

# ATTACHMENT BOOKLET 3

**ORDINARY COUNCIL MEETING**

**TUESDAY 24 SEPTEMBER 2013**



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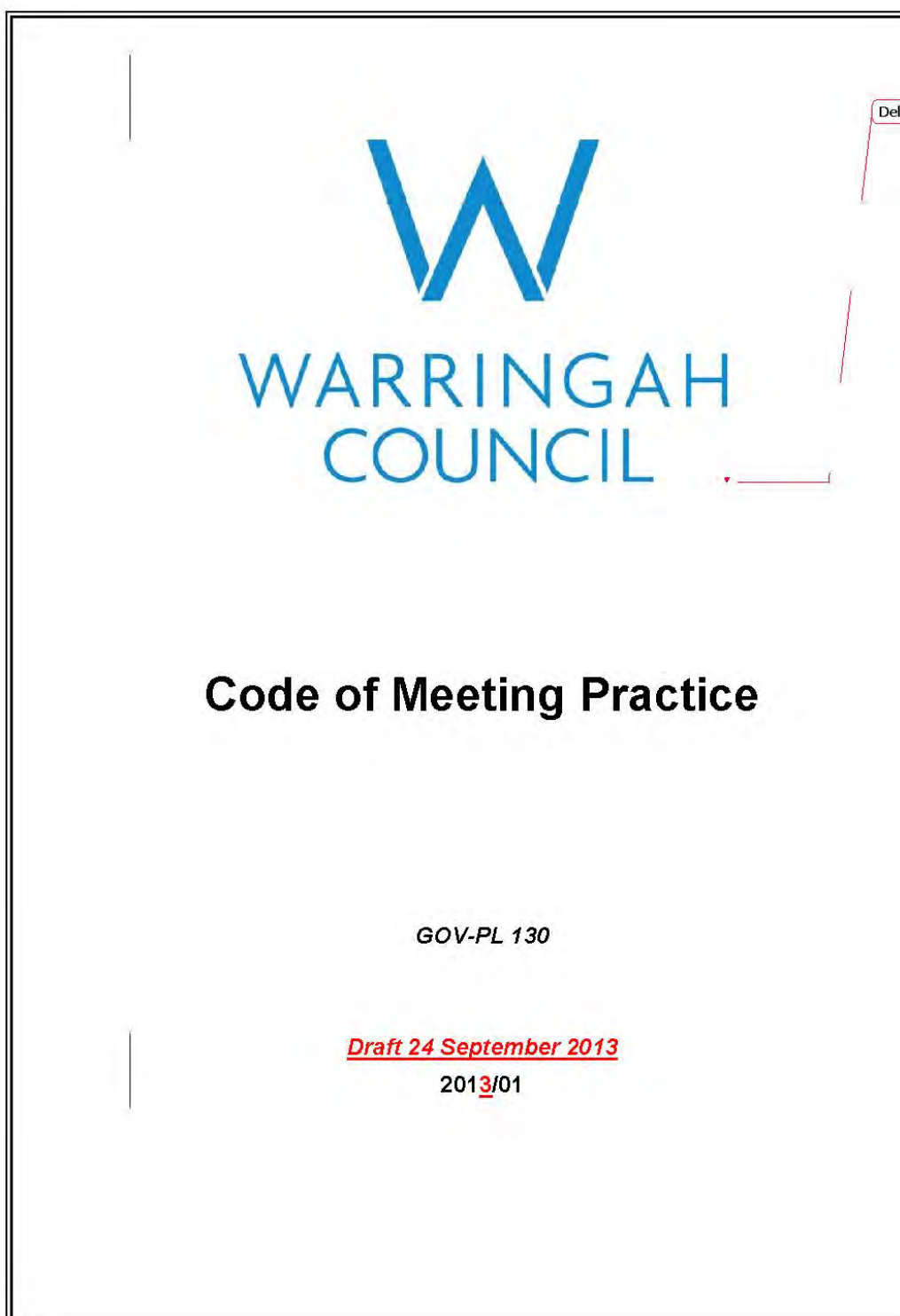
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CODE OF MEETING PRACTICE  
2013/01**

**INTRODUCTION**

This Code of Meeting Practice is made under the Local Government Act 1993, (as amended) and incorporates and supplements the Local Government (General) Regulation 2005, which commenced on 24 November 2005. Amendments to the Regulations will be automatically incorporated into this Code.

The object of this Code is to provide for the convening and conduct of meetings of the Warringah Council and of Standing Committees of the Council.

Council and any Committees of Council of which all members are Councillors **MUST** conduct their meetings in accordance with the Code (Section 360, LGA)

**MEETING DATES**

The meeting days and times of meetings of Council are:

*Ordinary Meetings of Council* will be held monthly on the fourth Tuesday of each month commencing at 6.00 pm, with the exception of

- a) January;
- b) February, where a meeting will be held on the second and fourth Tuesday of the month and
- c) December, where the meeting will be held on the second Tuesday of the month.

Where scheduled meetings of Council fall on a Public Holiday, that meeting will be held on an alternate date determined by resolution of Council.

*Extraordinary Meetings of Council and for Committees* – Such meetings will be held from time to time on days and times as determined by Council, the Committee, the Mayor or General Manager.

**Note:** Regular meeting days and times may be altered from time to time by the procedure set out in this Code.



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## **PART 1 PRELIMINARY**

### **1. Citation**

*This Code may be cited as the Warringah Council "Code of Meeting Practice".*

### **2. Commencement**

This Code was adopted by Council on 14 March 2006 and amended on 10 June 2008, 10 February 2009, 9 February 2010, 23 March 2010, 19 October 2012, ~~14 February 2012~~ and 24 September 2013 (draft).

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### **3. Definitions**

*In this Code -*

**Amendment**, in relation to an original motion, means a motion moving an amendment to that motion;

**Chairperson:**

(a) *In relation to a meeting of a Council - means the person presiding at the meeting as provided by section 369 of the Act (see clause 9 and 10 of this Code); and*

(b) *In relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by clause 40 of this Code (see clause 9 of this Code);*

**Committee**, in relation to a Council, means a Committee established under Clause 33 or the Council when it has resolved itself into a Committee of the whole;

**Confidential Session** is a meeting of a Council or Committee from which the media and public has been excluded by a resolution carried in accordance with Section 10(A) of the Act.

**Councillor** means a person elected or appointed to civic office and includes a Mayor.

**Council Chamber** shall mean that area comprising the formal meeting floor.

- a) A Councillor expelled in accordance with Section 10(2) of the Act from a meeting, the Council Chamber shall mean that area comprising the formal meeting floor, the public gallery area, and the Banksia Room and Warringah Foyer area when those areas are open to the public for use during the conduct of any Council or Committee meeting.
- b) Another person expelled in accordance with section 10(2) of the Act from a meeting, the Council Chamber shall mean that area comprising the formal meeting floor, the public gallery area, and the Banksia Room and Warringah Foyer area when those areas are open to the public for use during the conduct of any Council or Committee meeting.
- c) For the purpose of sound or vision recording or televising, the Council Chamber shall mean the formal meeting floor, the public gallery area, and the Banksia Room and Warringah Foyer area when those areas are open to the public for use during the conduct of any Council or Committee meeting.

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**Deleted:** For the purpose of Council to the Community Council Meetings, Council Chamber shall mean the formal meeting floor of the facility being used for the meeting, the public gallery area and any area that is open to the public for use as part of the meeting during the conduct of any Council or Committee Meeting.

- d) For the purpose of Council undertaking business in Closed Session to ~~consider matters of a confidential nature, Council Chamber shall include~~ at the Chair's discretion, the Guringai Room in the Council's Civic Centre.

**General Manager** shall include any person properly acting in that role during the absence for any reason of the General Manager.

Misbehaviour for the purposes of Clause 440(G) means any of the following:

- a) A contravention by the Councillor of this Act or Regulations;
- b) A failure by the Councillor to comply with an applicable requirement of the Code of Conduct as required by Section 444(5) of the Act;
- c) An act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council but does not include a contravention of the disclosure requirements.

**Quorum** – As defined by section 368 of the Act means 'the quorum for the meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.'

**Note:** Refer to *Levenstroph Community Association Inc. -V- Council of the shire of Nymboida (1999) NSW S.C 989. Decision: Declaration that Councillors who are disqualified from participating and voting at a Council meeting cannot be counted towards a quorum. (i.e. the number required to form a quorum is not reduced, but those with a declared pecuniary interest cannot be counted in that number)*

**Reckoning of time** – As defined by Section 36 of the Interpretation Act 1987

- (1) If in any Act or instrument a period of time, dating from a given day, act or event, is prescribed or allowed for any purpose, the time shall be reckoned exclusive of that day or of the day of that act or event
- (2) If the last day of a period of time prescribed or allowed by an Act or instrument for the doing of any thing falls:
  - (a) On a Saturday or Sunday; or
  - (b) On a day that is a public holiday or bank holiday in the place in which the thing is to be or may be done,

the thing may be done on the first day following that is not a Saturday or Sunday or a public holiday or bank holiday in that place, as the case may be.
- (3) If any Act or instrument a period of time is prescribed or allowed for the doing of any thing and a power is conferred on any person or body to extend the period of time:
  - (a) That power may be exercised; and
  - (b) If the exercise of that power depends on the making of an application for an extension of the period of time – such an application may be made, after the period of time has expired.

**Record** means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official

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*duties by a Councillor or an employee of the Council and, in particular, includes the Minutes of meetings of a Council or of a Committee of a Council.*

**Standing Committee** shall mean a Committee appointed by the Council of which all Councillors are members, and the only members are Councillors.

*The Act means the Local Government Act 1993*

#### **4. Notes**

- (1) Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding.
- (2) The Provisions of the Local Government (General) Regulation are shown in purple type and are mandatory upon the Council.
- (3) Text shown in **normal** type is this Council's specific Meeting Standing Orders and rules and supplements the provisions of the Regulation.
- (4) **Annexure I** - Extract of sections of the Local Government Act are shown in this Code to assist understanding but do not form part of the Code.
- (5) **Annexure II** – Notes on some case discussions on rescission motions provided for guidance.



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## **PART 2 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS**

### **5. Notice of Meetings**

- (1) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.
- (2) A notice of a meeting of a Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary meeting of a Council or Committee.
- (6) Notice of meetings will be advertised in the local press on the Saturday prior to the meeting detailing the location, starting time of the meeting and availability of the Agenda containing the business to be considered by the meeting.
- (7) Every endeavour is to be made to inform persons, who have a direct involvement in a matter, when the matter is to be considered by the Council. These persons will also be advised of their right to peruse the meeting Agenda, attend the meeting and apply to address the Council in accordance with clause 12.1 of this Code.
- (8) Meetings of the Council and standing Committees shall be held in accordance with a resolution of the Council made pursuant to clause 49 of this code.

#### **5.1 Due Notice for Council or Committee Meetings**

A meeting of Council or a Committee cannot be held unless due notice has been given to all members in accordance with this clause of this Code and a quorum is present.

#### **5.2 Calling of Extraordinary Meetings (see also Clause 14.1 (ii))**

That the request to hold an Extraordinary Council Meeting needs to be in writing and signed by two councillors, one of whom can be the Mayor. The Mayor then has to call a meeting as soon as practicable, but within 14 days after the request is lodged.

### **6. What happens when a quorum is not present?**

- (1) A meeting of a Council must be adjourned if a quorum is not present:
  - (a) Within half an hour after the time designated for the holding of the meeting; or
  - (b) At any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
  - (a) By the Chairperson; or
  - (b) In his or her absence - by the majority of the Councillors present; or

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(c) Failing that, by the General Manager.

- (3) The General Manager must record in the Council's Minutes of that meeting 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.

**7. Minister to convene meetings in certain cases**

- (1) Whenever an area is constituted or reconstituted, the Minister is required:
  - (a) To convene the first meeting of the Council of the area; and
  - (b) To nominate the business to be transacted at the meeting; and
  - (c) To give the Councillors notice of the meeting.
- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- (3) The Council must transact the business nominated by the Minister for a meeting convened under this clause.

**8. Presence at Council meetings**

- (1) A Councillor cannot participate in a meeting of a Council unless personally present at the meeting (Local Government General Regs. clause 235).
- (2) For the purpose of sub-clause (1), 'personally present at the meeting' shall mean being within the area comprising the formal meeting floor of the Council Chambers.
- (3) A Councillor who is present at a meeting, who declares a pecuniary interest in a matter with which the Council is concerned, shall upon such declaration, absent themselves from the Council Chamber until that matter is concluded.

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### **PART 3 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS**

#### **9. Councillor to be elected to preside at certain meetings**

- (1) If no Chairperson is present at a meeting of a 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.

**Note:** Section 369 (2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and Deputy Mayor are absent.

- (2) The election must be conducted:
- (a) By the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election; or
  - (b) If neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a Chairperson, 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.
- (4) For the purposes of subclause (3), 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.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- (6) (a) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor, presides at meetings of Council. The Mayor is "first among equals" charged with carrying on the meeting so that business before the meeting is conducted in accordance with this Code.
- (b) If the Mayor or the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council (section 369 LGA.)
- (c) The Chairperson of each Committee meeting must be:
- i) The Mayor; or
  - ii) If the Mayor does not wish to be the Chairperson of that Committee - a member of the Committee elected by Council; or
  - iii) If Council does not elect such a member - a member of the Committee elected by the Committee.



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**10. Chairperson to have precedence**

When the Chairperson rises during a meeting of a Council:

- (a) Any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
- (b) Every Councillor present must be silent to enable the Chairperson to be heard without interruption.

**11. Chairperson's duty with respect to motions**

- (1) It is the duty of the Chairperson at a meeting of a Council to receive and put to the meeting any lawful motion or amendment that is brought before the meeting.
- (2) The Chairperson must rule out of order any motion or amendment that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

**12. Order of Business**

At a meeting of a Council (other than an extraordinary meeting), the general order of business is (except as provided by this Regulation) as fixed by the Council's Code of Meeting Practice or (if the Council does not have a Code of Meeting Practice or its Code of Meeting Practice does not fix the general order of business) as fixed by resolution of the Council.

- (1) The order of business fixed under subclause (3) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (2) Despite clause 23, only the mover of a motion referred to in subclause (1) may speak to the motion before it is put.
- (3) The general order of business at Council meetings shall be as follows: -
  - (i) Apologies
  - (ii) Confirmation of Minutes of Previous Meetings
  - (iii) Declaration of Pecuniary Interest
  - (iv) Public Forum
  - (v) Items by Exception
  - (vi) Notice of Intention to deal with matters in Confidential Session
  - (vii) Censure Motions
  - (viii) Mayoral Minutes
  - (ix) Reports to Council Meeting
  - (x) Reports to Council Committee
  - (xi) Adoption of Committee Recommendations
  - (xii) Notices of Rescission
  - (xiii) Notices of Motion

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- (xiv) Questions On Notice
- (xv) Responses to Questions On Notice
- (xvi) Confidential Matters – closed session
- (xvii) Report of resolutions passed in closed session.
- (4) The Council meetings shall commence in accordance with a resolution passed pursuant to Clause 49 of this Code. Inspections shall be held prior to the meeting.
- (5) Each Council meeting shall commence with a short prayer/ statement of reflection by the Chairperson.
- (6) Minutes of Council and Council Standing Committee meetings will be listed for confirmation no later than the second Council meeting following the subject meeting.
- (7) Any business not dealt with at the close of a Council and/or Council Standing Committee shall be listed as the first items of business following Mayoral Minutes at the next ordinary or extraordinary meeting of Council.

#### **12.1 Public address at Council meetings**

- (i) A Public Forum will be conducted at each Ordinary Meeting of Council, as provided for in Clause 12(3) of this Code.
- (ii) Public Forum will be for a period of no more than thirty (30) minutes, unless otherwise determined by Council.
- (iii) A member of the public may be granted permission to address Council during Public Forum where such a request is received by the General Manager (or his delegate) no later than 3.00pm on the day preceding the Council Meeting. Where the day preceding is a public holiday a request must be received no later than 9.30am on the day of the Council Meeting. This provision is subject to:
  - (a) Each speaker being permitted to address Public Forum for up to three (3) minutes.
  - (b) Each speaker being limited to one (1) question or statement on any one item on the Agenda or otherwise related to Council business.
  - (c) Speakers complying with the Guidelines for Requests to Address Council, as attached to this Code.
  - (d) No member of the public being entitled to address Public Forum on a rescission motion, except where Council resolves that such speaker be allowed on the basis of exceptional circumstances.

<p><b>Note:</b> Exceptional circumstances would include where such member of the public did not have adequate notice or opportunity to speak at the meeting when the motion was first moved or where such rescission motion is of wide and exceptional public interest.</p>
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- (iv) A list of all requests to speak at Public Forum will be made available to all Councillors at the commencement of the Council Meeting.



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- (v) Council may, at its discretion, resolve to extend the time provided to any one speaker by up to three (3) minutes and/ or otherwise resolve to extend the total period allocated to Public Forum at any Council Meeting.
- (vi) Notwithstanding sub clause 12.1(iii) Council may, by resolution, determine that any other person may address the Council Meeting in Public Forum.
- (vii) The circulation of documents or notes by speakers or members of the public during Council or Committee Meetings shall be allowed only upon determination by the Chairperson.

#### **12.2 Invited Speakers**

At the discretion of the Chairperson, other parties may be permitted to address an Ordinary Meeting of Council subject to:

- (i) Notice of that person's attendance at the meeting being included by the General Manager on the relevant Business Paper.
- (ii) Public Forum not being considered the most appropriate forum in which to hear that person(s).
- (iii) Not more than ten (10) minutes in total being provided at any Ordinary Council Meeting to hear such person(s), with the option of an extension being granted by resolution of Council.

#### **13. Agenda and business papers for Council meetings**

- (1) The General Manager must ensure that the Agenda for a meeting of the Council states:
  - (a) all matters to be dealt with arising out of the proceedings of former 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) subject to subclause (2), any business of which due notice has been given.
- (2) The General Manager must not include in the Agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) 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.
- (4) The General Manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the Chairperson under clause 16.

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### **13.1 Agenda availability**

For each Ordinary Council Meeting and each Council Standing Committee meeting:

- (i) Meeting Agenda, including Business Reports, Notice of Motions and Confidential Sections are to be distributed to all Councillors, Council's Executive Legal Counsel and such Senior Staff as determined by the General Manager, by the close of business on the Wednesday, six (6) days before the meeting of Council that would be considering the matter, by email and by hard copy, unless a Councillor elects to receive no hard copy.
- (ii) Meeting Agenda, with Confidential Sections excluded, are to be made available: -
  - (a) To the public for perusal or taking away (free of charge) on or before the Thursday preceding the meeting at the Civic Centre, as well as the libraries at Belrose, Dee Why, Warringah Mall, Forestville and Terrey Hills;
  - (b) To the press on or before the Thursday preceding the meeting;
  - (c) On the Councils' internet site before the Friday preceding such ordinary meeting.

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### **13.2 Closing time of meetings**

- (i) That all Ordinary or Extraordinary Council Meetings or Standing Committee Meetings shall conclude no later than the item being discussed at 10pm is finalised or if that is not possible by 10.15pm.
- (ii) A short break of not less than 5 minutes be taken after the first two (2) hours at each Ordinary and Extraordinary Meeting of Council.

### **13.3 Correspondence**

- (i) Any correspondence relevant to an item under the Council's or the Committee's consideration may be tabled at the meeting, or distributed by separate memo, but as a general rule, correspondence shall not be included on the business paper.
- (ii) No defamatory correspondence, whether protected or otherwise, is to be included on a business paper, published or discussed in any meeting open to the public.
- (iii) Any notice of motion or question submitted by a Councillor in relation to correspondence received by the Councillor must only detail the person from whom the correspondence was received, the subject matter of the correspondence and the date of the correspondence. The correspondence can only be dealt with in accordance with Clause 13.3(i) above.
- (iv) Requests for correspondence/information to be distributed to all Councillors will only occur where copies are provided. If copies are not provided by the correspondent, no copies shall be distributed.

### **13.4 Inspections by Council and Councillors**

- (i) Whenever specifically determined or requested by the Council, on-site inspections of properties or other matters relevant to an item on

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an Agenda will be arranged by the General Manager immediately prior to that meeting. A video presentation may be arranged instead of an inspection where circumstances (such as an early sunset) would hinder an inspection.

- (ii) A Councillor may notify the General Manager (or delegate) by the Friday preceding a Council Meeting of any sites they wish to have inspected by the Council. Such requests will be referred to the Chairperson for consideration and determination. The Chairperson's decision will be communicated to all Councillors.
- (iii) The provisions of clause 13.4 shall not apply to any item listed on the agenda of a Warringah Development Assessment Panel (WDAP) or a Warringah Development Review Panel (WDRP) Meeting.

#### **13.5 Deferred Items**

- (i) A report, Notice of Motion or other item deferred from a Meeting for the purposes of a Councillor briefing will be put on the Agenda of the next possible Ordinary Meeting of Council unless resolved otherwise.
- (ii) Any matter included on an Agenda as a result of a previous resolution for deferral, shall be taken as a new item and subject to challenge, motion, amendment and debate etc at that meeting and any prior undetermined motions or amendments shall be deemed to have lapsed, upon adoption of the procedural motion of deferral.

#### **14. Giving notice of business**

- (1) A Council must not transact business at a meeting of the Council:
  - (a) Unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by Council's code of meeting practice or, (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the Council;
  - and
  - (b) Unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act.
- (2) Subclause (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 as provided by clause 9 (1); or
  - (c) Is a matter or topic put to the meeting by the Chairperson in accordance with clause 16; or
  - (d) Is a motion for the adoption of recommendations of a Committee of the Council.
- (3) Despite subclause (1), business may be transacted at a Meeting of a Council even though due notice of the business has not been given to Councillors. This can only happen if:



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- (a) A motion is passed to have the business transacted at the Meeting;  
and

- (b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency;

A motion of urgency may be moved at any time during a meeting and without notice, provided that the councillor bringing such matter under the notice of the meeting shall specify the nature of the business in writing to the Chairperson.

If the motion is ruled by the Chairperson as being of great urgency, the matter will be included on the Agenda as the first item of business under Item 12.0 unless the mover chooses to have the matter dealt with at a later time.

- (4) ~~Despite clause 23, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.~~

#### **14.1 Notice of Business**

- (i) Ordinary Council, WDAP, WDRP and Standing Committee Meetings:

The General Manager must send to each Councillor, at least 3 days before each meeting of the Council and Standing Committee, a notice specifying the time and place at which, and the date on which, the meeting is to be held and the business proposed to be transacted at the meeting.

- (ii) Extraordinary Meetings of Council (see also Clause 5.2):

- (a) Subject to clause (b), at least 3 days notice shall be given of an Extraordinary Meeting.
- (b) Notice of such shorter time as determined by the Mayor may be given of an extraordinary meeting called in an emergency.
- (c) If for any reason, after having received a request in accordance with Section 366, the Mayor fails or refuses to call an Extraordinary Meeting within the prescribed time, the General Manager is delegated authority to, and shall thereupon, call such meeting.
- (d) An Extraordinary meeting may be convened by a specific resolution of the Council to that effect.

#### **14.2 Notice of Motion**

- (i) (a) Except as provided in (b) below every Notice of Motion relating to any new subject or matter not already before Council, distinctly stating the precise object proposed and all supporting information, shall be submitted to the General Manager duly signed by the Councillor giving the notice no later than 12 noon on the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered. (That is one week prior to the meeting.)

All Notices of Motions, including Mayoral Minutes and Business Paper recommendations, where monies are to be expended, shall identify an equivalent funding source, from

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additional revenue generation, cuts or savings in the proposed expenditure on projects or programs.

- (b) ~~Despite clause 14.2 (i) (a) such closing time for lodgement of a notice of motion shall not apply in respect of a notice of motion which becomes the subject of an Extraordinary Meeting called by the Mayor, or convened by Council resolution, and is included as an item of business in an Agenda of that meeting.~~
- (ii) (a) The General Manager must not include in the business paper for a Meeting or Committee of 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 or outside the jurisdiction of the Council or Committee of Council. The General Manager may on his or her own initiative make such alterations, corrections or amendments as will put such notice of motion into appropriate form (without changing its substance). In either such event, the General Manager will, as soon as practicable, inform the author of the notice of motion of the action which the General Manager has taken and the reasons for that action. Further, if requested by the author of a Notice of Motion, the General Manager may include a comment on the Notice of Motion in order to provide additional context, background or other relevant information.
- (b) The General Manager must report without giving details of the items of business any such exclusion to the next meeting of Council (without disclosing the details of the item of business)
- (ii) All notices of motion shall be dated and numbered as received and shall be entered by the General Manager upon the Agenda in the order in which they are received, and except by the resolution of the Council, all such notices of motion shall be taken and considered in the order in which they appear on the Agenda.
- (iii) A notice of motion may be withdrawn by a Councillor or a Councillor may withdraw their signature to a notice of motion, by signed written correspondence to the General Manager, prior to the matter being moved for debate at the Council Meeting.
- (iv) A notice of motion (not being a notice of motion of rescission) may be submitted in the following manner:-
  - (a) By written notice signed personally by the Councillor(s).
  - (b) By facsimile or e-mail transmission provided the original signed notice is in the hands of the General Manager prior to commencement of the meeting at which it is to be considered.
  - (c) Should the original notice duly signed by the Councillor(s), not be in the hands of the General Manager by the commencement time of the meeting as required in (b) or (c) above, such proposed notice of motion shall be ruled out of order by the Chairperson.

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~~As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The General Manager is authorised to submit late agenda items.¶ Late reports should only be brought forward in the case of necessity and are to be forwarded to Councillors via email no later than midday on the day prior to the meeting at which the item is to be considered.¶ For matters not listed on the Agenda of meetings and where less than three (3) days notice has been provided in accordance with Clause 14.1 of this code, a motion of urgency will need to be passed by Council prior to the matter being considered.¶ The motion of urgency is to include the reason why the matter is considered to be urgent.¶~~

#### 14.3 Rescission Motions

Note: See also Section 372 of the Act - Annexure 1  
Notes on Rescission Motions - Annexure II

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- (i) (a) A notice of motion to rescind or alter a resolution of the Council shall be submitted in writing and delivered to the General Manager before or not later than 12 noon on the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered.
- (b) Despite clause 14.3 (i) (a) such closing time for lodgement of a motion of rescission shall not apply in respect of a motion of rescission which becomes the subject of an item of business in an Agenda of an extraordinary meeting called by the Mayor or convened by Council resolution.
- (ii) In submitting a notice of motion of rescission the Councillors must (if applicable) also give written notice of any consequential motion to be considered if the rescission motion is adopted.
- (iii) (a) A notice of motion of rescission/alteration can only be withdrawn, and a Councillor who is a signatory to such a motion can only withdraw that signature, by signed written correspondence to the General Manager, prior to the matter being moved for debate at the Council meeting.
- (b) Where total withdrawal, or withdrawal of signatures (leaving less than three signatures) occurs, such motion shall then be deemed not to be in order and it shall be the duty of the General Manager to thereupon carry into effect the decision of the Council.
- (iv) A notice of motion of rescission/alteration of a resolution shall not be brought forward for consideration, as a matter of which notice has not been given under Clause 14 or 15, at the same meeting at which the resolution is carried unless:-
  - (a) It is imperative that a decision be made by the Council to meet or comply with any deadline.
  - (b) Such delay would place the Council in a position of breach of some statutory function, duty or obligation for which a penalty is in force.
  - (c) It is necessary to review or reconsider a matter in the light of further or new information, which may render the earlier decision wrong, void or invalid.
- (v) A notice of motion of rescission/alteration may be submitted in the following manners:-
  - (a) Any single written notice signed personally by three (3) or more Councillors.
  - (b) Electronically or by facsimile transmission of a duly signed notice provided the original notice bearing the three or more original signatures is in the hands of the General Manager by noon on the sixth day (i.e. Wednesday) prior to the meeting of Council (i.e. following Tuesday) (refer to Clause 14.3 (i).)
- (vi) Upon any Rescission Motion being lodged, all Councillors are notified and provided a copy within two business days of its receipt.



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- (vii) All notices of motion of rescission/alteration shall be dated and numbered as received and shall be entered upon the Agenda in the order in which they are received.
- (viii) A notice of motion of rescission/alteration shall be given the same priority for consideration as applies to notices of motion. The motion shall be put after the mover and seconder have spoken and an equal number of speakers have spoken against.
- (ix) If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, or up to 12 noon on the working day following the meeting, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Unless resolved otherwise, it is Council's practice not to implement decisions of the Council until 12 noon on the working day following the Council and/ or committee meeting.

#### **14.4 Moving of notices of motions and rescission motions**

- (i) The Councillor(s) who has submitted a notice of motion, and the first named Councillor on a rescission motion, shall have the first call to move such motion as submitted.
- (ii) A notice of motion and a notice of rescission, and any consequential notice of motion included in an Agenda must, if moved, be moved in the form as submitted.
- (iii) In considering a rescission motion and any consequential notice of motion,
  - (a) The meeting shall first consider and determine the motion of rescission.
  - (b) If the motion of rescission is adopted, then the consequential notice of motion must be moved and seconded and may be the subject of amendment in accordance with this Code.
  - (c) If the motion of rescission is defeated, the consequential notice of motion shall be ruled out of order.
- (iv) Notwithstanding clause 14.4 (i), (ii) and (iii), the Chairperson may call over any notice of motion given by two or more Councillors, or motion of rescission and consequential notice of motion given by three or more Councillors included in the Agenda, as formal motions before the meeting without the need for such to be moved and seconded, and may put such motion to debate and the vote.

#### **14.5 Disclosure of Interests**

##### **Pecuniary Interests/Conflicts of Interest**

- i) The first item on the agenda of all Council or Committee meeting, other than that held annually for election of the Deputy Mayor (after apologies/adoption of minutes) shall be the declaring of pecuniary interests/conflicts of interest.
- ii) A Councillor who has a pecuniary interest or conflict of interest in any matter with which Council is concerned and who is present at a meeting of Council or a Committee at which the matter is being considered must disclose the interest and the nature of the interest to the meeting as soon as practicable.

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- iii) (a) Where a pecuniary interest has been declared by a Councillor in a matter at a Council or Committee Meeting, that Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter (section 451.)
- (b) Where a non-pecuniary interest has been declared by a Councillor in a matter at a Council or Committee Meeting and that non-pecuniary conflict of interest is considered by the Councillor to be significant, the Councillor must leave the meeting, be out of sight of the meeting and not participate in discussions or voting on the matter.
- (c) Where a non-pecuniary conflict of interest has been declared by a Councillor in a matter at a Council or Committee meeting and that non pecuniary interest is considered by the Councillor to be less than significant and not requiring further action, the Councillor should provide an explanation of why he/ she believes the conflict requires no further action in the circumstances. The Councillor is therefore not required to leave the meeting and may participate in discussions and voting on the item.
- iv) Though a conflict of interest is not covered by the provisions of the Act, the Councillor must not be in the meeting room at the time the vote is taken as the Councillor's presence and not voting is taken to be a vote in the negative.

#### **Disclosure to be Recorded**

A disclosure made at a meeting of Council or a Committee must be recorded in the Minutes of the meeting (section 453).

#### **14.6 Notices of Censure**

- 1) All Notices of Censure intended for consideration at any meeting are to be lodged no later than 12 noon on the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered.
- 2) In the absence of a Councillor who has placed a notice of censure on the business paper for a meeting of Council or a Committee:
  - (i) Any other Councillor may move the motion at the meeting; or
  - (ii) The chairperson may defer the motion until the next meeting of Council or Committee at which the motion can be considered.
- (3) Council may by resolution at the meeting formally censure a Councillor for misbehaviour.
- (4) A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 of the Local Government Act and the Council's Code of Meeting Practice.
- (5) Council may pass a formal censure resolution only if it is satisfied that the Councillor has misbehaved as defined in this Code (see Definitions) on one or more occasion.



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- (6) Council must specify in the formal censure resolution the grounds on which it is satisfied that the Councillor should be censured.
- (7) A motion for a formal censure resolution may, without limitation, 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.

#### **14.7 Notations in Council Minutes**

Notations in Council Minutes requested by individual Councillors will be included only following a resolution of Council approving their inclusion.

#### **15. Agenda for extraordinary meeting**

- (1) The General Manager must ensure that the Agenda for an extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - (a) A motion is passed to have the business transacted at the meeting; and
  - (b) The business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the Agenda for the meeting has been disposed of.
- (3) Despite clause 23, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

#### **16. Official (Mayoral) Minutes**

- (1) If the Mayor is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
- (2) Such a minute, when put to the 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 the minute without the motion being seconded.
- (3) A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.
- (4) The provisions of this clause shall also apply to an extraordinary meeting.

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#### **17. Items by Exception (in globo)**

This information is then recorded in Council's meeting minutes in accordance with Clause 16.7 (c) of this Code and s.453 of the Act.

Council may deal with staff reports individually or by exception (in globo). This is where Council adopts the recommendations contained within staff reports with no discussion on the matter.

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~~The Chairperson requests each Councillor to call for consideration any staff reports on the agenda they wish to discuss, then by a Council resolution each of the recommendations in the remaining staff reports (those not called) are adopted in globo.~~

~~All staff reports can be dealt with by exception including confidential reports after which, in accordance with clause 26, the General Manager will read out the resolutions of those confidential reports.~~

~~Where a Councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a report that Councillor should remove themselves from the Council Chamber and not vote on the resolution to adopt the reports in globo.~~

## **18 Late Items**

### **Late Items**

~~As circumstances necessitate, reports not listed for consideration on the Business Paper may be tabled at an Ordinary Meeting. The General Manager is authorised to submit late agenda items.~~

~~Late reports should only be brought forward in the case of necessity and are to be forwarded to Councillors via email no later than midday on the day prior to the meeting at which the item is to be considered.~~

~~For matters not listed on the Agenda of meetings and where less than three (3) days notice has been provided in accordance with Clause 14.1 of this code, a motion of urgency will need to be passed by Council prior to the matter being considered.~~

~~The motion of urgency is to include the reason why the matter is considered to be urgent.~~

## **19. Report of a departmental representative to be tabled at Council meeting**

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When a report of a Departmental representative has been presented to a meeting of a Council in accordance with section 433 of the Act, the Council must ensure that the report:

- (a) Is laid on the table at that meeting; and
- (b) Is subsequently available for the information of Councillors and members of the public at all reasonable times.

## **20. Notice of motion - absence of mover**

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

- (a) Any other Councillor may move the motion at the meeting;  
or
- (b) The Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

## **21. Motions to be seconded**

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A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 16(2) and 23(5).



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**21.1 Motions and amendments**

- (i) Every motion must relate to one subject matter only and distinctly state the precise nature of that subject matter and be solely related to the subject matter under consideration.
- (ii) A motion, and an amendment, once moved and seconded can only be withdrawn with the consent of the meeting. A motion which is subject to an amendment cannot be withdrawn until the amendment has been dealt with.
- (iii) An amendment must relate solely to the subject matter of the motion and not to something else. The Chairperson shall reject an amendment if the proposed amendment:
  - Is a direct negative, or contradiction, of the motion or has that effect; or
  - Is beyond the scope of the motion; or
  - Does not relate to the motion; or
  - It is irrelevant; or
  - It is offered in a spirit of mockery; or
  - It appears designed to prevent the meeting coming to a decision on the matter; or
  - It is inconsistent with a resolution passed earlier at the meeting; or
  - Is of such nature that the original motion loses its identity.
- (v) Where a Councillor proposes an amendment which is rejected on the grounds in (iv) above, the Councillor, before a vote on the motion is taken, should indicate to the meeting that if the motion is defeated, they will be submitting their rejected amendment as a motion.
- (vi) If an amendment is carried it shall become the substantive motion before the meeting and the original motion (or prior motion) shall be deemed to be subsumed by the substantive motion, and recorded in the Minutes as such.
- (vii) Upon a motion being moved and seconded, the Chairperson shall put to the meeting the question "Is there opposition to this motion". If no opposition or amendment is indicated by a Councillor, the Chairperson shall put the motion to the vote without debate. (but after the mover has spoken in favour of it if they wish to do so.) (Clause 250(4)(a) LG Reg.)

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- (viii) To assist Councillors and the public in following the Meeting and being aware of matters before the Meeting, a Councillor shall provide copies of any motions of urgency or lengthy motions/amendments proposed to be put to the meeting for distribution to all Councillors and the Minute Secretary before the commencement of the Meeting. Such motion/amendment will then be entered into the computer system for display in the Chamber.
- (ix) That at a Council meeting, where the Council takes a decision contrary to a staff recommendation, or in relation to a development application contrary to a WDAP or WDRP recommendation, the Council shall give detailed reasons in the minutes of a Council meeting for that decision and in the covering letter attached to the notice of DA determination, and such decision shall be communicated to all stakeholders.

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## **21.2 Procedural motion**

- (i) Procedural motions are moved with one of a number of objectives, viz:
- (a) To affect the way in which proceedings are conducted;
  - (b) To bring about an immediate vote to achieve a prompt decision on an issue;
  - (c) To prevent a vote being taken and thereby shelve a matter;
  - (d) To postpone or defer a decision for the time being.

Examples of procedural motions under the Act and Regulation are shown on the following table:-

Motion	Moved without Notice	Requires Seconder	Speakers/ Debate Permitted	Right of Reply
(i) <b>Change the Order of Business (clause 12) (1)</b>	Yes	Yes	Mover of motion only	No
(ii) <b>Business without Notice (matter of urgency) (clause 14 (3) &amp; clause 15(2))</b>	Yes	Yes	Mover of motion only	No
(iii) <b>Dissent from Chairperson's ruling on Point of Order (clause 21)</b>	Yes	Yes	Only mover & Chairperson may speak.	No
(iv) <b>Adjournment of Meeting (clause 19.3)</b>	Yes	Yes	No debate permitted	No
(v) <b>Limitation to number of speakers (questions be now put) (Clause 23)</b>	Yes – after at least 2 speakers have spoken in favour of motion or amendment and at least 2 against motion or amendment.	No	No debate permitted. Question must be put immediately	No
(vi) <b>Deferment of a Matter</b>	Yes	Yes	Yes	Yes

- (ii) A procedural motion, once moved and seconded where required, shall take precedence over all other questions before the chair.

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### **21.3 Adjournment of Council Meetings**

- (i) Independent of, and separate to, the following provisions of this Code:

- Clause 6, adjournment due to lack of a quorum;
- Clauses 34 & 43, adjournment by Chairperson due to disorderly conduct for up to 15 minutes.

The Council may, subject to the provisions of this clause, adjourn any meeting of the Council by adoption of a motion of adjournment, which may be moved without notice.

- (ii) A motion for adjournment shall state the reason for the adjournment and specify the time, being not more than 72 hours from the proposed adjournment time, and the date and place for that meeting to resume.
- (iii) A motion for an adjournment shall require a seconder and only the mover and seconder may speak to the motion. Where this happens the Chairperson must immediately suspend the business before the meeting and, after debate by the mover and seconder, put the motion to the vote.
- (iv) A motion which proposes to adjourn any meeting for more than 72 hours shall not be in order. Where such action is proposed, the motion shall be moved to terminate and close that meeting. If such motion is adopted, any items on the agenda still to be dealt with shall thereupon be deferred to be considered at the next ordinary Council Meeting or at an Extraordinary Council Meeting convened for that purpose in accordance with this Code.
- (v) Any items on the agenda that have not been dealt with where a meeting has been adjourned at 10pm (the closing time of the meeting) shall be dealt with at the next Council or Extraordinary Meeting

### **22. How subsequent amendments may be moved**

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- (1) ~~If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.~~
- (2) A Councillor may indicate at any time during debate their intention to move a further amendment (i.e. foreshadowed amendment) after an amendment already before the meeting, is determined. Such indication must be given prior to the substantive motion being put to the vote.

### **23. Motions of dissent**

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- (1) ~~A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.~~



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- (2) If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion of business has been discharged as out of order, the Chairperson must restore the motion or business to the Agenda and proceed with it in due course.

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- (3) Despite clause 21, 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.

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#### **24. Councillor Questions**

- (1) At all Council meetings, each Councillor may only ask a maximum of three Questions On Notice which do not comprise multiple parts under the segment of the Business Paper designated for that purpose.

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- (2) Questions On Notice, as referred to in clause 24(1) above, shall be submitted to the General Manager by the Councillor proposing the question(s) no later than 12 noon on the Tuesday seven (7) days before the meeting of Council at which the matter is to be considered:

- (a) By written notice signed personally by the Councillor;
- (b) By electronic or by facsimile transmission provided the original signed question is in the hands of the General Manager prior to the commencement of the meeting at which it is to be asked.

- (3) All Questions On Notice shall be dated and numbered as received and shall be entered by the General Manager upon the Agenda in the order in which they are received, and except by resolution of the Council, all such Questions On Notice shall be considered in the order in which they appear on the Agenda.

- (4) A Question On Notice may be withdrawn by a Councillor by signed correspondence to the General Manager prior to the question being asked at the relevant Council meeting.

- (5) Where a Question On Notice purports to expend Council funds, is likely to divert significant time and resources of staff, is either vague, trivial, overly detailed, offensive, or does not relate to the responsibilities of Council, the question may be ruled out of order by the Chair.

- (6) Responses to Questions On Notice are to be included, as soon as practicable, under the Agenda item, 'Responses to Questions On Notice', in a subsequent business paper for an Ordinary Meeting of Council.

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- (7) Notwithstanding the clauses 24(1) – 24(6) above, a Councillor may:

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- (a) Through the Chairperson, put a question to another Councillor; and
- (b) Through the General Manager, put a question to a Council employee in relation to any other matter on the Council Agenda.

- (8) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.

- (9) The Councillor must put every such question directly, succinctly and without argument.

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- (10) The Chairperson must not permit discussion on any reply or refusal to reply to a Councillor or Council employee under this clause.
- (11) Councillors may ask questions of (but not engage in debate with) speakers at Public Forum or other invited speakers at Council meetings only by resolution of Council or otherwise at the discretion of the Chairperson. Such questions must be put directly, succinctly and without argument.
- (12) Unless otherwise specified, answers to questions taken on notice should be provided prior to the next Council Meeting and the question and response is to be recorded in the minutes of the meeting following the provision of the answer.

**25. Limitation as to number of speeches**

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- (1) A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) (a) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (b) An extension of the time allowed in sub-clause (3)(a) above, of three (3) minutes may be granted by resolution.
- (c) A Councillor, in addressing the right of general reply as allowed in sub-clause (3)(a) above, shall not speak for longer than 3 minutes.
- (4) Despite subclauses (1) and (2), 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 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- (5) The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed



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**(8) Mode of Addressing Council or Committee**

A Councillor will, on all occasions when in a Council or Committee Meeting, address and refer to other Councillors by their official designations (i.e. Mayor, Chairperson or Councillor, as the case may be.)

**(9) Interruption of Speaker**

- i) Subject to clause 19, a speaker will not be interrupted except on a point of order;
- ii) A speaker interrupted on a point of order shall resume their seat until the Chairperson has ruled on the point of order whereupon the speaker shall proceed with the debate.

**26. Voting at Council meetings**

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- (1) A decision supported by a majority of the votes at a meeting of Council at which a quorum is present is a decision of Council.
- (2) A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. A Councillor who is not present at the meeting when a vote is taken is not taken into account in the voting on a matter.
- (3) 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.
- (4) The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
- (5) When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's Minutes.
- (6) Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

Note: The Local Government (General) Regulation provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (Clause 124 and Clause 3 of Schedule 3). Clause 3 of Schedule 3 also makes it clear that "ballot" has its normal meaning of secret ballot.

- (7) The names of all Councillors present, voting for and against each resolution carried by the Council, shall be recorded in the minutes of the meeting.

**27. Representations by members of the public - closure of part of meeting**

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- (1) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting



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practice does not fix that period) as fixed by resolution of the Council.  
Different periods can be fixed according to the different types of matters  
to be discussed or received and discussed at closed part of meetings.

- (3) Representations by members of the public as to whether part of the meeting should be closed to the public, to consider any item, shall be allowed only upon a specific resolution of Council relating to any specified item.
- (4) The period under this clause if granted by resolution shall be three (3) minutes.

**27.1 Closed Confidential Section**

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Pursuant to Section 10A Subsections 2 & 3 of the Local Government Act 1993 (as amended), the Council may close to the press and public that much of its meeting as comprises the receipt and/or discussion of the matters listed below and the press and public shall be excluded from the proceedings of the Council in Closed Session:

- (1) The items to be considered are of a confidential nature, which includes:-
  - (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 proposed 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) Legal 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 any code of conduct requirements applicable under section 440.**
- (2) A motion to close another part of the meeting to the public may be debated in confidential session provided the consideration of the motion must not include any consideration of the matter or information to be discussed in that other (closed) part of the

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meeting. Debate must only involve consideration of whether the matter is a matter referred to in clause 25.1(1) above.

- (3) The closure of that part of the meeting for the receipt or discussion of any of the matters or information detailed in clause 25.1 (1) and (2):-
  - (a) Is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) That discussion of the matter in open meeting would, on balance, be contrary to the public interest.
- (4) The Minutes and business papers including any reports, correspondence, documentation or information relating to matters considered by Council in Closed Session shall be treated as Confidential and be withheld from access by the press and public, until such time as the reason for confidentiality has passed or become irrelevant.

**28. Resolutions passed at closed meetings to be made public**

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- (1) ~~If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.~~
- (2) The resolutions made by the Council in Closed Session shall be made public after the conclusion of the Closed Session and such resolutions, including the details of voting, shall be recorded in the Minutes of that Council Meeting.

**29. Minutes**

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- (1) Council and each Committee must ensure that full and accurate minutes are kept of the proceedings of each meeting of Council and of each Committee.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of Council or a Committee of which all its members are Councillors, be signed by the Chairperson of that subsequent meeting (section 375 of the LGA)
- (3) The General Manager must ensure that the minutes of Council meetings record:
  - (a) All successful and unsuccessful motions and resolutions (including the grounds on which a meeting is closed to the public); (clause 24);
  - (b) Successful and unsuccessful amendments; (clause 24);
  - (c) Attendance of Councillors;
  - (d) Declarations of pecuniary interest and conflicts of interest by Councillors;
  - (e) Votes on divisions, and dissenting votes when requested by a Councillor;

and

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- (f) Circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors present;
- (g) The names of the mover and the seconder of a motion and/or amendment; (clause 24)
- (h) The names of all Councillors who voted in favour or against a motion or an amendment.
- (4) The reports of Committee Meetings of which all its members are Councillors, will record:
  - (a) All successful and unsuccessful motions and resolutions (including the grounds on which a meeting was closed to the public) relating to adjournments of the meeting; (clause 39)
  - (b) Staff recommendations;
  - (c) Recommendations that are to be submitted to the Council;
  - (d) Resolutions of the Committee made under delegated authority;
  - (e) Attendance of members of the Committee;
  - (f) Declarations of pecuniary interests and conflict of interests by Councillors and Committee members appointed;
  - (g) Votes on divisions, and dissenting votes when requested by a Councillor or Committee member appointed;
  - (h) Circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Councillors and appointed Committee members present;
  - (i) The names of the mover and seconder of a motion or amendment; (clause 39) and
  - (j) The names of Councillors and appointed Committee members who voted in favour of or against the motion or amendment.
- (5) Any entries in the minute book found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.
- (6) Any business arising from consideration of the Minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.
- (7) On each sheet of the Council or Committee minute book there will be placed a heading setting out:
  - (a) The nature of the meeting;
  - (b) The date of the meeting; and
  - (c) The page number.
- (8) Immediately after the conclusion of the last minute of a meeting of Council there will be placed a certificate to be signed by the Chairperson of the meeting at which the minutes are confirmed in or to the following effect:



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"This is the final page of the Minutes comprising ...pages numbered ... to ... of the ... meeting of the (insert Council/Committee Meeting as appropriate) held on ...and confirmed on ...

.....  
Chairperson"

(This signature must be an original signature.)

Note: Section 375(1) of the Act requires a Council to ensure that full and accurate Minutes are kept of the proceedings of a meeting of the Council (other provisions of this Regulation and of the Act require particular matters to be recorded in a Council's Minutes).



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## **PART 4 KEEPING ORDER AT MEETINGS**

### **30. Questions of order**

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

### **31. Acts of disorder**

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- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a Committee of a Council:
  - (a) Contravenes the Act or any regulation in force under the Act; or
  - (b) Assaults or threatens to assault another Councillor or person present at the meeting; or
  - (c) Moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter; or
  - (d) Insults, denigrates or makes personal reflections on or imputes improper motives to any other Councillor, any member of staff or the general public; or
  - (e) Says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt.
- (2) The Chairperson may require a Councillor:
  - (a) To apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b); or
  - (b) To withdraw a motion or an amendment referred to in subclause (1)(c) and, where appropriate, to apologise without reservation; or
  - (c) To retract and apologise without reservation for an act of disorder referred to in subclause (1)(d) or (e).
- (3) A Councillor may, as provided by section 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

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- (4) A Councillor commits an act of disorder if the Councillor, at a meeting of Council or a Committee displays:
  - (a) Conduct that contravenes all or specified provisions of the Act or the regulations in all or specified circumstances; or
  - (b) Conduct that is detrimental to the pursuit of the charter of the Council; or
  - (c) Improper or unethical conduct; or
  - (d) Abuse of power and other misconduct; or
  - (e) Action causing, compromising or involving any of the following:
    - i. Intimidation, harassment or verbal abuse
    - ii. Discrimination, disadvantage or adverse treatment in relation to employment
    - iii. Prejudice in the provision of a service to the community
  - (f) Conduct of a Councillor causing, compromising or involving any of the following:
    - i. Directing or influencing, or attempting to direct or influence, a member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate
    - ii. An act of disorder committed by the Councillor at a meeting of the Council or a Committee of the Council may lead to a motion of censure

**32. How disorder at a meeting may be dealt with**

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- (1) ~~If disorder occurs at a meeting of a Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.~~
- (2) ~~A member of the public may, as provided by section 10(2) (a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.~~
- (3) Council by resolution No.123 of 6 March 2001 authorises the Chairperson at a meeting of the Council to exercise the power to expel a member of the public from the meeting for engaging in or having engaged in disorderly conduct at the meeting.
- (4) For the purposes of this code the question of disorderly conduct is at the discretion of the Chairperson and includes, but is not limited to, conduct where a person, without the consent of the Chairperson, or in the opinion of the Chairperson, conducts themselves or behaves in such a way as to interrupt or impede debate by Councillors or the conduct of the meeting. Examples only of disorderly conduct could include the following, but the ultimate determination is at the Chairperson's discretion:

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- audibly interrupts the conduct of the meeting,
- holds up, waves or displays a placard, banner or sign, or document, in a manner which disrupts the conduct of the meeting, or that is inconsistent with maintaining order at the meeting,
- uses any video recorder, camera (including hand held mobile phone with camera and video capability), filming device, voice recorder, or any electronic recording device without permission of the Council,
- distributes in the Council Chamber or its precincts Federal, State or Local Government 'how to vote' material or other election material without permission of the Council, or
- behaves or acts in a manner which disrupts the conduct of the meeting or that is inconsistent with maintaining order at the meeting

**33. Power to remove persons from meeting after expulsion**

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If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:

- (a) Immediately after the Council has passed a resolution expelling the Councillor or member from the meeting; or
- (b) Where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting,

a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

**33.1 Authority of staff to remove persons from meeting after Expulsion**

Deleted: 1

Council by resolution ~~on 24 September 2013~~ authorises each of the following Council officers and the persons for the time being occupying or acting in those positions to remove a Councillor or a person from a meeting of Council after expulsion pursuant to clauses ~~32~~ and ~~33~~:

Deleted: No 123 of 6 March 2001

The General Manager, the ~~Deputy General Manager Environment~~ and any person appointed by Council as a Ranger.

Deleted: 0

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Deleted: Director of Corporate Services



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## **PART 5 COUNCIL COMMITTEES**

### **34. Committee of the whole**

Deleted: 2

- (1) All the provisions of this Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The General Manager or a person authorised by the General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council proceedings in Committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported.
- (3) The Council must ensure that the 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.

### **35. Council may appoint Committees**

Deleted: 3

- (1) A Council may, by resolution, establish such Committees as it considers necessary.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of a Committee 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.

### **36. Functions of Committees**

Deleted: 4

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

A Committee cannot act outside the extent of the functions granted by Council as specified in the adopted Charter for that Committee.

If Council, by resolution, delegates authority to the Committee to make decisions, then any decision made by the Committee under such authority will be decisions of Council (Section 49(6) – Interpretation Act 1987)

### **37. Notice of Committee meetings to be given**

Deleted: 5

- (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the Committee, a notice specifying:
  - (a) The time and place at which and the date on which the meeting is to be held; and
  - (b) The business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a Committee meeting called in an emergency. For the purpose of this clause "emergency" shall have the same meaning as described in clause 14.1(ii)(d).



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**38. Non-members entitled to attend Committee meetings**

- (1) A Councillor who is not a member of a Committee of a Council is entitled to attend, and to speak at, a meeting of the Committee.
- (2) However, the Councillor is not entitled:
  - (a) To give notice of business for inclusion in the Agenda of the meeting, or
  - (b) To move or second a motion at the meeting, or
  - (c) To vote at the meeting.
- (3) Where the Council or a Committee of Council resolves that a Councillor with a disclosed pecuniary interest or conflict of interest will retire from the meeting and will not be present during discussion of that matter the Councillor will be excluded from being present in the area defined as Council Chamber in the definitions in the Code (Section 455.)
- (4) **General Manager**  
The General Manager is entitled to attend, but not vote at, any meeting of Council or any meeting of a Committee of which all the members are Councillors.

The General Manager is entitled to attend a meeting of any Committee of Council and may, if a member of the Committee, exercise a vote (Section 376.)

**39. Representations by members of the public - closure of part of meeting**

Deleted: 7

- (1) A representation at a Committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.
- (3) Representations by members of the public as to whether part of a Committee meeting should be closed to the public to consider any item, shall be allowed only upon a specific decision of the Committee relating to any specified item.
- (4) That period under this clause if granted, shall be three (3) minutes.
- (5) The Council's policy relating to confidential items as detailed in clause 25.1 shall apply to items to be considered by any Committee.

**40. Procedure in Committees**

Deleted: 38

- (1) Subject to subclause (3) each Committee of a Council may regulate its own procedure where such are not covered under this Code or by a resolution of Council adopting a charter for the Committee.

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- (2) Without limiting subclause (1), a Committee of a Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the Chairperson of the Committee is to have a casting vote as well as an original vote. [Refer clause 40(5)].
- (3) Voting at a Committee meeting is to be by open means (such as on the voices or by show of hands).
- (4) A decision under delegated authority supported by a majority of the votes at a Committee meeting at which a quorum is present is a decision of Council.

**41. Committees to keep Minutes**

Deleted: 39

- (1) Each Committee of a Council must ensure that full and accurate Minutes of the proceedings of its meetings are kept in accordance with Clause 27 of this Code and to the same detail as prescribed for Meetings of Council as prescribed therein.
- (2) As soon as the Minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the Minutes of the earlier meeting.

**Note:** Section 375(1) of the Act requires a Council to ensure that full and accurate Minutes are kept of the proceedings of a meeting of the Council (other provisions of this Regulation and of the Act require particular matters to be recorded in a Council's Minutes).

**42. Chairperson and Deputy Chairperson of Committees**

Deleted: 0

- (1) 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.
- (2) A 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.
- (3) If neither the Chairperson nor the Deputy Chairperson of a Committee of a Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting Chairperson of the Committee.
- (4) The Chairperson is to preside at a meeting of a Committee of a 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.
- (5) The Chairperson of each of the Council's Committees shall not have, in the event of an equality of voting at a meeting of the Committee, a casting vote in addition to an original vote. Items with an equality of voting are to be referred to the Council meeting for determination.



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- (6) Only the Councillors, who are members of that Committee, are entitled to vote in the election of a Chairperson or Deputy Chairperson.

**43. Absence from Committee meetings**

Deleted: 1

- (1) A member ceases to be a member of a Committee if the member (other than the Mayor):
- (a) Has been absent from 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.
- (2) Subclause (1) does not apply if all of the members of the Council are members of the Committee.

**Note:** The expression "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.

**44. Reports of Committees**

Deleted: 2

- (1) If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- (3) If a Committee of a 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:
  - (a) Make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
  - (b) Report the resolution or recommendation to the next meeting of the Council.
- (4) Reports and/or Minutes of Advisory Committees, panels and bodies will from time to time be included on the appropriate Council or Committee meeting Agenda for notation or to determine recommendations.

**44.1 Reports to Standing Committees - method of consideration and determination**

Deleted: 2

- (i) Business listed on the business paper of a Standing Committee may be dealt with on an exception basis and the method of dealing with the business should be as provided below:-
  - (a) The Chairperson shall invite Councillors to challenge, "call," the number of any report and recommendation they require excluded from the single general recommendation to adopt the remainder of the report and recommendation "in toto." The order of invitation should be at the Chairperson's discretion with Councillors "calling" one (1) item at a time and in turn.
  - (b) The Chairperson shall then call for a mover and seconder to a recommendation in the following manner:-

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"That the balance of the reports and recommendations contained therein, with the exception of those challenged reports, be adopted."

- (c) The excluded items are then called in agenda sequence, the Chairperson calling on the Councillor who requested the exclusion to move a motion. The Councillor then either:-

- moves a motion in conflict with or at variance with the report recommendation, or
- moves adoption of the report recommendation. Prior to moving a motion the Councillor may seek further information from the Mayor or officers for the purpose of clarification.

- (ii) A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 16(2) and 23(5).

#### **45. Disorder in Committee meetings**

Deleted: 3

- (1) ~~The provisions of the Act and of this Regulation 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.~~
- (2) For the purposes of clause 43(1) the question of disorderly conduct is at the discretion of the Chairperson and includes, but is not limited to, conduct where a person, without the consent of the Chairperson or in the opinion of the Chairperson, conducts themselves or behaves in such a way as to interrupt or impede debate by Councillors or the conduct of the meeting. Examples only of disorderly conduct could include the following, but the ultimate determination is at the Chairperson's discretion:
  - Audibly interrupts the conduct of the meeting;
  - Holds up, waves or displays a placard, banner or sign, or document, in a manner which disrupts the conduct of the meeting or that is inconsistent with maintaining order at the meeting;
  - Uses any video recorder, camera, filming device, voice recorder, or any electronic recording device without permission of the Council;
  - Distributes in the Council Chamber or its precincts Federal, State or Local Government 'how to vote' material or other election material without permission of the Council; or
  - Behaves or acts in a manner which disrupts the conduct of the meeting or that is inconsistent with maintaining order at the meeting.
- (3) Where the Chairperson of a Standing Committee is of the opinion that, or deems, disorderly conduct has occurred, the Chairperson shall immediately request the Mayor to resume the chair of the meeting. The Mayor shall then deal with the matter of disorderly conduct in accordance with clause 31 of this code.

#### **46. Certain persons may be expelled from Council Committee meetings**

Deleted: 4

- (1) ~~If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with section 10(A) of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10(2) (a) or (b) of the Act.~~



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

- (3) Council by resolution ~~on 24 Spetember 2013~~ authorises each of the following Council officers including the person for the time being occupying or acting in that position to remove a person from a meeting of a Committee of which all the Councillors are members after expulsion pursuant to clauses ~~33~~ and/or ~~35~~;

~~Deleted: No.123 of 6 March 2001~~

~~Deleted: 1~~

~~Deleted: 43~~

The General Manager, the ~~Deputy General Manager Environment~~ and any person appointed by Council as a Ranger.

~~Deleted: Director of Corporate Services~~

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## **PART 6 MISCELLANEOUS**

### **47. Disclosure and misuse of information - prescribed circumstances**

Deleted: 5

For the purposes of section 664 (1B) (c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

### **48. Inspection of the Minutes of a Council or Committee**

Deleted: 6

- (1) An inspection of the Minutes of a Council or Committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those Minutes.
- (2) The General Manager must ensure that the Minutes of the Council and any Minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

**Note:** Section 12 of the Act confers a right to inspect the Minutes of a Council or Committee of a Council.

### **49. Tape recording of meeting of Council or Committee prohibited without permission**

Deleted: 7

- (1) A person may use a tape recorder to record the proceedings of a meeting of a Council or a Committee of a Council only with the permission of the Council or Committee.
- (2) A person may, as provided by section 10(2) (a) or (b)) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- (4) In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

#### **49.1 Recording of Meetings by the Council**

Deleted: 7

- (i) The proceedings, including all debate, of all Council and Standing Committee Meetings in Open Session shall be suitably tape recorded.
- (ii) Reproductions of the proceedings in Open Session shall be placed on Council's website.
- (iii) Written transcriptions of such proceedings shall not be available.
- (iv) Reproductions of Meetings shall be stored in accordance with the State Records General Disposal Authority – Local Government Records – GDA10 may be destroyed two (2) years after the date of the Meeting.

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**50. Council Seal**

- (1) The seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.
- (2) The seal of a Council may be affixed to a document only in the presence of:
  - (a) The Mayor and the General Manager; or
  - (b) At least 1 Councillor (other than the Mayor) and the General Manager; or
  - (c) The Mayor and at least 1 other Councillor; or
  - (d) At least 2 Councillors other than the Mayor.
- (3) The affixing of a Council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.

**51. Council and Standing Committee structure and meeting cycle**

Deleted: 49

- (1) Ordinary meetings of the Council and meetings of Council Committees of which all Councillors are members are, subject to sub-Clause (2) below, to be held on a calendar monthly cycle as determined by Council resolution.
- (2) A scheduled meeting of the Council and Council Standing Committees may be cancelled or rescheduled to a different time and/or day by resolution of the Council passed at a previous meeting of the Council or in emergent situations by the Mayor.
- (3) A Council meeting is to be convened before the Standing Committees. The Council meetings will be adjourned to enable a meeting of the scheduled Council Committee to be held and be reconvened immediately following the Committee meeting in order to determine those matters upon which the Committee has made a recommendation, or upon which the Committee is unable to reach a majority decision.
- (4) Matters relating to specialised or Advisory Committee meetings are, apart from exceptional circumstances, to be listed on the relevant Standing Committee business paper to which they relate.

**52. Committee Meetings other than Standing Committee Cancellation / Postponement**

Deleted: 0

- (1) A scheduled meeting of any Committee of the Council, other than a Standing Committee, cannot be cancelled or postponed to another time and or date, except where a quorum is not, or will not be, present or at the discretion of the Chairperson.



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- (2) The business paper for a Committee meeting cancelled or postponed shall carryover to the rescheduled or next Committee meeting but maybe amended by a subsequence notice and business paper issued under clause 35 of this code.

**53. Declaration of "Nature" of Pecuniary Interest or Conflict of Interest**

Deleted: 1

In declaring the nature of a Pecuniary or Conflict of Interest at a meeting, the Councillor, designated person, adviser or delegate must ensure that:-

- The details are sufficient to enable other Councillors/Committee members and the public to appreciate in general terms the connection of the person with this matter under consideration.
- The disclosure does not reveal sensitive information which is not relevant to the matter before Council/the Committee.
- The disclosure does not reveal information which may be unnecessarily damaging to the reputation of some person(s) with whom the person disclosing is associated.
- The disclosure will not unnecessarily prejudice a sensitive commercial or legal situation.

**54. Mayor/Councillor/Staff Discussion**

Deleted: 2

- (1) Gatherings convened, by the Mayor and/or the General Manager, of the Mayor, any number of Councillors and staff, for the purposes of discussion and information exchange relating to Council operational issues, which do not have any decision making authority, shall not be deemed to be "meetings" or "Committee Meetings" under this Code.
- (2) Lists of matters for discussion may be circulated to attendees, but shall not be deemed an Agenda.

**55. Information Relating to Proceedings at Closed Meetings Not to be Disclosed**

Deleted: 3

- (i) If a meeting or part of a meeting of Council or a Committee is closed to the public in accordance with section 10(2) of the Act persons must not, without the authority of Council or the Committee, disclose, otherwise than to Council or to a Councillor information with respect to the discussion at, or the business of, the meeting.
- (ii) This clause does not apply:
- a. To the report of a Committee when presented to Council; or
  - b. For the purposes of Section 664(1B) of the Act, any disclosure made with the intention of enabling the Minister or the Director General to properly exercise the functions conferred or imposed on them by or under the Act (clause 45.)
- (iii) A person must not disclose any information outlined in connection with the administration or execution of the Local Government Act 1993 unless the disclosure is made:
- (a) With the consent of the person from whom the information was obtained; or
  - (b) In connection with the administration or execution of the Act; or

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- (c) For the purposes of any legal proceedings arising out of the Act or of any report of any such proceedings; or
- (d) In accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or
- (e) With other lawful excuse.

**~~56.~~ Public Access to Correspondence and Reports**

Deleted: 4

- (i) Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting' give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (ii) This section does not apply if the correspondence or reports:
  - (a) Relate to a matter which was received or discussed; or
  - (b) Where laid on the table at, or submitted to, the meeting when the meeting was closed to the public (Section 11.)

**~~57.~~ Alcohol will not be served prior to or during a meeting of Council.**

Deleted: 5

**~~58.~~ Amendments to the Code**

Deleted: 6

This Code may only be amended by the adoption of a new code adopted under procedures contained in Division 1, Part 2, Chapter 12 of the Local Government Act 1993 except where an amendment is proposed that reflects a change to the Local Government Act or the Local Government (Meetings) Regulation and such change will be made automatically and a report on the changes submitted to the Council accompanied by an updated Code.

**~~59.~~ The use of Electronic Equipment during Meetings**

Deleted: 7

The use of Personal Digital Assistants, such as Blackberries and iPhones, mobile phones, laptop computers or other electronic devices be kept to a minimum during Council Meetings and at all times these devices be operated only in silent mode.

Local Government Act extracts as at 30 September 2005

## **ANNEXURE 1**

### **LOCAL GOVERNMENT ACT 1993**

#### **EXTRACT OF**

#### **Provisions relating to the conduct of meetings**

### **CHAPTER 4 - PART 1 – OPEN MEETINGS**

#### **9. Public notice of meetings**

- (1) A Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.
- (2) A Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the Agenda and the associated business papers (such as correspondence and reports) for the meeting.
  - (2A) In the case of a meeting whose Agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
    - (a) the Agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
    - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an Agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

#### **10. Who is entitled to attend meetings?**

- (1) Except as provided by this Part:
  - (a) Everyone is entitled to attend a meeting of the Council and those of its Committees of which all the members are Councillors, and
  - (b) A Council must ensure that all meetings of the Council and of such Committees are open to the public.
- (2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee 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.



Local Government Act extracts as at 30 September 2005

- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

**10A Which parts of a meeting can be closed to the public?**

- (1) A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
  - (a) The discussion of any of the matters listed in subclause (2), or
  - (b) The receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (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.
- (3) A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A Council, or a Committee of a 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.

**10B Further limitations relating to closure of parts of meetings to public**

- (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A (2):
  - (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

Local Government Act extracts as at 30 September 2005

Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (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.
- (3) 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 section 10A (3)), 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 section 10A (2)).
- (4) 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. Subsection (4) is in similar terms to section 59A (Public interest) of the Freedom of Information Act 1989.

- (5) In deciding whether part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to any relevant guidelines issued by the Director-General.

#### 10C Notice of likelihood of closure not required in urgent cases

Part of a meeting of a Council, or of a Committee of the Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the Agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) It becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and
- (b) The Council or Committee, after considering any representations made under section 10A (4), 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.

#### 10D Grounds for closing part of meeting to be specified

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the Minutes of the meeting.
- (2) The grounds must specify the following:

Local Government Act extracts as at 30 September 2005

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

**11. Public access to correspondence and reports**

- (1) A Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (2) This section does not apply if the correspondence or reports:
  - (a) relate to a matter that was received or discussed; or
  - (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- (3) This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2), are to be treated as confidential.



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## **CHAPTER 12 - PART 2 –ACCESS TO INFORMATION**

### **Division 1 - Code of Meeting Practice**

#### **360. Conduct of Meetings of Councils and Committees**

- (1) The regulations may make provision with respect to the conduct of meetings of Councils and Committees of Councils of which all the members are Councillors.
- (2) A Council may adopt a code of meeting practice that incorporates the regulations made for the purposes of the Section and supplements those regulations with provisions that are not inconsistent with them.
- (3) 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 it.

#### **361. Preparation, public notice and exhibition of draft code**

- (1) Before adopting a code of meeting practice, a Council must prepare a draft code.
- (2) The Council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the Council.
- (5) The Council must publicly exhibit the draft code in accordance with its notice.

#### **362. Adoption of draft code**

- (1) After considering all submissions received by it concerning the draft code, the Council may decide:
  - (a) to amend those provisions of its draft code that supplement the regulations made for the purposes of Section 360; or
  - (b) to adopt the draft code as its code of meeting practice.
- (2) If the Council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the Council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.

#### **363. Amendment of the code**

A Council may amend a code adopted under this Part by means only of a code so adopted.

#### **364. Public availability of the code**

- (1) The code of meeting practice adopted under this Division by a Council must be available for public inspection free of charge at the office of the Council during ordinary office hours.
- (2) Copies of the code must be available free of charge or, if the Council determines, on payment of the approved fee.

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**Division 2 - Other Provisions Concerning Council Meetings****365. How often does the Council meet?**

The Council is required to meet at least 10 times each year, each time in a different month.

**366. Calling of extraordinary meeting on request by Councillors**

If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request.

**367. Notice of meetings**

- (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- (3) A notice under this section and the Agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, Agenda and business papers in that form.

**368. What is the quorum for a meeting?**

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.

**369. Who presides at meetings of the Council?**

- (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.
- (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.

**370. What are the voting entitlements of Councillors?**

- (1) Each Councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

**371. What constitutes a decision of the Council?**

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.

**372. Rescinding or altering resolutions**

- (1) resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 and, if applicable, the council's code of meeting practice.

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- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's Code of Meeting Practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- (7) The provisions of this section concerning negated motions do not apply to motions of adjournment.

### 373. Committee of Council

A Council may resolve itself into a Committee to consider any matter before the Council.

### 374. Certain circumstances do not invalidate Council decisions

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 disclose a pecuniary 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 section 451, or
- (e) a failure to comply with the code of meeting practice.

### 375. Minutes

- (1) The Council must ensure that full and accurate Minutes are kept of the proceedings of a meeting of the Council.
- (2) the Minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.

### 376. Attendance of General Manager at meetings

- (1) The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.



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- (2) The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
- (3) However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager.

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## **CHAPTER 14 - PART 2 - DUTIES OF DISCLOSURE**

### **Division 1 - Preliminary**

#### **441. Who are "designated persons?"**

For the purposes of this Chapter, designated persons are:

- the General Manager
- other senior staff of the Council
- a person (other than a member of the senior staff of the Council) who is a member of staff of the Council or a delegate of the Council who holds a position identified by the Council as the position of a designated person because it involves the exercise of functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest.
- a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions under this or any other Act (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

#### **442. What is a "pecuniary interest?"**

- (1) For the purposes of this Chapter, a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter of if the interest is of a kind specified in section 448.

#### **443. Who has a pecuniary interest?**

- (1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
  - (a) the person; or
  - (b) another person with whom the person is associated as provided in this section.
  - (c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (2):
  - (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
  - (b) just because the person is a member of, or employed by, a council or a statutory body or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the

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matter, so long as the person has no beneficial interest in any shares of the company or body.

**444. What disclosures must be made by a Councillor?**

A Councillor:

- (a) must prepare and submit written returns of interests in accordance with section 449; and
- (b) must disclose pecuniary interests in accordance with section 451.

**445. What disclosures must be made by a designated person?**

A designated person:

- (a) must prepare and submit written returns of interests in accordance with section 449; and
- (b) must disclose pecuniary interests in accordance with section 459.

**446. What disclosures must be made by a member of a Council Committee?**

A member of a Council Committee, other than a committee that is wholly advisory, must disclose pecuniary interests in accordance with section 451.

**447. What disclosures must be made by council advisers?**

A person giving advice to the Council at a Council or Council Committee meeting must disclose pecuniary interests in accordance with section 456.

**448. What interests do not have to be disclosed?**

The following interests do not have to be disclosed for the purposes of this Chapter:

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) an interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument, other than an instrument that effects a change of the permissible uses of:
  - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the



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- land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
- (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i),  
if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
  - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
  - (ii) security for damage to footpaths or roads,
  - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,
- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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<b>DISCLOSURE OF INTERESTS</b>						
How and when disclosed and nature of interests disclosed	Councillor	Member of council committee	Council advisor	General manager	Senior staff member	Staff member, delegate or committee member, holding "designated person" position (s 441)
• At meetings: Pecuniary interests (ss 451, 456)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x	x	x
• In dealings with council matters: Pecuniary interests (s 459)	x	x	x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>PENALTIES FOR BREACH OF DISCLOSURE REQUIREMENTS (S 482)</b>			
Councillor	Committee member	Council adviser	Council employee
<ul style="list-style-type: none"> <li>• Counselling</li> <li>• Reprimand</li> <li>• Suspension from civic office for up to 2 months</li> <li>• Disqualification from civic office for up to 5 years</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling</li> <li>• Reprimand</li> <li>• Suspension from the committee for up to 2 months</li> <li>• Disqualification from membership of any council committee for up to 5 years</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling</li> <li>• Reprimand</li> <li>• Suspension as council advisor for up to 2 months</li> <li>• Disqualification as council advisor for up to 5 years</li> </ul>	<ul style="list-style-type: none"> <li>• Counselling</li> <li>• Reprimand</li> <li>• Recommend taking of disciplinary action by the council</li> <li>• Recommend dismissal</li> </ul>

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**Division 2 - Disclosure of Interests in Written Returns**

**449. Returns disclosing interests of Councillors and designated persons**

- (1) A councillor or designated person must complete and lodge with the General Manager, within 3 months after becoming a councillor or designated person, a return in the form prescribed by the regulations.
- (1A) A person must not lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- (2) A person need not lodge a return within the 3-month period after becoming a Councillor or designated person if the person lodged a return in the previous year or if the person ceases to be a Councillor or designated person within the 3-month period.
- (3) A Councillor or designated person holding that position at 30 June in any year must complete and lodge with the General Manager within 3 months after that date a return in the form prescribed by the Regulations.
- (4) A person need not lodge a return within the 3-month period after 30 June in a year if the person lodged a return under subsection (1) within 3 months of 30 June in that year.
- (5) Nothing in this section prevents a Councillor or designated person from lodging more than one return in any year.
- (6) Nothing in this section or the regulations requires a person to disclose in a return lodged under this section an interest of the person's spouse or de facto partner or a relative of the person.

**450. Returns disclosing interests of Councillors and designated persons**

Repealed

**450A. Register and tabling of returns**

- (1) The general manager must keep a register of returns required to be lodged with the general manager under section 449.
- (2) Returns required to be lodged with the General Manager under section 449 must be tabled at a meeting of the council, being:
  - (a) in the case of a return lodged in accordance with section 449 (1)—the first meeting held after the last day for lodgement under that subsection, or
  - (b) in the case of a return lodged in accordance with section 449 (3)—the first meeting held after the last day for lodgement under that subsection, or
  - (c) in the case of a return otherwise lodged with the general manager—the first meeting after lodgement.



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### Division 3 - Disclosure of Pecuniary Interests at Meetings

#### 451. Disclosure and presence in meetings

- (1) A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.

**Note:** The Code of Conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.

#### 452. Participation in meetings despite pecuniary interests

Repealed  
(rep Act No 112, 2000)

#### 453. Disclosures to be recorded

A disclosure made at a meeting of a Council or Council Committee must be recorded in the Minutes of the meeting.

#### 454. General disclosure

A general notice given to the General Manager in writing by a Councillor or a member of a Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:

- (a) a member, or in the employment, of a specified company or other body;  
or
- (b) a partner, or in the employment of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.

#### 455. Powers of Council in relation to meetings

Repealed  
(rep Act No 112, 2000)

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**456. Disclosure by adviser**

- (1) A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser.

**457. Circumstances in which Secs.451 and 456 are not breached**

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**458. Powers of Minister in relation to meetings**

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council Committee who has a pecuniary interest in a matter with which the Council is concerned and who is present at a meeting of the Council or Committee to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

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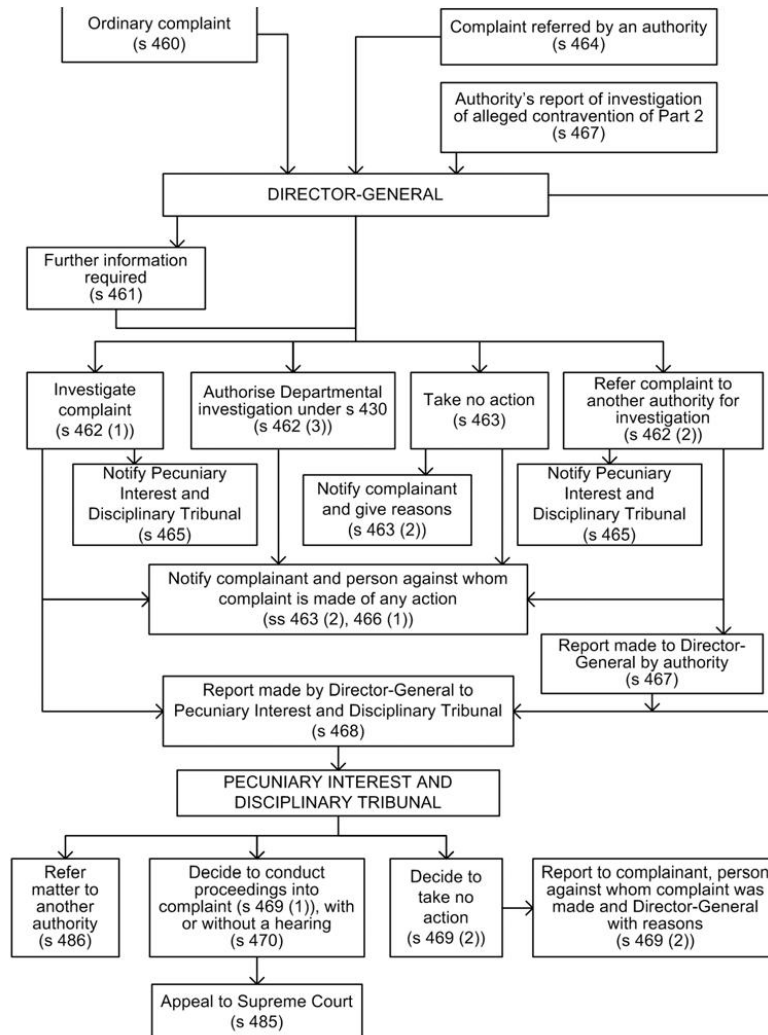
**Division 4 - Disclosure of pecuniary interests in Council dealings**

**459. Disclosure of pecuniary interests when dealing with Council matters**

- (1) A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing.
- (1A) However, subsection (1) does not require a designated person who is a member of staff of the Council to disclose such a pecuniary interest if the interest relates only to the person's salary as such a member of staff or to his or her other conditions of employment or the like.
- (2) The General Manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- (3) A disclosure by the General Manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the Council and the Council must deal with the matter to which the disclosure relates or refer it to another person to deal with.



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## **ANNEXURE II**

### **Rescinding/Alteration Notes of a Council Resolution**

The following notes are provided to assist Councillors and staff who have to respond to public enquires with the 'rules' which relate to rescission motions.

### **Court Decisions**

Several court decisions have been handed down which establish some principles concerning a Council's ability to rescind or alter a previous resolution. Several of these decisions, relate mainly to town planning issues, however they have been applied in other situations, as can be seen from the cases quoted below.

**1. Ex parte Renouf, re Waverley Municipal Council (1924)  
24 S.R 463**

This involved an application for subdivision approval, but for present purposes there is an analogy to be drawn between an application for subdivision approval and an application for building approval. In the course of his judgement Street, ACJ said,

"Before a decision on an application has been communicated to the applicant and, therefore, before it can have been acted on in any way, I can see no reason why the Council should not reconsider any determination it may have come to."

"... as long as the Council keeps within the period of 40 days mentioned in s. 341, I see nothing in the language of the Act to prevent it from reconsidering an uncommunicated determination, which may have been ill-considered or too hastily formed. Whether there is any power to recall or reconsider a decision arrived at in good faith, after an applicant has been notified of it, is a matter which is not before us for consideration, and which we need not consider."

**2. Ex parte Wright, re Concord Municipal Council (1925)  
(LGLR Vol 7; page 79)**

That was again an application for subdivision approval. The applicant there had in fact commenced to build on the land on the basis of a valid subdivision having been approved prior to the purported intervention of the Council to rescind its approval. It was held on the facts of that case that, the applicant having been informed by the Council of its resolution and having acted upon the faith of the information conveyed to him by Council, he was immune from subsequent interference by the Council with his continuing the building work.

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**3. Ex parte Forssberg, re Council of the Shire of Warringah (1927)  
(LGR Vol 8 Page 74)**

The Full Court was concerned with a subdivision application. In that particular case the applicants had been in correspondence with the Shire Clerk, and, in reliance upon an intimation in that correspondence that the application had been approved they commenced to carry out work consequent upon their belief that the subdivision had been approved. In the course of his judgement Ferguson J, with whom the other two judges concurred, said:

“ I have not doubt he would have the right to compel the Council to affix the seal, but the Council, where it has in fact approved of a plan and notified its approval cannot disavow the approval by reason of its own neglect to comply with the ordinance by affixing the seal.”

**4. Little v. Fairfield Municipal Council (1962)  
(LCRA Vol 8, page 64)**

Again subdivision case. The Council had duly notified the owner of its approval of the subdivision, but it subsequently refused to seal the plan and purported to impose additions. Richardson J referred to the reliance placed by the respondent company upon Ex parte Renouf, and his Honour said:

“... the Full Court held that a Council acted within power in rescinding approval and in refusing the application, but that case is clearly distinguishable since the approval which was rescinded had not been notified. In my opinion, the principle in Forssberg's case did not rest upon the matter of expense involved in preparing a new plan and specifications or inconvenience in undertaking additional construction work, but upon the principal that a Council, having accepted a plan of subdivision and communicated that acceptance, cannot afterwards reject it.”

**5. Mosman Municipal Council v. Bosnich (1969)  
(L.G.R.A Vol 17 page 74)**

Hardie J considered an application by Mosman Council for an injunction to prevent constructor of building and a resolution of the Council to rescind a building approval. His Honour said:

“It is reasonably clear from the language of the legislation and from the principles established by decisions on approvals and consents under the Act that an approval when communicated and acted upon by the applicant is no longer capable of being rescinded by the Council.”

Although his Honour did not cite authority for that statement, he clearly had in mind the cases referred to in this annexure.



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6. **Ku-ring-gai Municipal Council v. Little (1970)**  
(L.G.R.A Vol 18; page 380)

In this instance the application was for development consent under the relevant part of the Local Government Act when a subsequent building application was lodged it was refused by the Council and the Council also purported to revoke and recall the development consent. His Honour Hardie J mentioned the cases of *Little v. Fairfield Municipal Council* and *Mosman Municipal Council v. Bosnich* as being of interest, but as not necessarily providing the answer to the issue before the Court in that case. His Honour held:

"Having regard to the relevant provision of Pt. XIIA of the Act and of the Ordinance it is reasonably clear in my view that a valid consent decided upon by a responsible authority and communicated to the applicant cannot be revoked or recall by the responsible authority. The decision so made and communicated is irrevocable."

7. **Shanahan v. Others v. Strathfield Council (1973)**  
(L.G.R.A Vol 18; page 380)

Concerned a building approval granted but then rescinded by the Council. It is common ground that no formal notification was given to the plaintiffs of the terms either of the resolution of the Council at its meeting on 11<sup>th</sup> September 1973 or of the resolution at the meeting of 25<sup>th</sup> September 1973. In fact the second plaintiff is an alderman of the Council, and, although he properly absented himself both from the Council meeting and the Committee as a whole when the business concerning himself was under consideration, he became aware informally immediately upon rejoining the meeting of what had taken place during his absence.

**Held:** (1) That formal communication, as distinct from informal knowledge, was necessary before a Council is prevented from revoking or modifying a building approval. (2)...(3)...(4) That, in consequence, no valid and presently operative building approval was held by the plaintiffs and the summons should be dismissed.

8. **Hall v. Ku-ring-gai Council (1990)**  
(L.G.R.A Vol 70, page 385)

The Council resolved on 30 January 1990 to grant Cr Hall "leave of absence until such time as the Council's legal action (against Cr Hall) and all matters pertaining thereto, had been concluded". On 6 March 1990 the Council sought to rescind the 30 January 1990 resolution and resolved that leave of absence granted to Cr Hall be confirmed to the period 31 January 1990 to 6 March 1990 only, noting that the legal action was contemplated to commence on 18 and 19 April 1990.

**Held:** The resolution of 6 March 1990 was also invalid as the Council's power to grant leave of absence is to be exercised once in relation to any particular request and once exercised is beyond the power of recall of any rescission motion under clause 25 of Ordinance 1.

Local Government Act extracts as at 30 September 2005

9. **Panagopoulos v. Willoughby City Council (1992)**  
(78 L.G.E.R.A 270, page 270)

Communication of the Council's determination of the application was complete upon the oral notification thereof to the applicant at the Council meeting of 2 December 1991 and accordingly the Council's purported later incorporation of additional conditions therein was null and void.



Warringah Council

## REQUEST TO ADDRESS COUNCIL

DATE OF COUNCIL MEETING: .....

NAME: .....

ADDRESS: .....

TELEPHONE NO: .....

GROUP REPRESENTED: .....

(if applicable).....

.....

### DO YOU WISH TO:

☐ Make a statement at Public Forum

☐ Ask a question at Public Forum

☐ Address agenda item no. ....

*please provide details of matter to be discussed:* .....

.....

.....

.....

.....

.....

### NOTE:

The proceedings of all Council Meetings in open session are webcast live and recorded for public record and are available for listening by members of the public. Speakers do not have absolute privilege (parliamentary privilege) in respect of anything said or any material presented to the Meeting.

All requests are to be made to the Co-ordinator Governance by 3 pm on the Monday prior to the meeting. Where the day preceding is a public holiday a request must be received no later than 9.30am on the day of the Council Meeting.

Please phone 9942 2737 or email [councilmeetings@warringah.nsw.gov.au](mailto:councilmeetings@warringah.nsw.gov.au) to register.

Council Meetings commence at 6.00pm. *Please refer to guidelines*



**GUIDELINES – REQUEST TO ADDRESS COUNCIL**

**Applications to Address Council**

- A member of the public may be granted permission to address Council during Public Forum where such a request is received by the General Manager (or his delegate) no later than 3.00pm on the day preceding the Council meeting. Where the day preceding is a public holiday a request must be received no later than 9.30am on the day of the Council Meeting. This provision is subject to: -
  - Public Forum will be for a period of no more than thirty (30) minutes, unless otherwise determined by Council.
  - Each speaker being permitted to address Public Forum for up to three (3) minutes.
  - Each speaker being limited to one (1) question or statement on any one item on the Agenda or otherwise related to Council business.
  - No member of the public being entitled to address Public Forum on a rescission motion, except where Council resolves that such speaker be allowed on the basis of exceptional circumstances.
- Applications to address Council are subject to the following qualifications:
  - Requests to address the Public Forum at Council to the Community Meetings will be limited to local issues.
  - Each address shall be limited to three (3) minutes, and the Council may resolve to extend the address by one further three (3) minutes if considered appropriate.
- The proceedings of all Council Meetings in open session are recorded and webcast live for public record.
- Webcast archives are available to the public on Council's website.
- Council accepts no responsibility for any defamatory comments made by the speaker in respect of anything said or any material presented to the Meeting.

**Addressing Council – Application Process**

- All requests are to be made to the Co-ordinator Council and Executive Support by 3 pm on the Monday prior to the meeting. Where the day preceding is a public holiday a request must be received no later than 9.30am on the day of the Council Meeting. Please phone 9942 2737 or email [councilmeetings@warringah.nsw.gov.au](mailto:councilmeetings@warringah.nsw.gov.au) to register.
- Applicants shall state:
  - Their name, address and contact telephone number;
  - Organisation or group they are representing (if applicable);
  - Details of the issue to be addressed and the item number of the report in the Business Paper (if applicable) or the question to be presented to the meeting;
  - Whether they are opposing or supporting the issue or matter (if applicable).

**Previous Speakers and Agenda Items**

- Where the speaker has previously addressed Council further applications to address Council will only be accepted if new issues are to be introduced. Issues previously raised are not to be re-canvassed.
- This will not preclude residents addressing Council for the first time on a matter that has previously been the subject of a public forum presentation, question or statement albeit that they intend to raise issues that were previously raised in the public forum.
- Where an address relates to an item on the Council meeting Agenda, Council staff are not obliged to provide an answer to the speaker's question or statement.

**Replies to Speakers**

- Where an address relates to an issue of general interest, the Mayor or General Manager may provide a reply to the speaker at the conclusion of the address.

Deleted: Applications

Deleted: applicant

- If a formal reply or research is required, the General Manager shall respond in writing to the speaker.

**Conduct of Speakers**

Speakers should conduct themselves with due respect to the Council and observe the Code of Conduct and Code of Meeting Practice, ie not disrupt the conduct of the meeting and to treat all people with respect, and courtesy, and not make defamatory comments. In the event that a speaker does not conduct themselves accordingly, the Chairperson may request the speaker to apologise, desist from the inappropriate behaviour, return to the public gallery and/ or otherwise enact provisions of Council's Code of Meeting Practice.



## Guidelines for Strategic Reference Groups

### INTRODUCTION

Warringah Council created Strategic Reference Groups in March 2010 to provide community representatives with an opportunity to participate in the discussions and decisions regarding the future direction of Warringah. Warringah Council is committed to community engagement and the Strategic Reference Groups are a key element within the Community Engagement Framework. They work alongside a number of Community Committees, regional bodies, community-based groups, residents, other stakeholders and working groups as part of a comprehensive engagement planning process.

2013 saw the adoption of the Community Strategic Plan, Warringah's plan for 2013-2016, identifying key outcomes and objectives for the local area. The outcomes and objectives were the result of extensive community consultation including workshops with the Strategic Reference Groups and have been validated by the community as the focus for the Warringah area over the next 10 years. With the development of these long term visions there was an opportunity to realign the Strategic Reference Groups with the key outcomes and objectives and to provide the parameters and direction for the Groups considerations over the next 4 years.

There are six (6) Community Strategic Plan outcomes and these have been combined to create the following four (4) Strategic Reference Groups:

SRG	Outcome	Objectives
No. 1	<b>Vibrant Community</b> Our community is enhanced in its cultural life, connections and wellbeing - catering for all generations and needs	1.1 We have the services to promote and deliver health and wellbeing
		1.2 We are safe and protected at home and in public, and we respect each other and the area
		1.3 We support and care for all our community members and provide opportunities to connect and belong
		1.4 We value our heritage and cultural diversity, celebrating together and fostering creativity
	<b>Working Together</b> Our community actively participates in decision-making; Our leadership and management is responsive, building effective partnerships and planning for the future	6.1 We are effectively represented, can provide our opinion, and contribute to decisions that impact Warringah
		6.2 We trust our politicians and public officers and they demonstrate leadership, transparency, accountability and deliver effective services
		6.3 We participate in effective partnerships and collaboration for now and the future
No 2	<b>Lifestyle and Recreation</b> Our lifestyle is enriched through sport and recreation and outdoor enjoyment in an attractive setting	2.1 We have access to a diverse range of recreational facilities that meet the needs of the community and sporting groups
		2.2 We access attractive parks and natural areas that encourage and support a safe healthy lifestyle
		2.3 We have inviting public spaces that are clean, green and well designed
No 3	<b>Healthy Environment</b> Our natural environment is healthy and well-protected and we strive for a sustainable future	3.1 We value the health of our beaches, foreshores and waterways as natural habitats and for our enjoyment
		3.2 We protect and sustain our diverse bushland as valuable habitats, and provide for a variety of wildlife to flourish and migrate
		3.3 We strive to live and work more sustainably to reduce our ecological footprint
		3.4 We effectively plan for and respond to natural hazards and climate change in a sustainable way



Guidelines – Strategic Reference Groups

No 4	<b>Connected Transport</b> Our transport connections effectively allow us to get around for living, working and learning within and outside Warringah	4.1 We have an effective interconnected public transport system that is safe, efficient and affordable
	<b>Liveable Neighbourhoods</b> Our growing community's diverse needs are met for living, working and learning in an attractive urban environment	4.2 We use a well-designed and functioning road network, and an available range of travel options
		4.3 We can conveniently access parking near transport hubs and close to urban centres
		4.4 We can safely and conveniently walk or ride around Warringah
		5.1 We have attractive and functional urban and commercial centres that adapt to the needs of residents and business
		5.2 We encourage and support a diversity of businesses that provide a range of services and employment opportunities
		5.3 We offer a variety of housing choice that meets the needs of our community and complements local neighbourhoods and the Warringah lifestyle
		5.4 We have access to a range of local educational and training opportunities that complements the local economy

Once a Strategic Reference Group is formally established by Council, and its members are appointed, all members are required to observe and adhere to these guidelines.

This document provides members with guidance on the responsibilities of Strategic Reference Groups in Warringah and is divided into the following sections:

- 1. Purpose, Objectives & Scope**
- 2. Membership, Roles & Responsibilities**
- 3. Strategic Reference Group Operations**
- 4. Council's Values**
- 5. Evaluation, Reporting & Accountability**
- 6. Relationships**
- 7. Code of Conduct Obligations**

Members of Strategic Reference Groups who require clarification on any matter included in these guidelines should contact Warringah Council's Governance Team on 9942-2444.





## Guidelines for Strategic Reference Groups

### 1 Purpose, Objectives & Scope

#### 1.1 Purpose

Strategic Reference Groups provide interested community members and other stakeholders with meaningful opportunities to contribute to and participate in the Council decision making process and helping shape Council plans, policy and practice.

#### 1.2 Objectives

Strategic Reference Groups are established by Warringah Council to:

- Provide a structured approach to the ongoing involvement of community members in Council affairs and the democratic process
- Contribute to and complement other elements of Council's broader engagement framework in accordance with its Community Engagement Principles
- Harness the views and expertise of the wider community
- Provide participation opportunities (based on the International Association for Public Participation Spectrum\*) for community members:
  - To be informed about and consulted on the key strategic projects affecting Warringah and the local government area
  - To be involved with and have the ability to collaborate with staff and councillors on strategic issues to assist in achieving the long term goals of Warringah and the local government area
- Provide opportunities for community members to have a deeper level of understanding of Council's processes and facilitate greater understanding between Council and the community
- Consider the strategic issues of Community Committees established by Council

(\*) International Association for Public Participation Spectrum

#### IAP2 PUBLIC PARTICIPATION SPECTRUM

INCREASING LEVEL OF PUBLIC IMPACT				
INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision, including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.

## Guidelines – Strategic Reference Groups

### **1.3 Scope**

Each Strategic Reference Group operates according to these Guidelines and to the relevant Charter attached to these Guidelines.

The Guidelines and the Charters for Strategic Reference Groups are adopted by resolution of Council and may be amended by Council from time to time.

The Charters for the Community and Culture, Environmental Sustainability, Infrastructure and Development and Recreation and Open Space Strategic Reference Groups were adopted on 23 March 2010 and were superseded by the current Charters for:

No 1 Strategic Reference Group – 24 September 2013

No 2 Strategic Reference Group – 24 September 2013

No 3 Strategic Reference Group – 24 September 2013

No 4 Strategic Reference Group – 24 September 2013

### **1.4 Term**

The term for the Strategic Reference Groups is four (4) years commencing:

- For councillors after a general election.
- For community and other members 12 months after a general election of councillors.

All councillor memberships will cease at the time of the general election and new councillors should be appointed to Strategic Reference Groups at the first Council Meeting following the general election.

To assist with maintaining effectiveness and the continuity of knowledge within the groups the terms of councillors and community members have been staggered. The aim is for established members to provide assistance to incoming councillors after the general election and 12 months later, reciprocally from councillors to incoming community members.

Notwithstanding the above, councillor members cease to hold office at the general election of councillors and all community representatives cease to hold office twelve months after the general election of councillors. Council may also otherwise resolve to dissolve a Strategic Reference Group or release individual members at any time.

### **1.5 Establishment & Dissolution of Strategic Reference Groups**

Strategic Reference Groups are established by resolution of Council. The Strategic Reference Groups referred to in these Guidelines were established by Warrindah Council at its meeting of 24 September 2013. Council may dissolve a Strategic Reference Group at any time.

### **1.6 Limitation of Powers**

Strategic Reference Groups report directly to the elected Council – they do not have the authority to instruct staff, spend Council funds or to make decisions on Council's behalf, but they are entitled to provide reports and recommendations to Council.

Strategic Reference Groups do not have Council functions delegated to them under the *NSW Local Government Act 1993*. Council retains the authority to make final determinations on matters including those considered by Strategic Reference Groups.

## **2 Membership, Roles & Responsibilities**

Membership of each Strategic Reference Groups will, unless otherwise determined by Council and reflected in the relevant Charter will comprise of up to two (2) councillors, including the Chairperson (and, where resolved, the Deputy Chairperson) and up to ten (10) community representatives.

Non-voting experts or stakeholders may be appointed to Strategic Reference Groups as detailed in the relevant Charter.

The appointment of community representatives will be in accordance with Council's Policy PL-755 Appointment of Community & Other Stakeholder Representatives - Council Committees.

Guidelines – Strategic Reference Groups

**2.1 Eligibility**

All councillors are eligible for membership of one (1) Strategic Reference Group.

Community representatives must reside within, or otherwise have a strong affiliation with, the Warringah local government area. They must be able to demonstrate a high level of interest, experience and/or expertise relevant to the Strategic Reference Group's Charter.

An individual may only serve as a community representative on one (1) Strategic Reference Group at a time and can only serve for two (2) terms, consecutive or otherwise.

Non-voting experts or stakeholders of the Strategic Reference Group must possess such skills, expertise, experience or special affiliation as detailed in the relevant Charter.

**2.2 Selection**

Council will advertise seeking nominations for community representation on Strategic Reference Groups. The selection of members will be undertaken in accordance with Council policy PL-755 Appointment of Community & Other Stakeholder Representatives Policy - Council Committees

**2.3 Induction & training**

All members of Strategic Reference Groups will be required to undertake a course of induction within 6 months of appointment. The General Manager will be responsible for determining the nature and delivery of induction to members, as well as any other training considered necessary.

**2.4 Replacement of Members**

Where a vacancy becomes available on a Strategic Reference Group, that vacancy may be filled:

- In the case of a councillor member, by resolution of Council appointing a new councillor member to the Group
- In the case of a community representative, by the same selection process applied to members following reconstitution of Strategic Reference Groups 12 months after each general election of Councillors.

**2.5 Responsibilities of Members**

All members:

- Are required to observe and adhere to these guidelines.
- Have an obligation to objectively consider and actively participate in Group deliberations.
- Must abide by Council's Values of Respect, Integrity, Teamwork, Excellence and Responsibility (see Item 4 for full details) as well as other obligations that apply both legally and ethically as contributors to Council decision making.
- Must ensure that they are aware of their obligations under Council's 'Code of Conduct Standards for Community & Other Representatives – Council Advisory Committees'
- Must maintain confidentiality where appropriate.
- Should make an effort to attend as many meetings as possible, make a positive contribution on behalf of the Warringah community and actively engage members of the community about Group deliberations.
- Commit to reading all information contained within the business papers for each meeting.
- Be aware that they do not, by virtue of membership of a Strategic Reference Group, have the authority to make representations to the media on Council's behalf.
- Be mindful that they have a responsibility to represent not only their views but also that of their 'community' ie neighbours, friends, family, colleagues, group members etc' to present an unbiased point of view in discussions.



Guidelines – Strategic Reference Groups

- Should share the work of the Strategic Reference Group with their 'community' ie neighbours, friends, family, colleagues, group members.

## **2.6 Responsibilities of Council**

Council will:

- Resource meetings of Strategic Reference Groups and ensure the efficient carriage of functions related to their operation.
- Acknowledge the value of the Strategic Reference Groups and their members and give genuine consideration to the direction, input and feedback provided by those Groups.
- Ensure that the Strategic Reference Groups are aware of how their advice and recommendations have been considered in a timely manner.
- Provide only the necessary information within the business papers for each meeting. References for further reading can be provided.
- Provide a Liaison Officer as the central point of contact for members and the Chairperson.

## **3 Strategic Reference Group Operations**

### **3.1 Notice of Meetings & Agenda Distribution**

Notice of meetings of Strategic Reference Groups is to be provided to members by Council officers not less than five (5) days prior to the meeting and wherever possible distributed electronically. This should also be made available to the public on Council's website not less than three (3) days prior to the meeting.

The meeting notice is to include an Agenda listing each item of business to be dealt with at the meeting. This Agenda is to be prepared by Council officers in consultation with the Chairperson of each Strategic Reference Group.

Where a member of a Strategic Reference Group would like a matter included on the next meeting Agenda, this matter is to be referred by the member to the relevant Chairperson for consideration of whether it meets the strategic focus of the group then referral to Council officers no less than three (3) weeks prior to the meeting.

### **3.2 Frequency, Timing & Duration of Meetings**

Strategic Reference Groups are held every 2 months and are scheduled on the second Tuesday in August, October, December, April, June. February's meetings will be held on the third Wednesday of February as there are two Council Meetings held in February.

All four (4) Strategic Reference Group meetings will be held on the same evening and where appropriate joint meetings will be held where there are opportunities for joint discussions and/or updates on matters of common interest.

Unless otherwise determined by a majority of members, meetings of Strategic Reference Groups will commence at 6.30pm. Meetings are to be no longer than (2) hours in length, unless the closing time is extended by a majority decision by up to thirty (30) minutes. Any business not dealt with at the close of a meeting is to be carried forward to the next meeting of the Strategic Reference Group.

### **3.3 Attendance at Meetings**

#### **3.3.1 Members**

All members are expected to attend Strategic Reference Group meetings or otherwise tender their apologies in advance of the meeting to either the Chairperson or the Council officer responsible for coordinating meetings of the Group.

#### **3.3.2 Staff**

The General Manager, Deputy General Managers and Liaison Officers are entitled to attend meetings of the Strategic Reference Groups and will also ensure that appropriate Council officers are in attendance.

Guidelines – Strategic Reference Groups

### 3.3.3 Observers

Councillors and members of the public who are not members of a Strategic Reference Group may attend meetings of the Group as observers. In their capacity as observers they are not entitled to participate in discussions unless invited by the Chairperson or to vote on matters discussed at the meeting. Generally, participation by observers will be limited to representations of no more than three (3) minutes unless otherwise determined by the Strategic Reference Group. Observers may not table documents that have not been included in the Agenda for a meeting unless permitted by the Chair.

### 3.4 Conduct of Meetings

The Chairperson directs the progress of all Strategic Reference Group meetings. Subject to any determination by the Chairperson, each item is to be dealt with in the order in which it appears on the Agenda.

Meetings will be structured as to allow both the formal tasks required at each meeting to be carried out and an opportunity for members to participate in discussions and provide their opinions in a workshop format.

The meetings will be split into two sections:

#### Formal - Inform/Consult IAP2 Participation Level

- Confirmation of minutes of previous meeting,
- Review of Community Committee minutes
- Council staff providing updates to the members on the key projects that relate to the Community Strategic Plan's outcomes for each Group.

#### Informal/ Workshop Style - Involve/Collaborate IAP2 Participation Level

Council staff will bring topics and issues to the Groups to be workshopped with the aim of members providing direction, a position statement or solutions.

### 3.5 Meeting Ground Rules

- Preparation is key to a successful meeting – arrive with pre reading completed and be familiar with all agenda items
- Start and finish the meeting on time
- Keep focus on the purpose and goals of SRG
- Keep to agenda items & times
- Keep personal issues out of the meeting
- Use a parking lot to record complex or off topic ideas for later
- Respect and value the idea and contributions of everyone
  - Be open minded
  - Be patient with each others
  - No such thing as silly question or idea
  - One speaker at a time & speak through the Chair
- Meetings happen 'in the room'
- Be 'present'
  - Phones off
  - Active listening
  - Follow agenda
- Have fun and use humour where appropriate

Guidelines – Strategic Reference Groups

### **3.6 Chairperson**

The Chairperson of each Strategic Reference Group is to be a councillor appointed by resolution of Council at the same meeting that Councillor membership of Strategic Reference Groups is determined. Council can also resolve to elect another councillor as Deputy Chairperson for each Strategic Reference Group.

The Chairperson directs the progress of all Group meetings in particular:

- Facilitates the smooth operation of meetings
- Ensures the Strategic Reference Group operates efficiently and appropriately in accordance with its Charter and these Guidelines
- Acts as a central point of contact and spokesperson for the Strategic Reference Group

In the event that the Chairperson is unable to be present at a meeting of a Strategic Reference Group, the Deputy Chairperson will carry out the duties of Chairperson at that meeting.

To encourage good meeting practice the Chairperson and Deputy Chairperson will be offered Chairperson training.

### **3.7 Quorum**

A quorum for any meeting of a Strategic Reference Group will comprise a majority of voting members of the Group [including at least one Councillor] excluding any vacant positions.

In the event that a quorum is not present fifteen (15) minutes after the scheduled commencement time for a meeting, members may remain to discuss matters, but cannot make any formal decisions other than to determine the date, time and place of the next meeting.

No member should be absent for more than two (2) consecutive meetings of a Strategic Reference Group without first seeking, and being granted, leave by the relevant Group. If a member is not in attendance for two (2) consecutive meetings without being granted leave, their membership of the Strategic Reference Group will be re-evaluated by the Governance team in conjunction with the Chairperson.

### **3.8 Voting**

Strategic Reference Group meetings should have the intention of reaching consensus and a commitment to consensus decision making. It will be at the discretion of the Chairperson when a matter is to be put to the vote. In such circumstances voting is to be by way of a show of hands. For a vote to be carried the matter must be supported by a majority of members present, with the Chairperson having a casting vote in the event the vote is tied.

Councillor Members, Community Members and all Other Members so determined by the Charters of relevant Strategic Reference Groups will be entitled to one vote at meetings of Strategic Reference Groups.

### **3.9 Minutes**

Minutes will be maintained for all Strategic Reference Group meetings and notes will be taken from workshops.

Draft Minutes will be circulated for information and comment by members prior to posting on Council's website and referral to Council where they may be accompanied by comments from Council officers in relation to impact on policy, finance or delivery of the Strategic Community Plan. Any determinations made by Council in relation to the Minutes will be communicated to the Group. The draft Minutes will also be formally confirmed at a subsequent meeting of the Strategic Reference Group.

### **3.10 Working Groups**

Strategic Reference Groups may from time to time establish, or be requested to establish, working groups of members in relation to specific issues. These working groups will report to the relevant Strategic Reference Group and, through their minutes, subsequently to Council.



## Guidelines – Strategic Reference Groups

**3.11 Resourcing**

Meetings of Strategic Reference Groups will be held in venues provided by Warringah Council. Council officers will be responsible for the preparation and distribution of Agendas and Minutes, and for recording of Minutes at Group Meetings. Light refreshments will be provided by Council to members prior to meetings.

**4 Council's Values**

All members of Strategic Reference Groups, and all attendees at meetings of the Groups, are expected to observe Warringah Council's adopted Values. They are:

**Respect** *Treat others with kindness and courtesy. Communicate openly, honestly and in a timely manner. Acknowledge the values, ideas and contributions of others*

**Integrity** *Deliver on commitments. Act fairly and ethically. Apply sound judgement and common sense. Be consistent in decisions and actions. Act lawfully in all dealings*

**Teamwork** *Value all members and their contributions. Share knowledge and skills with others. Work together with initiative and enthusiasm. Acknowledge contributions and celebrate success*

**Excellence** *Welcome, encourage and support new ideas and initiative. Encourage continuous improvement, learning and evaluation. Lead by example. Use resources productively. Encourage flexibility.*

**Responsibility** *Focus on agreed priorities and meet obligations. Be accountable for actions and outcomes. Be proactive in learning and development. Strive for best possible performance*

**5 Evaluation, Reporting & Accountability**

At the end of each Council term the Chairperson must report to Council on the overall contribution of the Strategic Reference Group. Reporting is to be undertaken in accordance with the standard reporting template provided by Council.

**6 Relationships**

The Minutes of all Strategic Reference Groups are to be posted on Council's website and Groups are to explore opportunities for joint discussions and/or working groups on matters of common interest.

Strategic Reference Groups are required to receive Minutes from Community Committees, as outlined in their respective Charters, and consider and make recommendations to Council regarding any of the strategic issues highlighted in those minutes.

**7 Code of Conduct Obligations**

All members of Strategic Reference Groups are to acknowledge and abide by their responsibilities under the Council's Code of Conduct Standards for Community & Other Representatives – Council Advisory Committees.



## CHARTER

### Strategic Reference Group No 1

#### 1 Establishment

This Strategic Reference Group was formally constituted by Warringah Council on 24 September 2013.

#### 2 Terms of Reference

The focus for Strategic Reference Group No 1 is to consider, review, contribute to and participate in discussions regarding the current major projects and future directions of Warringah to achieve the following long term Community Strategic Plan outcomes:

Vibrant Community	Our community is enhanced in its cultural life, connections and wellbeing - catering for all generations and needs	1.1 We have the services to promote and deliver health and wellbeing
		1.2 We are safe and protected at home and in public, and we respect each other and the area
		1.3 We support and care for all our community members and provide opportunities to connect and belong
		1.4 We value our heritage and cultural diversity, celebrating together and fostering creativity
Working Together	Our community actively participates in decision-making; Our leadership and management is responsive, building effective partnerships and planning for the future	6.1 We are effectively represented, can provide our opinion, and contribute to decisions that impact Warringah
		6.2 We trust our politicians and public officers and they demonstrate leadership, transparency, accountability and deliver effective services
		6.3 We participate in effective partnerships and collaboration for now and the future

In particular consideration should be given to:

- Community events, celebrating achievements and collaboration (ie Senior's Week, Youth Week, Children's Week, Australia Day celebrations, NYE celebrations, International Day of Disability, Carers Week, Volunteer Week etc)
- Community services, facilities & information (ie PCYC, Glen Street Cultural Hub, WAC, Childcare Centres, Community Centres/Space, Community Information, Social Media, Volunteers and Access issues in public places – Collaroy All abilities precinct etc)
- Creative arts and expression (ie Cultural Plan, Glen Street Cultural Hub, Community Art space, public art and entertainment etc)
- Cultural diversity and lifestyle (Inclusive of Pacific Islander, Tibetan and Indigenous communities, representation of new migrants to the LGA)
- Volunteering (ie encouragement of volunteering within Warringah)

## Charter – Strategic Reference Group – No 1

The No 1 Strategic Reference Group is to operate in accordance with both this Charter and Council's *Guidelines for Strategic Reference Groups*.

**3 Membership**

Membership of this Strategic Reference Group will comprise:

Councillors – Two (2) Councillors, including the Chairperson (and, where resolved, the Deputy Chairperson)

Community – Up to ten (10) members consisting of:

- Up to eight (8) community representatives from community organisations working with the community in Warringah, with a maximum of two (2) representatives from any one group.
- Two (2) members of the Warringah Youth Advisory Committee representing young people in Warringah.

NOTE : Community representatives (non-members) may be seconded to the Strategic Reference Group, for a specific period working under the direction of the Group investigating specific issues.

**4 Liaison Officer**

Deputy General Manager Community

Group Manager Community Services

**5 Community Committee Links**

Companion Animals

Heritage

**6 Charter Amendments**

Amendments to this Charter may only be made by resolution of Council.





## CHARTER

### Strategic Reference Group No 2

#### 1 Establishment

This Strategic Reference Group was formally constituted by Warringah Council on 24 September 2013.

#### 2 Terms of Reference

The focus for Strategic Reference Group No 1 is to consider, review, contribute to and participate in discussions regarding the current major projects and future directions of Warringah to achieve the following long term Community Strategic Plan outcomes

Lifestyle and Recreation	Our lifestyle is enriched through sport and recreation and outdoor enjoyment in an attractive setting	2.1 We have access to a diverse range of recreational facilities that meet the needs of the community and sporting groups
		2.2 We access attractive parks and natural areas that encourage and support a safe healthy lifestyle
		2.3 We have inviting public spaces that are clean, green and well designed

The No 2 Strategic Reference Group is to operate in accordance with both this Charter and Council's *Guidelines for Strategic Reference Groups*.

#### 3 Membership

Membership of this Strategic Reference Group will comprise:

Councillors – Two (2) Councillors, including the Chairperson (and, where resolved, the Deputy Chairperson)

Community – Nine (9) community members

Other – Up to two (2) other (non-voting) experts or stakeholders, as recommended to Council by the Strategic Reference Group.

#### 4 Liaison Officer

Deputy General Manager Environment

Group Manager Parks, Reserves & Foreshores

#### 5 Community Committee Links

Brookvale Park

Forestville RSL War Memorial Playing Fields

John Fisher Park

Stony Range Botanic Garden

#### 6 Charter Amendments

Amendments to this Charter may only be made by resolution of Council.



## CHARTER

### Strategic Reference Group No 3

#### 1 Establishment

This Strategic Reference Group was formally constituted by Warringah Council on 24 September 2013.

#### 2 Terms of Reference

The focus for Strategic Reference Group No 3 is to consider, review, contribute to and participate in discussions regarding the current major projects and future directions of Warringah to achieve the following long term Community Strategic Plan outcomes:

Healthy Environment	Our natural environment is healthy and well-protected and we strive for a sustainable future	3.1 We value the health of our beaches, foreshores and waterways as natural habitats and for our enjoyment
		3.2 We protect and sustain our diverse bushland as valuable habitats, and provide for a variety of wildlife to flourish and migrate
		3.3 We strive to live and work more sustainably to reduce our ecological footprint
		3.4 We effectively plan for and respond to natural hazards and climate change in a sustainable way

The No 3 Strategic Reference Group is to operate in accordance with both this Charter and Council's *Guidelines for Strategic Reference Groups*.

#### 3 Membership

Membership of this Strategic Reference Group will comprise:

Councillors – Two (2) Councillors, including the Chairperson (and, where resolved, the Deputy Chairperson)

Community – Nine (9) community members

Other – Up to two (2) other (non-voting) experts or stakeholders, as recommended to Council by the Strategic Reference Group

#### 4 Liaison Officer

Deputy General Manager Environment

Group Manager Natural Environment

#### 5 Community Committee Links

Dee Why & Curl Curl Lagoon

Warringah Coastal

#### 6 Charter Amendments

Amendments to this Charter may only be made by resolution of Council.



## CHARTER

### Strategic Reference Group No 4

#### 1 Establishment

This Strategic Reference Group was formally constituted by Warringah Council on 24 September 2013.

#### 2 Terms of Reference

The focus for Strategic Reference Group No 4 is to consider, review, contribute to and participate in discussions regarding the current major projects and future directions of Warringah to achieve the following long term Community Strategic Plan outcomes:

Connected Transport	Our transport connections effectively allow us to get around for living, working and learning within and outside Warringah	4.1 We have an effective interconnected public transport system that is safe, efficient and affordable
		4.2 We use a well-designed and functioning road network, and an available range of travel options
		4.3 We can conveniently access parking near transport hubs and close to urban centres
		4.4 We can safely and conveniently walk or ride around Warringah
Liveable Neighbourhoods	Our growing community's diverse needs are met for living, working and learning in an attractive urban environment	5.1 We have attractive and functional urban and commercial centres that adapt to the needs of residents and business
		5.2 We encourage and support a diversity of businesses that provide a range of services and employment opportunities
		5.3 We offer a variety of housing choice that meets the needs of our community and complements local neighbourhoods and the Warringah lifestyle
		5.4 We have access to a range of local educational and training opportunities that complements the local economy

The No 4 Strategic Reference Group is to operate in accordance with both this Charter and Council's *Guidelines for Strategic Reference Groups*.

#### 3 Membership

Membership of this Strategic Reference Group will comprise:

Councillors – Two (2) Councillors, including the Chairperson (and, where resolved, the Deputy Chairperson)

Community – Nine (9) community members

Other – Up to two (2) other (non-voting) experts or stakeholders, as recommended to Council by the Strategic Reference Group



Charter – Strategic Reference Group – No 4

**4 Liaison Officer**

Deputy General Manager Environment

Group Manager Roads, Traffic and Waste

**5 Community Committee Links**

Beacon Hill War Memorial Hall

Curl Curl Sports Centre

Curl Curl Youth & Community Centre

Harbord Literary Institute

**6 Charter Amendments**

Amendments to this Charter may only be made by resolution of Council.



## **SRG Meeting Ground Rules**

1. Preparation is key to a successful meeting – arrive with prereading completed and be familiar with all agenda items
2. Start and finish the meeting on time
3. Keep focus on the purpose and goals of SRG
4. Keep to agenda items & times
5. Keep personal issues out of the meeting
6. Use a parking lot to record complex or off topic ideas for later
7. Respect and value the idea and contributions of everyone
  - Be open minded
  - Be patient with each other
  - No such thing as silly question or idea
  - One speaker at a time & speak through the Chair
8. Meetings happen 'in the room'
9. Be 'present'
  - Phones off
  - Active listening
  - Follow agenda
10. Have fun and use humour where appropriate



16 - 18 October 2013  
Rydges Parramatta  
116 - 118 James Ruse Drive,  
Parramatta NSW

## Resource Recovery - it's just good business



# PRELIMINARY PROGRAM & INVITATION TO REGISTER

Early bird registration ends 23 August 2013

[www.industrialecologynetwork.com.au](http://www.industrialecologynetwork.com.au)



# Welcome



Continuing the series of very successful conferences in 2009, 2010 and 2011, the **4th Australasian Industrial Ecology Conference** returns to Sydney, the birthplace of the Australasian Industrial Ecology Network (AIEN), from 16 to 18

October 2013. The conference is the result of the close collaboration and coordination between the AIEN and important stakeholders in industrial ecology from industry, government and academia.

This year's conference program showcases and promotes leading examples of initiatives that pioneer the optimisation of material and energy flows within industry. In particular, how organic waste, consumer waste, packaging waste and more can be economically reutilised whilst embodying the ultimate Industrial Ecology goal of 'zero waste'.

Within its three-day format, the Conference will allow delegates to witness industrial ecology in action through the technical tours, discuss a variety of ways to "spread the word" about the benefits of IE, facilitate the support of Governments and regulators, stimulate liaison between international and Australian organisations that have mutual interests, and support the development of awareness about IE and the techniques and tools for its application in practice.

Above all, the Conference presents us with an opportunity to meet with our colleagues and peers and to share our experiences and knowledge. I look forward to meeting you there.

Garbis Simonian  
Chair, Australasian Industrial Ecology Network

## CONTACT

For more information about the conference please contact the Waste Management Association of Australia

T: 1300 651 026  
F: 02 9701 0199  
E: [registration@wmaa.asn.au](mailto:registration@wmaa.asn.au)  
W: [www.industrialecologynetwork.com.au](http://www.industrialecologynetwork.com.au)

Postal address:  
Suite 4D  
5 Belmore Street  
Burwood NSW 2134

## CONFERENCE VENUE & ACCOMMODATION

### Rydges Parramatta

116-118 James Ruse Drive  
Rosehill NSW 2142

The Rydges Parramatta Hotel is modern, spacious, relaxed and welcoming for leisure and corporate guests. Rydges provides accommodation that is at the heart of what there is to do and see in the Parramatta area.

We are right opposite Rosehill Gardens Racecourse and close to the Parramatta CBD, Westfield, the Rivercat, ANZ Stadium, Homebush Bay, Allphones Area, Sydney Aquatic Centre and Parramatta Stadium.

The Rydges Parramatta Hotel has achieved the prestigious Benchmarked Silver Status under the Earthcheck Benchmarking Program, which recognises our commitment to operating at the world's highest environmental standard.

Rydges Hotel Parramatta is also the preferred accommodation provider for the 4th Australasian Industrial Ecology Conference. The hotel is offering conference delegates the special rate of \$199/night including full buffet breakfast.

For more information and to download the booking form please visit  
[www.industrialecologynetwork.com.au](http://www.industrialecologynetwork.com.au).



## Keynote Speakers



**SOPHIA SKODA**  
**Manager - Resource Recovery**  
**Program, East Bay Municipal**  
**Utility District**  
**(California, USA)**

Sophia Skoda manages the Resource Recovery trucked waste program at the East Bay Municipal Utility District (EBMUD) in Oakland, California. In 2012, EBMUD became the first wastewater plant in North America to become a net seller of electricity to the grid. She holds a BS in Civil Engineering from Stanford University and an MS in Civil Engineering from the University of California - Berkeley.



**SARAH KING**  
**Leader - Sustainable**  
**Manufacturing, CSIRO**

Sarah leads CSIRO initiatives in sustainable manufacturing and innovation within the Future Manufacturing Flagship. The goal of her work is to incubate cross disciplinary projects that address resource efficiency, for the benefit of Australian manufacturers. Sarah's group focuses on projects that include; zero waste/closed loop processes, life cycle assessment, industrial ecology, resource recovery, e-waste and design for manufacturing. Recently Sarah worked with CSIRO Futures to develop megatrends and strategic directions for the Australian Chemicals and Plastics Industry. Sarah is an active member of the Australasian Industrial Ecology Network. Sarah's background is varied, having worked for innovative public and private organisations in Australia and New Zealand. Sarah has over thirteen years experience working in the forestry, agriculture, IT, manufacturing and R&D sectors.

### Industrial ecology and the circular economy

This conference comes within the ambit of a circular economy, which is a much wider and more inclusive approach to industrial ecology. Not only are waste materials reused but all the outputs from manufacturing, including discarded packaging, obsolete products and those that have exhausted their economic life, are refurbished for reuse or converted into forms suitable as inputs to production systems. Circular economies in practice have the potential to significantly enhance

industrial sustainability. For example, by designing products etc. to facilitate efficient recycling, resources can be conserved rather than squandered. In view of their potential, circular economies have been chosen as the overarching theme of this conference; particularly the panel discussion on 18th October.



### SAVE \$250 ON YOUR REGISTRATION FEE AND CONNECT WITH THE WASTE AND RESOURCE RECOVERY INDUSTRY AT THE SAME TIME

Become a WMAA member today to enjoy member discounts on conferences, seminars and training and network with more than 3,000 individuals through our events, State Branches, National Divisions and Working Groups.

Join now at [www.wmaa.asn.au](http://www.wmaa.asn.au) or phone 1300 651 026.





# PROGRAM Wednesday 16 October 2013

## TECHNICAL TOUR

All participants are required to wear long sleeved shirts, long pants and enclosed, flat shoes. PPE will be provided at some sites. We also recommend that you bring a hat and sunscreen, lunch will be provided.

**The bus will depart Rydges Parramatta at 9.00am sharp and return by 5.30pm.**

### Site 1: Veolia Water Australia-Fairfield Recycled Water Plant

The Fairfield Water Plant treats wastewater by ultrafiltration and reverse osmosis to a very high quality suitable for irrigation and industrial use.

Veolia Water is responsible for designing, building, financing and operating the water recycling plant in Fairfield, NSW, which is Australia's first private scheme for high grade recycled water. It has the capacity to produce an extra three billion litres of recycled water per year if required in the future.

Visitors to the site will receive an overview of the process and, general plant layout, followed by site visits including Micro Filtration, Reverse Osmosis, De-gassing and De-ionisation.



### Site 2: EarthPower Technologies

The EarthPower facility provides food waste generators the opportunity to move towards closed loop food waste disposal. Visitors will see how EarthPower makes products from a broad range of food wastes that are inputs for new processes.

Food manufacturers, distributors, retailers and consumers typically use significant amounts of electricity in their activities. EarthPower uses anaerobic digestion to convert the inherent energy contained in food wastes into green electricity. Overall; EarthPower is a net exporter of electricity with energy flowing back to the electricity network.

### Site 3: IS Recycling

The EPS Recycling Centre in Smithfield is owned and operated by IS Recycling Pty Ltd. The facility has been processing daily about 3,000kg of industrial or packaging loose foam and waste off-cut EPS. Several machines for compressing EPS can be shown with its recycling process.

Attendees will see how waste EPS is collected and how it is recycled by the EPS Recycling machines. There is a showroom where attendees can find out more information about many different expanded plastic foams such as EPE, EPP and the recycled products.

## WELCOME RECEPTION & NETWORKING EVENT

6.00pm - 8.00pm

Kingston Suite, Rydges Parramatta

Dress: Casual (jeans acceptable)

Relax after the technical tour with a glass of wine or an ice-cold beer! Join your colleagues for a facilitated networking session especially designed to bring together traditionally separate industries and organisations from all business sectors to generate new business opportunities through improving cross-industry resource efficiency and sustainability.





# PROGRAM Thursday 17 October 2013

## PLATFORM PRESENTATIONS

### 0800 Registration, Tea and Coffee

### OPENING PLENARY

- 0900 **Welcome & Housekeeping**  
Garbis Simonian, Chair - Australasian Industrial Ecology Network
- 0915 **Official Opening**  
The Hon. Robyn Parker, MP, NSW Minister for the Environment and Heritage
- 0930 **Keynote Presentation: We Lost Our Biggest Customers - How we digested the loss and powered on to greater success**  
Sophia Skoda, East Bay Municipal Utility District (California, USA)
- 1000 **Keynote Presentation: Innovation, sustainable manufacturing and the circular economy**  
Sarah King, CSIRO

### 1030 Morning Tea

### ORGANICS/BIOMASS I

- 1100 **Co-digestion of organic waste and wastewater - An Australian perspective**  
Brendan Galway, Sydney Water
- 1130 **Biomass comes of age**  
Mark Glover, Renewed Carbon
- 1200 **Energy from waste and industrial ecology: future potential**  
Frank Klostermann, Full Circle Advisory

### 1230 Lunch

### ORGANICS/BIOMASS II

- 1330 **An outsiders guide to the direct action carbon scheme**  
Chris McPherson, Energy Xpert Advice and Solutions
- 1400 **From Pallet to Plate: Industrial / agricultural ecology in action**  
Stephen Mitchell, Timber Development Association
- 1430 **Integrated waste management of coal seam gas drilling mud in a composting process**  
Ben Dearman, CQ Compost
- 1500 **Landfill gas to kiln project between Veolia and Brickworks**  
Pablo Gonzalez, Veolia Environmental Services & Steven Mouzakis, Brickworks

### 1530 Afternoon Tea

### PLASTICS/PACKAGING

- 1600 **Recoverd plastic market development study**  
Phillip Molyneaux, NSW EPA & John Lawson, GRL
- 1640 **Developing a resource recovery supply chain for expanded plastics in NSW**  
Angus Johnston, NSW EPA
- 1700 **New business for old: Turning waste into wealth and some insights from the process**  
Robin Branson, Qubator

### 1700 Close Day 2

### CONFERENCE DINNER

7.00pm, The Grand Ballroom, Rydges Parramatta  
Dress: Business / Smart Casual

Delegates and their partners are invited to attend this three-course dinner. Enjoy fine food and wine, and the company of your industry colleagues.

The guest speaker for dinner will be leading author and sociological commentator, Dr. Giovanni Luisi. Luisi believes that society needs to create the innovation necessary to ensure survival, asserting that government policy decisions will be a result of critical thinking, innovation and invention especially in areas such as housing, transport and waste management.

While the information published in this program is correct at time of publication, WMA reserves the right to alter or delete items from the program. The organizers shall not be liable for any cost or damage arising from any action based on the information contained within this document.



# PROGRAM Friday 18 October 2013

## PLATFORM PRESENTATIONS

### BREAKFAST

- 0700 **Introduction and breakfast served**
- 0730 **Recent success and barriers to industrial ecology**  
Grant Musgrove, Australian Council for Recycling
- 0800 **Rollout of an industrial ecology network across NSW**  
Mark Jackson, NSW EPA
- 0815 **Industrial Ecology: What is it, what are the trends, and how to optimise it for wealth & health?**  
David Burns, Sustain450
- 0830 **Discussion/Questions**

### 0845 Short break

### CASE STUDIES IN RESOURCE RECOVERY

- 0900 **Kimbriki Resource Recovery Centre - A case study**  
Mark Winser, Kimbriki Environmental Enterprises
- 0930 **NSW Industrial Ecology Clusters**  
Colin Barker, Advitech
- 0950 **IE Case Study: Roadbase**  
Simon Bruce, StabilCo NSW & Micah Bell, Advitech
- 1010 **IE Case Study: Mattresses**  
Philip Cook, Innoveq

### 1030 Morning Tea

### POST CONSUMER WASTES I

- 1100 **Wa\$te to Wage\$**  
Miles Lochhead, Renewable Recyclers
- 1120 **E-waste recycling process opportunities in Australia - CRT glass processing / PCB recycling**  
Russell Hiscox, TSR E-waste
- 1140 **The NTCRS and rollout of sites**  
Arsha Branson, Mike Ritchie and Associates
- 1200 **More mine waste or mining waste more? Contrasting the future constraints of mining with the potential for mining landfills**  
Gavin Mudd, University of Melbourne

### 1230 Lunch

### POST CONSUMER WASTES II

- 1330 **Why and How to reclaim valuable materials from disposable nappies**  
Mark Dunn, Relivit
- 1350 **Use of recovered crushed glass in civil construction: Issues & opportunities**  
Noor Kazi, TAFE NSW - Sydney Institute
- 1420 **Rebirthing carpet tiles**  
David Rowlinson, Ontera Carpets

### 1445 Afternoon Tea

### PANEL SESSION

- 1515 **The waste industry's role in delivering a circular economy**  
Facilitated by: Garbis Simonian  
Panelists: Colin Barker, Mark Glover, Mark Jackson, Max Spedding

### 1630 Conference Close

## Attachment 1 – Planning Proposal



## PLANNING PROPOSAL

Reconciliation of National Parks & Wildlife Service Holdings  
within Warringah Local Environmental Plan 2011

June 2013



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## **Introduction**

The Planning Proposal is for reconciliation of zoning related to National Parks and Wildlife Service (NP&WS) holdings within the Warringah Local Environmental Plan 2011 (WLEP 2011). The Planning Proposal relates to multiple locations within Warringah LGA, updating zoning and relevant statutory controls to reflect the current holdings of NP&WS. These changes impact the following maps:

**WLEP 2011 – Land Zoning Map**

**WLEP 2011 – Lot Size Map**

**WLEP 2011 – Height of Buildings Map**

The following outcomes will result from the Planning Proposal:

Amendment of WLEP 2011 to correctly zone:

- 1) Parcels of land that should be zoned E1 National Parks and Nature Reserves but currently are not so zoned
- 2) Parcels of land that are currently zoned E1 National Parks and Nature Reserves and should not be so zoned

## **Site Context and Location**

The sites are comprised primarily of undeveloped land. The parcels are owned by:

### **National Parks and Wildlife Service:**

Parcels with DPs:

DP 752038 (No lot number available. Directly west/south west of Lot 797 DP 752038)  
DP 752038 (No lot number available. Large Parcel directly south east of Lot 7306 DP 1146155)  
Lot 117 DP 752017  
Lot 7 DP 237680  
Lot 8 DP 237680  
Lot B DP 355159  
Part Lot 15 DP 5204  
Part Lot 14 DP 5204  
Lot 23 DP 5204  
Lot 1 DP 11177  
Lot 11 DP 539237  
Lot 2 DP 22523  
Lot 3 DP 22523  
Lot 4 DP 22523  
Lot 5 DP 22523  
Lot 6 DP 22523  
Lot 7 DP 11177  
Lot 6 DP 11177  
Lot 5 DP 11177  
Lot 4 DP 11177  
Lot 1 DP 11166  
Lot 2 DP 721575

Parcels without DPs:

Crescent shaped parcel directly south of Lot 2817 DP 728428  
D shaped parcel directly east of Lot 117 DP 752017  
Road reserve directly west/north west of Lot 117 DP 752017  
Parcel directly north of Lot 2816 DP 728428  
Parcel directly south of Lot 2 DP 522244

Four (4) parcels which contain the Creek reserve at intersection of McCarrs Creek and McCarrs Creek Road

**Crown Lands:**

Parcels with DPs:

Lot 7316 DP 1150241  
Lot 7317 DP 1150241  
Lot 7318 DP 1150241  
Lot 7306 DP 1146155  
Lot 7330 DP 1152588  
Lot 7066 DP 93811  
Lot 5 DP 749899

Parcels without DPs:

Rectangular parcel directly east of Lot 1 DP 244599  
Deep Creek, directly east of Lot 1 DP 1031932  
Road reserve directly north of Lot 2 DP 794191  
Road reserve at intersection of McCarrs Creek and McCarrs Creek Road  
Road reserve directly north-west of Lot 2 DP 1031932

**Monash Holdings Pty Ltd**

Lot 2 DP 792962

**Background**

In December 2009, Warringah Council received correspondence from the (then) Department of Environment Climate Change and Water in response to Council's public exhibition of the draft Warringah Local Environmental Plan 2009. One aspect of this correspondence raised concerns in relation to the Warringah Land Zoning Map and the correct identification of National Parks and Reserve Areas. This subject was deferred with the understanding that it would be revisited once the draft LEP was made.

On 28 August 2012, Warringah Council resolved to prepare a Planning Proposal to amend the Warringah Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area. This Planning Proposal has been created based on coordination between Warringah Council, Crown Lands and NP&WS to identify effected parcels of land and the most appropriate zoning for those parcels.

Note that on 28 August 2012 Council resolved to prepare a Planning Proposal to address various anomalies in WLEP 2011. At part (g) of the resolution Council decided to:

*Amend the Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area.*

All other parts of the resolution have been addressed by a separate Planning Proposal which is now with the Department of Planning and Infrastructure for making of the corresponding WLEP 2011 (Amendment). The matter of correcting the National Park boundaries in Warringah was separated from the other anomalies due to the anticipated time frame that would be required to properly research all land parcels and liaise with all relevant stakeholders.

**The Planning Proposal**

Section 55 (2) Environmental Planning & Assessment Act 1979 outlines what a Planning Proposal must include. To comply with these requirements, this Planning Proposal comprises four (4) main parts;

- Part 1 - Objectives or intended outcomes



- Part 2 - Explanation of provisions
- Part 3 - Justification
- Part 4 - Community consultation

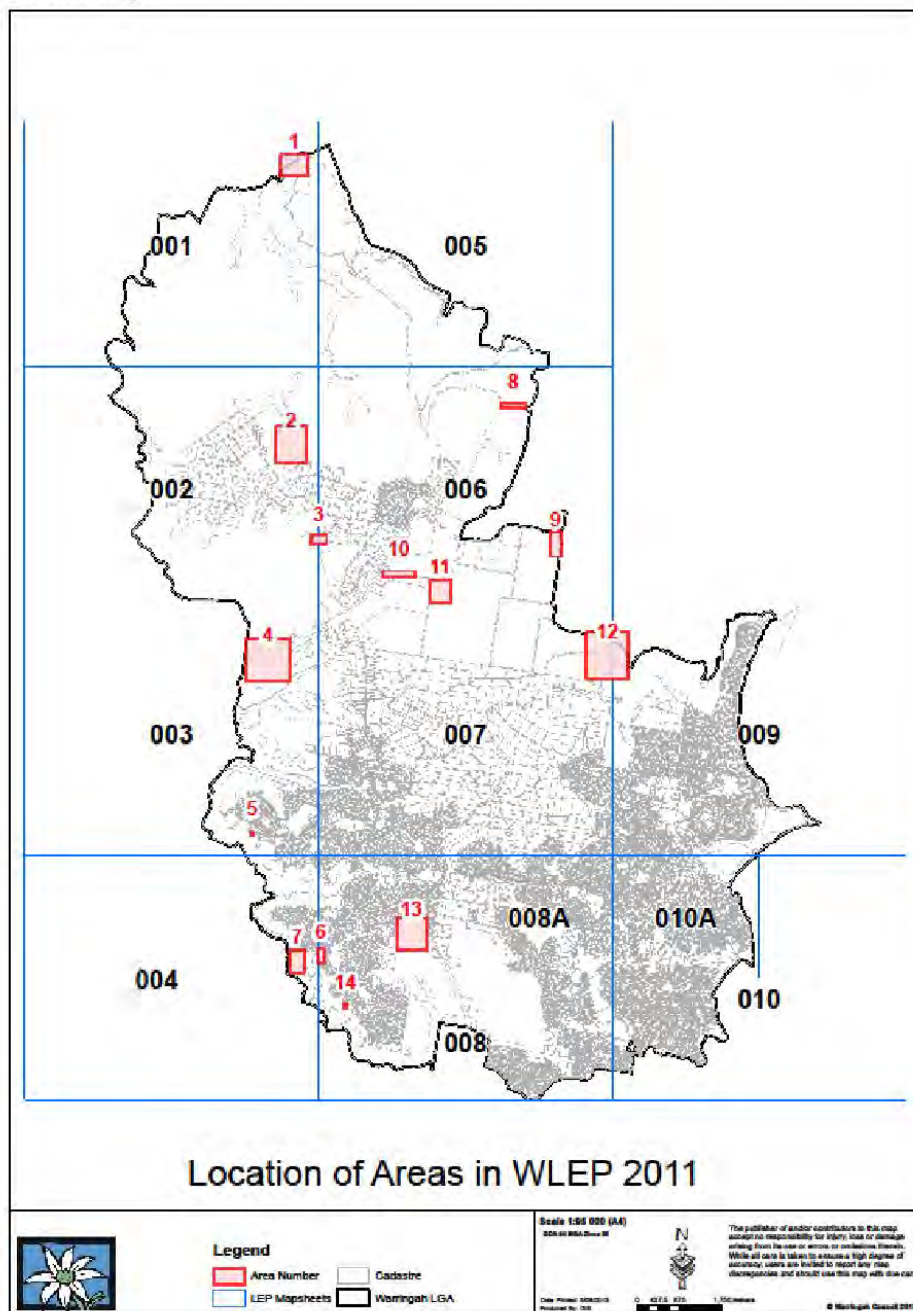
### **Part 1 – Objectives or Intended Outcomes**

The proposal aims to correct errors and anomalies on the land zoning, lot size and height of buildings maps under Warringah LEP 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.

## Part 2 – Explanation of Provisions

The Planning Proposal is an amendment to the WLEP 2011 to rezone multiple parcels of land. This land is ordered as per the index map below and grouped by the Land Zoning Map Sheets currently on file with the Department of Planning and Infrastructure (e.g. Land Zoning Map – sheet 001). Maps identifying affected parcels, their current status and proposed status can be found in Attachment 3.

### Index Map:



## **Area 1**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 001*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

### **Affected Parcels**

Lot 7 DP 237680  
Lot 8 DP 237680  
Lot B DP 355159  
Part Lot 15 DP 5204  
Part Lot 14 DP 5204  
Lot 23 DP 5204  
Lot 1 DP 11177  
Lot 11 DP 539237  
Lot 2 DP 22523  
Lot 3 DP 22523  
Lot 4 DP 22523  
Lot 5 DP 22523  
Lot 6 DP 22523  
Lot 7 DP 11177  
Lot 6 DP 11177  
Lot 5 DP 11177  
Lot 4 DP 11177  
Lot 1 DP 11166  
Lot 2 DP 721575

### **Current Status:**

All affected parcels are owned by NP&WS

**WLEP 2011 – Land Zoning Map:** All parcels zoned E4 – Environmental Living

**WLEP 2011 – Lot Size Map:** 5000 square metres

**WLEP 2011 – Height of Buildings Map:** 8.5 metres

### **Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** All parcels to be zoned E1 – National Parks and Nature Reserves

**WLEP 2011 – Lot Size Map:** Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

**WLEP 2011 – Height of Buildings Map:** Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)



## **Area 2**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 002*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

### **Affected Parcels**

Lot 117 DP 752017

D shaped parcel directly east of Lot 117 DP 752017

Road reserve directly west/north west of Lot 117 DP 752017

### **Current Status:**

All affected parcels are owned by NP&WS

**WLEP 2011 – Land Zoning Map:** All parcels zoned RU4 – Primary Production Small Lots

**WLEP 2011 – Lot Size Map:** 20,000 square metres

**WLEP 2011 – Height of Buildings Map:** 8.5 metres

### **Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** All parcels to be zoned E1 – National Parks and Nature Reserves

**WLEP 2011 – Lot Size Map:** Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

**WLEP 2011 – Height of Buildings Map:** Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

### **Area 3**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 002 and Land Zoning Map – sheet 006*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

#### **Affected Parcel**

Parcel directly south of Lot 2 DP 522244

#### **Current Status:**

Affected parcel is owned by NP&WS

**WLEP 2011 – Land Zoning Map:** Parcel zoned RU4 – Primary Production Small Lots

**WLEP 2011 – Lot Size Map:** 20,000 square metres

**WLEP 2011 – Height of Buildings Map:** 8.5 metres

#### **Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned E1 – National Parks and Nature Reserves

**WLEP 2011 – Lot Size Map:** Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

**WLEP 2011 – Height of Buildings Map:** Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

**Area 4 (Part 1)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 002*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Parcel directly north of Lot 2816 DP 728428

**Current Status:**

Affected parcel is owned by NP&WS

**WLEP 2011 – Land Zoning Map:** Parcel zoned E3 – Environmental Management

**WLEP 2011 – Lot Size Map:** 200,000 square metres

**WLEP 2011 – Height of Buildings Map:** 8.5 metres

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned E1 – National Parks and Nature Reserves

**WLEP 2011 – Lot Size Map:** Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

**WLEP 2011 – Height of Buildings Map:** Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)



**Area 4 (Part 2)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 002*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Crescent shaped parcel directly south of Lot 2817 DP 728428

**Current Status:**

Affected parcel is owned by NP&WS

**WLEP 2011 – Land Zoning Map:** Parcel zoned E3 – Environmental Management

**WLEP 2011 – Lot Size Map:** 200,000 square metres

**WLEP 2011 – Height of Buildings Map:** 8.5 metres

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned E1 – National Parks and Nature Reserves

**WLEP 2011 – Lot Size Map:** Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

**WLEP 2011 – Height of Buildings Map:** Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

**Area 5**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 003*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Rectangular parcel directly east of Lot 1 DP 244599

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned R2 – Low Density Residential

**WLEP 2011 – Lot Size Map:** 600 square metres

**WLEP 2011 – Height of Buildings Map:** 8.5 metres

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned RE1 – Public Recreation

**WLEP 2011 – Lot Size Map:** Remove minimum lot size (Not applicable for RE1 zones)

**WLEP 2011 – Height of Buildings Map:** Remove maximum height of buildings (Not applicable for RE1 zones)

**Area 6**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 004 and Land Zoning Map – sheet 008*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Lot 7330 DP 1152588

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned RE1 – Public Recreation



**Area 7**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 004*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

DP 752038 (No lot number available. Directly west/south west of Lot 797 DP 752038)

**Current Status:**

Affected parcel is owned by NP&WS

**WLEP 2011 – Land Zoning Map:** Parcel zoned RE1 – Public Recreation

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned E1 – National Parks and Nature Reserves

**Area 8 (Part 1)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 006*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Road reserve at intersection of McCarrs Creek and McCarrs Creek Road

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned SP2 – Infrastructure

**Rationale:**

This area outlined above in blue is actually McCarrs Creek Road. In WLEP 2011, The SP2 – Infrastructure zone mistakenly follows the creek. The actual road is zoned as the creek should be (E1 – National Parks and Nature Reserves).

**Area 8 (Part 2)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 006*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcels**

Four (4) parcels which contain the Creek reserve at intersection of McCarrs Creek and McCarrs Creek Road

**Current Status:**

Affected parcels are owned by NP&WS

**WLEP 2011 – Land Zoning Map:** Parcels zoned SP2 – Infrastructure

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcels to be zoned E1 – National Parks and Nature Reserves

**Rationale:**

The areas outlined above are actually McCarrs Creek. In WLEP 2011, The SP2 – Infrastructure zone mistakenly follows the creek. The actual road is zoned as the creek should be (E1 – National Parks and Nature Reserves).



**Area 9 (Part 1)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 006*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Lot 2 DP 792962

**Current Status:**

Affected parcel is owned by Monash Holdings Pty Ltd

**WLEP 2011 – Land Zoning Map:** Parcels zoned E1 – National Parks and Nature Reserves

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcels to be zoned RE2 – Private Recreation

**Rationale:**

Land forms part of Monash Country Club, which is zoned RE2 – Private Recreation in Pittwater's draft LEP.

**Area 9 (Part 2)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 006*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Lot 7066 DP 93811

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcels zoned E1 – National Parks and Nature Reserves

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcels to be zoned E2 – Environmental Conservation

**Rationale:**

Land does not form part of the Mona Vale Road road reserve and is entirely surrounded by National Park

## **Area 10**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 006*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

### **Affected Parcel**

Only applies to the section of road reserve currently zoned E1 – National Parks and Nature

#### Reserves:

Section of road reserve directly north of Lot 2 DP 794191

Affected section of road reserve is owned by Crown Lands. It is currently zoned as E1 and E3.

Current Zoning Map Displaying entire road reserve:

### **Current Status:**

Section of road reserve is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Section of road reserve zoned E1 – National Parks and Nature Reserves

### **Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Section of road reserve to be zoned SP2 – Infrastructure

### **Rationale:**

Road reserves are to be zoned as per their adjacent zoning, where able. Due to the specific nature of E1 – National Parks and Nature Reserves, the current zoning is inappropriate. Instead, the road should be zoned SP2 – Infrastructure in accordance with the neighbouring parcel to the north.



## **Area 11**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 006*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

### **Affected Parcel**

Part Lot 74 DP 752046

### **Current Status:**

Affected parcel is owned by NP&WS

**WLEP 2011 – Land Zoning Map:** Parcel zoned E3 – Environmental Management

**WLEP 2011 – Lot Size Map:** 200,000 square metres

**WLEP 2011 – Height of Buildings Map:** 8.5 metres

### **Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned E1 – National Parks and Nature Reserves

**WLEP 2011 – Lot Size Map:** Remove minimum lot size (Not applicable for E1 – National Parks and Nature Reserves)

**WLEP 2011 – Height of Buildings Map:** Remove maximum height of buildings (Not applicable for E1 – National Parks and Nature Reserves)

**Area 12 (Part 1)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 007 and Land Zoning Map – sheet 009*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Lot 5 DP 749899

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned RE1 – Public Recreation

**Rationale:**

RE1 – Public Recreation is consistent with nearby public land in Warringah generally to the south and east that adjoins Narrabeen Lagoon and supports public recreation use of the Lagoon.

**Area 12 (Part 2)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 007 and Land Zoning Map – sheet 009*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Deep Creek, directly east of Lot 1 DP 1031932

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned W1 – Natural Waterways

**Rationale:**

Deep Creek should be zoned W1 – Natural Waterways where it joins Narrabeen lagoon. This is consistent with Middle Creek and South Creek.

**Area 12 (Part 3)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 007 and Land Zoning Map – sheet 009*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Road reserve directly north-west of Lot 2 DP 1031932

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned E2 – Environmental Conservation



**Area 13 (Part 1)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 008*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

Lot 7306 DP 1146155

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned RE1 – Public Recreation

**Area 13 (Part 2)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 008*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcel**

DP 752038 (No lot number available. Large Parcel directly south east of Lot 7306 DP 1146155)

**Current Status:**

Affected parcel is owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcel to be zoned E1 – National Parks and Nature Reserves

**Area 14 (Part 1)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 008*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcels**

Lot 7316 DP 1150241

Lot 7317 DP 1150241

Lot 7318 DP 1150241

**Current Status:**

Affected parcels are owned by Crown Lands

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcels to be zoned RE1 – Public Recreation

**Area 14 (Part 2)**

*See Index Map on Page 6 for location within Land Zoning Map – sheet 008*

*See Attachment 3 for maps identifying affected parcels, their current status and proposed status.*

**Affected Parcels**

DP 1152588 (No lot number available. Surrounding Lots 7316 to 7318 DP 1150241)

Affected Parcels are owned by NP&WS. It is currently zoned as RE1 and E1.

Current Zoning Map Displaying Affected Parcel:

**Current Status:**

Affected parcel is owned by NP&WS

**WLEP 2011 – Land Zoning Map:** Parcel zoned E1 – National Parks and Nature Reserves and RE1 – Public Recreation

**Description of Proposed Change:**

**WLEP 2011 – Land Zoning Map:** Parcels to be zoned E1 – National Parks and Nature Reserves



## Part 3 – Justification

### A. Need for the Planning Proposal

#### Is the Planning Proposal the result of any strategic study or report?

The Planning Proposal is a result of submissions lodged during the draft LEP process by the (then) Department of Environment Climate Change and Water.

#### Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a Planning Proposal is the best means of achieving Council's intend outcomes, for the following reason:

##### Correct Allocation of E1 National Parks and Nature Reserves

As per the WLEP 2011, the objectives of the E1 National Parks and Nature Reserves zone are:

- to enable the management and appropriate use of land that is reserved under the National Parks and Wildlife Act 1974 or that is acquired under Part 11 of that Act,
- to enable uses authorised under the National Parks and Wildlife Act 1974, and
- to identify land that is to be reserved under the National Parks and Wildlife Act 1974 and to protect the environmental significance of that land.

As there is an inconsistency between parcels of land that have been reserved under the *National parks and Wildlife Act 1974* and lands zoned as E1 National Parks and Nature Reserves, the objectives of WLEP 2011 are not being met. Rezoning via a Planning Proposal is the best way to correct this issue.

#### Is there a community benefit?

Yes, the amendments will increase the integrity of WLEP 2011, allowing for increased consistency and reliability of a statutory document that affects the Warringah community.

### B. Relationship to strategic planning framework

#### Is the Planning Proposal consistent with the objectives and actions contained within applicable Regional and sub-regional strategies?

The Planning Proposal is consistent with the objectives and actions of the Sydney Metropolitan Strategy and the Draft North East Subregional Strategy. However, the Planning Proposal is not related to an action area of either strategy.

#### Is the Planning Proposal consistent with the local council's community plan or other strategic plan?

The Planning Proposal is consistent with the Strategic Community Plan 2012. However, the Planning Proposal is not related to an action area of the Strategic Community Plan 2012.

#### Is the Planning Proposal consistent with applicable state planning policies?

Yes, the Planning Proposal is consistent with applicable state planning policies.

The following table provides an assessment of the Planning Proposal with the relevant SEPP's:

SEPP Title	Consistency
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Planning Proposal is consistent with this SEPP and does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy	The parcels in Area 8 (Part 1) and Area 8 (Part 2) of this Planning Proposal affect SP2 – Infrastructure land

(Infrastructure) 2007	maintained by Roads Maritime Service (RMS). As the parcels are currently zoned incorrectly, the changes made by this Planning Proposal are consistent with the aims and objectives of this SEPP.
State Environmental Planning Policy No 19 (Bushland in Urban Areas)	The Planning Proposal is consistent with this SEPP and does not contain provisions that contradict or hinder the application of this SEPP.
State Environmental Planning Policy 71 (Coastal protection)	The uses in the Planning Proposal do not reduce environmental value/amenity; reduce access; endanger Aboriginal heritage, places values, customs, beliefs or traditional knowledge; or increase development potential. As such, it is consistent with this SEPP and does not contain provisions that contradict or hinder the application of this SEPP.

**Is the Planning Proposal consistent with Ministerial Directions?**

Yes, the Planning Proposal is consistent with Ministerial Directions.

The following table provides an assessment of the Planning Proposal with the relevant s.117 Directions:

<b>s117 Direction</b>	<b>Consistency</b>
2.1 Environment Protection Zones	The Planning Proposal is consistent with this direction. Environmental protection standards for lands included in the Planning Proposal are not being reduced.
2.2 Coastal Protection	<p>Lot 5 DP 749899 and Deep Creek are within the coastal zone, as defined in the <i>Coastal Protection Act 1979</i>.</p> <p>The uses in this Planning Proposal give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>– the NSW Coastal Policy: A Sustainable Future for New South Wales Coast 1997, and</li> <li>– the Coastal Design Guidelines 2003, and</li> <li>– the manual relating to the management of the coastline for the purposes of section 733 of the Local Government Act 1993 (the NSW Coastline Management Manual 1990).</li> </ul>
2.3 Heritage Conservation	<p>The Planning Proposal will not infringe on the facilitation of the conservation of:</p> <ul style="list-style-type: none"> <li>– items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</li> <li>– Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</li> <li>– Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an</li> </ul>

	Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.
3.4 Integrating Land Use and Transport	<p>The Planning Proposal does not degrade access to housing or jobs, limit transport options or increase trip generation.</p> <p>The uses in this Planning Proposal give effect to and are consistent with:</p> <ul style="list-style-type: none"> <li>– <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and</li> <li>– <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.</li> </ul>
4.1 Acid Sulphate Soils	The Planning Proposal does not increase the risk of significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.
4.3 Flood Prone Land	The uses in this Planning Proposal do not impact upon the flooding risk of land located in flood prone areas.
4.4 Planning for Bushfire Protection	The Planning Proposal will not result in land uses that reduce the protection of life, property or the environment from bush fire hazards.

### **C. Environmental, social and economic impact**

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. Critical habitat nor threatened species, populations or ecological communities, or their habitats will not be adversely affected as a result of the proposal.

**Are there any other likely environmental effects as a result of the Planning Proposal and how they are proposed to be managed?**

There are no likely environmental effects as a result of the Planning Proposal.

**Has the Planning Proposal adequately addressed any social and economic effects?**

The purpose of the Planning Proposal is to increase the integrity of WLEP 2011, allowing for increased consistency and reliability of a statutory document that affects the Warringah community, providing positive social and economic outcomes for that community.

### **D. State and Commonwealth interests**

**Is there adequate public infrastructure for the Planning Proposal?**

Yes. The Planning Proposal does not generate any need to upgrade or improve public infrastructure.

**What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?**

Warringah Council has consulted with Crown Lands and NP&WS, as they are owners of affected parcels, as an input to the Planning Proposal process.

Council will engage any additional public authority in accordance with the Gateway Determination. As per the Gateway Determination, this will include:

- Office of Environment and Heritage;
- NSW Trade and Investment – Crown Lands;
- Sydney Water;
- Transport for NSW – Roads and Maritime Services;
- National parks and Wildlife Service; and
- NSW Rural Fire Service (s117 Direction 4.4 Planning for Bushfire Protection).

#### **Part 4 – Community Consultation**

Council will exhibit the Planning Proposal in accordance with the requirements of section 57 of the Environmental Planning and Assessment Act.

Council will undertake community consultation in accordance with Council's adopted Community Engagement Policy, in the following manner:

- Advertise the Planning Proposal in a local newspaper and on Council's website at the start of the exhibition period;
- Exhibit the Planning Proposal for a period of twenty eight (28) days from the date it appears in the newspaper and on Council's website; and
- Notify owners of all affected land and owners of adjoining properties of the exhibition of the Planning Proposal.

This strategy aligns with the Gateway Determination, which prescribed a Community Consultation period of twenty eight (28) days.



## Attachment 2 – Council Minutes

Resolution of Council Meeting on 28 August 2012

### 8.5 PLANNING PROPOSAL TO AMEND WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

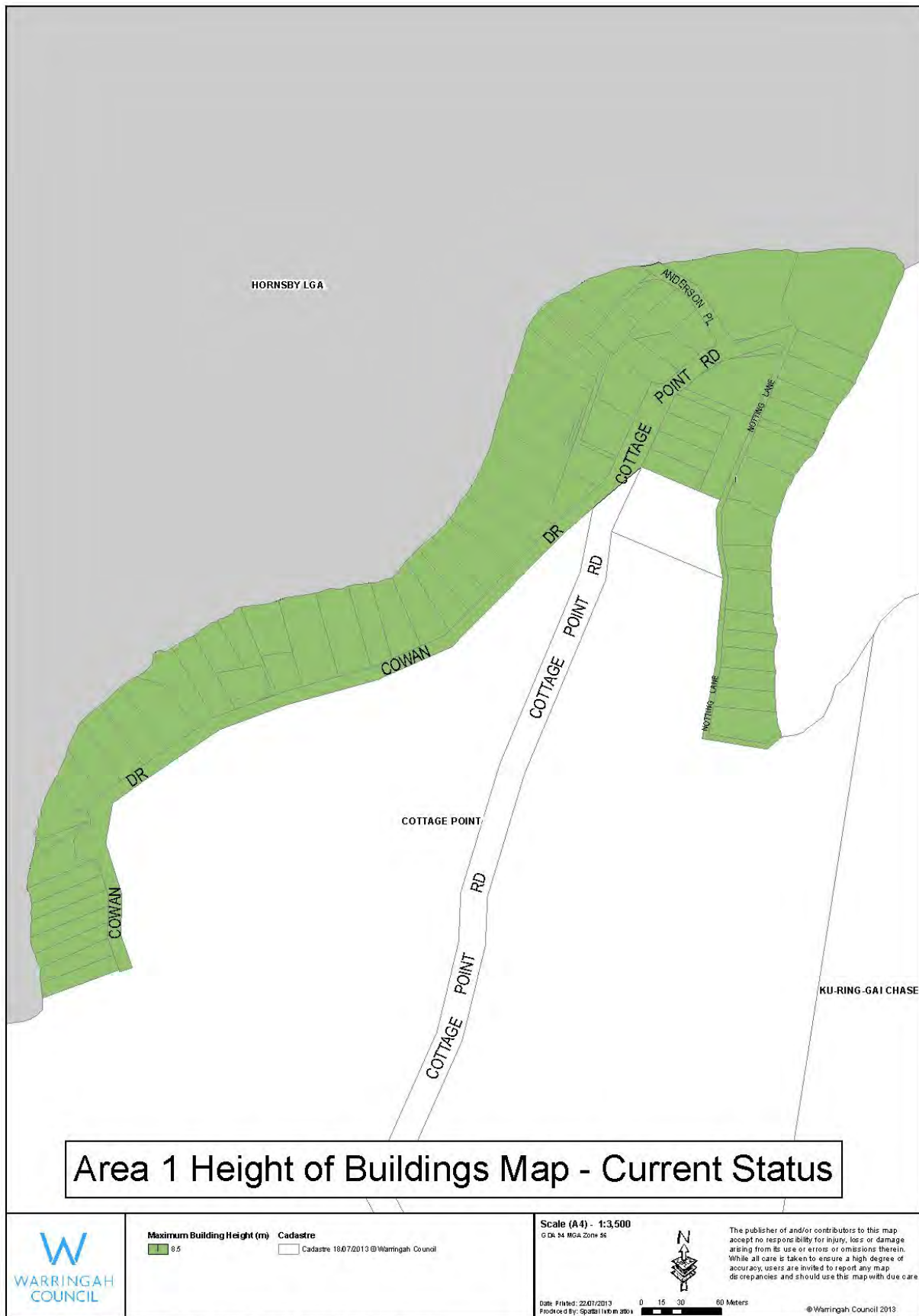
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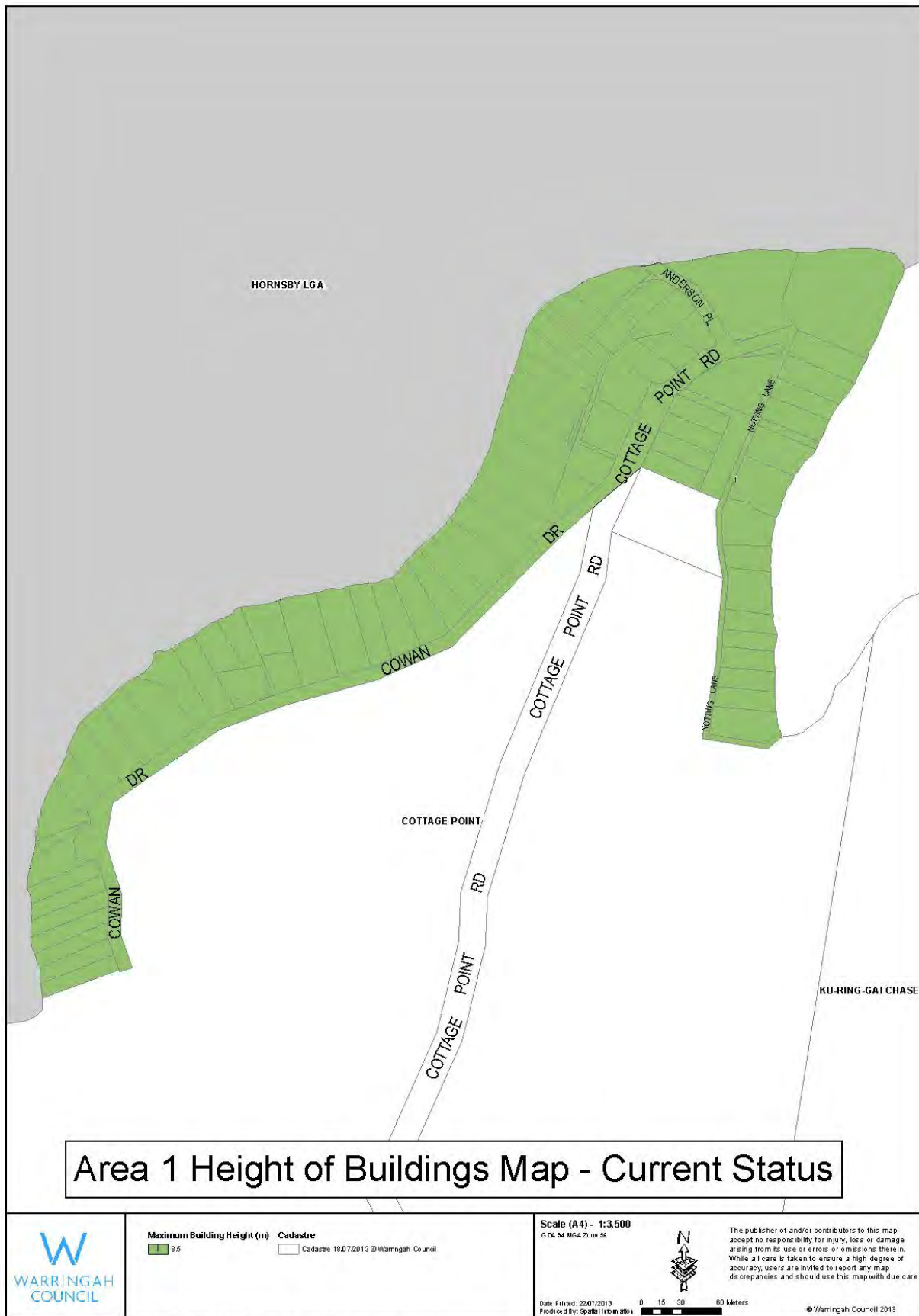
**Cr Dr Kirsch / Cr Falinski**

That Council:

- A. Prepare a Planning Proposal for amending WLEP 2011 and refer this to the Minister for Planning and Infrastructure (Minister) that will:
  - a. Permit boat building and repair facilities in the IN1 General Industrial zone.
  - b. Delete “registered clubs” as a permitted use in the RE2 Private Recreation zone and
    - i) Zone Long Reef Golf Club; Manly Vale Bowling Club; North Manly Bowling Club and Wakehurst Golf Club RE1 Public Recreation.
    - ii) Add Long Reef Golf Club; Manly Vale Bowling Club; North Manly Bowling Club and Wakehurst Golf Club to Schedule 1 Additional Permitted Uses, making “registered clubs” a permitted use on these sites.
  - c. Reduce the maximum building height for land in Narrabeen that is bound by Pittwater Road and Narrabeen, Ocean and Albert Streets (see attachment 1), from 11 metres to 8.5 metres.
  - d. Omit Lot 1 DP960506 from the Land Reservation Acquisition Map.
  - e. Map all properties listed within Schedule 1 Additional Permitted Uses of WLEP 2011.
  - f. Omit clause 6.1 Acid Sulfate Soils and insert the latest Model Local Provision 7.1 Acid Sulfate Soils.
  - g. Amend the Land Zoning Map to accurately record the boundaries of National Parks within the Local Government Area.
- B. Should the Minister require additional information to enable the amending WLEP 2011 to proceed, endorses Council staff to respond as required.
- C. Upon receipt of the NSW Minister for Planning and Infrastructure Gateway Determination, and in accordance with any directions contained therein, authorises the public exhibition and consultation requirements to progress the Planning Proposal.
- D. If the Minister supports the Planning Proposal, endorses Council staff to review and if required prepare amendments to the WDCP.

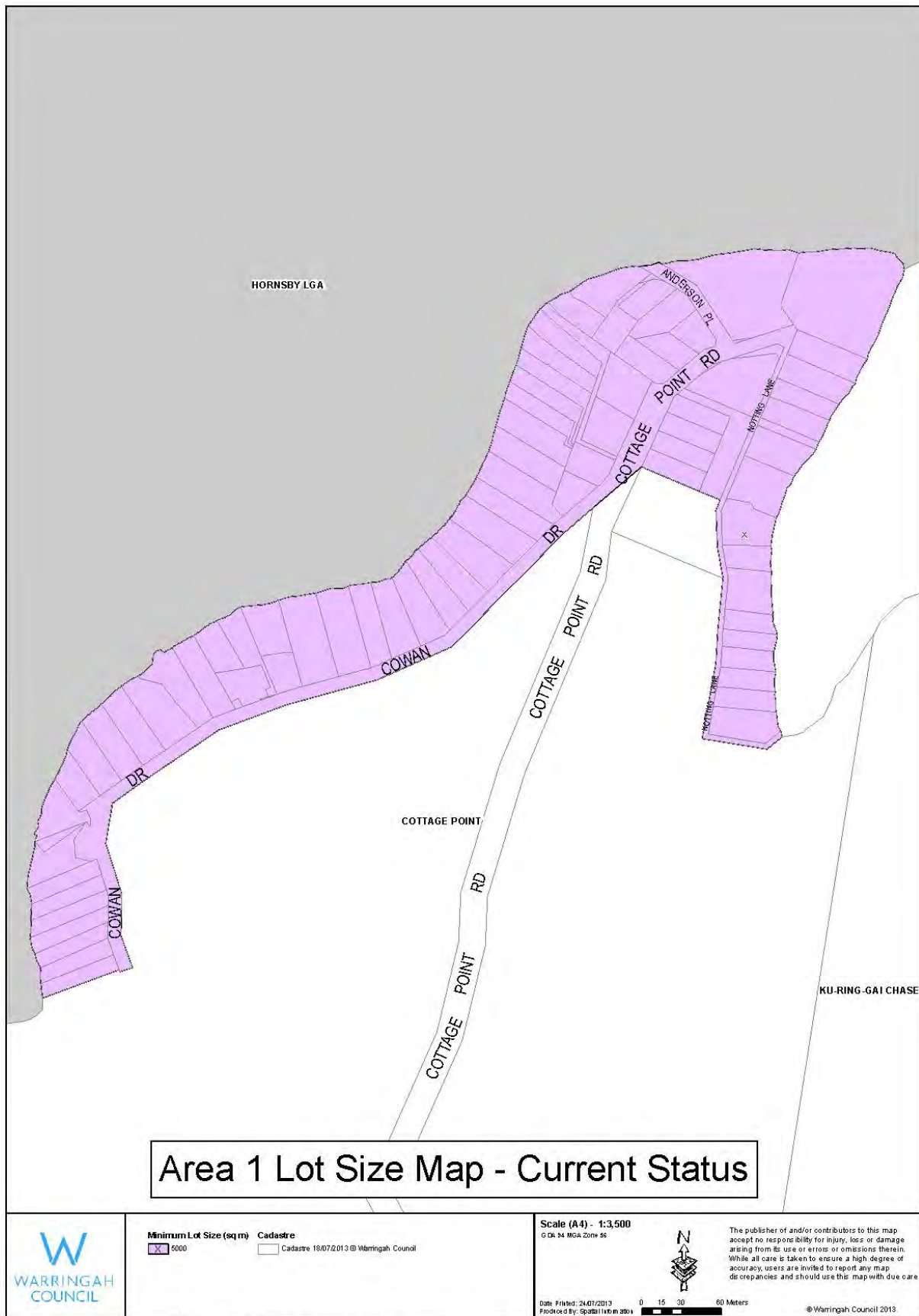
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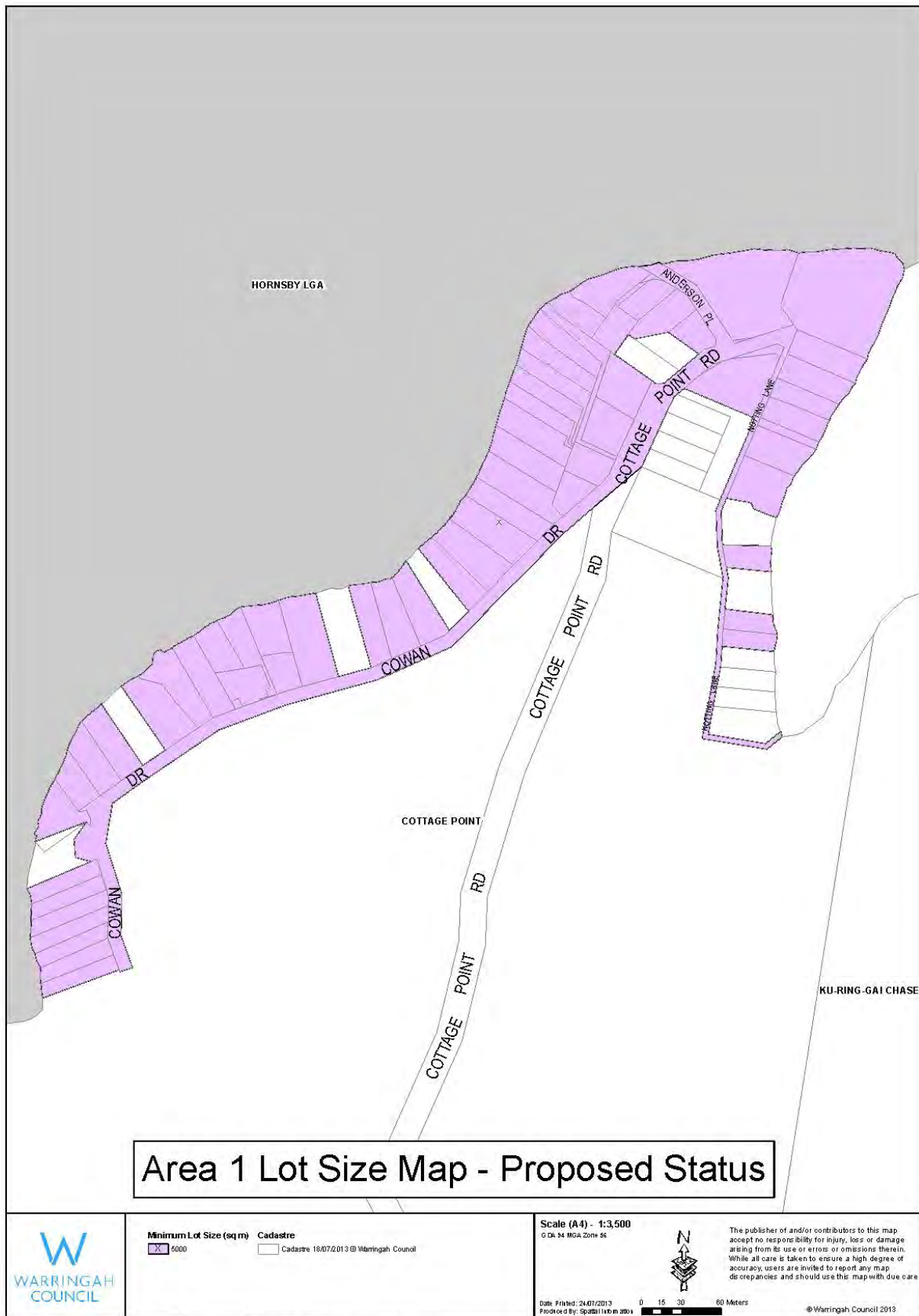


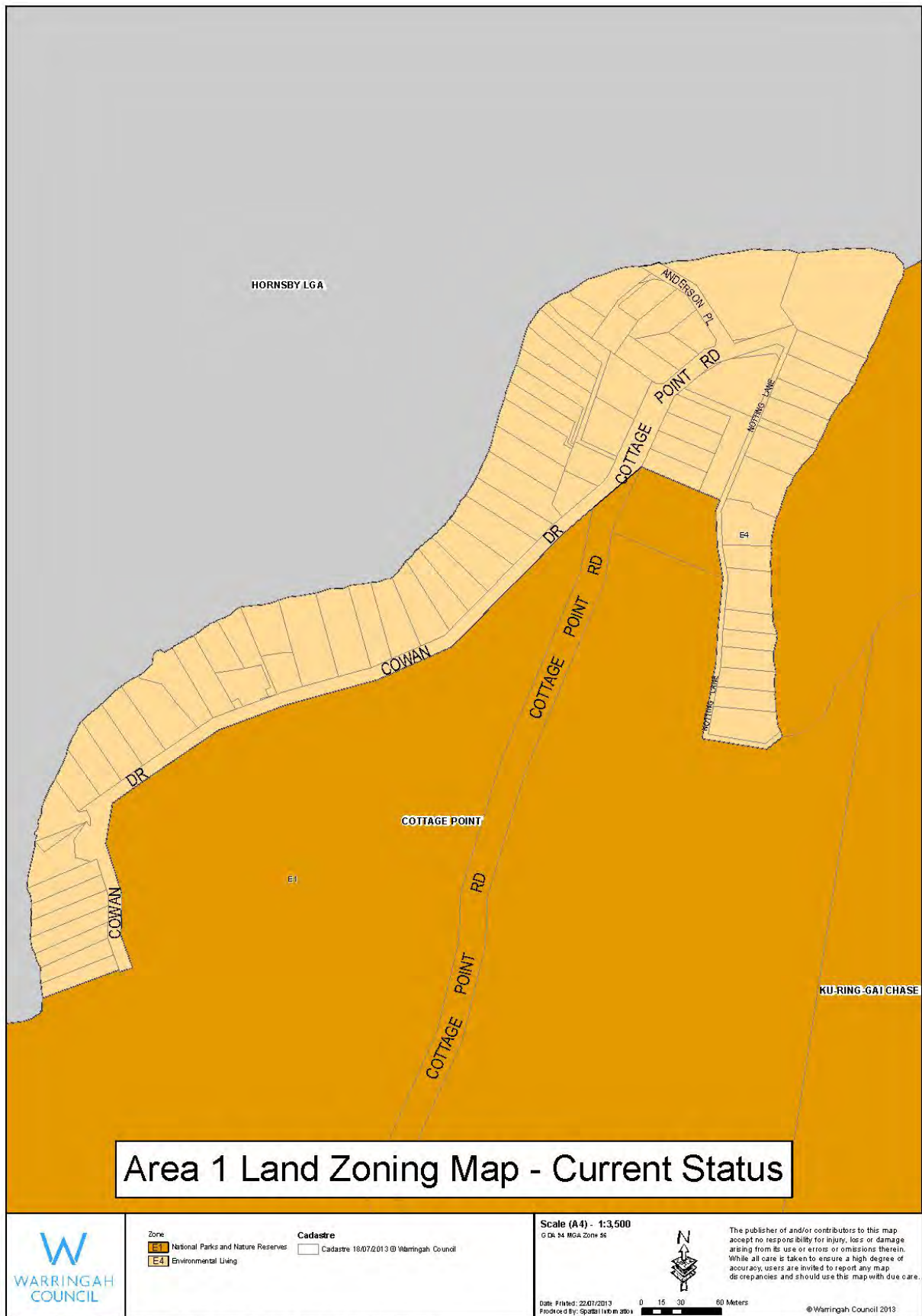




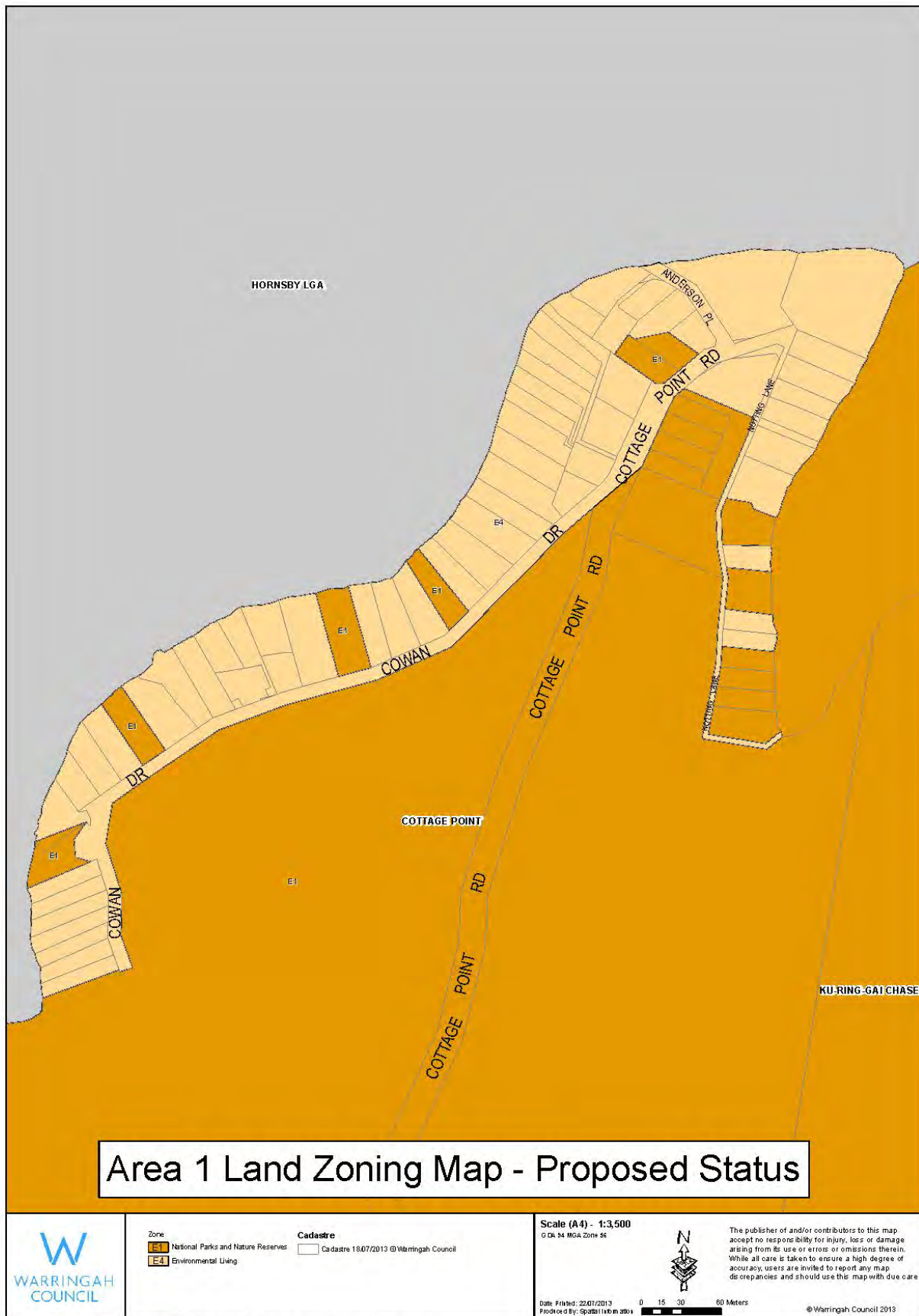




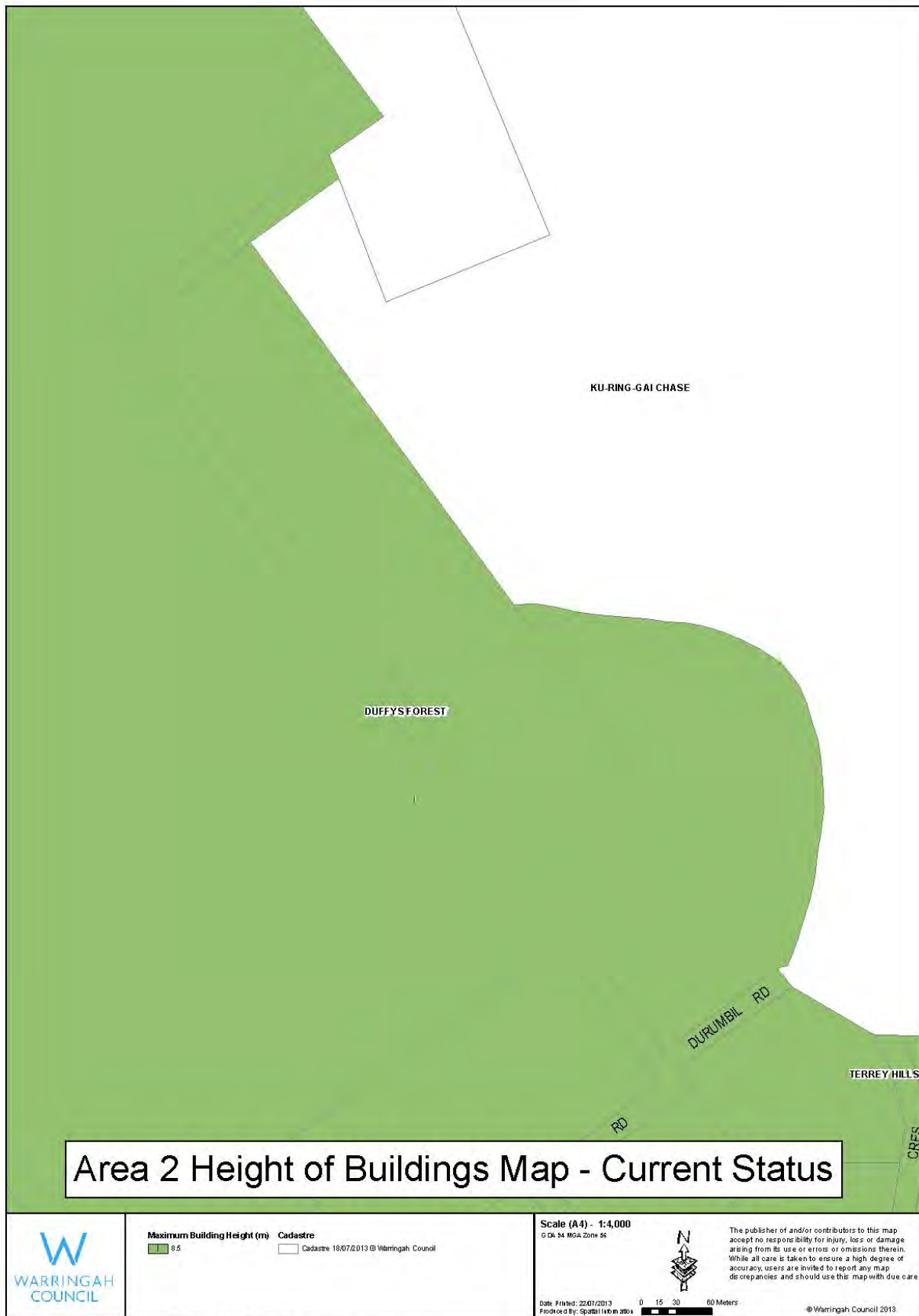


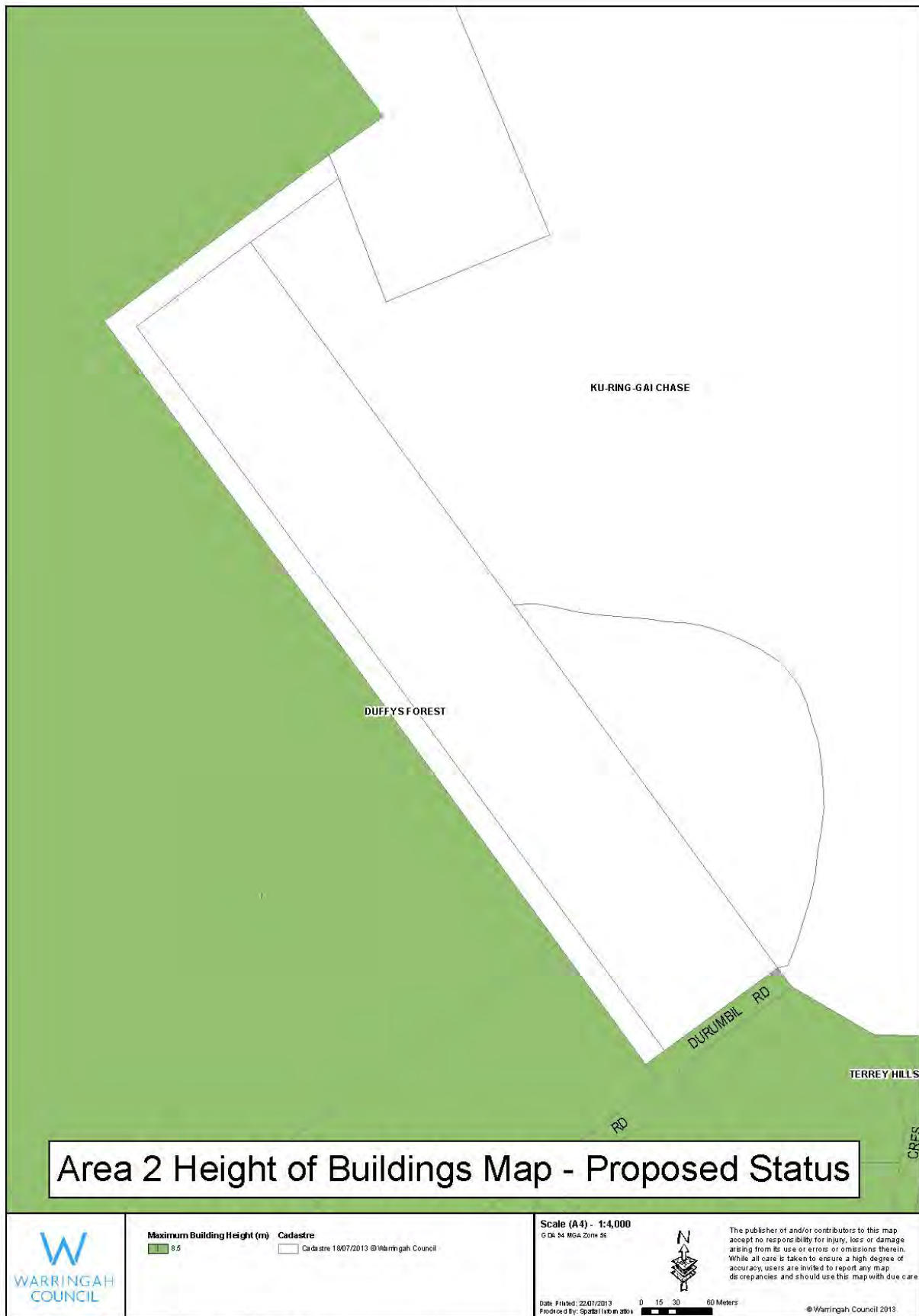


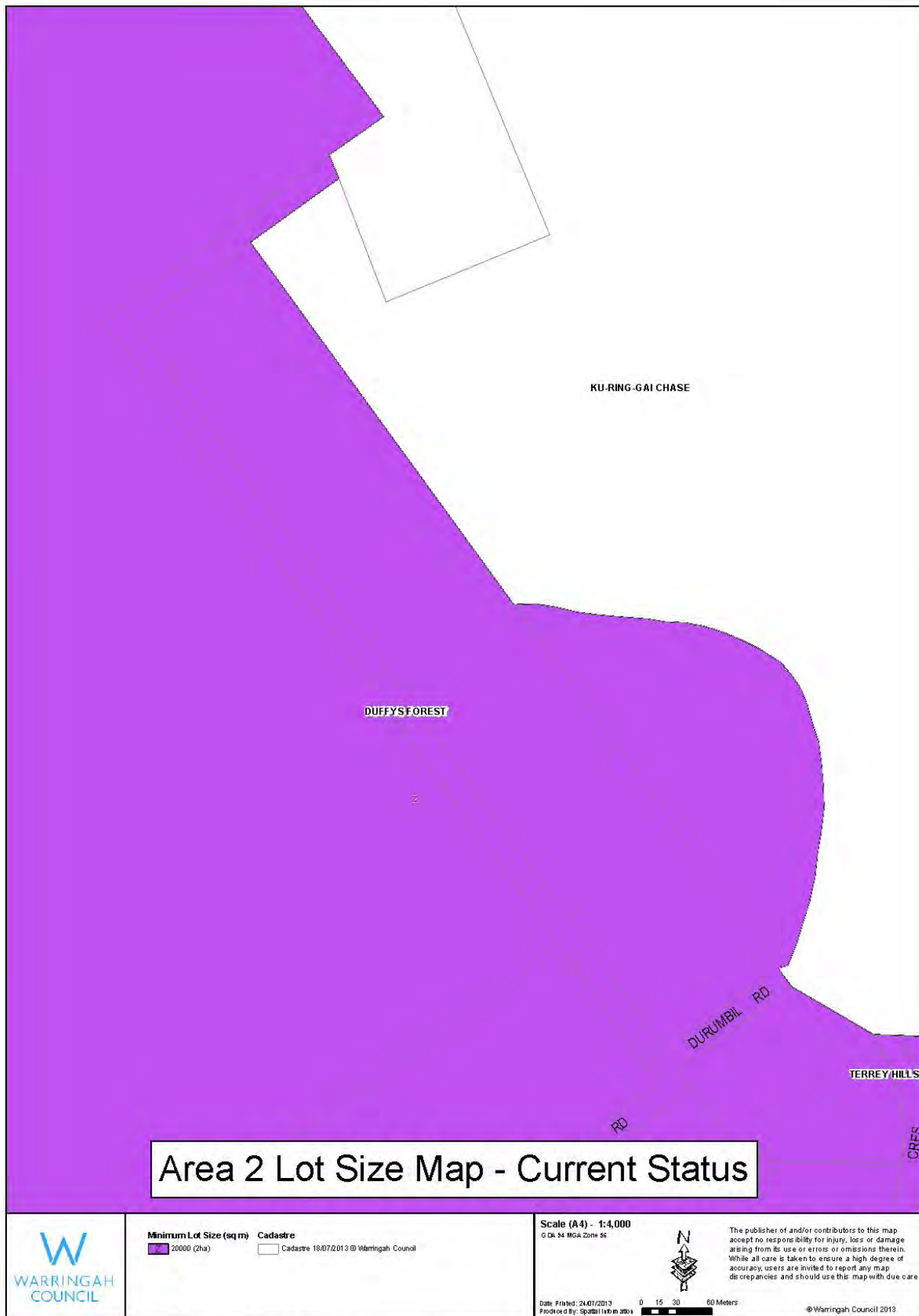


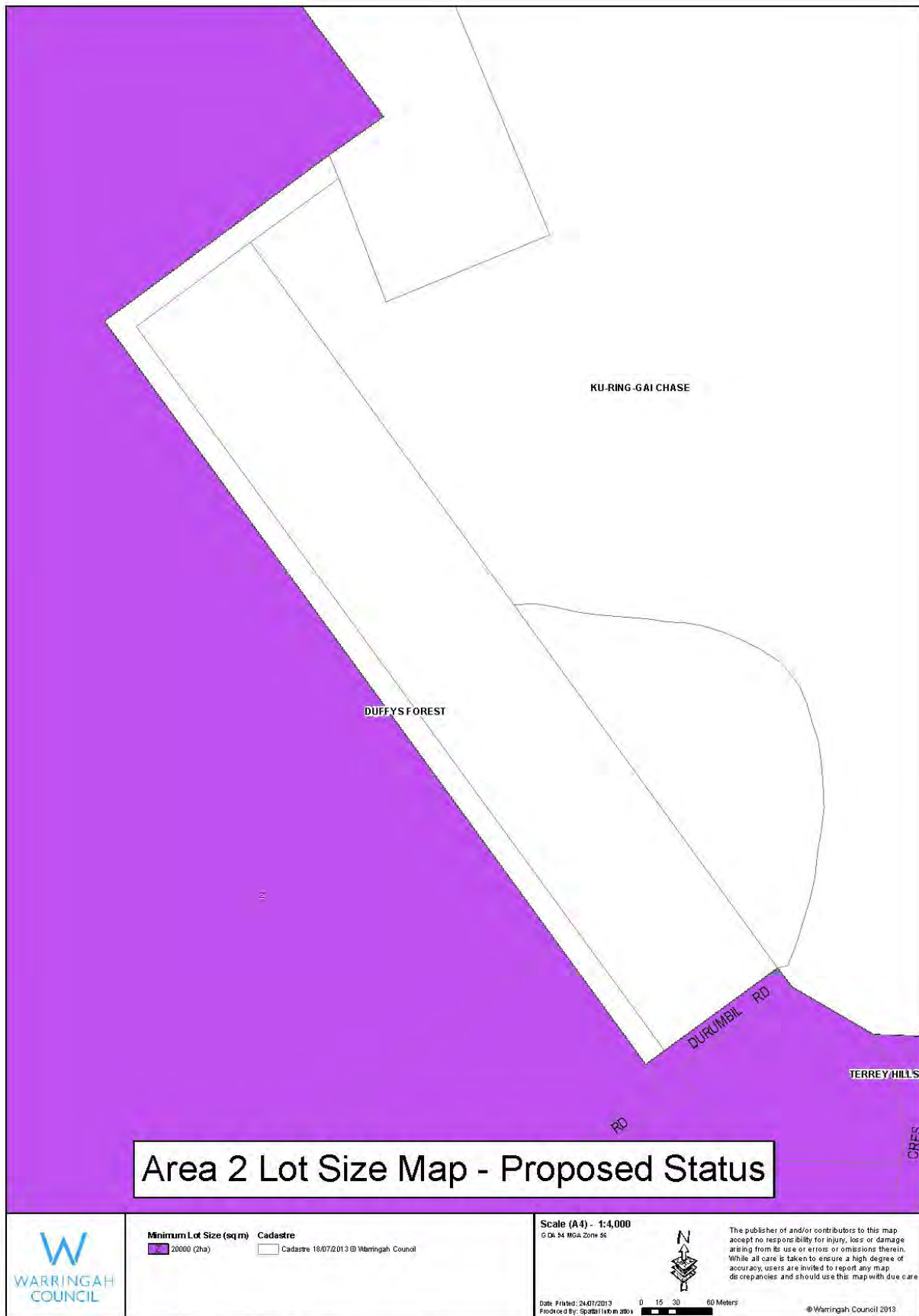




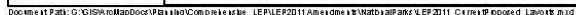


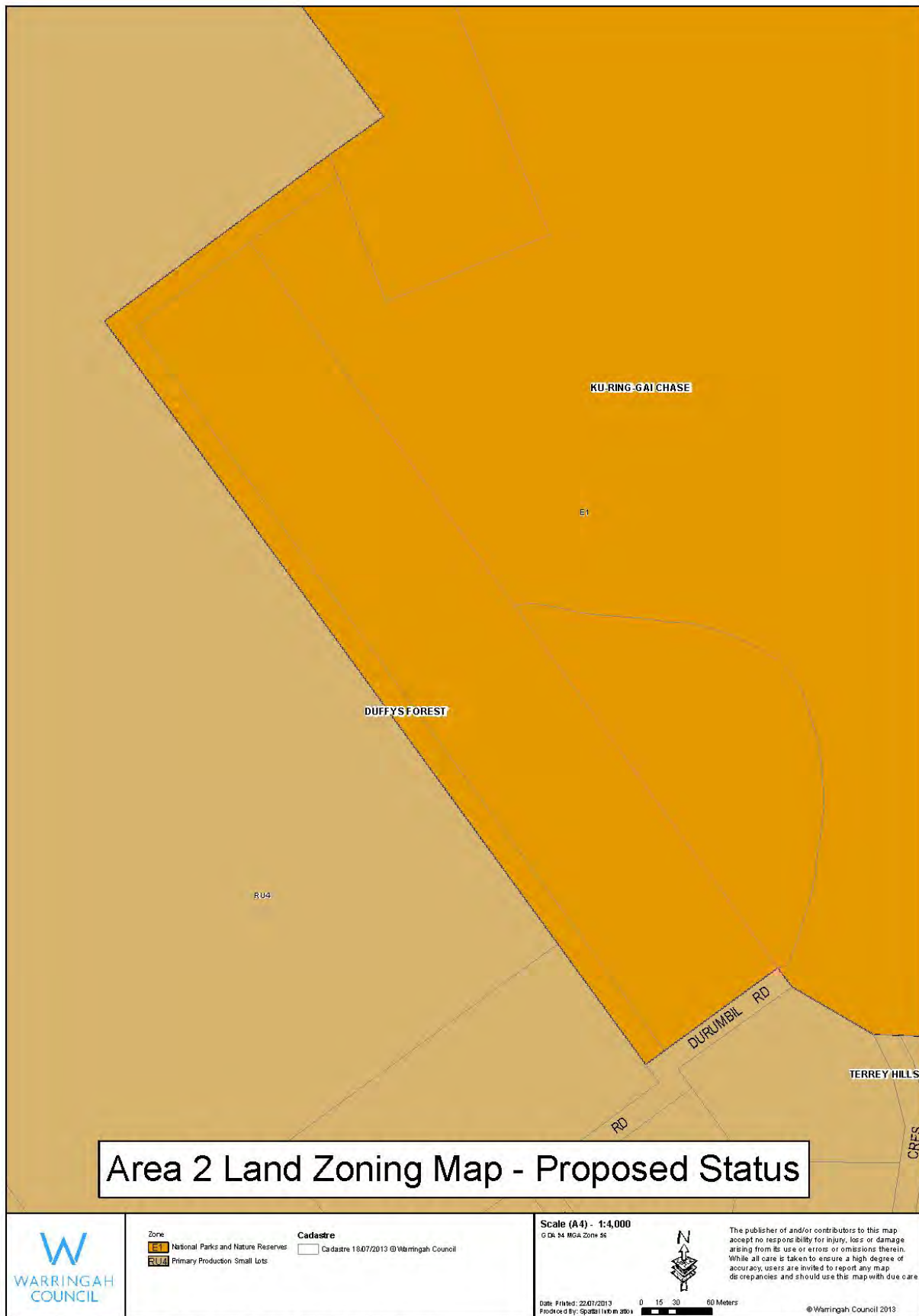


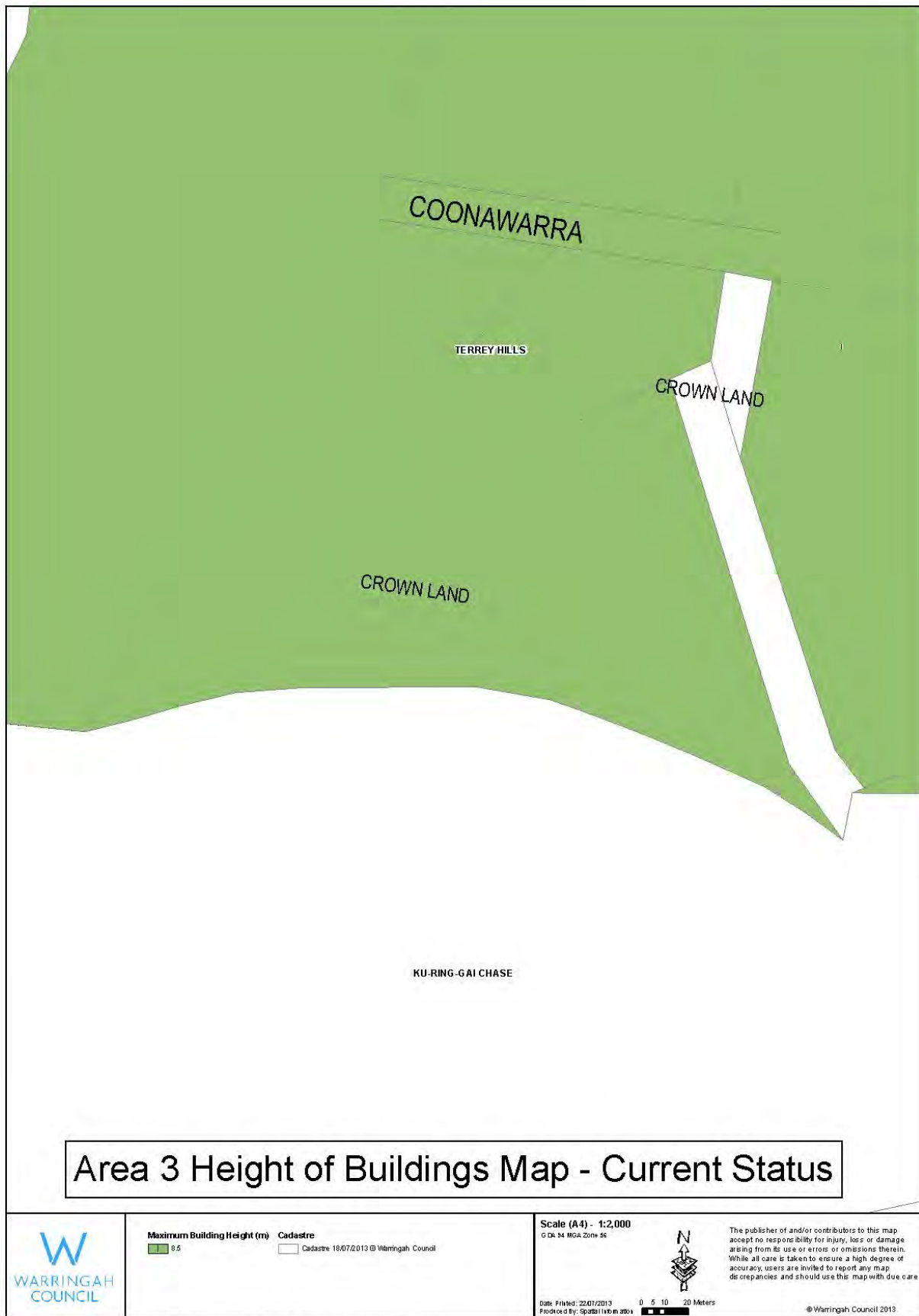


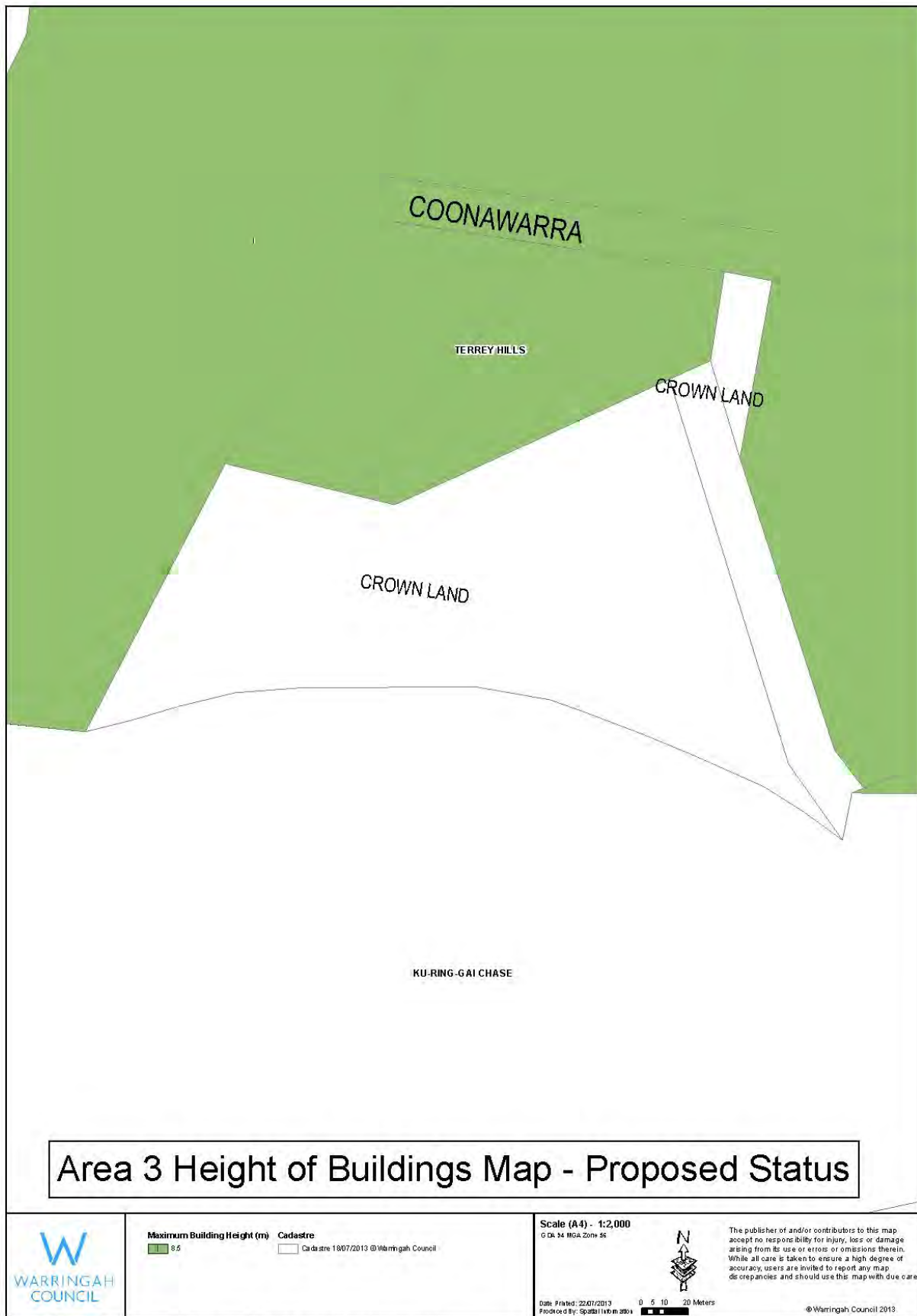




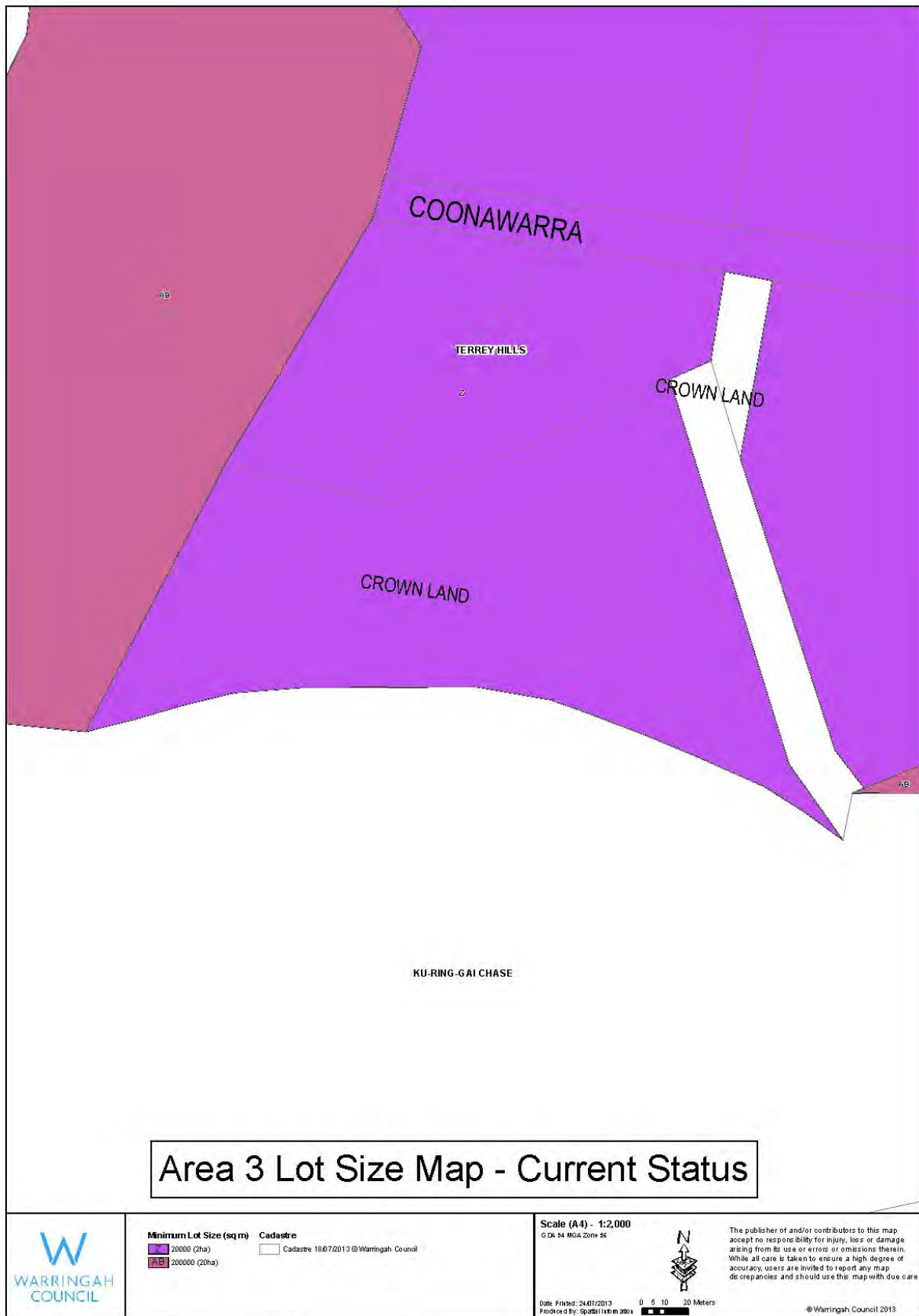


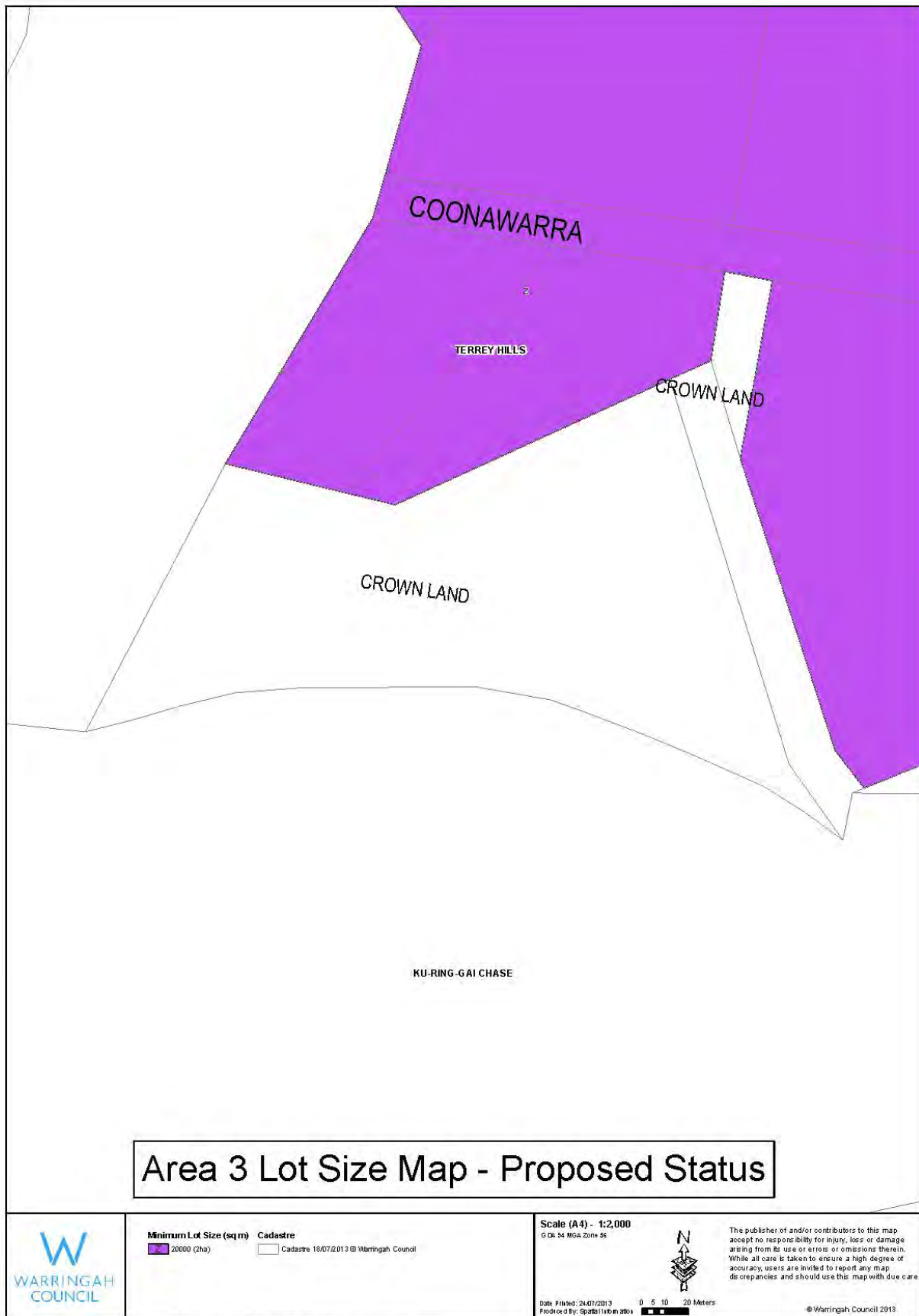


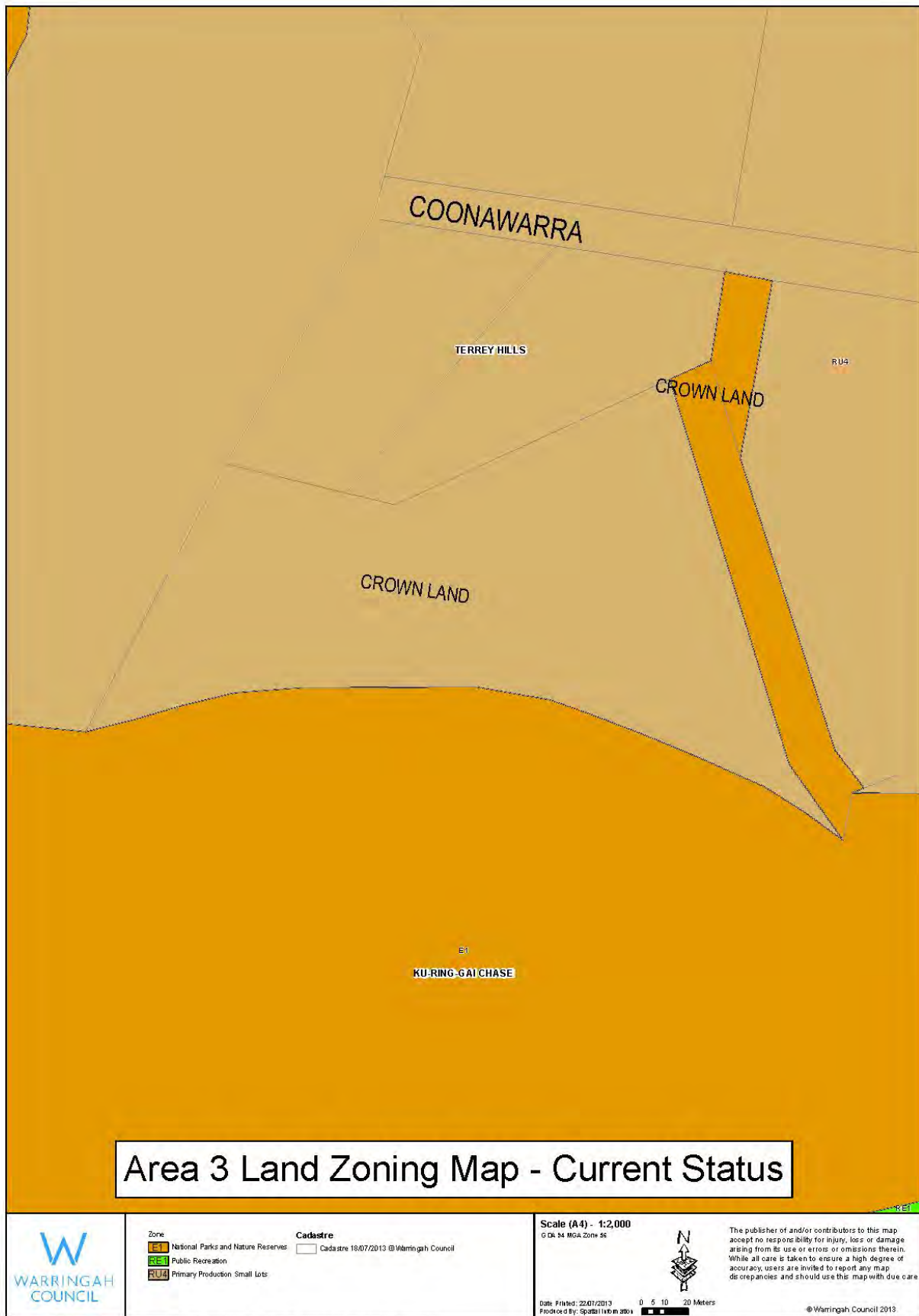


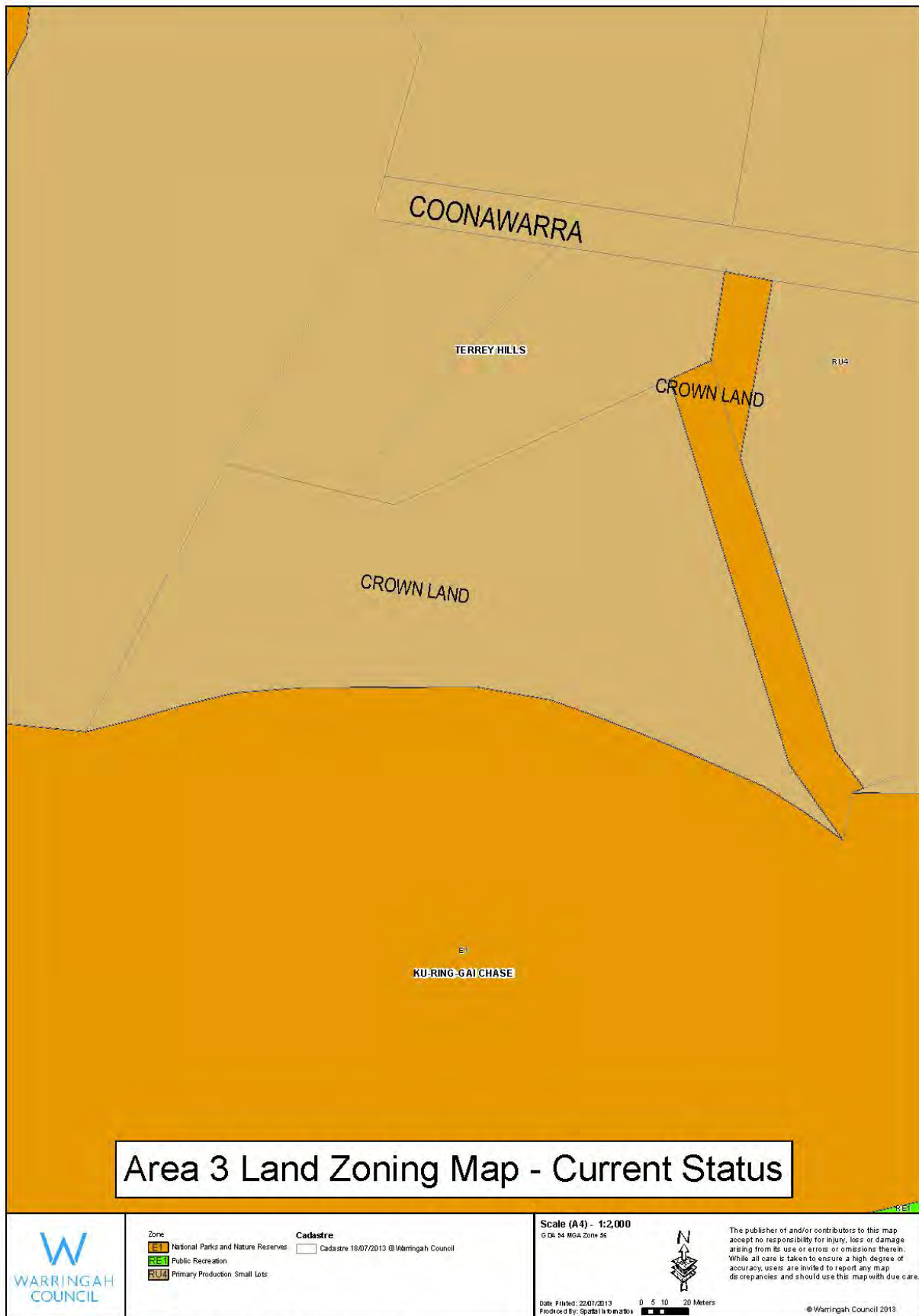




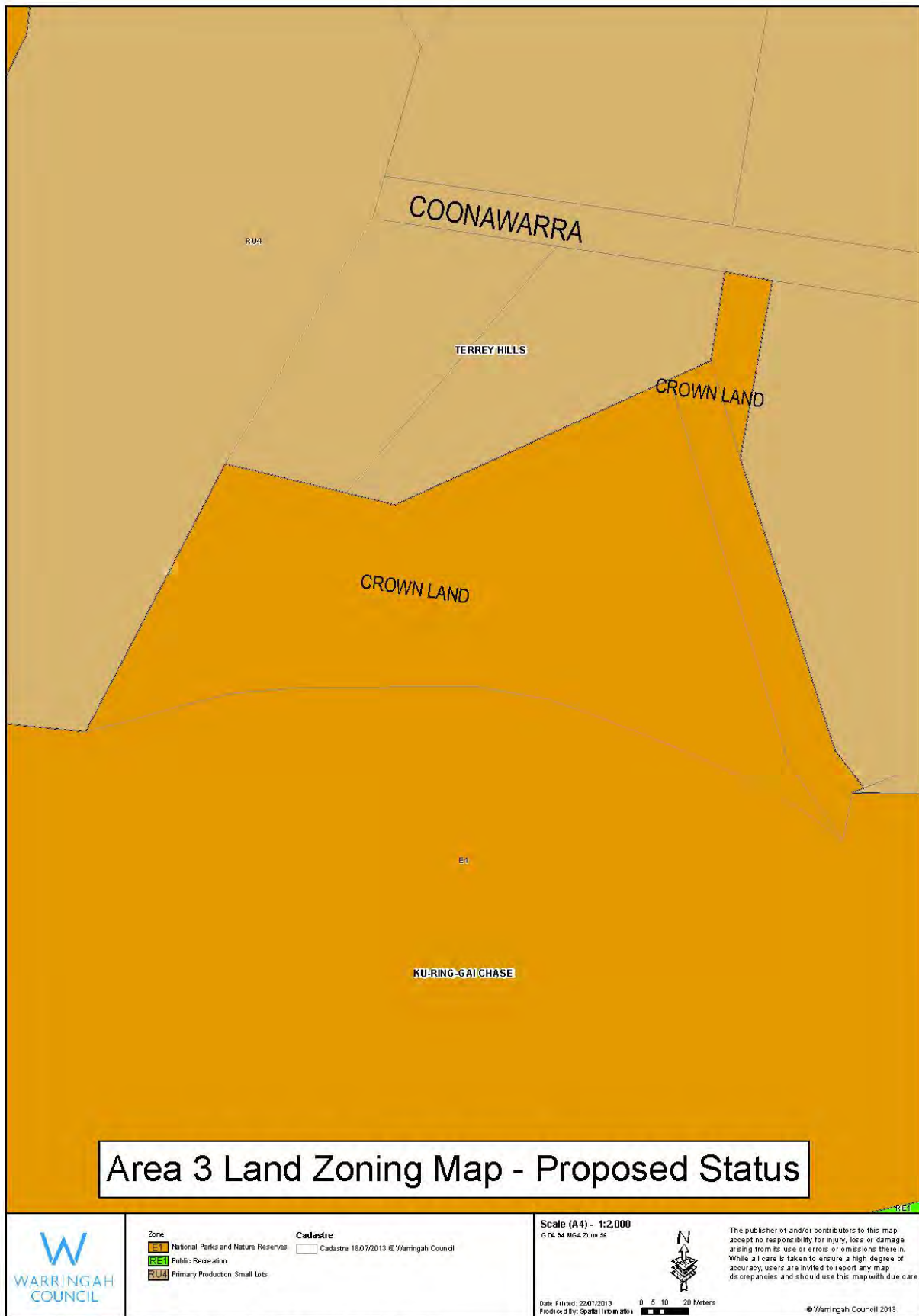


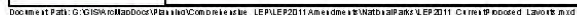


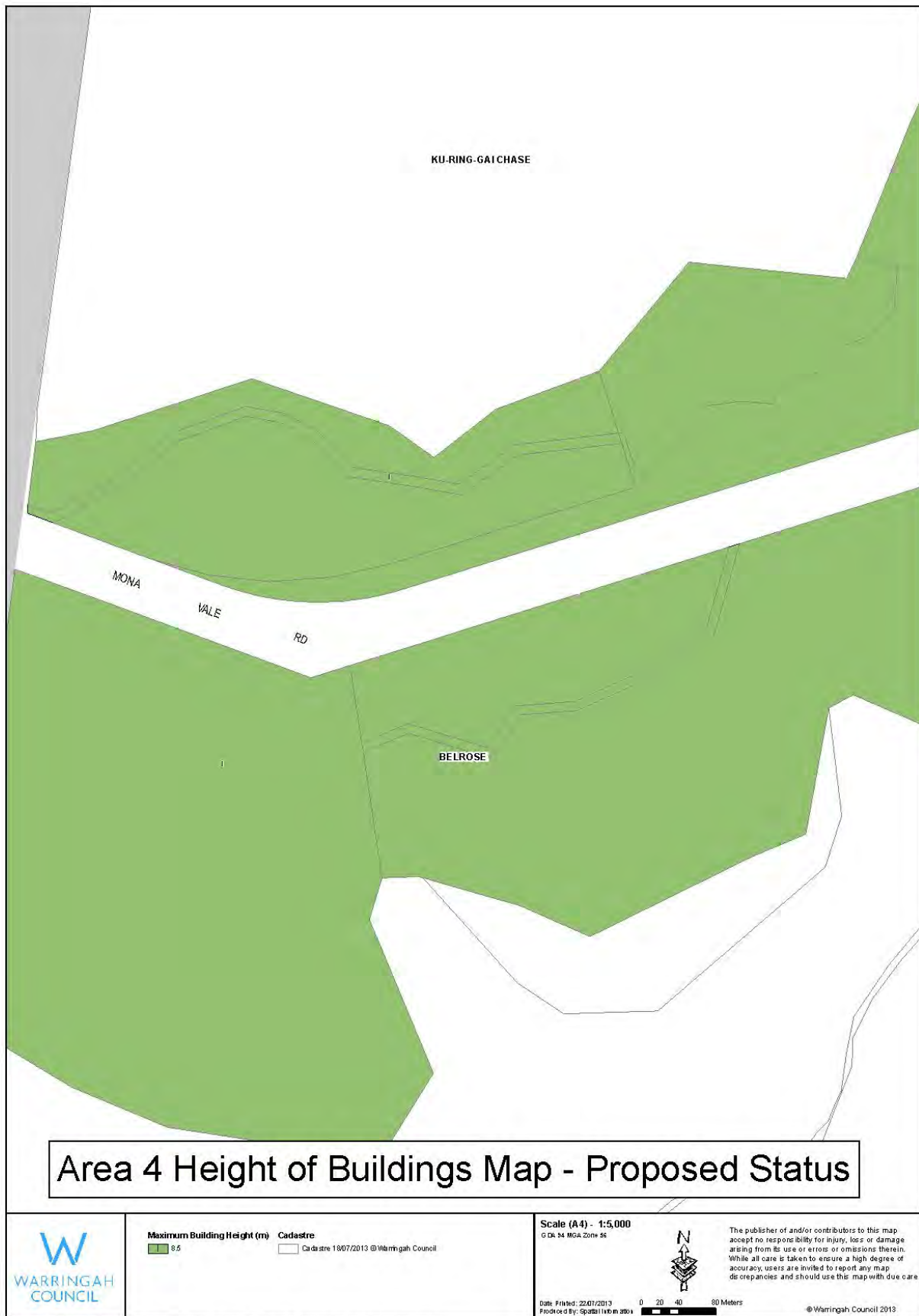


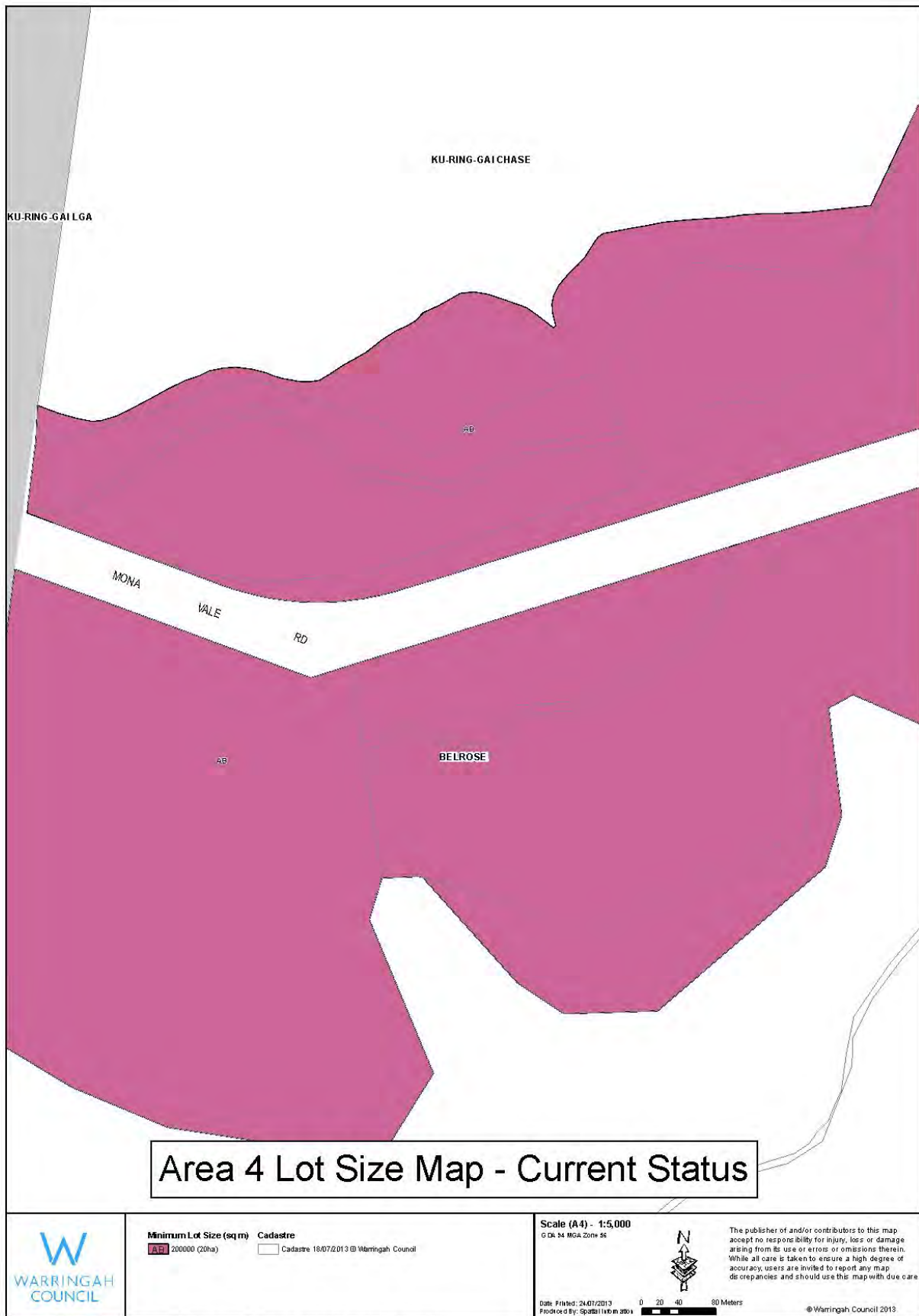




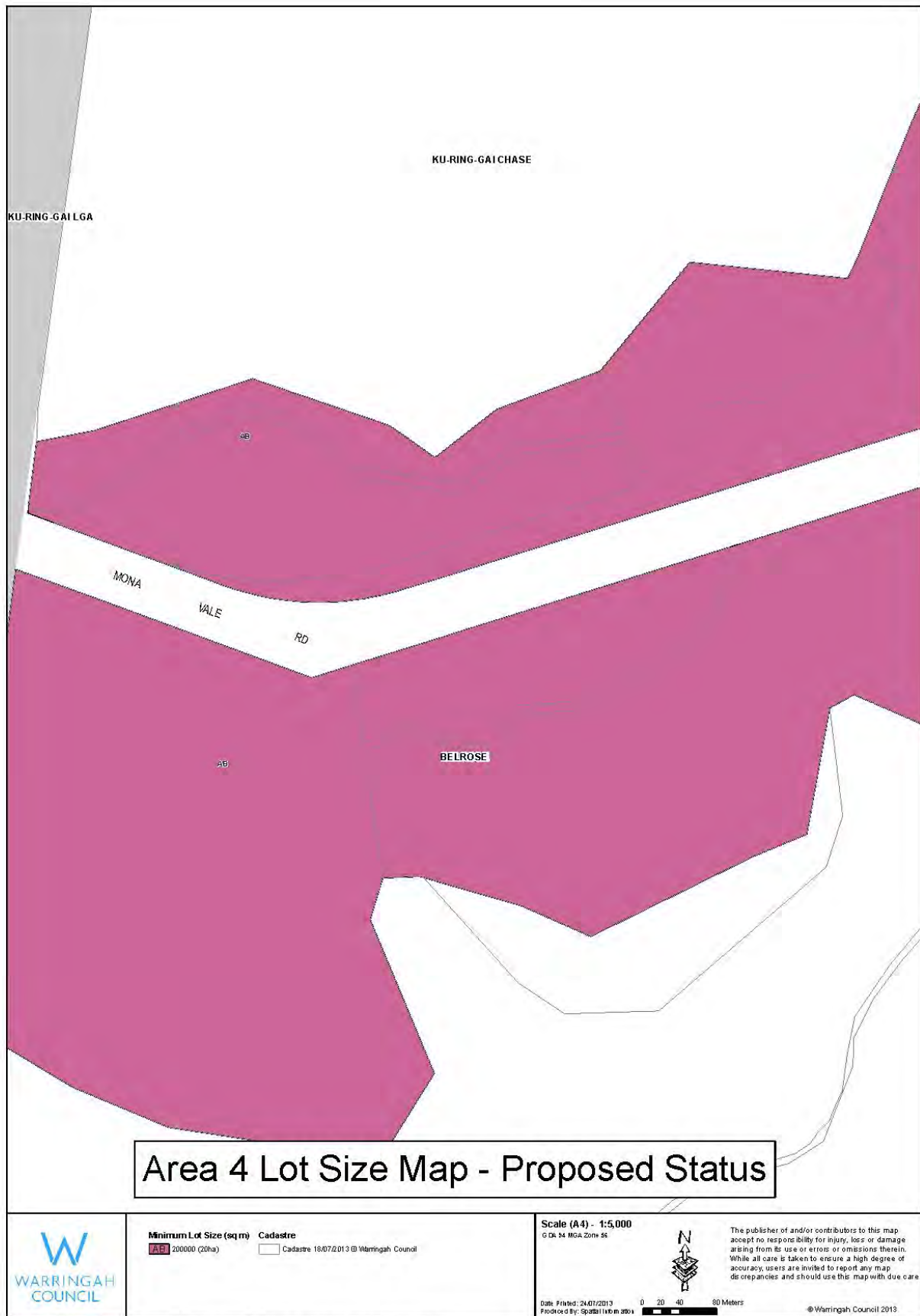


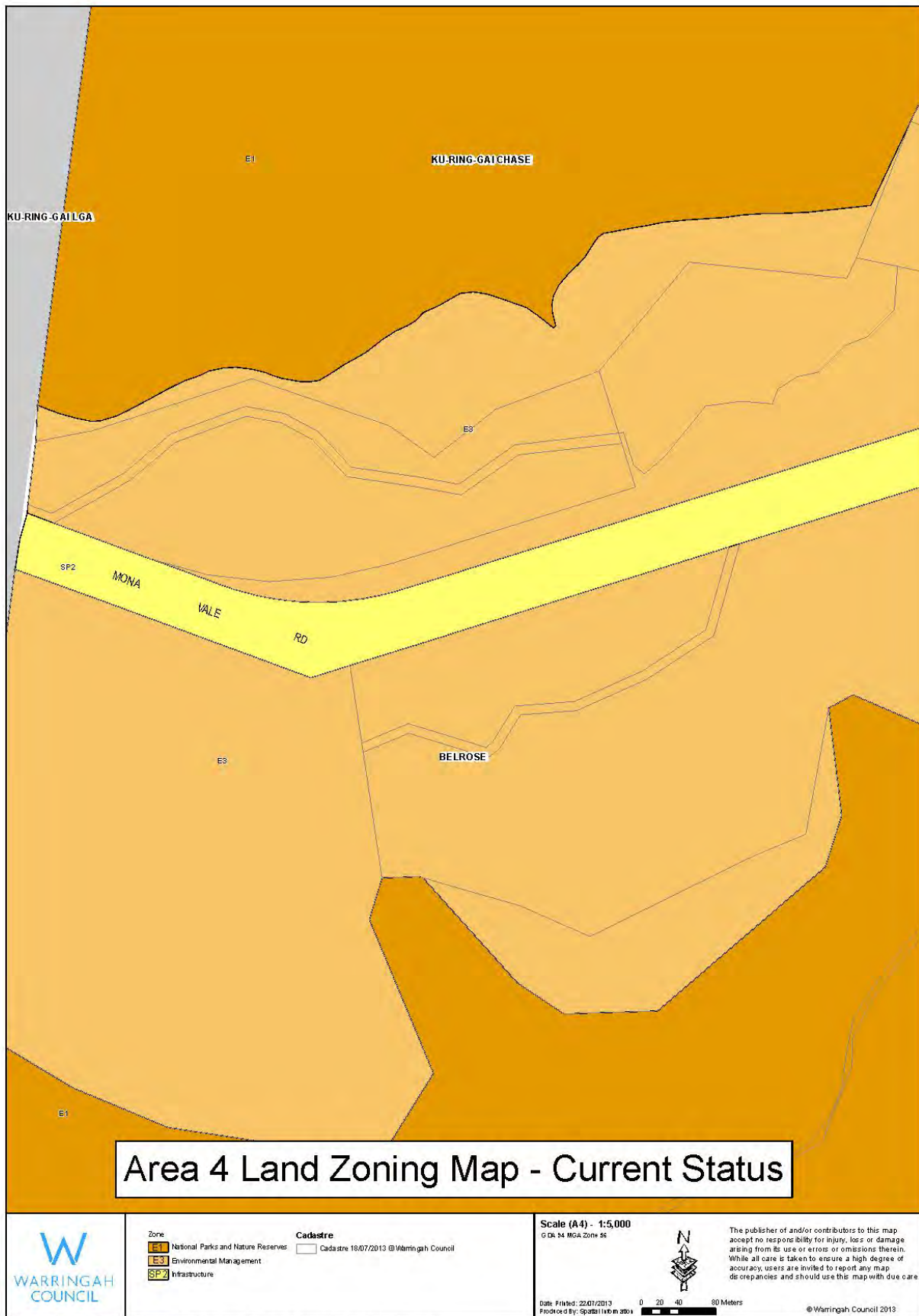


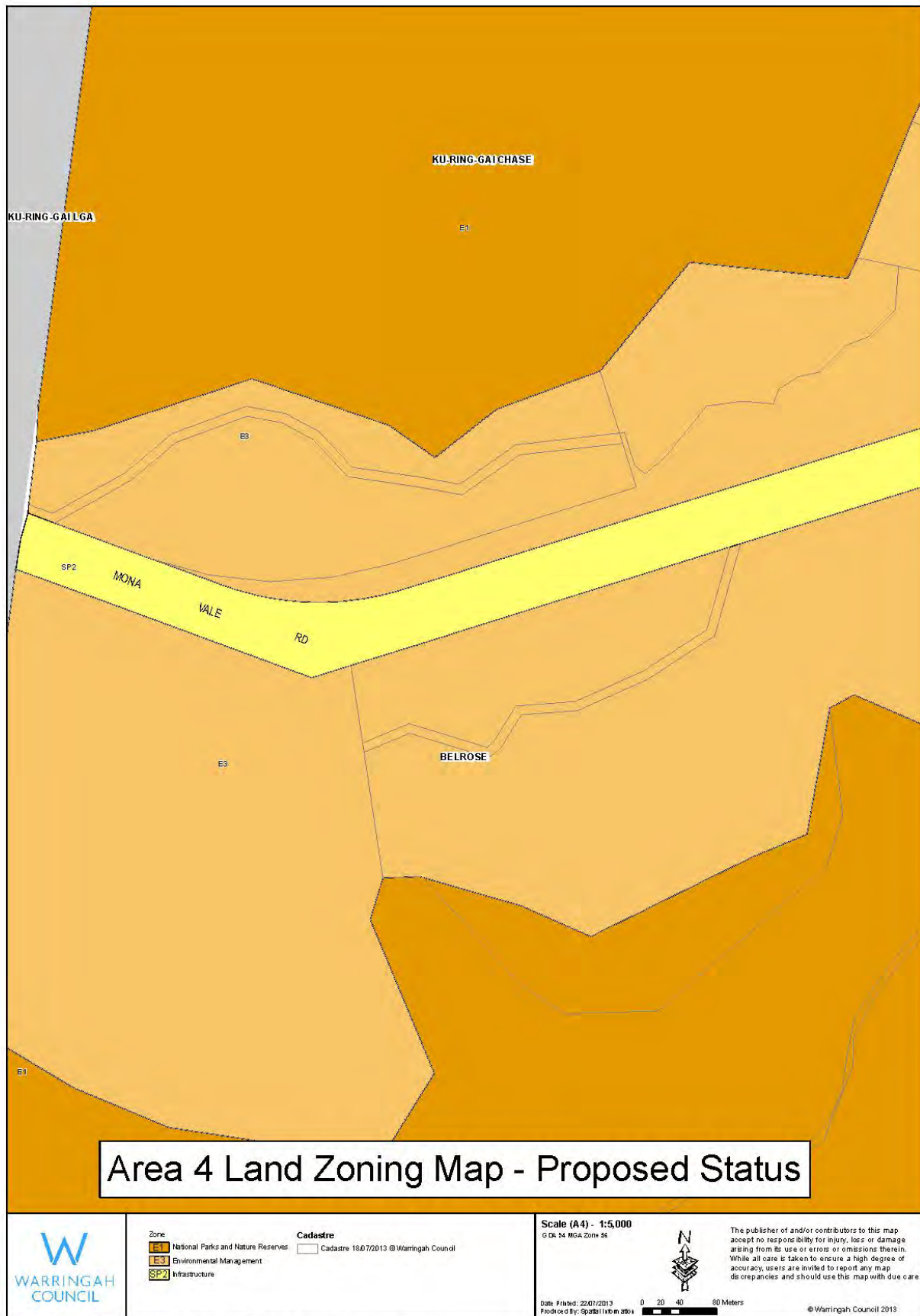






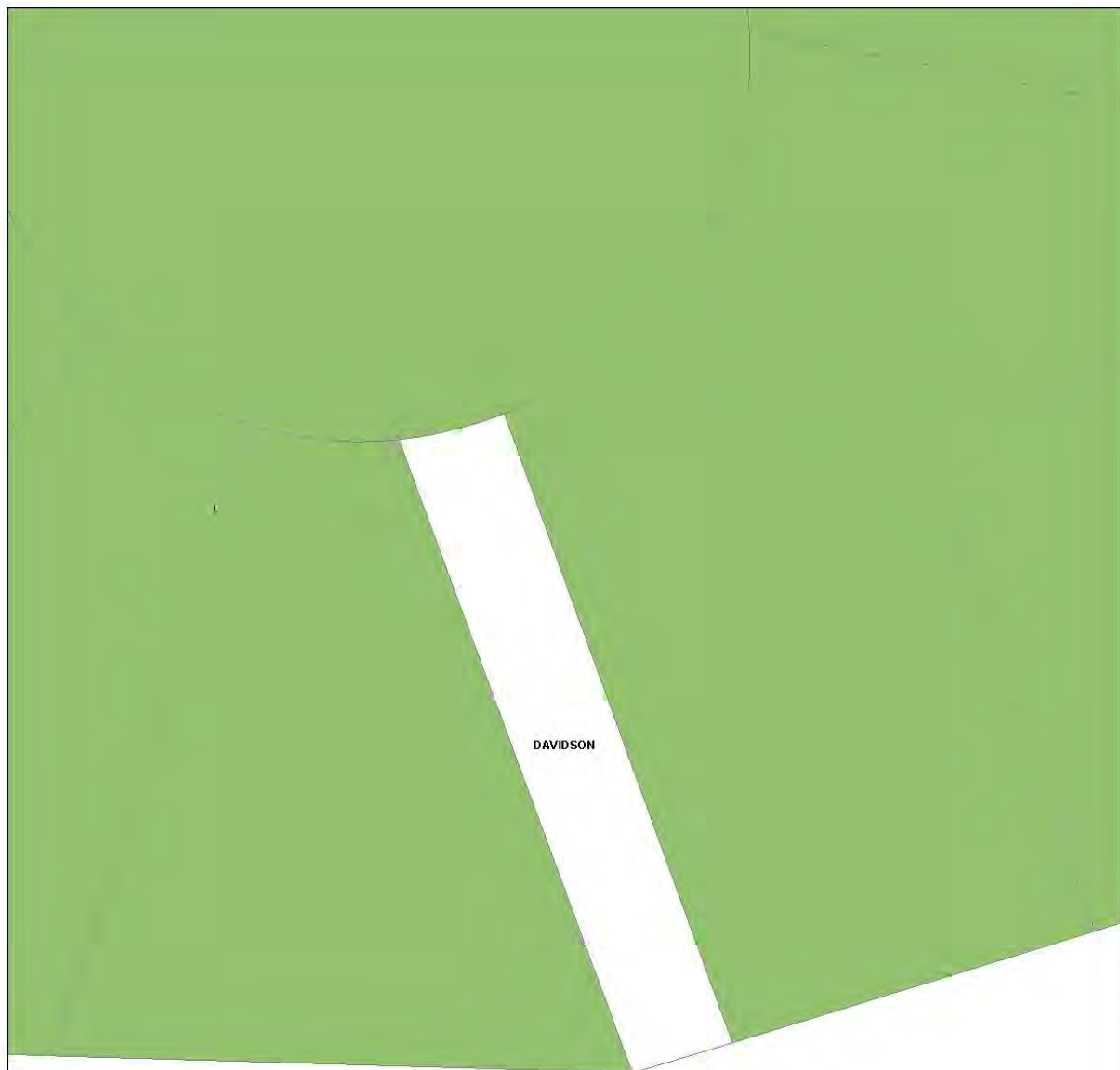






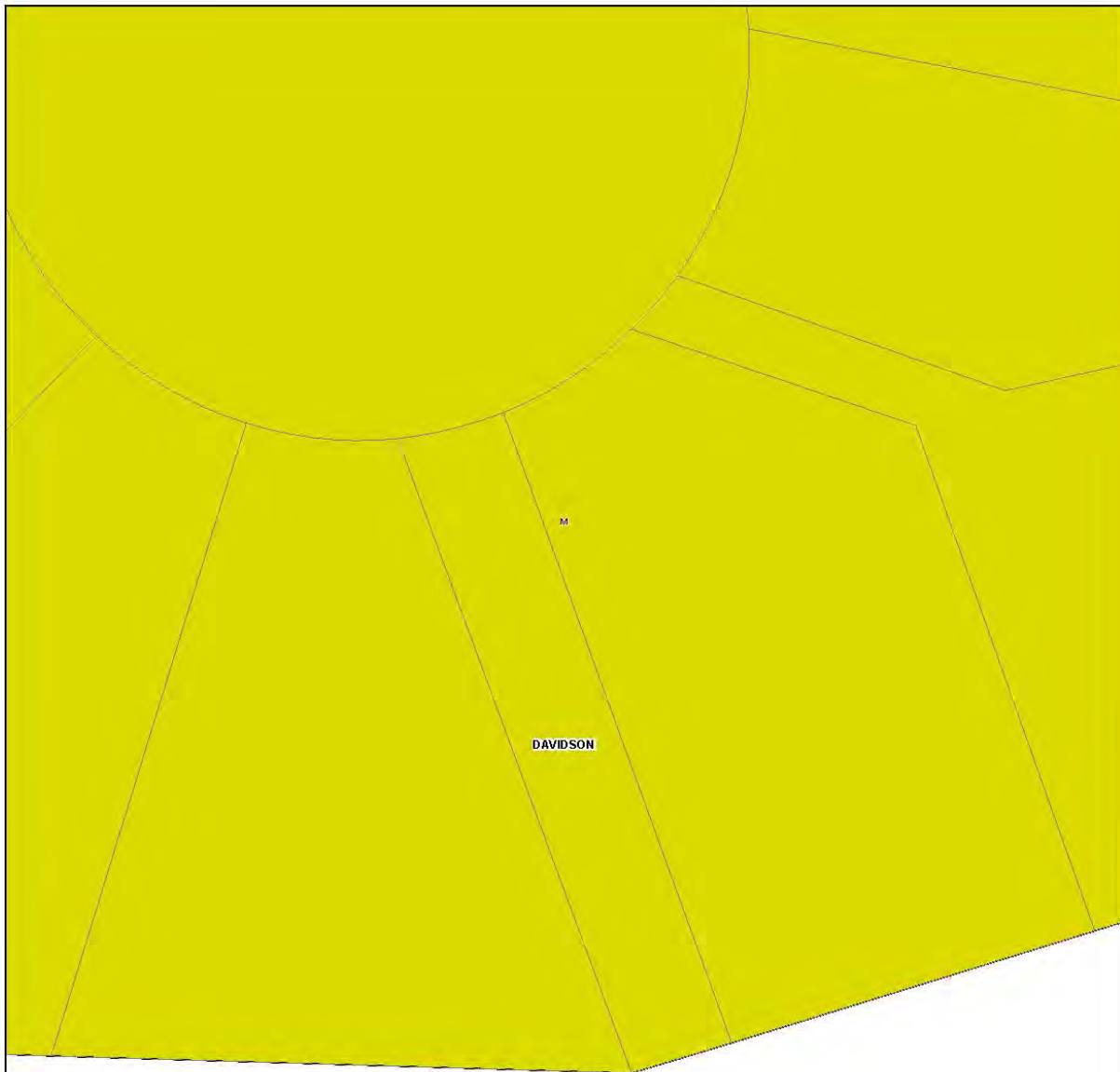






## Area 5 Height of Buildings Map - Proposed Status





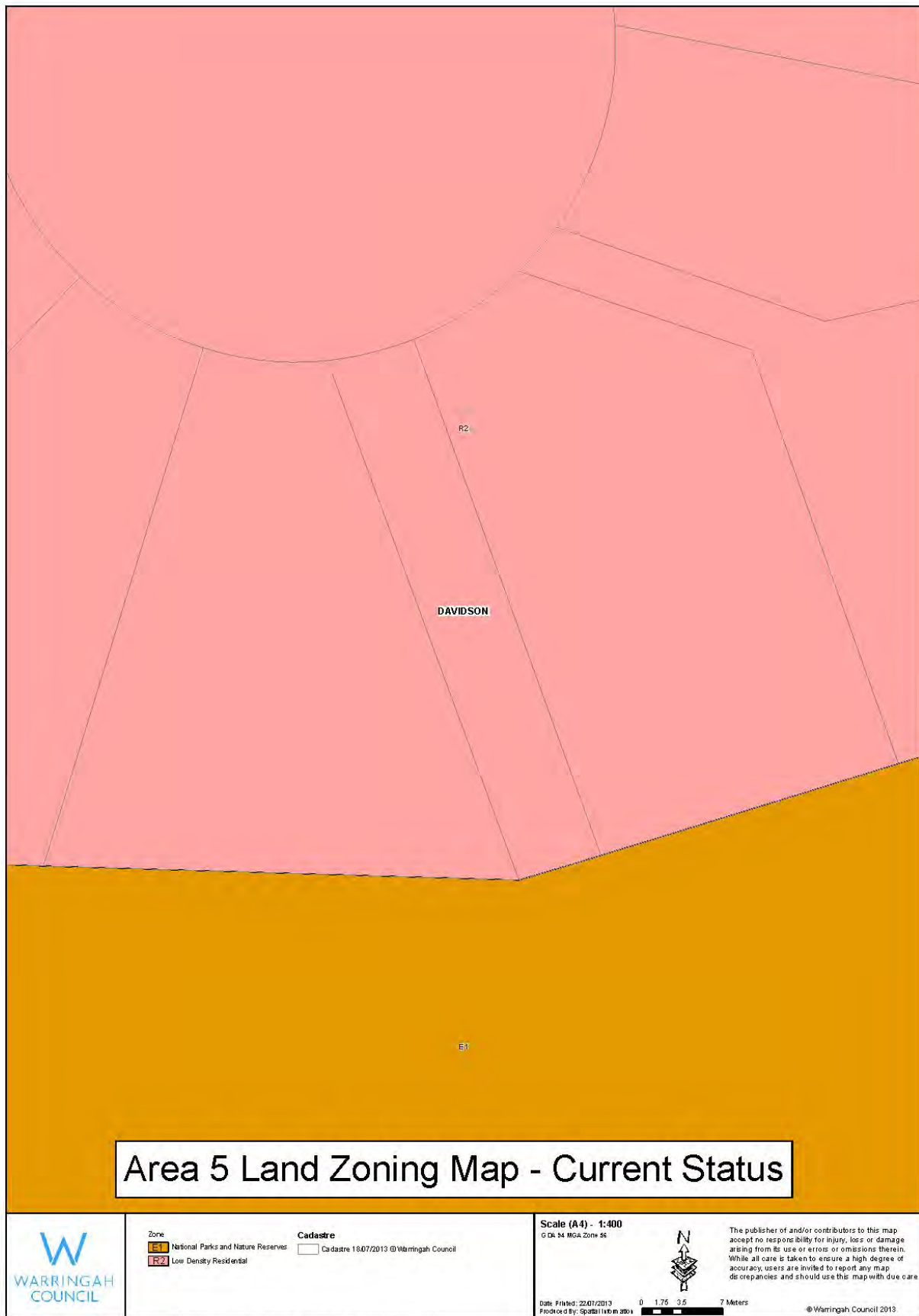
## Area 5 Lot Size Map - Current Status



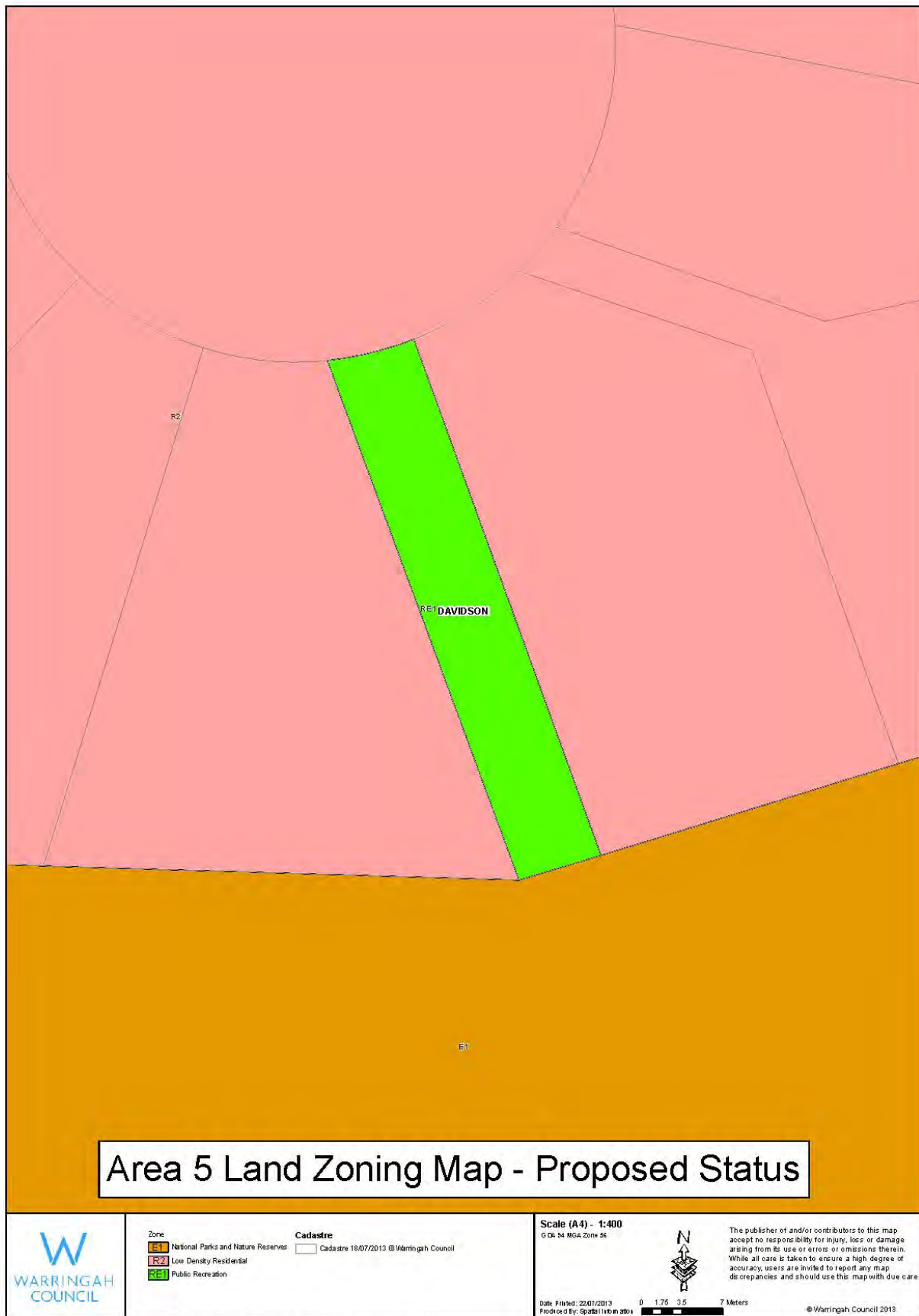


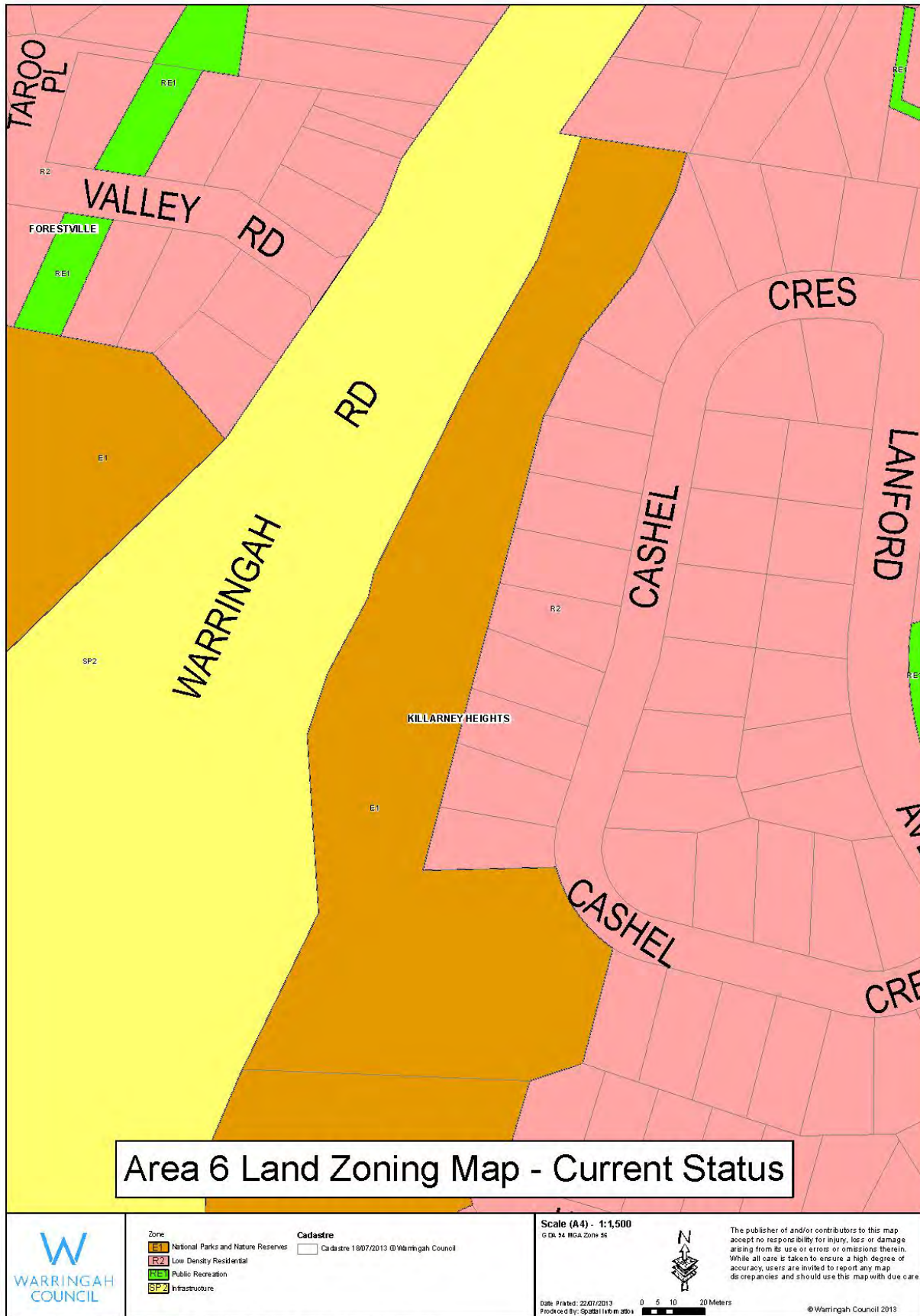
## Area 5 Lot Size Map - Proposed Status

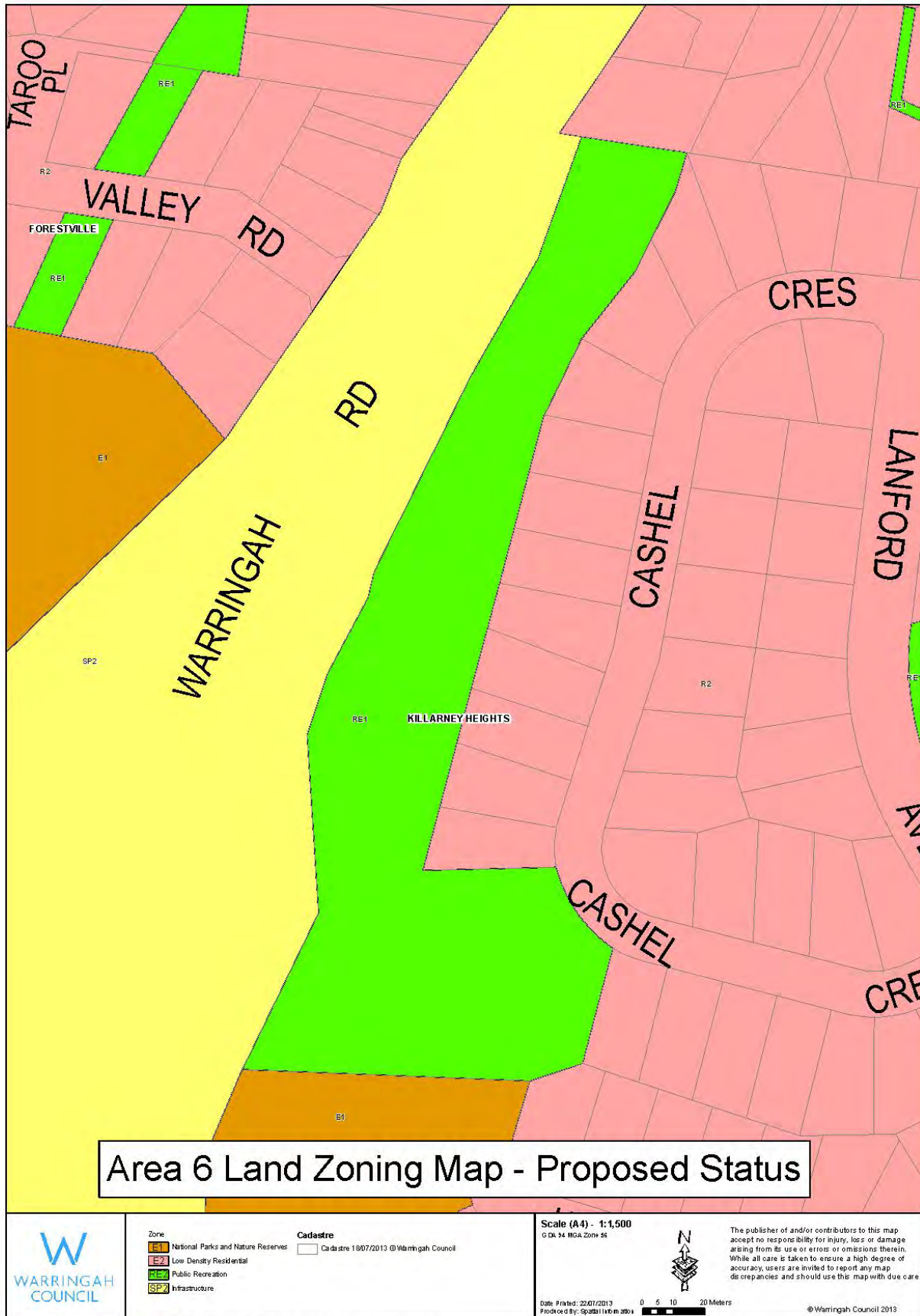




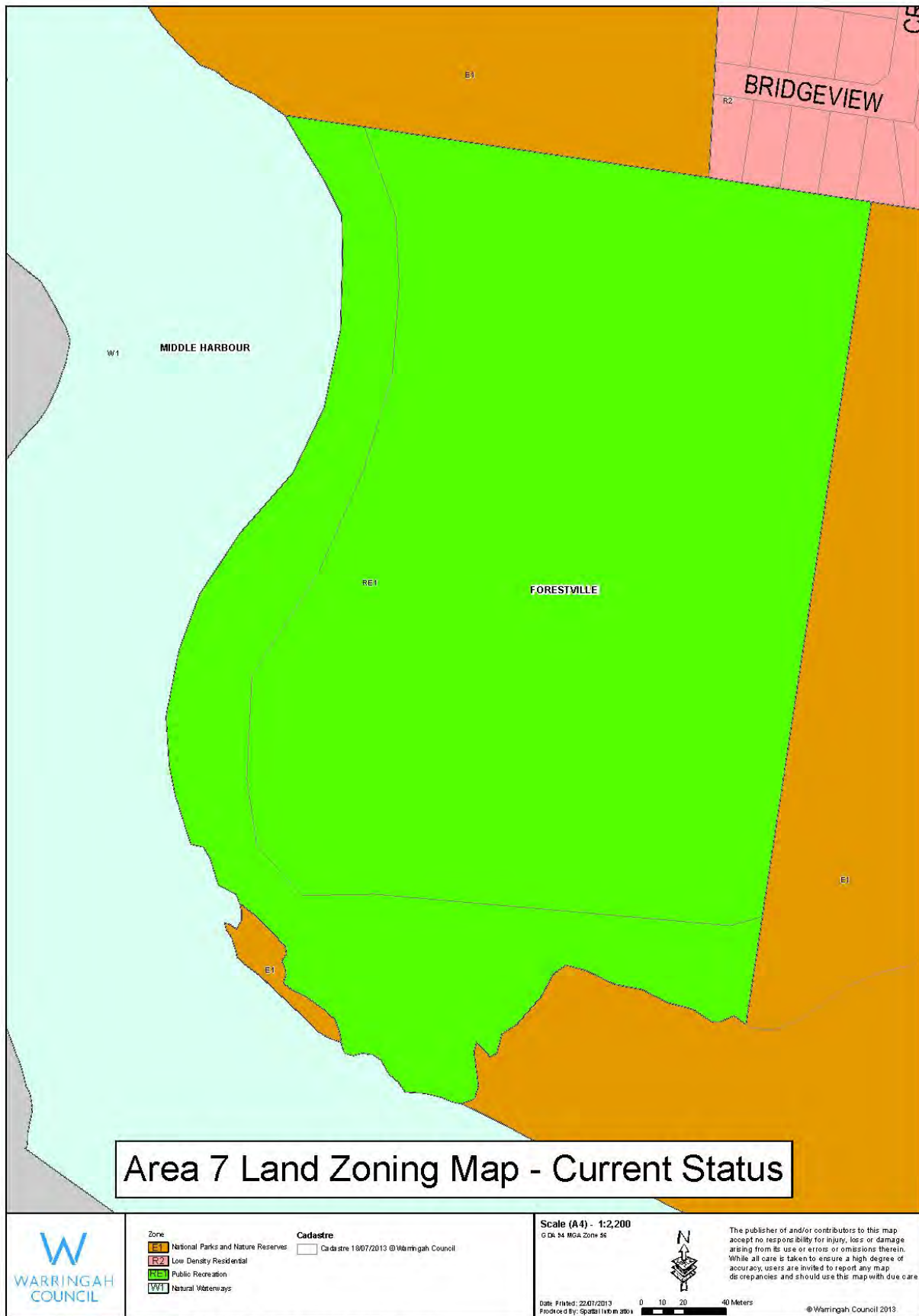






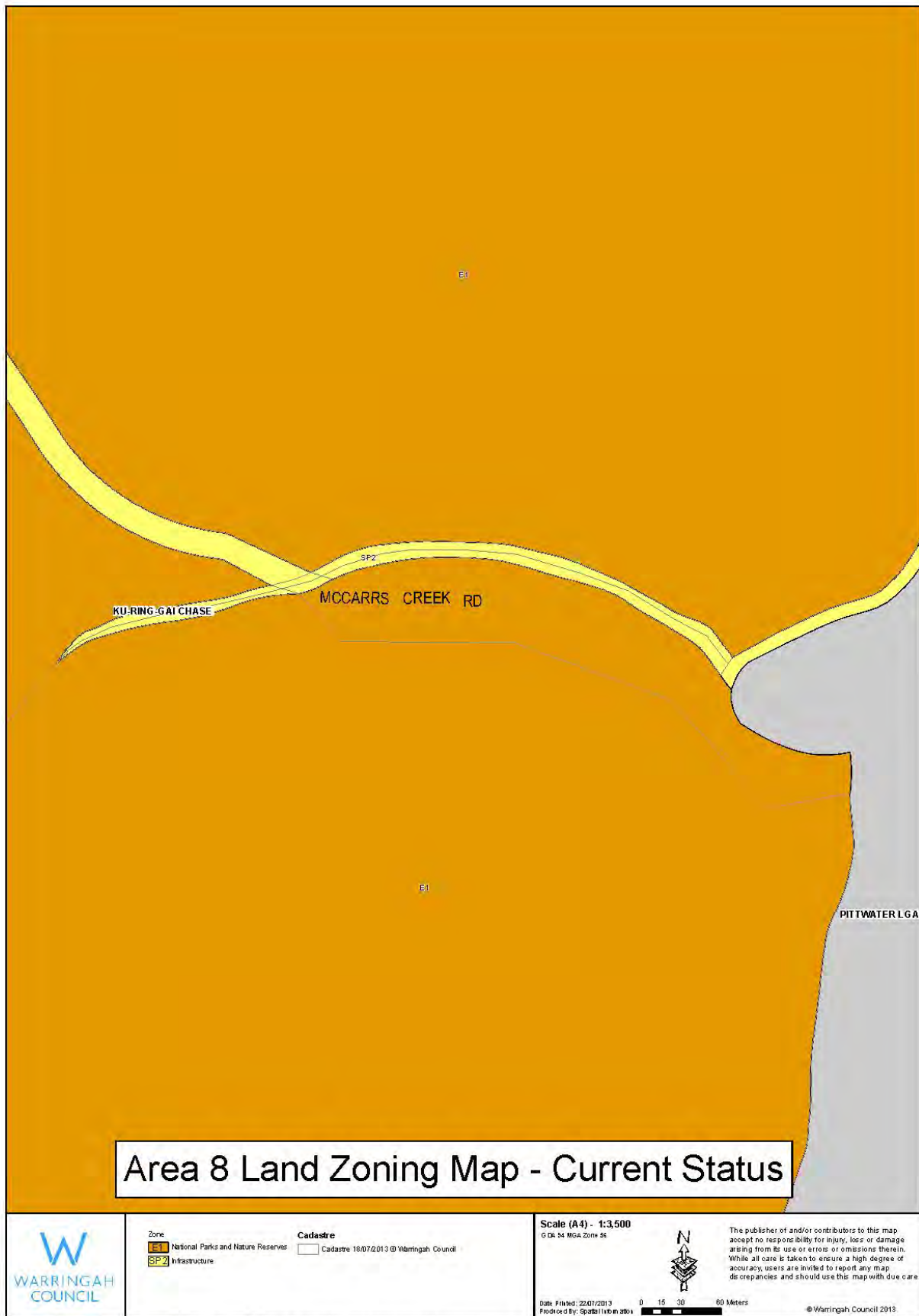


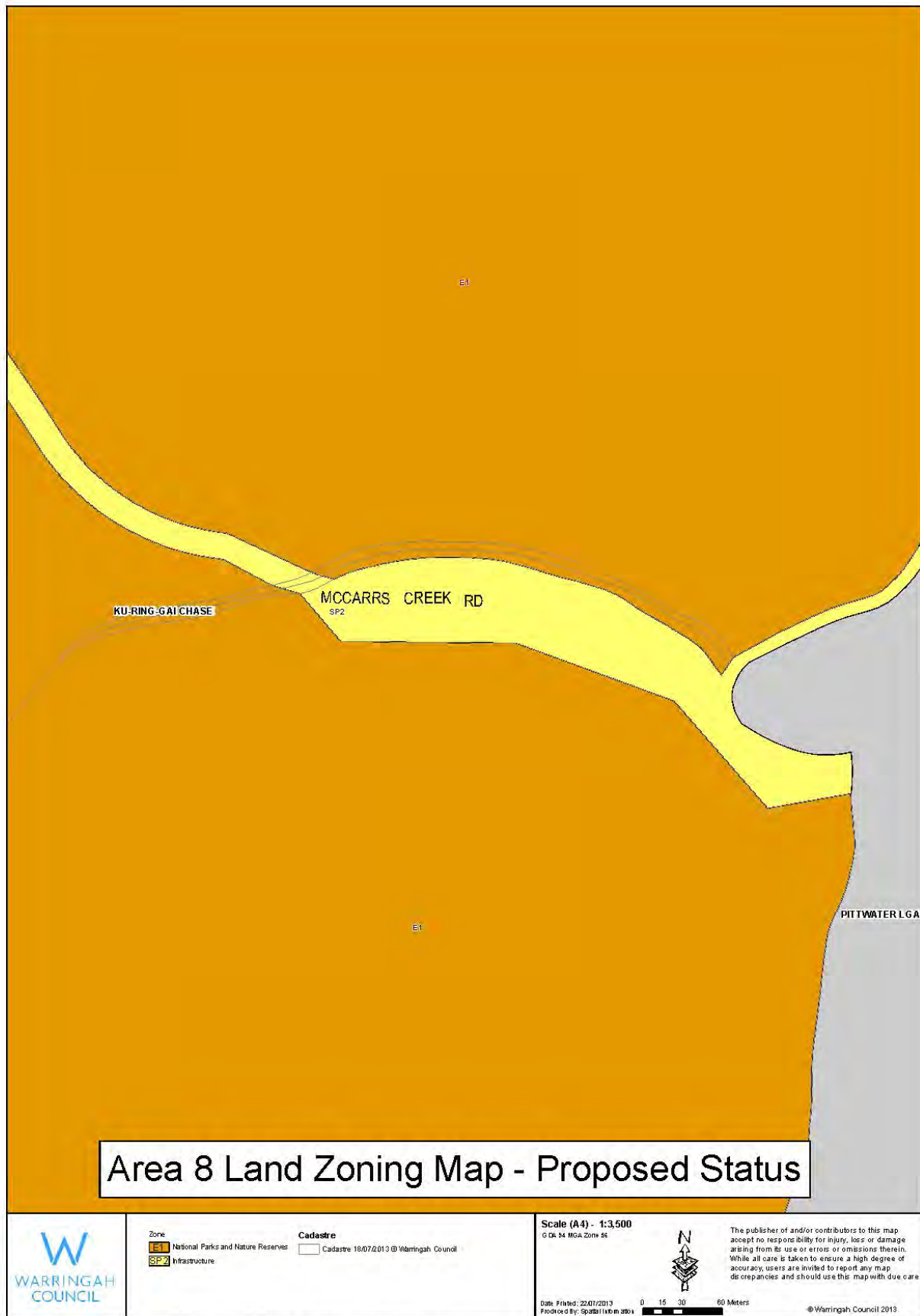


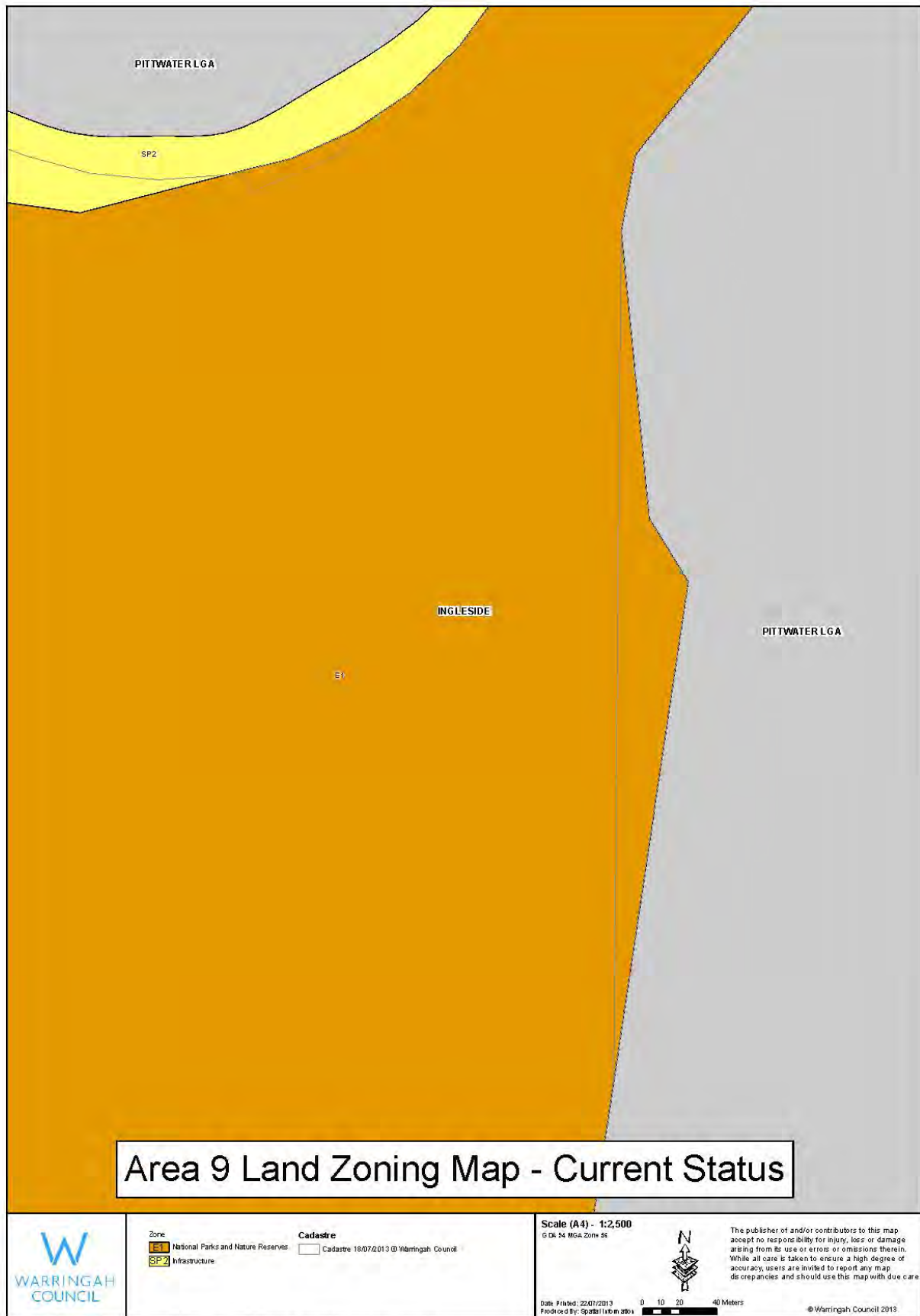




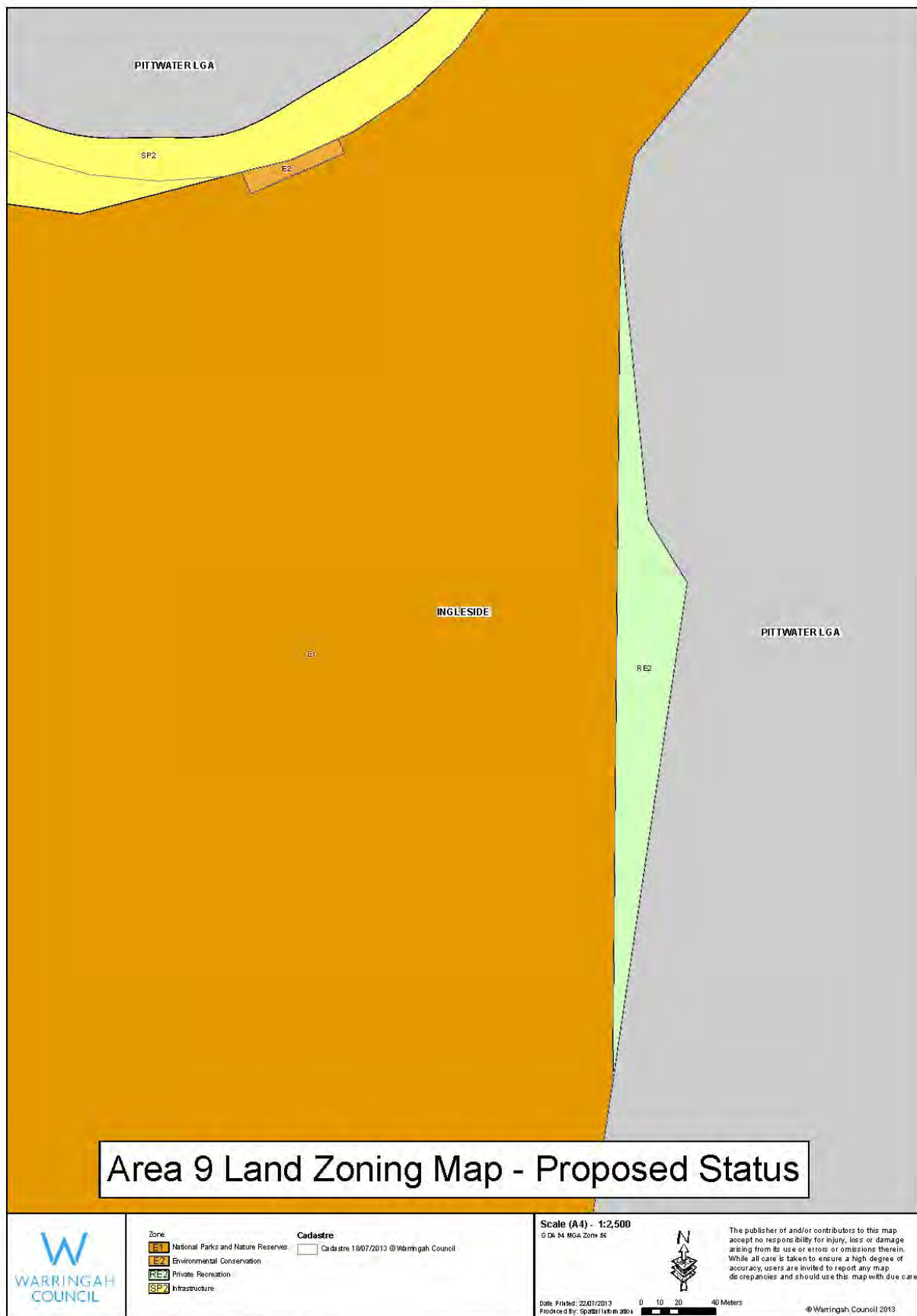


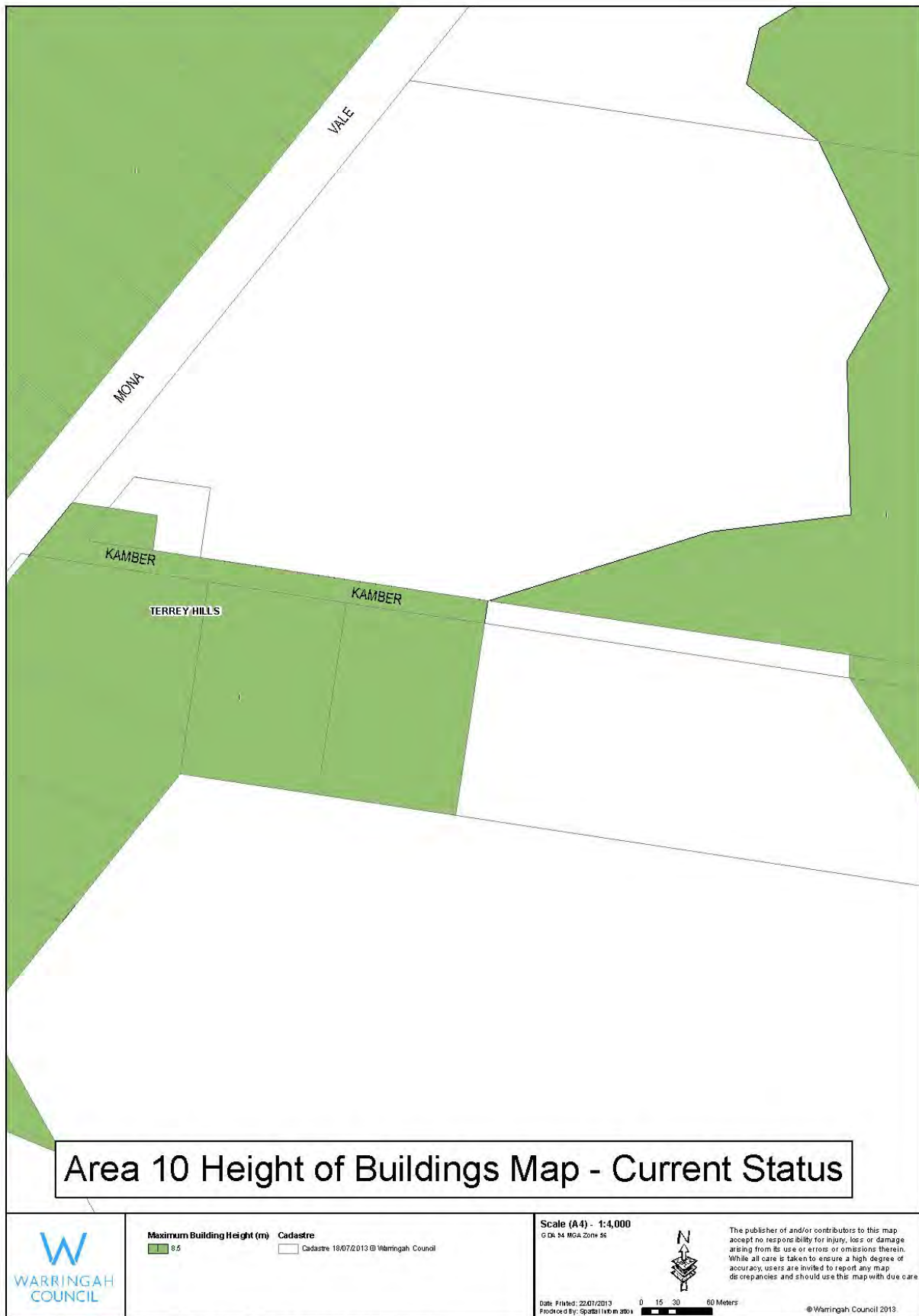


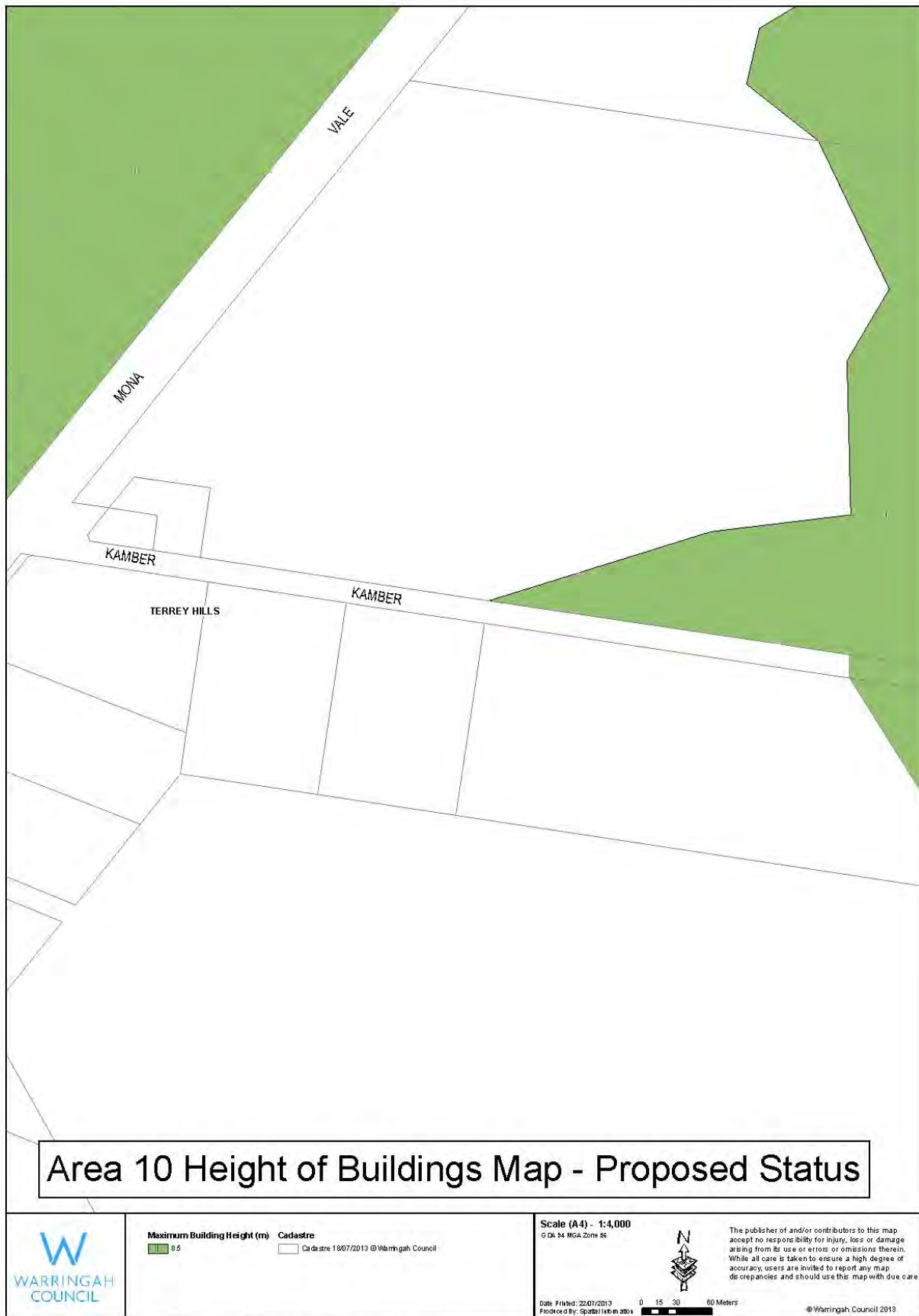


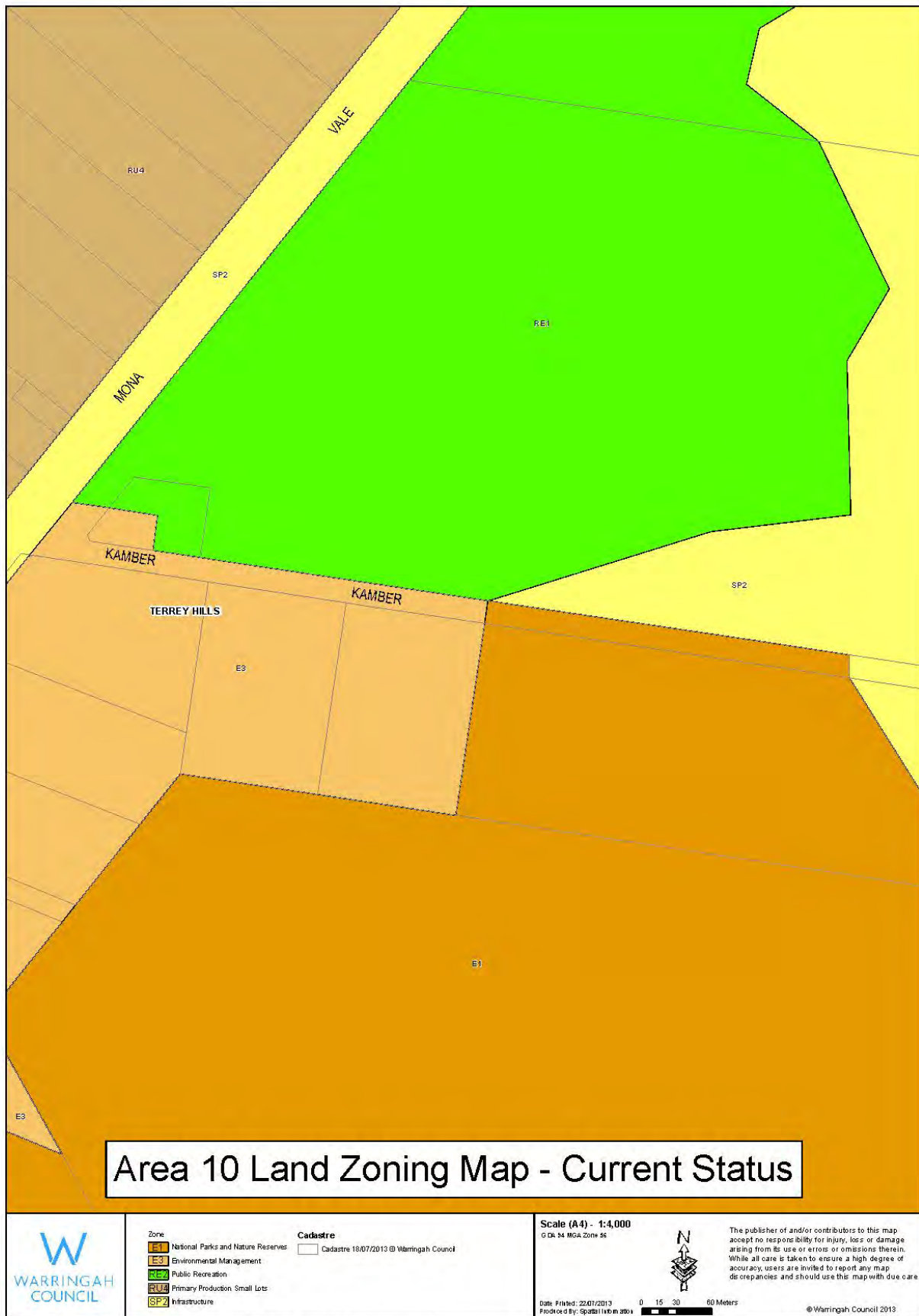




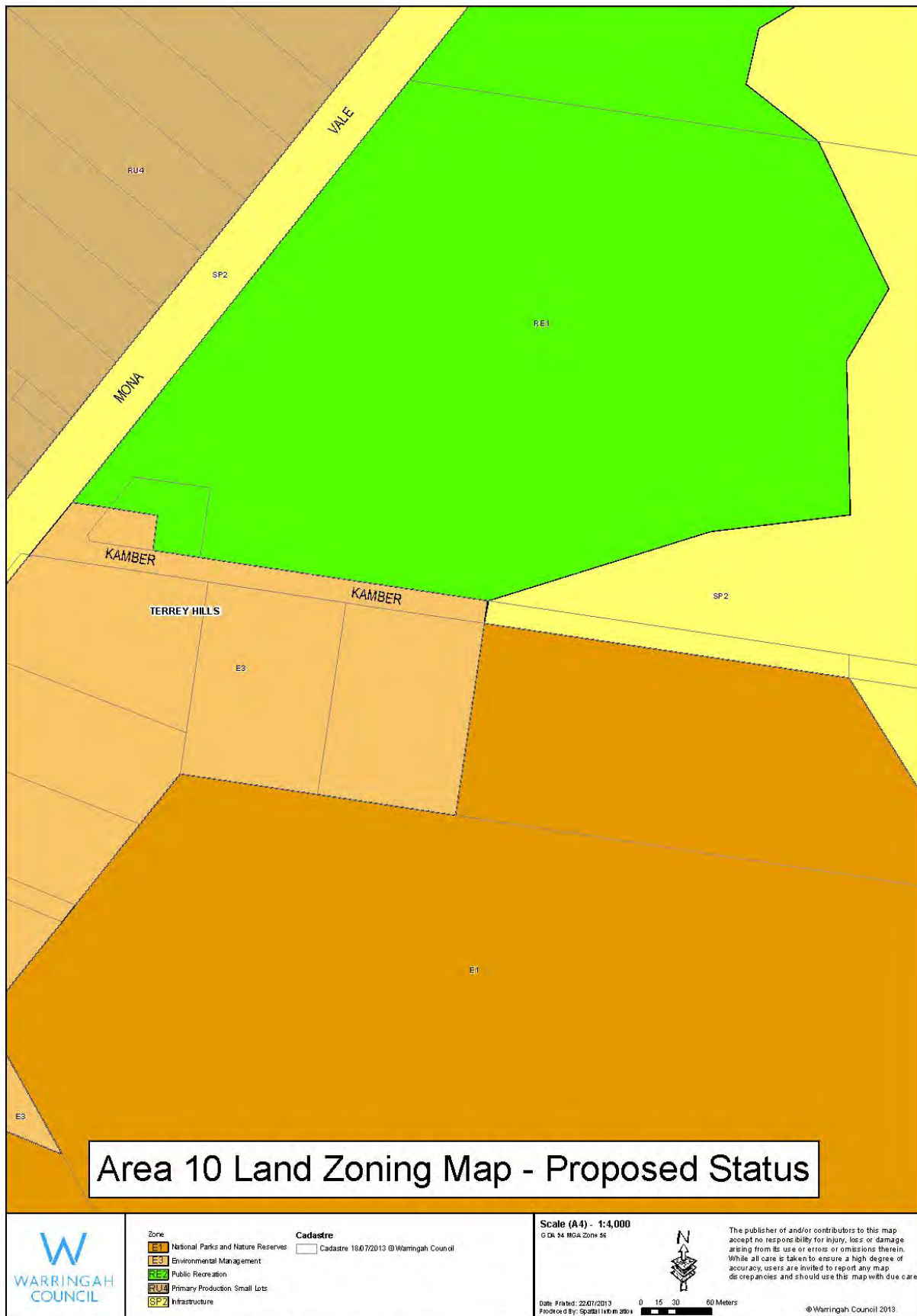


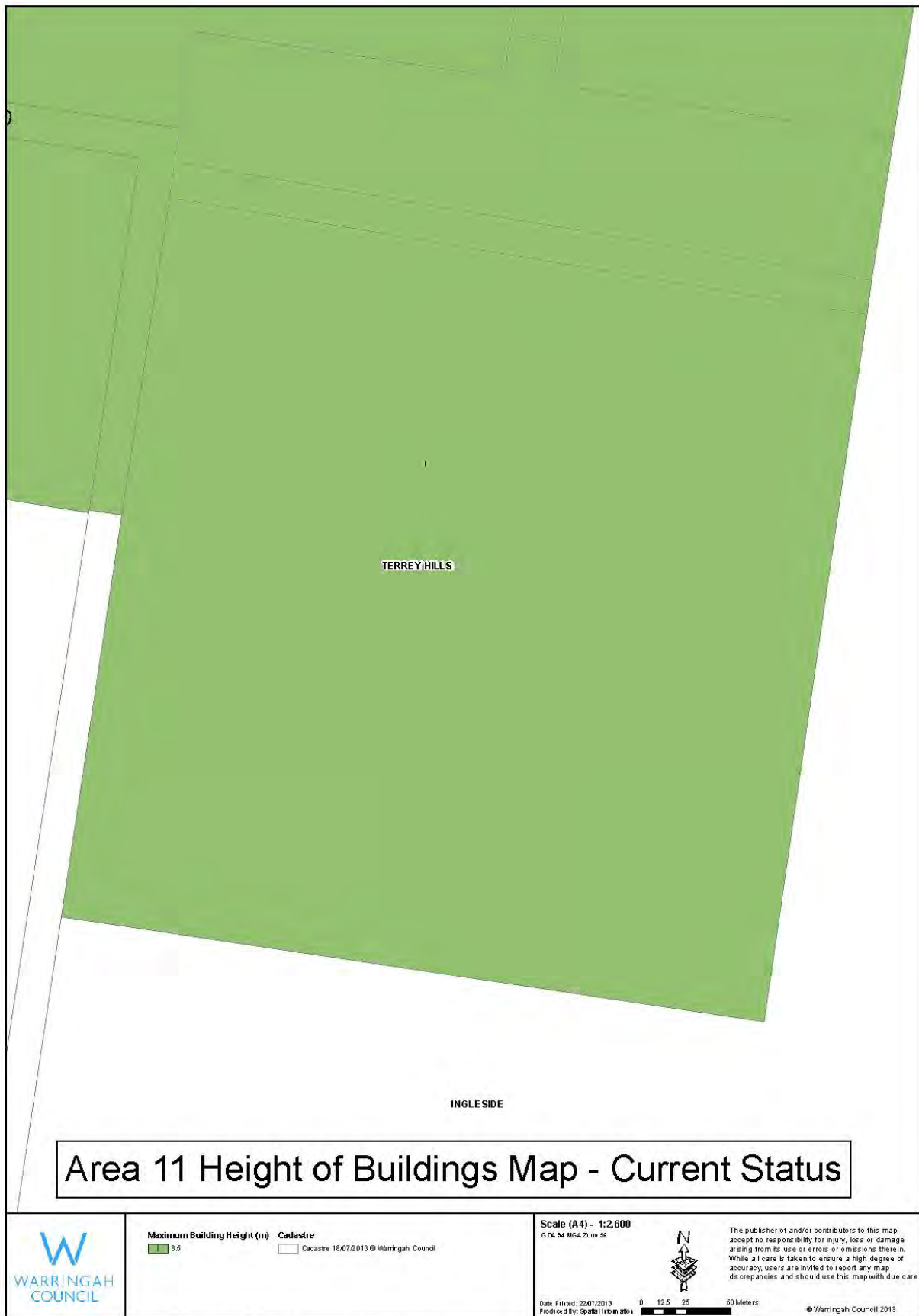


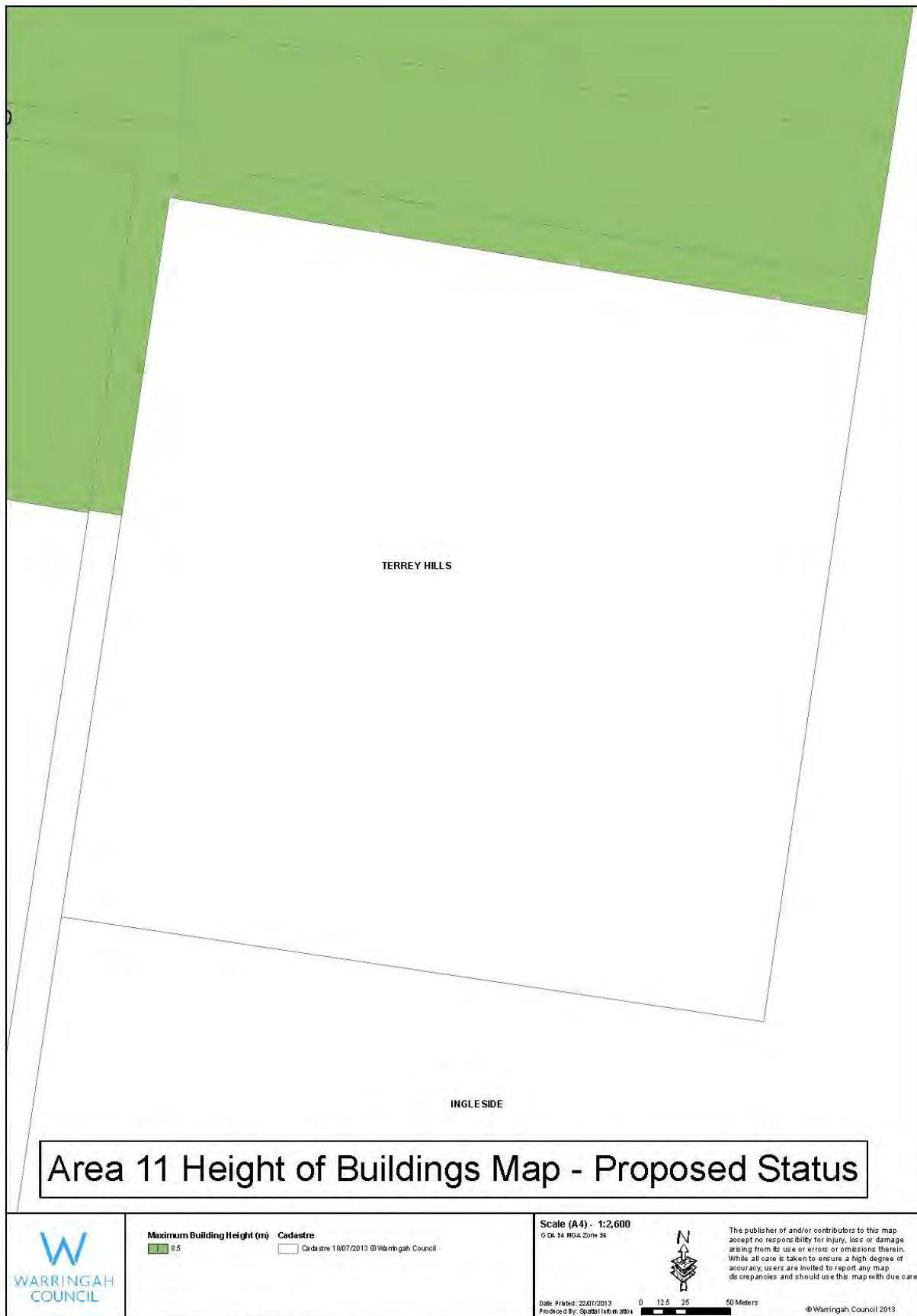


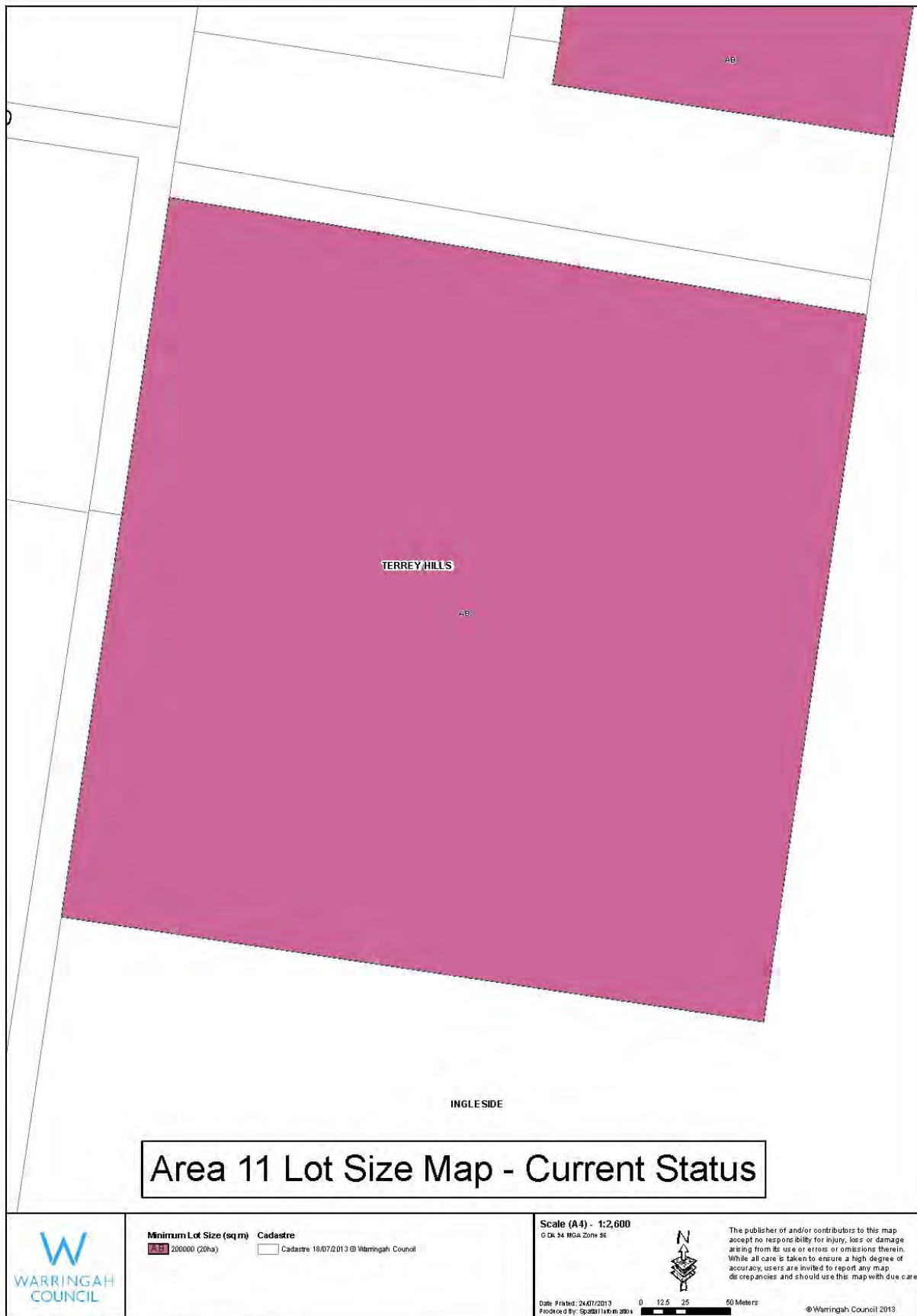




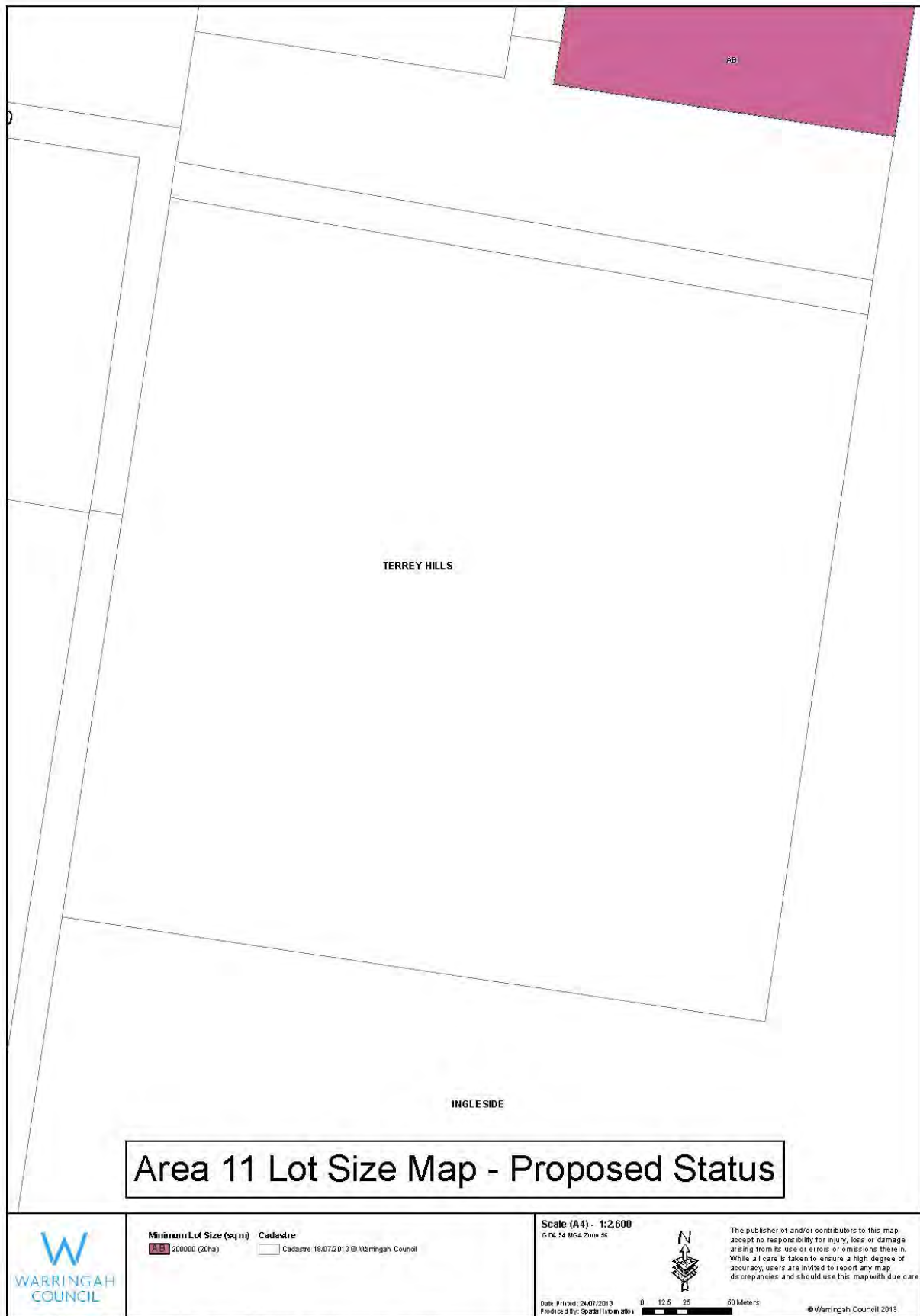


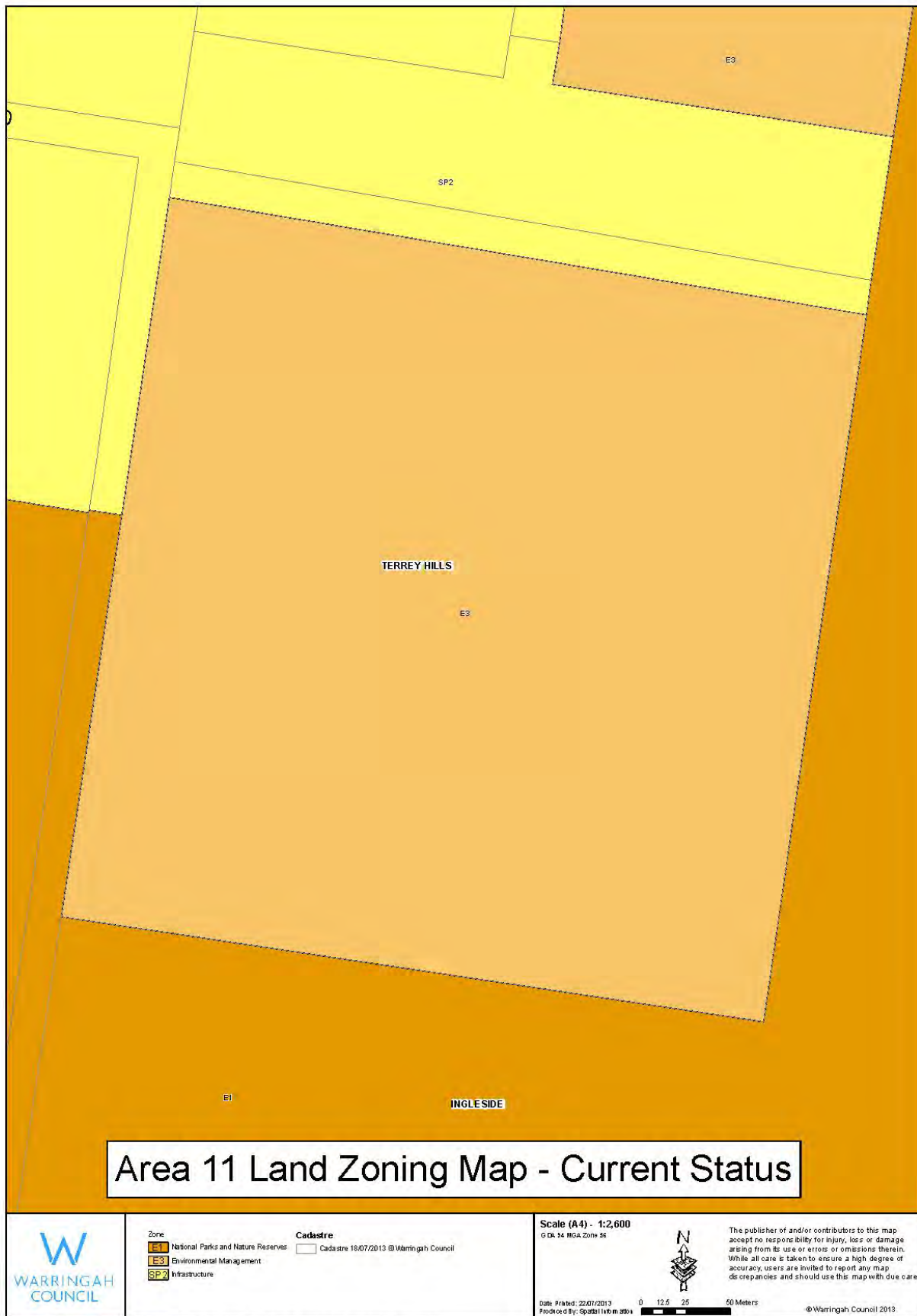


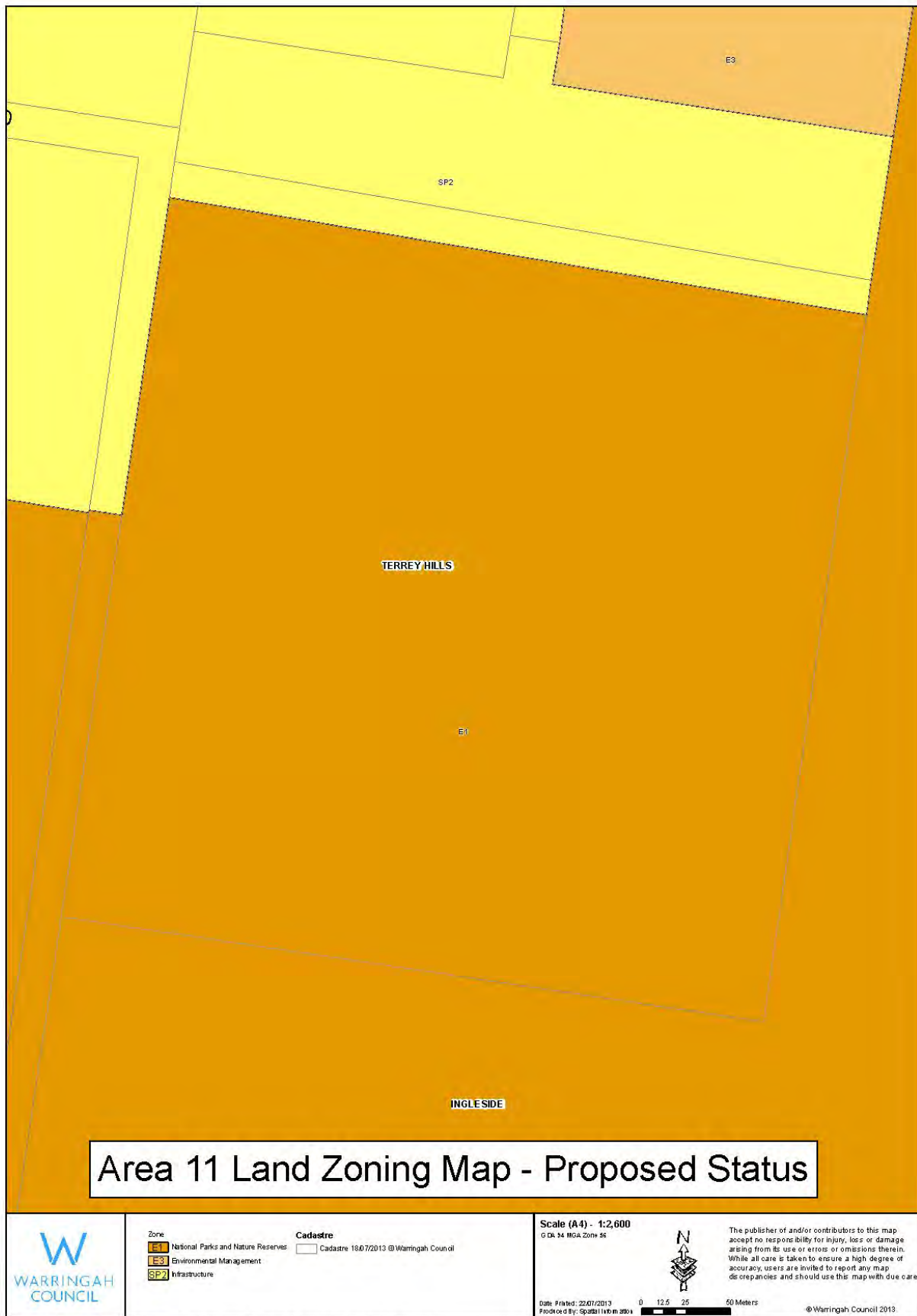


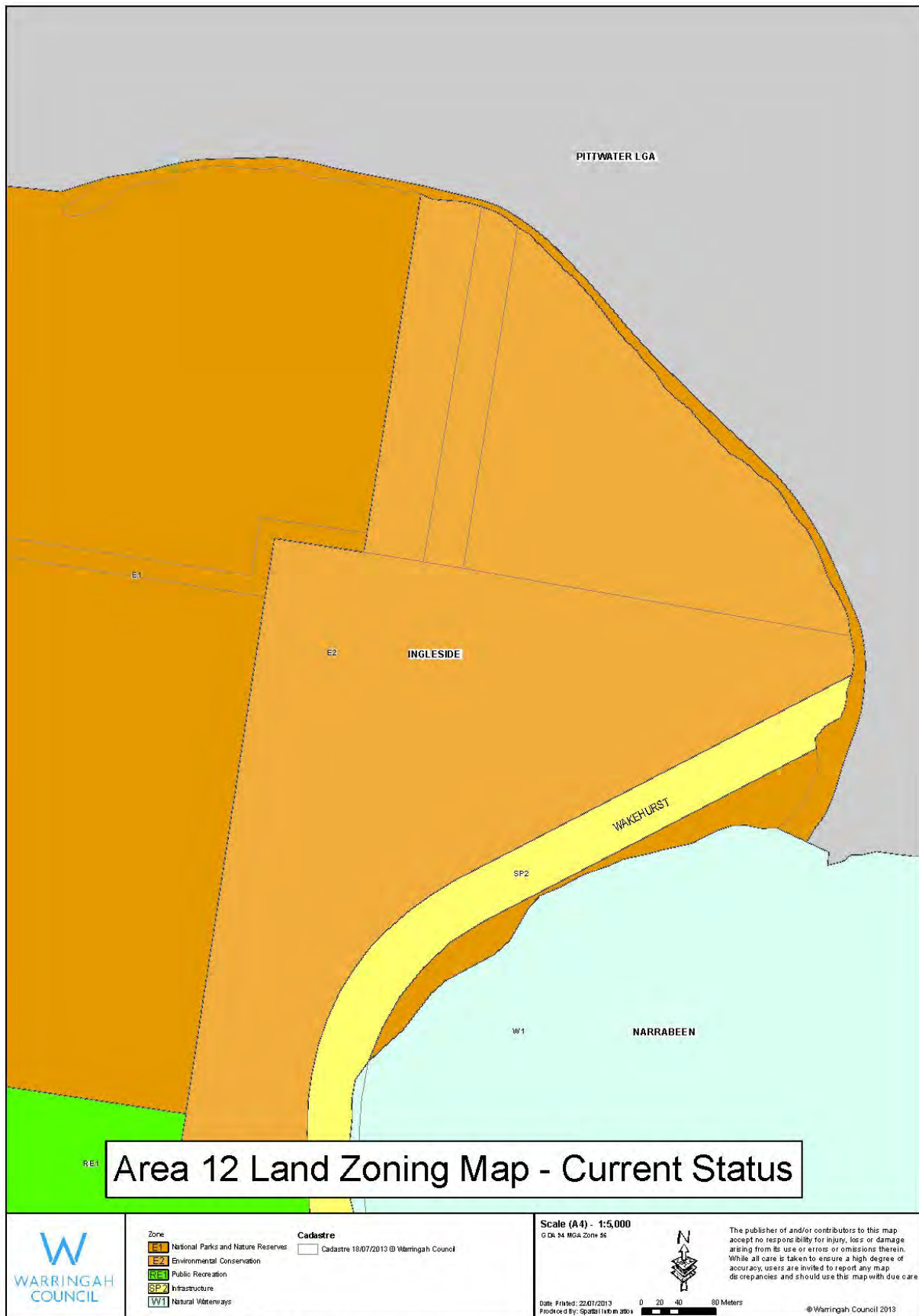




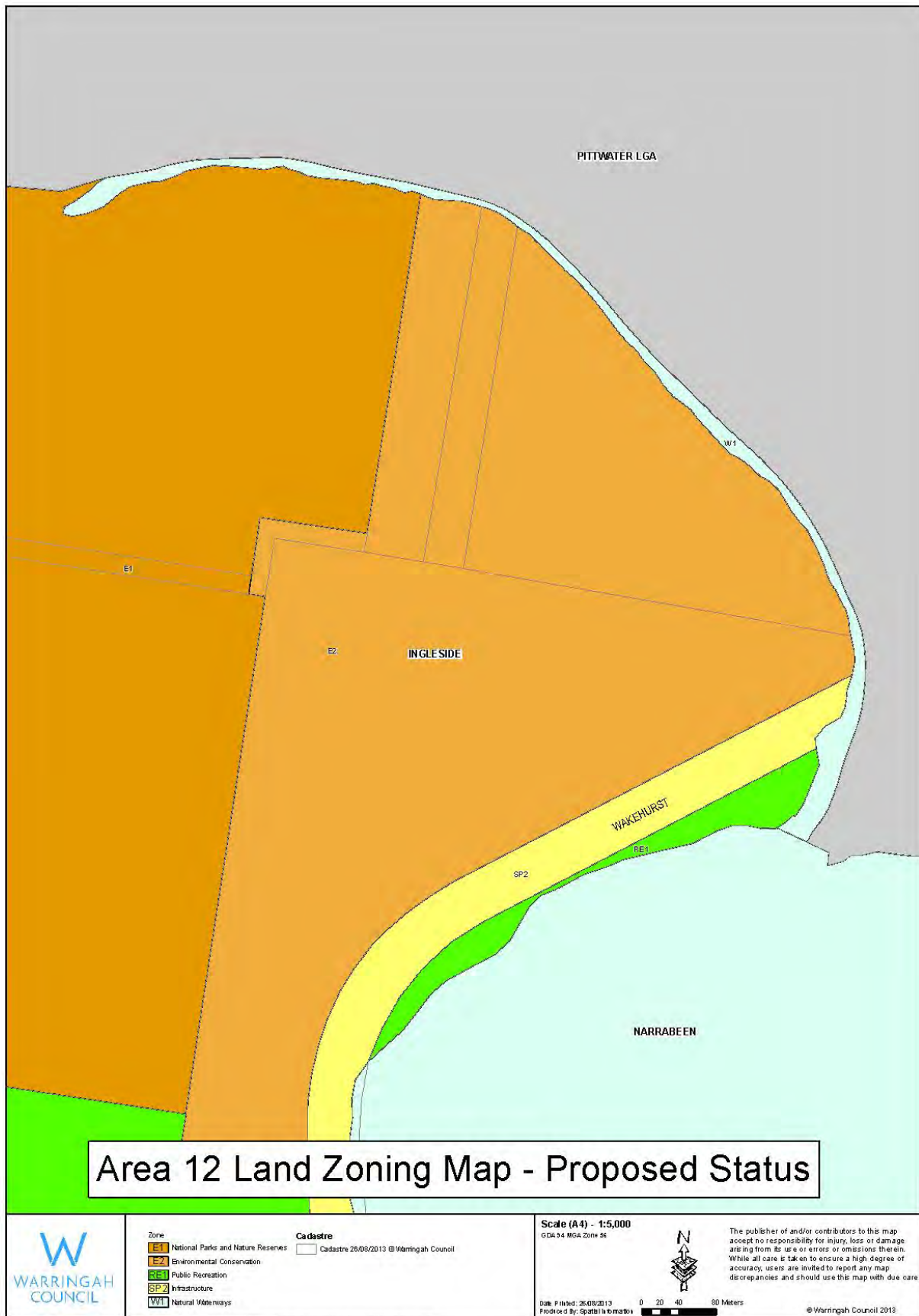


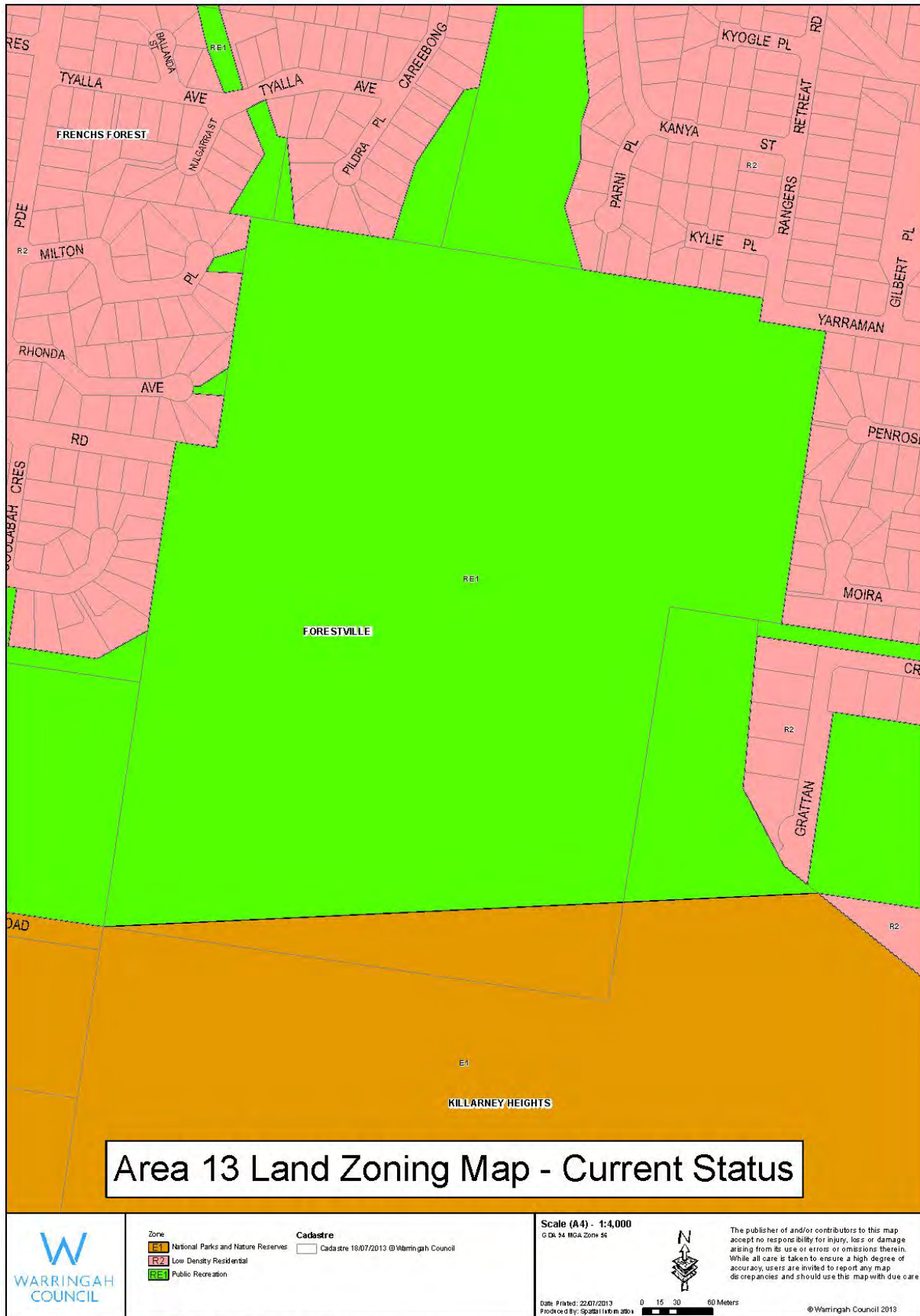




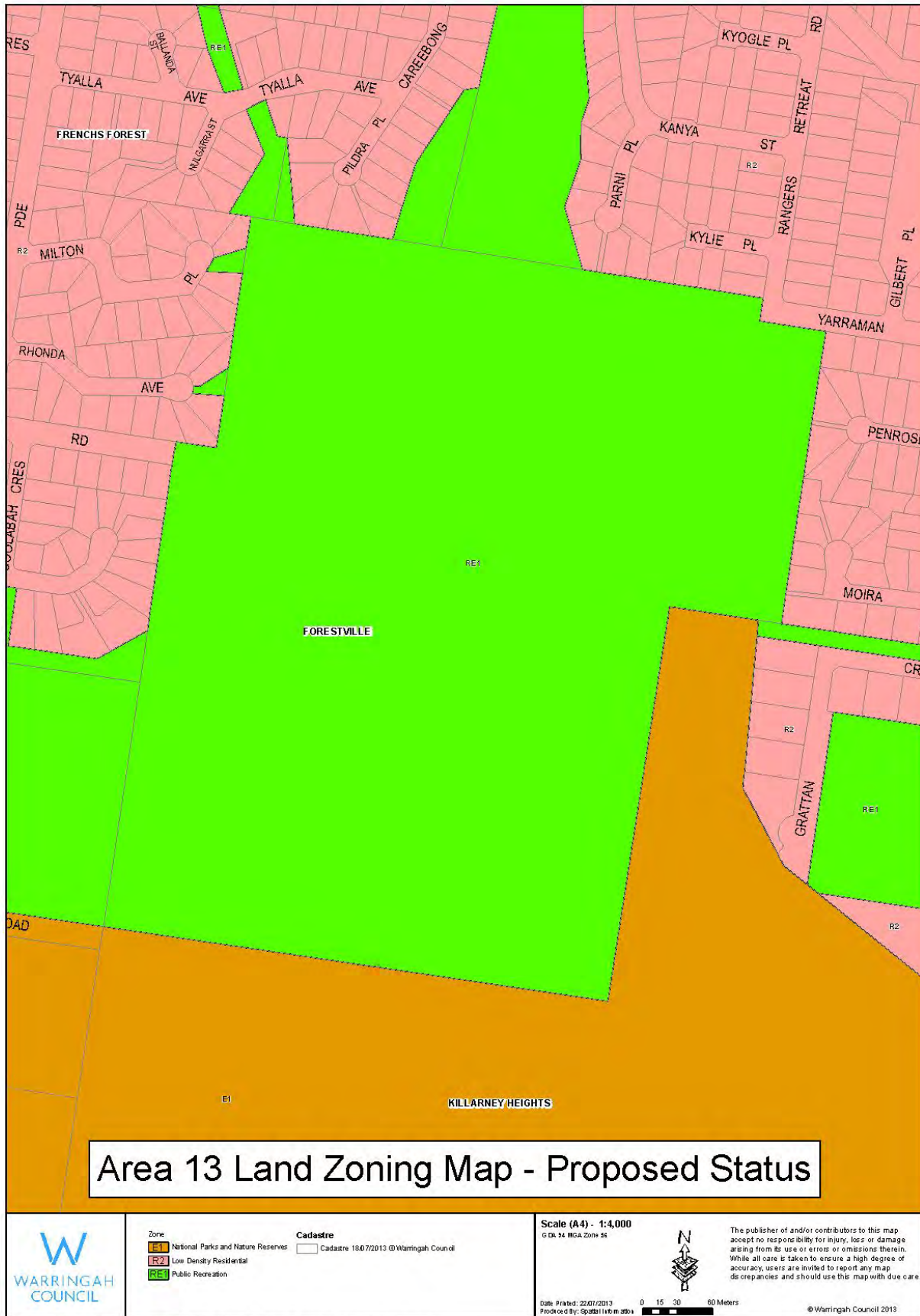


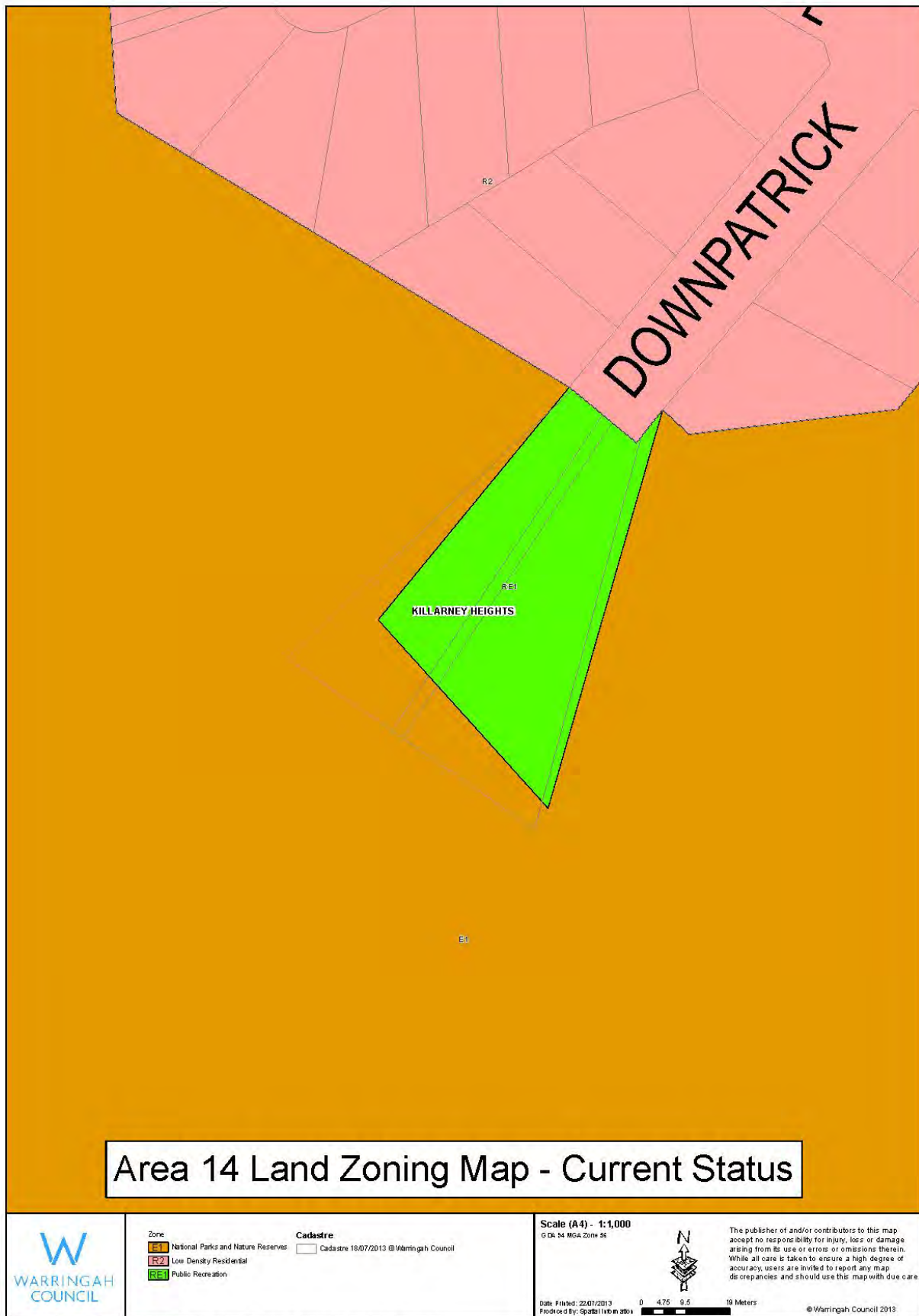




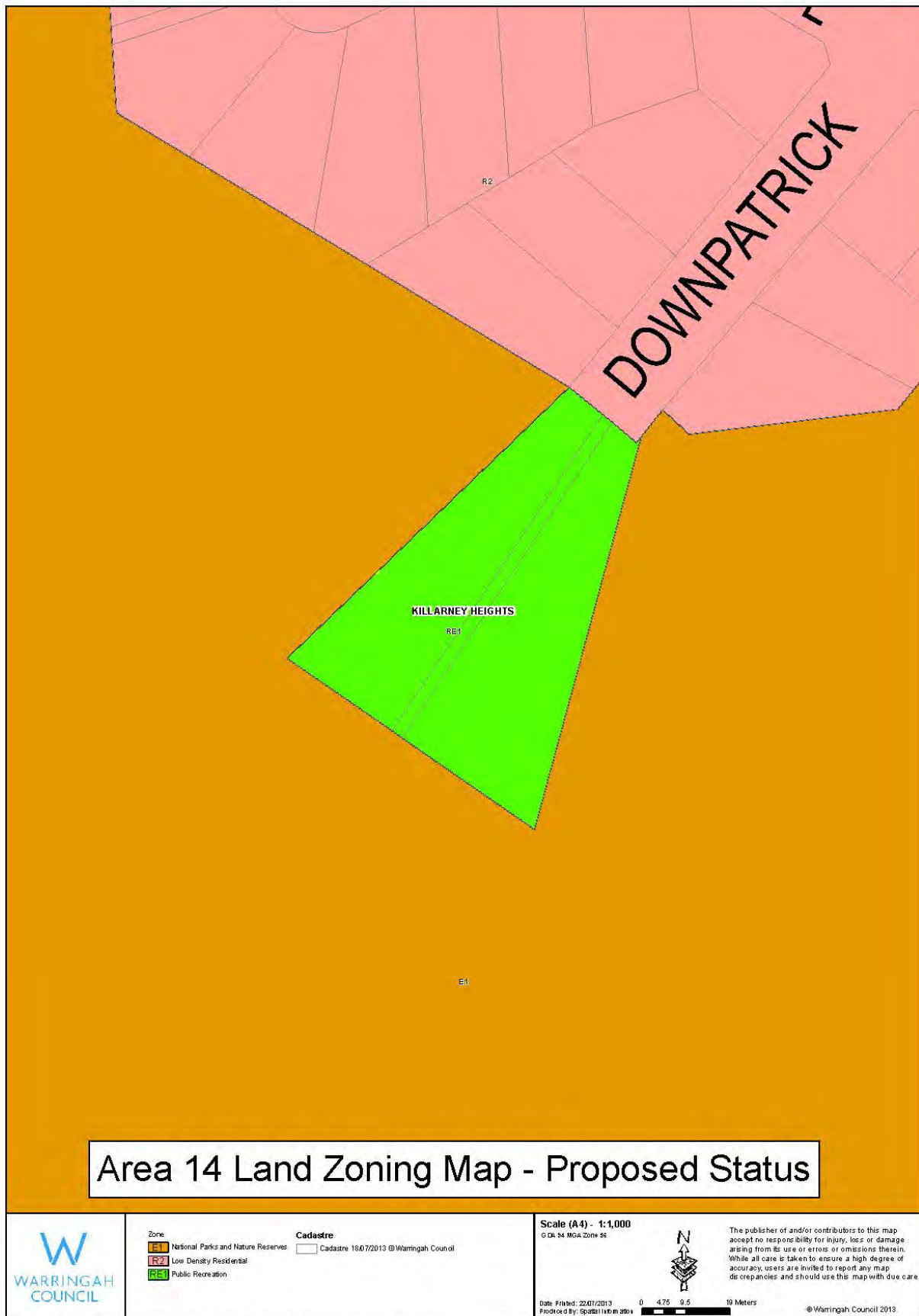














Contact: Nabil Alaeddine  
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Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP\_2013\_WARRI\_002\_00 (13/10610)

Mr Rik Hart  
General Manager  
Warringah Council  
Civic Centre  
DEE WHY NSW 2099

Dear Mr Hart,

**Planning proposal to amend Warringah Local Environmental Plan 2011**

I am writing in response to your Council's letter dated 20 June 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.


The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Nabil Alaeddine of the regional office of the department on 02 9228 6593.

Yours sincerely,

  
Daniel Keary  
Acting Executive Director  
Metropolitan Planning  
Planning Operations and Regional Delivery

16-7.13





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## **Gateway Determination**

***Planning proposal (Department Ref: PP\_2013\_WARRI\_002\_00): to rezone and amend the development standards for land in the Warringah local government area.***

I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Warringah Local Environmental Plan (LEP) 2011 to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to advise that the proposal aims to correct errors and anomalies on the land zoning, lot size and height of buildings maps under Warringah LEP 2011 to reconcile parcels of land and define boundaries for land owned by or relevant to the National Parks and Wildlife Service.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing and proposed land zoning and where applicable lot size and height of buildings maps, which are at an appropriate scale and clearly identify the subject sites.
3. Council is to update the planning proposal to include sufficient additional information to demonstrate consistency or justify any inconsistency with S117 Directions 2.2 Coastal Protection, 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils and 4.4 Planning for Bushfire Protection and State Environmental Planning Policy (SEPP) 71 - Coastal Protection and SEPP Infrastructure.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
  - Office of Environment and Heritage
  - NSW Trade and Investment – Crown Lands
  - Sydney Water
  - Transport for NSW - Roads and Maritime Services
  - National Parks and Wildlife Service
  - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.





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6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *16th* day of *July* 2013.

A handwritten signature in black ink, appearing to read "Daniel Keary".

**Daniel Keary  
Acting Executive Director  
Metropolitan Planning  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure**

**Delegate of the Minister for Planning and Infrastructure**



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**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Warringah Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_WARRI_002_00	Planning proposal to rezone certain land in the Warringah local government area to E1 National Parks and Nature Reserves and rezone certain land from E1 to RE1 Public Recreation, SP2 Infrastructure, RE2 Private Recreation, E2 Environmental Conservation and W1 Natural Waterways and remove applicable minimum lot size and building height controls for certain land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 16<sup>th</sup> July 2013

  
Daniel Keary  
Acting Executive Director  
Metropolitan Planning  
Planning Operations and Regional Delivery  
Department of Planning and Infrastructure

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

**Notes:**

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP_2013_WARRI_002_00
Date Sent to Department under s56	20/06/2013
Date considered at LEP Review Panel	11/07/2013
Gateway determination date	16/07/2013

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**