, PLANS AND PROCEDURES: Code of Conduct

RESPONSIBLE DIRECTOR: Director Customer and Corporate Strategy

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	22/01/01	486.01
2	Council	Minor amendments	28/10/08	DM349051
3	Council	Minor amendments	27/07/10	DM350542
4	Council	Minor amendments	14/02/12	13/17377
5	Council	Amendments	28/06/16	16/191058
6	Council	Amendments to align with Model Code of Meeting Practice		

Code of Meeting Practice
Adopted by Council:

Next Review Date: 30/09/2021
EDMS #:

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APPENDIX A

NOTICE OF MOTION OF RESCISSION

We, the undersigned Councillors, hereby give notice of our intention to move that the Council resolution relating

to Item No _____ of Council meeting of the _____

(date of meeting): _____

(title of report): _____

BERESCIENDED.

(Minute No. _____) (extract of Resolution)

Should the above Motion of Rescission be carried, it is our intention to move the following further motion:

..... (signature)

..... (signature)

..... (signature)

Date received by Council:



APPENDIX B

NOTICE OF MOTION

I, Councillor hereby give
(name)

notice of my intention to move the following at the Council meeting of

.....
(date)

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

..... (signature)

..... (date)

Date received by Council:



APPENDIX C

QUESTION WITH NOTICE

Note:

3.17 A Councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.

3.18 The General Manager or their nominee may respond to a question with notice submitted under clause 3.16 by way of a report included in the business papers for the relevant meeting of the Council or orally at the meeting.

I, Councillor hereby give
(name)

notice of my intention to ask a Question with Notice at the Council meeting of

.....
(date)

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

..... (signature)

..... (date)

Date received by Council:

APPENDIX D PUBLIC ADDRESS SESSION GUIDELINES

Persons wishing to participate in the Public Address Session, must complete the required form by no later than 5.00pm on the working day prior to the day of the meeting, (see attached "Public Address –Application Form")

Council's policy guidelines in relation to the Public Address Session at Council meetings are as follows:

- i. **Persons Residents of the Camden Council area and ratepayers** (or a representative nominated on **their** behalf of a resident or ratepayer) are permitted to make submissions to Council subject to these guidelines. All applications must be in respect of current meeting agenda items.
- ii. The General Manager or the Director Customer & Corporate Strategy may amend the required form from time to time.
- iii. **All speakers are requested to attend Council 10 minutes prior to the scheduled meeting start time to register their attendance for the public address session. Speakers who fail to register may not be permitted to speak.**
- iv. All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.
- v. Council may by resolution extend the time provided to any one speaker by up to 2 minutes on only one occasion.
- vi. Speakers are limited to one topic per Public Address Session. Only 7 speakers can be heard at any meeting. A limitation of 1 speaker for and 1 speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed 7 at any given meeting.
- vii. Speakers must:
 - a. restrict their statements and comments to the subject of debate and topic of the address;
 - b. must only speak in relation to the subject stated on their application;
 - c. only speak on matters listed on the agenda/business paper for the Council meeting date stated on their application.
- viii. Speakers must not debate any issue with Councillors and staff and neither the Mayor nor Councillors will be required to answer questions during the Public Address Sessions.
- ix. The Chairperson is able to ask questions of the speaker on a point of clarification at any time.
- x. Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting. Questions should not:
 - (a) seek legal opinion to be provided by Council;
 - (b) contain any names of persons unless they are necessary;
 - (c) contain argument, inferences, or imputation;
 - (d) refer to confidential matters that have or will be discussed by Council in closed session, or refer to any confidential matter as identified in section 10A (2) of the Act.
- xi. Speakers at the Public Address Session may be stopped by a point of order ruling from the Mayor/Chairperson for any breach of the Public Address Session Guidelines.
- xii. Speakers should exercise particular care to comply with the Code of Meeting Practice.
- xiii. Speakers must refrain from making personal criticisms and revealing the identity of staff members.
- xiv. Public Addresses are recorded for **minute taking and webcasting administrative purposes and it is a condition of speaking that speakers consent to being webcast (including being recorded) as part of the Council meeting.** It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments. The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

An officer of Council will be available any working day to assist intending participants in completion of the forms (excluding the day of the meeting).

PUBLIC ADDRESS SESSION APPLICATION FORM

Note: Applications must be received by Council's Governance team by 5.00pm on the last working day prior to the Council meeting.

In submitting this application, I understand and agree to abide by the conditions of the Public Address Session in Council's Code of Meeting Practice.

Council Meeting Date: _____ Name of Applicant: _____ Telephone: _____
 Address: _____
 Email: _____
 Name of Speaker & Organisation (if applicable) _____
 Business Paper Agenda Item No _____ Subject _____

I am for the recommendation in the report; OR
 I am against the recommendation in the report.

If I am permitted to speak at a Council meeting, I acknowledge that my name will be recorded in the minutes of the meeting;
Council meetings are recorded for minute taking and webcasting purposes and I consent to my public address being webcast (including being recorded) as part of the Council meeting;

I have read the Code of Meeting Practice, Public Address Session Guidelines and agree to abide by the Code and the Guidelines;
 I agree to comply with all directions of the Chairperson regarding my address to Council and shall withdraw from the Council Chamber upon his/her direction;
 I shall restrict my statements and comments to the subject of debate and topic of my address;
 I shall be personally liable for my behaviour and all statements made by me in the course of my address to Council;
 I shall refrain from revealing the name of any Council staff members and any personal criticisms of staff when addressing Council.

This form can be lodged –

Via email to publicaddress@camden.nsw.gov.au; or
 Online at www.camden.nsw.gov.au; or
 Dropped off at Council's Administration Centre, 70 Central Avenue, Oran Park; or
 Posted to PO Box 183, Camden NSW 2570.
 If posting, you need to allow sufficient time for your application to be received by Council, before the close off time of 5.00pm on the working day prior to the Council meeting.

Signature of Applicant _____
Signature not required when emailing document

Privacy Notification:

The personal information that Council is collecting from you on this application form is personal information for the purposes of the *Privacy and Personal Information Protection Act 1998* ("the Act"). The intended recipients of the personal information are officers within Council and any person wishing to inspect the application in accordance with the *Local Government Act 1993*. The supply of the information by you is not voluntary and if you cannot provide or do not wish to provide the information sought, Council will be unable to process your application. You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act. Council is to be regarded as the agency that holds the information.

OFFICE USE ONLY

Does the application relate to a report before Council?	
Has the application form been correctly completed?	

Approved: Yes No _____

Applicant advised by: Phone Email In person Time/Date: _____ Officer: _____

Mandatory and non-mandatory provisions appear in **black** and **red** fonts respectively. References to supplementary provisions are highlighted in **yellow**.

Model Meeting Code Clause	Proposed Action	Reason
<p>Meeting Principles</p> <p>2.1 Council and committee meetings should be:</p> <p>Transparent: Decisions are made in a way that is open and accountable.</p> <p>Informed: Decisions are made based on relevant, quality information.</p> <p>Inclusive: Decisions respect the diverse needs and interests of the local community.</p> <p>Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.</p> <p>Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.</p> <p>Respectful: Councillors, staff and meeting attendees treat each other with respect.</p> <p>Effective: Meetings are well organised, effectively run and skilfully chaired.</p> <p>Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.</p>	Adoption of 2.1.	<p>Mandatory.</p> <p>This will replace the preamble/background in Camden's current Code.</p>
<p>Timing of ordinary council meetings</p> <p><i>Note: Councils must use either clause 3.1 or 3.2.</i></p> <p>3.1 Ordinary meetings of the council will be held on the following occasions: [council to specify the frequency, time, date and place of its ordinary meetings].</p> <p>3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.</p>	<p>Adoption of 3.1 with the following wording:</p> <p><i>Ordinary meetings of the council will be held on the following occasions: Generally the second and fourth Tuesday of each month at 6.00pm in Council's Administration Centre, Oran Park. This may vary for particular meetings if Council so resolves.</i></p>	<p>Mandatory.</p> <p>Proposed wording is consistent with clause 2.1.3 of Camden's current Code.</p>
<p>Giving notice of business to be considered at council meetings</p> <p>3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.</p>	<p>Adoption of 3.11.</p> <p>Note: 3.11 is 3.14 in the draft Camden Code.</p>	<p>Mandatory.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.</p> <p>3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:</p> <p>(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or</p> <p>(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.</p>	<p>Not recommended for inclusion in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Adds unnecessary obligation on the General Manager.</p> <p>Any concerns on implications can be raised informally with Councillors or during debate.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Questions with Notice</p> <p>3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.</p> <p>3.15 A councillor is not permitted to ask a question with notice under clause 3.16 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.</p> <p>3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.</p>	<p>Adoption of 3.14 - 3.16.</p> <p>Note: 3.14 - 3.16 is 3.16 - 3.18 in the draft Camden Code.</p> <p>A form is provided as Appendix C in the draft Camden Code.</p>	<p>Mandatory.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Pre-meeting briefing sessions</p> <p>3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.</p> <p>3.33 Pre-meeting briefing sessions are to be held in the absence of the public.</p> <p>3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.</p> <p>3.35 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.</p> <p>3.36 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.</p>	<p>Not recommended for inclusion in the draft Camden Code.</p> <p>Supplementary provision added to reflect Camden's current briefing process.</p> <p><i>3.34 Council may hold regular briefings in accordance with its meeting timetable. Councillor briefings are informal gatherings or briefing sessions and may involve Councillors, Council staff and invited participants. Such briefings shall be chaired by the General Manager or another senior Council officer and should not be used for detailed or advanced discussions where agreement is reached. In conducting such briefings, Council is cognisant of its obligations and responsibilities in terms of open decision making and transparency of process.</i></p>	<p>Non-mandatory.</p> <p>Current briefing process retained.</p> <p>Declarations of interest not considered necessary to a non-decision making forum like a briefing.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Public Forums</p> <p>4.1 – 4.23 (not quoted due to length). Refer to attached copy of the Model Code of Meeting Practice for the non-mandatory clauses 4.1 – 4.23.</p> <p>Note: Intended to hear submissions from the public on matters prior to each ordinary meeting.</p>	<p>Not recommended for inclusion in the draft Camden Code.</p> <p>Supplementary provisions (4.1-4.3 & Appendix D) added to reflect Camden's current Public Address processes except:</p> <ul style="list-style-type: none"> Removed the need for speakers to be residents or ratepayers of the Camden LGA, and Added a provision for speakers to check in at the Council meeting so Council is aware of their presence. Added speaker's consent to being webcast (including being recorded). 	<p>Non-mandatory provisions.</p> <p>Unnecessary as overlaps the public address process.</p> <p>Changes to existing processes are to:</p> <ul style="list-style-type: none"> avoid excluding persons with an interest in a matter, and provide a confirmation that speakers have arrived at the meeting.
<p>The quorum for a meeting</p> <p>5.11 A meeting of the council must be adjourned if a quorum is not present: (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting,</p>	<p>Adoption of clause 5.11.</p> <p>Note: 5.11 (a) is 5.12 (a) in the draft Camden Code.</p>	<p>Mandatory.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.</p> <p>5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.</p>	<p>Recommended for inclusion in the draft Camden Code.</p> <p>Note: 5.14 and 5.15 are 5.15 and 5.16 in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Where there is an apparent lack of quorum or a risk of disaster, allows cancellation of the meeting for the convenience, safety and wellbeing of Councillors, council staff and members of the public.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Webcasting of meetings</p> <p><i>Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.</i></p> <p><i>Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.</i></p> <p>5.19 All meetings of the council and committees of the council are to be webcast on the council's website.</p> <p>5.20 Clause 5.20 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.</p> <p>5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.</p> <p>5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for [council to specify the period of time the recording is to be retained on the website]. Recordings of meetings may be disposed of in accordance with the <i>State Records Act 1998</i>.</p>	<p>Adoption of 5.19 with supplementary provisions:</p> <p><i>5.21 For the purposes of clause 5.20, Council will broadcast an audio visual live stream of each Council meeting and upload an audio visual recording of that meeting in conjunction with the release of the minutes on the Friday immediately following that meeting.</i></p> <p><i>5.24 At the start of each meeting, the Chairperson is to make a statement that, in accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act 1993, the meeting is being live streamed and recorded by Council staff for minute taking and webcasting purposes, that no other webcasting or recording by a video camera, still camera or any other electronic device capable of webcasting or recording speech, moving images or still images is permitted without the prior approval of Council, that Council has not authorised any other webcasting or recording of this meeting, and that a person may, as provided under section 10(2)(a) or (b) of the Local Government Act 1993, be expelled from a meeting of a Council for using or having used any device in contravention of this clause.</i></p> <p>Note: 5.19 - 5.22 is 5.20, 5.22, 5.23 and 5.25 in the draft Camden Code.</p>	<p>Mandatory.</p> <p>Live streaming takes advantage of available technology to provide access to members of the community who may otherwise not be able to attend Council meetings.</p> <p>Supplementary provisions:</p> <ul style="list-style-type: none"> • Provides timeline for upload of recording. • Chairperson's statement is consistent with Camden's current Code with the addition of references to webcasting.

Model Meeting Code Clause	Proposed Action	Reason
<p>Modes of Address</p> <p>7.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.</p> <p>7.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.</p> <p>7.3 A councillor is to be addressed as 'Councillor [surname]'.</p> <p>7.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].</p>	<p>Adoption of 7.1 – 7.4 with a supplementary provision 7.5:</p> <p><i>Members of the public attending meetings of Council are required to address the Chairperson courteously and not address other Councillors or staff directly unless requested to do so.</i></p>	<p>Non-mandatory.</p> <p>These clauses are consistent with clause 4.6.3 of Camden's current Code.</p>
<p>Order of Business</p> <p><i>Note: Councils must use either clause 8.1 or 8.2.</i></p> <p>8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.</p> <p>8.2 The general order of business for an ordinary meeting of the council shall be: [councils may adapt the following order of business to meet their needs]</p> <p>01 Opening meeting</p> <p>02 Acknowledgement of country</p> <p>03 Apologies and applications for a leave of absence by councillors</p> <p>04 Confirmation of minutes</p> <p>05 Disclosures of interests</p> <p>06 Mayoral minute(s)</p> <p>07 Reports of committees</p> <p>08 Reports to council</p> <p>09 Notices of motions/Questions with notice</p> <p>10 Confidential matters</p> <p>11 Conclusion of the meeting</p>	<p>Adoption of 8.2 with the following order of business:</p> <ul style="list-style-type: none"> • Prayer • Acknowledgement of Country • Webcasting of Council Meetings • Apologies and Leaves of Absence • Declaration of Interest • Public Addresses • Confirmation of Minutes • Mayoral Minute • Agenda Reports • Motions of Rescission • Notice of Motion • Questions With Notice • Closed Council • —Diary. <p>Note: 8.2 is 8.1 in the draft Camden Code.</p>	<p>This is consistent with clause 3.4.1 of Camden's current Code.</p> <p>'Leaves of Absence' added as new Model Code distinguishes these from apologies.</p> <p>'Questions with Notice' added as new Model Code introduces new provisions on these (3.14 – 3.16).</p>
<p>Mayoral minutes</p> <p>9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.</p>	<p>Adoption of 9.9.</p>	<p>Mandatory.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.</p>	<p>Not recommended for inclusion in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Adds unnecessary burden on the Mayor and may hold up consideration of an otherwise valid mayoral minute.</p> <p>Any concerns on funding can be raised informally with Councillors or during debate.</p>
<p>Notices of motion</p> <p>10.3 If a councillor who has submitted a notice of motion under clause 3.12 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.</p>	<p>Adoption of 10.3 with supplementary provision 10.5:</p> <p><i>The withdrawal of a notice of motion under clause 10.4 must be requested verbally before that item is moved at the Council meeting. Council must then resolve whether to withdraw the notice of motion.</i></p> <p>Note: 10.3 is 10.4 in the draft Camden Code.</p>	<p>Mandatory.</p>
<p>Motions requiring the expenditure of funds</p> <p>10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.</p>	<p>Not recommended for inclusion in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Adds unnecessary burden on the General Manager.</p> <p>Any concerns can be raised informally with Councillors or during debate.</p>
<p>Limitations on the number and duration of speeches</p> <p>10.24 Despite clause 10.25, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.</p>	<p>Adoption of 10.24.</p> <p>Note: 10.24 is 10.28 of the draft Camden Code.</p>	<p>Mandatory.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Voting</p> <p>11.11 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.</p> <p><i>Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.</i></p> <p>11.6 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.</p> <p>11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.</p> <p>11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.</p> <p>11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.</p> <p>11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.</p>	<p>Adoption of Clause 11.11</p> <p>Omit 11.6 – 11.9 and 11.13.</p> <p>Note: 11.11 is 11.6 in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Clause 11.11 is consistent with clauses 3.3.4 and 3.17.3 of Camden's current Code.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p data-bbox="308 327 659 349">Dealing with items by exception</p> <p data-bbox="308 371 667 495">13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.</p> <p data-bbox="308 506 667 801">13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.</p> <p data-bbox="308 813 667 981">13.3 The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.</p> <p data-bbox="308 992 667 1193">13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.2.</p> <p data-bbox="308 1205 667 1373">13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.</p> <p data-bbox="308 1384 667 1451">13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.</p> <p data-bbox="308 1462 667 1646">13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's Code of Conduct.</p>	<p data-bbox="699 327 1002 371">Recommended for inclusion in the draft Camden Code.</p>	<p data-bbox="1026 327 1251 349">Non-mandatory.</p> <p data-bbox="1026 371 1251 472">These provisions have the potential to shorten the duration of Council meetings.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Points of order</p> <p>15.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.</p> <p>15.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.</p> <p>15.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.</p>	Adoption of 15.1 – 15.3.	Mandatory.
<p>Expulsion from meetings</p> <p>Note: Councils may use either clause 15.14 or clause 15.15.</p> <p>15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.</p> <p>15.15 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.</p> <p>15.16 Clause [15.14/15.15] [delete whichever is not applicable], does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2) (a) of the Act.</p>	<p>Adoption of clause 15.15 and 15.16.</p> <p>Note: 15.15 and 15.16 are 15.14 and 15.15 in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Allows the Chairperson to deal immediately with members of public however gives Council the opportunity to consider whether to expel Councillors.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Conflicts of interest</p> <p>16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.</p> <p>Note: Same as previously contained in legislation and Camden's existing Code. Now all in the Code of Conduct.</p>	Adoption of 16.1.	Mandatory.
<p>Rescinding or altering council decisions</p> <p>17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.14 with the consent of all signatories to the notice of motion.</p>	Adoption of 17.9.	Mandatory.
<p>17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted.</p>	<p>Not recommended for inclusion in the draft Camden Code.</p> <p>A supplementary provision has been included that covers all motions not just those relating to Development Applications:</p> <p>3.13 A notice of motion to alter or rescind a resolution must be submitted to the General Manager no later than 2 business days after the meeting at which the resolution was adopted.</p>	<p>Non-mandatory.</p> <p>Not necessary due to supplementary provision, which is consistent with Camden's current Code.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:</p> <p>(a) a notice of motion signed by three councillors is submitted to the chairperson, and</p> <p>(b) a motion to have the motion considered at the meeting is passed, and</p> <p>(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.</p> <p>17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.</p> <p>17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12©.</p>	<p>Recommended for inclusion in the draft Camden Code.</p> <p>Note: Clauses 17.12 – 17.14 are 17.11 – 17.13 in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Where this type of motion is sufficiently pressing to be moved at the same meeting, it should meet the same test of urgency as other motions.</p>

Model Meeting Code Clause	Proposed Action	Reason
<p>Recommitting resolutions to correct an error</p> <p>17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:</p> <p>(a) to correct any error, ambiguity or imprecision in the council's resolution, or</p> <p>(b) to confirm the voting on the resolution.</p> <p>17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.</p> <p>17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.</p> <p>17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.</p> <p>17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.</p> <p>17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on</p>	<p>Not recommended for inclusion in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Arguably, this undermines the integrity of council decisions. Section 371 of the Act provides that a decision supported by the majority of the votes at a meeting of the council at which a quorum is present is a decision of the Council. It is preferable that any errors or ambiguities should be avoided or corrected during debate.</p>

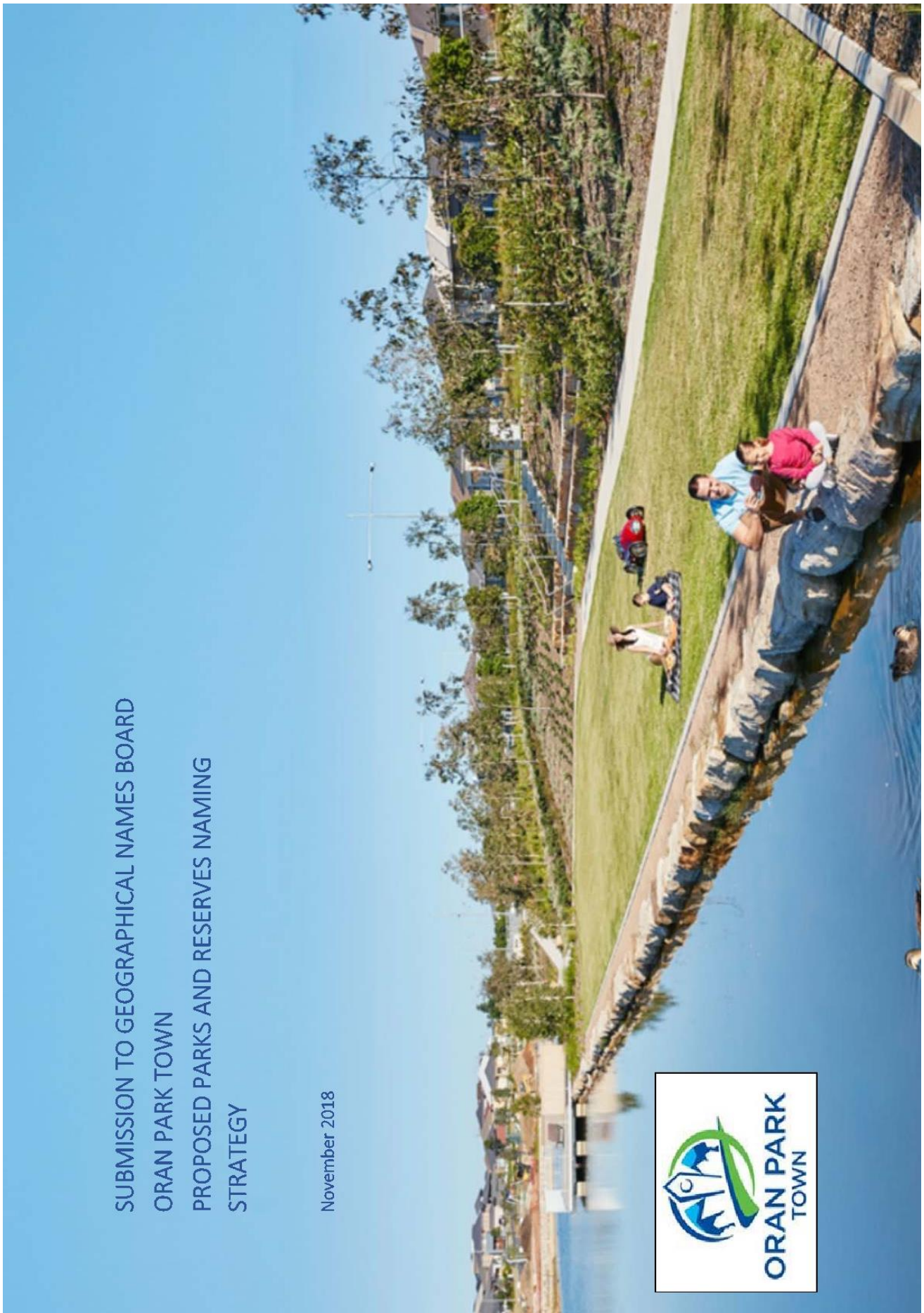
Model Meeting Code Clause	Proposed Action	Reason
<p>Time Limits on Council Meetings</p> <p>18.1 Meetings of the council and committees of the council are to conclude no later than [council to specify the time].</p> <p>18.2 If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.</p> <p>18.3 If the business of the meeting is unfinished at [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:</p> <p>(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or</p> <p>(b) adjourn the meeting to a time, date and place fixed by the chairperson.</p> <p>18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.</p> <p>18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:</p> <p>(a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and</p> <p>(b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.</p>	<p>Not recommended for inclusion in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Adds an unnecessary process to what can be achieved through existing means ie Council can pass a motion to adjourn the meeting.</p>
<p>Minutes of council committee meetings</p> <p>20.24 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.</p>	<p>Adoption of 20.24.</p> <p>Note: 20.24 is 19.24 in the draft Camden Code.</p>	<p>Non-mandatory.</p> <p>Consistent with clause 11.6 of the draft Camden Code.</p>

Other supplementary clauses included in the draft Camden Code that have not been referred to in the table above are summarised below:

Summary of proposed clause	Reason
3.5 – Advertising meetings on social media	Supplements other forms of notice
3.8 – Clarifies counting of days' notice	Consistent with Camden's current Code
3.11 – Clarifies additional meetings can be held	Consistent with Camden's current Code
3.15 – Clarifies that Mayor can lodge motions	Consistent with Camden's current Code
5.5 – Deadline for leave of absence	Consistent with Camden's current Code
5.9 – Attendance rescinds leave of absence	Consistent with Camden's current Code
9.18 – Restricts questions Councillors can ask	Consistent with current Camden Code
10.2 – Restricts irrelevant debate	Consistent with current Camden Code
10.12 – Requests proposed amendments to be provided to chairperson and minute taker	Ensures proper recording and is consistent with Camden's current Code
10.14 – Sets out grounds to reject amendments	Consistent with Camden's current Code
10.25 – Allows seconder to speak later	Consistent with Camden's current Code
14.12 – Outlines that an application to make a representation on the closure of a meeting must be in writing to the GM	Consistent with Camden's current Code
20 – Provides for receipt of petitions with added provisions for e-petitions	Consistent with Camden's current Code and provides for e-petitions

Tabled below are clauses from Camden's current Code that have not been included in the revised draft Code of Meeting Practice. These clauses do not form part of the Model Meeting Code.

Clause	Reason
2.3 – Minister to Convene Meetings in certain cases.	Information covered under clause 234 of the Regulations.
3.10 – Report of a Departmental Representative to be Tabled at Council Meeting.	Information covered under clause 235 of the Regulations.
3.31 – Reportable Political Donations.	Provisions included in Camden's Code of Conduct.
3.32 – Procedural Motion.	Provisions explained throughout the revised Code of Meeting Practice.



SUBMISSION TO GEOGRAPHICAL NAMES BOARD
ORAN PARK TOWN
PROPOSED PARKS AND RESERVES NAMING
STRATEGY

November 2018



1.0 INTRODUCTION

This proposal seeks permission from the Geographical Names Board (GNB) to approve names for parks, reserves and open spaces in newly opening parts of Oran Park Town. The proposed naming strategy is founded upon the rich history of the Oran park locality, both as an iconic Australian motor raceway and the land's even older history as farm land, used for the dairy industry.

This proposal seeks to assign the name Perich Park to the park in the centre of Oran Park Town.

2.0 ORAN PARK TOWN HISTORY

Oran Park Town is a former raceway and working dairy farm. Since Oran Park Town's commencement in 2010 it has become a thriving new town, with a town centre now home to Camden Council's Administration building, Oran Park Podium with 30 specialty stores, NSW's biggest Woolworths and new library. Oran Park Town is home to many businesses with demand requiring the building of a new commercial building under construction.

Oran Park Town and the surrounding area will be home to 25,000 people in the long term.

Oran Park Town is located approximately 60 km from the Sydney CBD. It forms the geographical centre of the Camden Local Government Area and is the most advanced part of the South West Growth Centre.

3.0 ORAN PARK AGRICULTURAL HISTORY

The land currently occupied by Oran Park Town has an agricultural history dating back to the beginning of European settlement. Through the 1800s, Oran Park's land has been used for grazing, predominantly dairying, as part of large rural estates. Oran Park Town has most recently been a working dairy farm. The area immediately surrounding the Oran Park Town development is currently used as working dairy property by the Leppington Pastoral Company. The land is used for grazing or crops right up until the development's earthworks commence. Oran Park Town's first residents see dairy cattle grazing in the paddocks near their newly completed homes.

4.0 ORAN PARK RACEWAY HISTORY

Oran Park Raceway was established in 1962, built by the volunteer labour of the Singer Car Club. The first race meeting was held in 1962 on a one-mile track with an inferior bitumen surface. Oran Park Raceway became a home for car clubs in the 1960s.

In 1971 Oran Park Raceway hosted the Australian Touring Car Championship (later V8 Supercars) for the first time, and remained a fixture on the Championship's calendar until the circuit's closure in 2008.

The circuit was extended in 1973 into a distinctive Figure 8 with a bridge, unique among Australian circuits. The now-Grand Prix Circuit hosted the Australian Grand Prix in 1974 won by Max Stewart, and again in 1977 with Warwick Brown victorious. High profile motorcycling events and races for Sports Sedans were also popular in the 1970s.

The park proposed to be named Perich Park is the centre piece of the Town Centre. The park is bound by Central Avenue and the proposed extension of Podium Way. (See attached plan)

On the Southern side the park will be surrounded by cafés and restaurants in the proposed Stage 2 of Oran Park Podium and will be overlooked by residential buildings above Oran Park Podium. On the Eastern side, the park is overlooked by the Camden Council Administration building and the new Library. The park currently includes an open area and stage suitable for public events, statues remembering the story of the Cowpastures cows, a Walk of Fame. In future the park will also include a water feature, amenities building and will be expanded to its full size.

Recommendation: The GNB endorse the name

In the 1980s Oran Park Raceway hosted the Grand Final of the Australian Touring Car Championship. In 1988 and 1989 Oran Park Raceway hosted rounds of the Superbike World Championship. Mick Doohan was victorious in 1988.

In the 1990s Oran Park Raceway commenced Super Truck racing, attracting huge crowds. A skid pan was added to the complex in the 1990s with Oran Park Raceway becoming a key facility for driver training.

In the 2000s Oran Park Raceway added a pit lane garage and corporate hospitality complex to the circuit to meet the growing needs of the Touring Car Championship which by now had become the V8 Supercars.

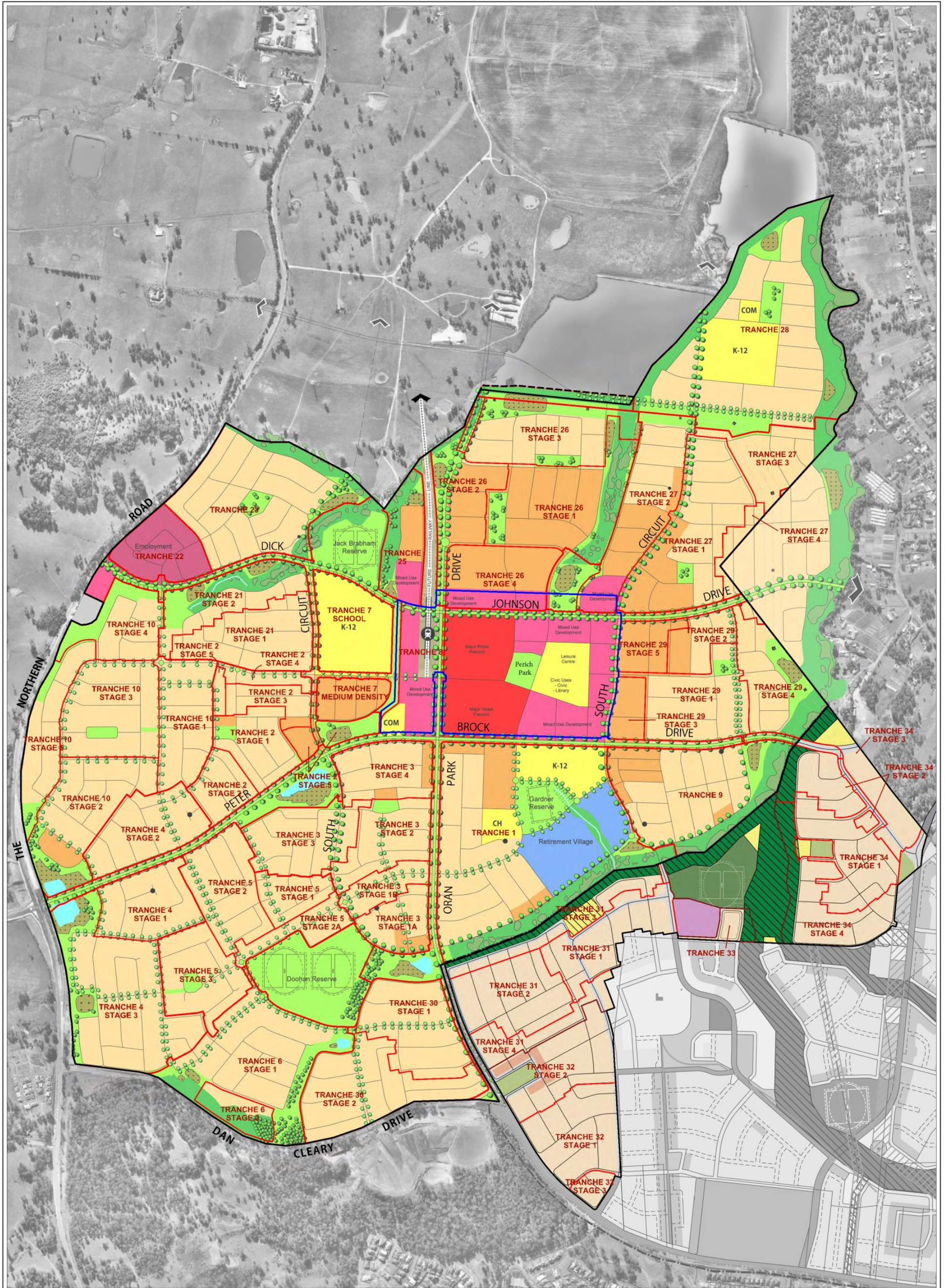
Oran Park Raceway hosted the final round of the 2008 V8 Supercars Championship as its farewell to the Championship. The circuit continued to operate successfully until January 25, 2010. On January 27, 2010 the demolition of the Circuit commenced to facilitate the Oran Park Town project.

5.0 PROPOSED NAMING STRATEGY

Perich Park

The park is to be named after the late Mr. Kolombo and Mrs. Julia Perich. Kolombo and Julia Perich migrated to Australia in 1938, and their story is typical of many European migrants in South Western Sydney. After much hard work and sacrifice, they were able to purchase a small dairy farm in 1951, milking 25 cows. By 1963 they were milking 200 cows at Bringelly. Mr & Mrs Perich purchased local dairy farms, including this one at Oran Park in the subsequent years. Kolombo and Julia were proud Camden residents. They strongly believed in supporting other local businesses and instilled in their family a support for local charities and causes which is still strong today. Mrs Julia Perich passed away in the mid-1980s and Mr Kolombo Perich passed away in 1999.

ORAN PARK TOWN – Submission to Geographical Names Board



DA Staging Plan
ORAN PARK



50 0 100 200 300 400 500 metres

Ref: LANOP-B-022-1 Date: 21/03/2018 Revision: F Scale: 1:6,000@A1

Note: All areas and dimensions subject to detailed survey

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AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

C.001.2

Version C.001.2

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AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

DIVISION: INTERNAL AUDIT

BRANCH: INTERNAL AUDIT

PART 1 - INTRODUCTION

1. OBJECTIVE

- 1.1 The objective of the Audit, Risk and Improvement Committee ("Committee" or "ARIC" – previously known as the Business Assurance & Risk Committee "BARC") is to provide independent assistance to Camden Council by monitoring, reviewing and providing advice about Camden Council on governance processes; risk management and control frameworks; and external accountability obligations.
- 1.2 In addition, the purpose and function of this Committee is to ensure that there is an adequate and effective system of internal control throughout Council and to assist in the operation and implementation of the Internal and External Audit Plans.

2. AUTHORITY

- 2.1 The Council authorises the Committee, within the scope of its role and responsibilities to:
 - obtain any information it needs from any employee or external party (subject to their legal obligations to protect information);
 - discuss any matters with the External Auditor or other external parties (subject to confidentiality considerations);
 - request the attendance of any relevant employee or Councillor at Committee meetings; and
 - obtain external legal or other professional advice considered necessary to meet its responsibilities (following budgetary consideration and consultation with the General Manager).
- 2.2 The Committee is mandated under section 428A of the *Local Government Amendment (Governance & Planning) Act 2016*, once prescribed. The Committee acts primarily as an advisory body to the Council. The Committee does not have the power or authority of the Council in dealing with the matters on which it advises, except where certain powers are specifically set out in this Charter or are otherwise delegated by the Council.

- 2.3 Subject to any regulatory obligations, it is not the responsibility of the members of the Committee to determine that the Council's financial statements and disclosures are complete and accurate and in accordance with laws regulations and accounting standards, or to plan or conduct audits. Generally speaking, these matters are the responsibility of management and/or the external auditor.

PART 2 ROLES AND RESPONSIBILITIES

3. ROLES AND RESPONSIBILITIES

- 3.1 The Committee has no executive powers, except those expressly provided by the Council.
- 3.2 In carrying out its responsibilities, the Committee must at all times recognise that the primary responsibility for management of Council rests with the Council and the General Manager as defined by the *Local Government Act 1993*.
- 3.3 The responsibilities of the Committee may be revised or expanded by the Council from time to time. In accordance with Section 428A of the *Local Government Amendment (Governance & Planning) Act 2016*, the Committee must keep under review the following aspects of Council operations:
- Compliance
 - Risk Management
 - Fraud Control
 - Financial Management
 - Governance
 - Implementation of Strategic Plan, Delivery Program & Strategies
 - Service Reviews
 - Collection of Performance Measurement Data by the Council
 - Any other matters prescribed by regulations.

The Committee will also provide information to Council that the Committee believes will assist Council to improve the performance of its functions.

These responsibilities are further defined below.

Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of its risk assessment and management arrangements.
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on its control environment and insurance arrangements.
- Review whether a sound and effective approach has been followed in establishing disaster recovery and business continuity planning arrangements, including whether plans have been tested periodically.

Fraud Control

- Satisfy itself there is an appropriate fraud and corruption prevention program in place.
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

Financial Management

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements and the adequacy of internal controls.
- Consider contentious financial reporting matters in conjunction with council's management and external auditors.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.

Governance

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors.
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated.
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with.
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations.
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, reports and recommendations from authoritative bodies including:
 - State and Federal Government
 - Independent Commission against Corruption
 - NSW Ombudsman
 - Australian Institute of Company Directors
 - Other relevant accounting and legislative bodies.

Implementation of Strategic Plan, Delivery Program & Strategies

- Review that Council is meeting its integrated planning and reporting obligations in accordance with legislative requirements

Service Reviews

- Monitor that service reviews, or other appropriate improvement reviews, are undertaken where appropriate to ensure a focus on continuous improvement.

Collection of performance measurement data by Council

- Review that Council is collecting appropriate performance measurement data and reporting its performance measures in accordance with the integrated, planning and reporting framework.

Any other Matters Prescribed by Regulations

- Review Council's processes to monitor new and emerging regulatory requirements that will impact risk management, governance and ARIC responsibilities.

Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Council's Risk Management Framework, and approve the Internal Audit Plan.
- Consider the adequacy of the Internal Audit Coordinator's resources to carry out his or her responsibilities, including completion of the approved Internal Audit Plan.
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
- Monitor the implementation of internal audit recommendations by management.
- Meet separately with the Head of Internal Audit, without Management present, at least once per year.
- Every two years review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.

External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by the External Auditor and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits and monitor the implementation of audit recommendations by management.

- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken
- Review the Closing Report and any management letters outlining the results of the external audit, including whether appropriate action has been taken in response to audit recommendations and adjustments. This is to be undertaken following the initial response by Management.
- Meet separately with the External Auditor, without Management present, at least once per year.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

Responsibilities of Members

- 3.4 Members of the Committee are expected to:
- Understand the relevant legislation and regulatory requirements appropriate to Camden Council.
 - Contribute the time needed to study and understand the papers provided.
 - Apply good analytical skills, objectivity and good judgment.
 - Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

4. COMPOSITION AND TENURE

- 4.1 The Committee will consist of:

Members (voting):

- 2 x Councillors
- 3 x Independent external members (not employees or elected representatives of the Council)
- Chairperson to be one of the Independent members

Attendee (non-voting):

- General Manager
- Risk Management Officer
- Internal Audit Coordinator
- Chief Financial Officer
- Manager Governance and Risk
- Internal Audit Analyst (Secretariat)

Invitees (non-voting):

- Representatives of the External Auditor
- Members of the Executive Leadership Group not already in attendance
- Other officers may attend by invitation as requested by the Chair.

Councillors that are not members of the Committee are to have a standing invitation to attend any meeting of the Audit Risk and Improvement Committee, as an observer only.

Skills and Experience

- 4.2 The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Camden Council.
- 4.3 At least one external independent member of the Committee shall have accounting and related financial management experience, as well as an understanding of accounting and auditing standards in a public sector environment.
- 4.4 The selection criteria for external independent members may include (but is not limited to):
- knowledge of internal audit and governance frameworks;
 - relevant experience in senior management or governance roles;
 - high levels of financial literacy and if possible, accounting, financial, legal, compliance and/or risk management experience;
 - high levels of personal integrity and ethics;
 - knowledge of local government;
 - strong communication skills;
 - previous experience serving on similar committees;
 - sufficient time available to devote to responsibilities as a Committee member; and
 - independence and freedom from contractual arrangements with Camden Council.

Selection of Members

- 4.5 The selection criteria and process for the appointment of the independent external members shall ordinarily be as follows:
- (a) Council shall seek expressions of interest from persons interested in being appointed to the available position.
 - (b) Council Management will assess the expressions of interest and shortlisted applicants may be interviewed by Council Management prior to a selection decision.
 - (c) Independent external member appointments are to be approved by Council resolution.
- 4.6 The Councillor representatives on the Committee will be nominated at an ordinary meeting of Council.

Term of Office

- 4.7 Subject to the following paragraph, appointments to the Committee shall be for a period of up to 4 years (or as determined by the Council), ensuring that continuity of independent membership is maintained over each general Council election period where possible. The appointment for an independent external member may be renewed for a further term of up to 4 years with a maximum total term of 8 years.

- 4.8 Upon the appointment of an independent member, Council may set the initial term of that member for a period less than four years, so that the changeover of the independent members on the ARIC is staggered with one independent member being replaced or reappointed at a different time from the other two independent members. This will allow for continuity and transfer of corporate knowledge.
- 4.9 Notwithstanding this, positions will be declared vacant and new members will be sought on the date of the Council general election for Councillor members and at least six months after that date for independent external members. Appointees may be reappointed for an additional term, not to exceed 8 years in total, by Council through this process.
- 4.10 The Chair must be an independent external member and may be appointed as Chair for a maximum of 5 years. The total term of the Chair as an independent external member of the Committee is not to exceed 8 years.
- 4.11 In the case of resignation from the Committee by an independent external member, a new independent member will be selected following the process outlined in this Charter.
- 4.12 In the case of resignation by the Chair, the remaining members will vote an acting Chair from the external members until such time as the Council appoints a replacement Chair.

Code of Conduct

- 4.13 All members of the Audit, Risk and Improvement Committee are to abide by Camden Council's Code of Conduct.

Remuneration

- 4.14 Remuneration for independent members of the Committee will be determined by the Council.
- 4.15 Councillors appointed as elected representatives on the Committee are paid for duties as Councillors from their Councillor allowance determined each year.

5. ADMINISTRATIVE ARRANGEMENTS

Meetings

- 5.1 The Committee will meet at least four times per year, with one of these meetings to include review of the annual audited financial reports and external audit opinion.
- 5.2 The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members and the General Manager may make requests to the Chair for additional meetings.
- 5.3 Meetings can be held in person, by telephone or by video conference but preferably face to face.
- 5.4 A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit, Risk and Improvement Committee Charter.
- 5.5 Where internal audit priorities change between meetings or new urgent issues arise, and where it is not possible to schedule an additional meeting, the Audit, Risk and Improvement Committee will be kept fully informed of all changes via email.

Quorum

- 5.6 A quorum will consist of a majority of Committee members, including at least two independent external members.
- 5.7 A meeting of the Committee must be adjourned if a quorum is not present within 15 minutes after the time designated for the holding of the meeting or at any time during the meeting. In either case, the meeting must be adjourned to a time, date and place fixed by the Chairperson, or in his or her absence, by the majority of members present.
- 5.8 It must be recorded in the minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of quorum) at or arising during a meeting, together with the names of the members present.
- 5.9 A voting member shall no longer be a voting member of the Committee if they fail to attend three (3) consecutive meetings without a leave of absence being granted.

Chairperson to have precedence

- 5.10 The Chairperson is to have precedence over the control and management of the meetings.
- 5.11 The Chairperson may call any member to order whenever in the opinion of the Chairperson it is necessary to do so.
- 5.12 In the instance that the Chairperson is unavailable to chair a meeting, the remaining members will vote an external member to act as Chairperson. The voted independent external member shall serve as the Chair for the period of absence of the duly nominated Chair until such time as Council appoints a replacement Chairperson.

Attendance of non-members

- 5.13 The attendance of non-members is subject to invitation by the Chair.
- 5.14 The Internal Audit Coordinator will be invited to attend each meeting unless requested not to do so by the Chair.
- 5.15 The General Manager may attend each meeting but will permit the Committee to meet separately with the Internal Audit Coordinator and the External Auditor in the absence of management on at least one occasion per year.

Secretariat Support

- 5.16 Secretariat support is provided to the Committee.
- 5.17 The Secretariat will ensure that an agenda for each meeting and supporting papers are circulated, at least one week before the meetings, and ensure that minutes of the meetings are prepared and maintained.
- 5.18 Draft minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held. These draft minutes are to be reported to Councillors via the Councillor Update within one month of circulation to voting members. The minutes are to be approved at the next Committee meeting and subsequently reported to Council for noting.

Confidentiality

- 5.19 Committee members will be bound by confidentiality requirements under Council's Code of Conduct.
- 5.20 Members may be entrusted with highly sensitive information at times, as well as personal information regarding staff members. Therefore, they must maintain confidentiality at all times, displaying a high level of ethics and professionalism.
- 5.21 Any requests for disclosure of information relating to the Committee will be managed by the Governance Team and in accordance with

the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*.

Conflict of Interests

- 5.22 Once a year the Committee members will provide written declarations to the General Manager stating that they do not have any conflicts of interest that would preclude them from being members of the committee.
- 5.23 Annually, members will provide a list of other organisations with which they are involved. Any amendments to this list are to be as appropriate at the next meeting after a change occurs.
- 5.24 Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.
- 5.25 Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

Induction

- 5.25 New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6. REPORTING

Reporting Requirements

- 6.1 In addition to providing the Committee minutes to Council as outlined at 5.18, the Committee shall report at least annually, to the governing body of Council on the management of risk and internal controls.
- 6.2 At the first meeting after the financial statements are considered each year by the Committee, the Internal Audit Coordinator will provide a joint performance report of the internal audit function and the ARIC covering:
- the performance of the internal audit function for the financial year as measured against agreed key performance indicators;
 - the approved Internal Audit Plan of work for the previous financial year showing the status of each audit;
 - a summary of Council's progress in addressing the findings and recommendations made in the internal and external audit reports; and
 - a review of the activities of the Committee during the reporting period.

Decision Making

- 6.3 The Committee makes decisions by resolutions, which are to be recorded in the minutes.
- 6.5 Each member of the Audit, Risk and Improvement Committee shall be entitled to one vote only. In the case of an equality of votes on any issue, the Chair shall have the casting vote.
- 6.6 For the purpose of clarity, the Internal Audit Coordinator, External Auditor, General Manager, Chief Finance Officer, Manager of Governance and Risk, Risk Management Officer and Internal Audit Analyst are not voting members of the Committee.

Assessment Arrangements

- 6.7 The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years.
- 6.8 The review will be conducted on a self-assessment basis (unless otherwise determined by the General Manager), with appropriate input from management and any other relevant stakeholders.
- 6.9 When reviewing the Committee's performance, the Chair should be satisfied that an effective, comprehensive and complete service is being provided.

Review of Audit, Risk and Improvement Charter

- 6.10 At least once every two years the Audit, Risk and Improvement Committee will review this Audit, Risk and Improvement Committee Charter.
- 6.11 The Audit, Risk and Improvement Committee will be responsible for recommending any changes to this Audit, Risk and Improvement Committee Charter subject to Council approval.

RELEVANT LEGISLATIVE INSTRUMENTS:

Local Government Act 1993
 Local Government Amendment (Governance and Planning) Act 2016
 Internal Audit Guidelines issued in September 2010 under Section 23A of the Local Government Act 1993
 Internal Audit Charter

RELATED POLICIES, PLANS AND PROCEDURES:**RESPONSIBLE PERSON:**

Internal Audit Coordinator

APPROVAL:

Council on recommendation of Audit Risk and Improvement Committee

NEXT REVIEW DATE:

March 2021

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Camden Council	NA	10/06/2014	14/81253
2	Camden Council on recommendation of Business Assurance and Risk Committee	Yes	13/10/2015	15/305521
3	Camden Council on recommendation of Business Assurance and Risk Committee	Yes	XX/XX/2019	

C.001.2

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Version C.001.2

BUSINESS ASSURANCE AND RISK AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

DIVISION: BUSINESS ASSURANCEINTERNAL AUDIT

PILLARBRANCH: BUSINESS ASSURANCEINTERNAL AUDIT

PART 1 - INTRODUCTION

FILE / BINDER: BUSINESS ASSURANCE AND RISK
COMMITTEE

1. OBJECTIVE

- 1.1 The objective of the Business Assurance and RiskAudit, Risk and Improvement Committee ("Committee" or "ARIC" – previously known as the Business Assurance & Risk Committee "BARC") is to provide independent assurance and assistance to Camden Council by monitoring, reviewing and providing advice about Camden Council on governance processes; on risk management, and control frameworks; governance, and external accountability responsibilities obligations.
- 1.2 In addition, the purpose and function of this Committee is to ensure that there is an adequate and effective system of internal control throughout Council and to assist in the operation and implementation of the Internal and External Audit Plans.

2. AUTHORITY

- 2.1 The Council authorises the Committee, within the scope of its role and responsibilities to:
- obtain any information it needs from any employee or external party (subject to their legal obligations to protect information);
 - discuss any matters with the External Auditor or other external parties (subject to confidentiality considerations);
 - request the attendance of any relevant employee or Councillor at Committee meetings; and
 - obtain external legal or other professional advice considered necessary to meet its responsibilities (following budgetary consideration and consultation with the General Manager).
- 2.2 The Committee is mandated under section 428A of the Local Government Amendment (Governance & Planning) Act 2016, once prescribed. The Committee acts primarily as an advisory body to the Council and in making recommendations to the Council Council. The Committee does not, as of itself, have the power or authority of the

Audit, Risk & Improvement
Committee Charter
Adopted by Council XX/XX/2019

Review Date: dd/mm/2021

EDMS #:

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BUSINESS ASSURANCE AND RISK COMMITTEE CHARTER

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Council in dealing with the matters on which it advises, except where certain powers are specifically set out in this ~~Charter, or~~Charter or are otherwise delegated by the Council.

- 2.3 Subject to any regulatory obligations, it is not the responsibility of the members of the Committee to determine that the Council's financial statements and disclosures are complete and accurate and in accordance with ~~law~~applicable rules and regulations and accounting standards, or to plan or conduct audits. Generally speaking, these matters are the responsibility of management and/or the external auditor.

PART 2 ROLES AND RESPONSIBILITIES

3. ROLES AND RESPONSIBILITIES

- 3.1 The Committee has no executive powers, except those expressly provided by the Council.
- 3.2 In carrying out its responsibilities, the Committee must at all times recognise that ~~its~~the primary responsibility for management of Council rests with the Council and the General Manager as defined by the *Local Government Act 1993*.
- 3.3 The responsibilities of the Committee may be revised or expanded by the Council from time to time. In accordance with Section 428A of the Local Government Amendment (Governance & Planning) Act 2016, ~~the Committee's responsibilities are~~ must keep under review the following aspects of Council operations:
- Compliance
 - Risk Management
 - Fraud Control
 - Financial Management
 - Governance
 - Implementation of Strategic Plan, Delivery Program & Strategies
 - Service Reviews
 - Collection of Performance Measurement Data by the Council
 - Any other matters prescribed by regulations.

The Committee will also provide information to Council that the Committee believes will assist Council to improve the performance of its functions.

These responsibilities are further defined below.

Audit, Risk & Improvement
Committee Charter
Adopted by Council XX/XX/2019

Review Date: dd/mm/2021

EDMS #:

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BUSINESS ASSURANCE AND RISK COMMITTEE CHARTER

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Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of its risk assessment and management arrangements.
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of the risk management framework on its control environment and insurance arrangements.
- Review whether a sound and effective approach has been followed in establishing disaster recovery and business continuity planning arrangements, including whether plans have been tested periodically.

Fraud Control

- Satisfy itself there is an appropriate fraud and corruption prevention program in place.
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

Financial Management

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and are supported by appropriate management sign-off on the statements and the adequacy of internal controls.
- ~~CTo~~ consider contentious financial reporting matters in conjunction with council's management and external auditors.
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.

Governance~~**Legislative Compliance**~~

- ~~_____~~ Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors.
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated.

- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with.
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations.
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, reports and recommendations from authoritative bodies including:
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- Review that Council is meeting its integrated planning and reporting obligations in accordance with legislative requirements

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- Monitor that service reviews, or other appropriate improvement reviews, are undertaken where appropriate to ensure a focus on continuous improvement.

Collection of performance measurement data by Council

- Review that Council is collecting appropriate performance measurement data and reporting its performance measures in accordance with the integrated, planning and reporting framework.

Internal AuditAny other Matters Prescribed by Regulations

- Review Council's processes to monitor new and emerging regulatory requirements that will impact risk management, governance and ARIC responsibilities.

Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, ~~h~~Internal ~~a~~Audit and ~~e~~External ~~a~~Audit.
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Council's Risk Management Framework ~~and Plan~~, and approve the Internal Audit Plan.
- Consider the adequacy of the ~~Business Assurance Officer's~~Internal Audit Coordinator's resources to carry out his or her responsibilities, including completion of the approved Internal Audit Plan.

- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
- Monitor the implementation of ~~the internal audit~~ Business Assurance Officer's recommendations by management.
- Meet separately with the Head of Internal Audit, without Management present, at least once per year.
- Every two years review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.

External Audit

- Act as a forum for communication between the Council, General Manager, senior management, ~~i~~Internal ~~a~~Audit and ~~e~~External ~~a~~Audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by the External Auditor and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken
- Review the Closing Report and any management letters outlining the results of the external audit, including whether appropriate action has been taken in response to audit recommendations and adjustments. This is to be undertaken following the initial response by Management.
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The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

Responsibilities of Members

- 3.4 Members of the Committee are expected to:
- Understand the relevant legislation and regulatory requirements appropriate to Camden Council.
 - Contribute the time needed to study and understand the papers provided.
 - Apply good analytical skills, objectivity and good judgment.
 - Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

4. COMPOSITION AND TENURE

4.1 The Committee will consist of:

Members (voting):

- 2 x Councillors
- ~~Minimum of 2 and maximum of 3~~ x Independent external members (not employees or elected representatives of the Council)
- Chairperson to be one of the Independent members

Attendee (non-voting):

- General Manager
- Risk Management Officer
- ~~Business Assurance Officer~~ Internal Audit Coordinator
- ~~Manager Finance and Corporate Planning~~ Chief Financial Officer
- ~~Senior Governance Officer~~ Governance Officer Manager Governance and Risk
- Internal Audit Analyst (Secretariat)

Invitees (non-voting) for specific Agenda items:

- Representatives of the External Auditor
- ~~Director Customer and Corporate Services~~ Members of the Executive Leadership Group not already in attendance
- Other officers may attend by invitation as requested by the Chair.

Councillors that are not members of the Committee are to have a standing invitation to attend any meeting of the ~~Business Assurance and Risk Committee~~ Audit Risk and Improvement Committee, as an observer only.

Skills and Experience

4.2 The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Camden Council.

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- knowledge of internal audit and governance frameworks;
- relevant experience in senior management or governance roles;
- high levels of financial literacy and if possible, accounting, financial, legal, compliance and/or risk management experience;
- high levels of personal integrity and ethics;
- knowledge of local government;
- strong communication skills;

- previous experience of serving on similar committees;
- sufficient time available to devote to responsibilities as a Committee member; and
- independence and freedom from contractual arrangements with Camden Council.

Selection of Members

- 4.5 The selection criteria and process for the appointment of the independent external members shall ordinarily be as follows:
- ~~The Council shall seek expressions of interest nominations from persons interested in being appointed to the available position. All nominees who satisfy the conditions of this Charter shall be eligible for appointment.~~
 - ~~Council Management will assess the expressions of interest and sShortlisted applicants may be interviewed by Council Management prior to a selection decision.~~
 - ~~Independent external member appointments are to be approved by Council resolution. The Council will be responsible for the appointment of independent external members.~~
- 4.6 The Councillor representatives on the Committee will be nominated at an ordinary meeting of Council.

Term of Office

- 4.7 ~~Subject to the following paragraph, Appointments to the Committee shall be for a period of up to 4 years (or as determined by the Council), ensuring that continuity of independent membership is maintained over each general Council election period where possible. The appointment for an independent external member may be renewed for a further term of up to 4 years with a maximum total term of 8 years.~~
- 4.8 ~~Upon the appointment of an independent member, Council may set the initial term of that member for a period less than four years, so that the changeover of the independent members on the ARIC is staggered with one independent member being replaced or reappointed at a different time from the other two independent members. This will allow for continuity and transfer of corporate knowledge.~~
- 4.9 ~~Notwithstanding this, At the expiration of this period (the date of the general Council election period for Councillor members and six months after this date for independent external members), positions will be declared vacant and new members will be sought for on the date of the Council general election for Councillor members and at least six months after that date for independent external membersanother term. Appointees may be reappointed for an additional term, not to exceed 8 years in total, by Council through this process.~~

~~4.10 The Chair must be an independent external member and may be appointed as Chair for a maximum of 5 years. The total term of the Chair as an independent external member of the Committee is not to exceed 8 years.~~

4.119 In the case of resignation from the Committee by an independent external member, ~~the General Manager will select~~ a new independent member ~~will be selected~~ following the process outlined in this Charter.

4.120 In the case of resignation by the Chair, the remaining members will vote an acting Chair from the external members ~~until such time as the Council appoints a replacement Chair.~~

~~4.11 In the absence of the appointed Chair, the voted current serving independent external member shall serve as the Chair for the period of absence of the duly nominated Chair, until such time that the Council appoints a replacement Chairperson.~~

Code of Conduct

4.132 All members of the ~~Audit, Risk and Improvement Business Assurance and Risk~~ Committee are to abide by Camden Council's Code of Conduct.

Remuneration

4.143 Remuneration for independent members of the Committee will be determined by the Council.

4.154 Councillors appointed as elected representatives on the Committee are paid for duties as Councillors from their Councillor allowance determined each year.

5. ADMINISTRATIVE ARRANGEMENTS

Meetings

5.1 The Committee will meet at least four times per year, with one of these meetings to include review ~~and endorsement~~ of the annual audited financial reports and external audit opinion.

5.2 The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members and the General Manager may make requests to the Chair for additional meetings.

5.3 Meetings can be held in person, by telephone or by video conference but preferably face to face.

5.4 A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting

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plan will cover all Committee responsibilities as detailed in this Audit, Risk and Improvement Business Assurance and Risk Committee Charter.

- 5.5 Where internal audit priorities change between meetings or new urgent issues arise, and where it is not possible to schedule an additional meeting, the Audit, Risk and Improvement Business Assurance and Risk Committee will be kept fully informed of all changes via email.

Quorum

- 5.6 A quorum will consist of a majority of Committee members, including at least ~~two~~ independent external members.
- 5.7 A meeting of the Committee must be adjourned if a quorum is not present within 15 minutes after the time designated for the holding of the meeting or at any time during the meeting. In either case, the meeting must be adjourned to a time, date and place fixed by the Chairperson, or in his or her absence, by the majority of members present.
- 5.8 It must be recorded in the minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of quorum) at or arising during a meeting, together with the names of the members present.
- 5.9 A voting member shall no longer be a voting member of the Committee if they fail to attend three (3) consecutive meetings without a leave of absence being granted.

Chairperson to have precedence

- 5.10 The Chairperson is to have precedence over the control and management of the meetings.
- 5.11 The Chairperson may call any member to order whenever in the opinion of the Chairperson it is necessary to do so.
- 5.12 In the instance that the Chairperson is unavailable to chair a meeting, the remaining members will vote an external member to act as Chairperson. The voted independent external member shall serve as the Chair for the period of absence of the duly nominated Chair until such time as Council appoints a replacement Chairperson.

Attendance of non-members

- 5.13 The attendance of non-members is subject to invitation by the Chair.
- 5.14 The Internal Audit Coordinator ~~contracted Business Assurance Officer~~ will be invited to attend each meeting unless requested not to do so by the Chair.

- 5.15 The General Manager may attend each meeting but will permit the Committee to meet separately with the ~~Business Assurance Officer~~ Internal Audit Coordinator and the External Auditor in the absence of management on at least one occasion per year.

Secretariat Support

- 5.16 Secretariat support is provided to the Committee.
- 5.17 The Secretariat will ensure that an agenda for each meeting and supporting papers are circulated, at least one week before the meetings, and ensure that minutes of the meetings are prepared and maintained.
- 5.18 Draft mMinutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held. ~~Minutes, after every meeting, are to be reported to Council for noting. These draft minutes are to be reported to Councillors via the Councillor Update within one month of circulation to voting members. The minutes are to be approved at the next Committee meeting and subsequently reported to Council for noting.~~

Confidentiality

- 5.19 Committee members will be bound by confidentiality requirements under Council's Code of Conduct.
- 5.20 Members may be entrusted with highly sensitive information at times, as well as personal information regarding staff members. Therefore, they must maintain confidentiality at all times, displaying a high level of ethics and professionalism.
- 5.21 Any requests for disclosure of information relating to the Committee will be managed by the Governance Team and in accordance with the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*.

Conflict of Interests

- 5.22 Once a year the Committee members will provide written declarations to the General Manager stating that they do not have any conflicts of interest that would preclude them from being members of the committee.
- 5.23 Annually, members will provide a list of other organisations with which they are involved. Any amendments to this list are to be as appropriate at the next meeting after a change occurs.
- 5.24 Committee members must declare any conflict of interests at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.
- 5.235 Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

Induction

- 5.254 New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6. REPORTING

Reporting Requirements

- 6.1 In addition to providing the Committee minutes to Council as outlined at 5.18, the Committee shall report at least annually, to the governing body of Council on the management of risk and internal controls.

- 6.2 At the first ~~Committee~~ meeting after ~~30 June~~ the financial statements are considered each year by the Committee, the ~~Business Assurance Officer/Internal Audit Coordinator~~ will provide a joint performance report of the internal audit function and the ARIC covering:
- the performance of the ~~Business Assurance Auditor/internal audit function~~ for the financial year as measured against agreed key performance indicators;
 - the approved Internal Audit Plan of work for the previous financial year showing the ~~current status~~ status of each audit;
 - a summary of Council's progress in addressing the findings and recommendations made in the internal and external audit reports; and
 - a review of the activities of the Committee during the reporting period.

Decision Making

- 6.3 The Committee makes decisions by resolutions, which are to be recorded in the minutes.
- ~~6.4 Voting shall be by way of show of hands.~~
- 6.5 Each member of the ~~Business Assurance & Risk~~ Audit, Risk and Improvement Committee shall be entitled to one vote only. In the case of an equality of votes on any issue, the Chair shall have the casting vote.
- 6.6 For the purpose of clarity, the ~~Business Assurance Officer/Internal Audit Coordinator~~, External Auditor, General Manager, ~~Manager of Finance and Corporate Planning, Chief Finance Officer, Manager of Governance and Risk, Risk Management Officer and Internal Audit Analyst are and Senior Governance Officer/Governance Officer are~~ not voting members of the Committee.

Assessment Arrangements

- 6.7 The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years.
- 6.8 The review will be conducted on a self-assessment basis (unless otherwise determined by the General Manager), with appropriate input from management and any other relevant stakeholders.
- 6.9 When reviewing the Committee's performance, the Chair should be satisfied that an effective, comprehensive and complete service is being provided.

Review of Audit, Risk and Improvement Business Assurance and Risk Committee Charter

6.10 At least once ~~every two~~every two years~~ss~~ the Audit, Risk and Improvement Business Assurance and Risk Committee will review this ~~Business Assurance and Risk~~Audit, Risk and Improvement Committee Charter.

6.11 The ~~Business Assurance and Risk~~Audit, Risk and Improvement Committee will be responsible for recommending ~~_amending_~~any changes to this Audit, Risk and Improvement Business Assurance and Risk Committee Charter subject to Council approval.

NB: Each Committee Member must sign a copy of this Charter at the commencement of their appointment.

RELEVANT LEGISLATIVE INSTRUMENTS:

Local Government Act 1993
Local Government Amendment (Governance and Planning) Act 2016
Internal Audit Guidelines issued in September 2010 under Section 23A of the Local Government Act 1993
Internal Audit Charter

RELATED POLICIES, PLANS AND PROCEDURES:

RESPONSIBLE PERSON:

Internal Audit Coordinator

APPROVAL:

Council on recommendation of Audit Risk and Improvement Committee

NEXT REVIEW DATE:

October 2017~~March 2021~~

HISTORY:

<u>Version</u>	<u>Approved by</u>	<u>Changes made</u>	<u>Date</u>	<u>EDMS Number</u>
<u>1</u>	<u>Camden Council</u>	<u>NA</u>	<u>10/06/2014</u>	<u>14/81253</u>
<u>2</u>	<u>Camden Council on recommendation of Business Assurance and Risk Committee</u>	<u>Yes</u>	<u>13/10/2015</u>	<u>15/305521</u>
<u>3</u>	<u>Camden Council on recommendation of Business Assurance and Risk Committee</u>	<u>Yes</u>	<u>XX/XX/2019</u>	

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