

Richmond
Valley
Council



ATTACHMENTS

Tuesday, 16 April 2019

UNDER SEPARATE COVER

Ordinary Council Meeting

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MINUTES

Ordinary Council Meeting 19 March 2019

ORDINARY COUNCIL MEETING MINUTES

19 MARCH 2019

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ORDINARY COUNCIL MEETING MINUTES

19 MARCH 2019

**MINUTES OF RICHMOND VALLEY COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON TUESDAY, 19 MARCH 2019 AT 5.00 PM**

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Julie Clark (Personal Assistant to the General Manager and Mayor)

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 PUBLIC ACCESS AND QUESTION TIME

14.1 PUBLIC ACCESS - PROPOSED PURCHASE OF 148 BARKER STREET CASINO (FORMER RMS BUILDING)

Mr Tony Hennessey on behalf of Casino Art Group addressed the meeting and thanked Council for purchasing the former Roads and Maritime Services building to provide an Art Gallery and eventually an Art Centre for Casino.

Stated it will become a treasure in this town and wanted to take the opportunity on behalf of members of the Art Group and all other people in the community who have an interest in Arts in all of its varieties, to say thank you for your assistance, thank you looking to sign the documents today and thank you for your assisting us into the future to turn this into something really special for our town.

The Mayor thanked Mr Hennessy for his address.

4 APOLOGIES

Nil

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5 MAYORAL MINUTES**5.1 MAYORAL MINUTE - TECHNICAL TOUR SUMMARY****RESOLUTION 190319/1**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receives and notes the report on the Technical Tour.

CARRIED**6 CONFIRMATION OF MINUTES****6.1 MINUTES ORDINARY MEETING HELD ON 19 FEBRUARY 2019****RESOLUTION 190319/2**

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That Council confirms the Minutes of the meeting held on 19 February 2019.

CARRIED**6.2 MINUTES RESERVE TRUST MEETING HELD 19 FEBRUARY 2019.****RESOLUTION 190319/3**

Moved: Cr Stephen Morrissey

Seconded: Cr Daniel Simpson

That Council receive and note the minutes of the Reserve Trust meeting held on 19 February 2019.

CARRIED**6.3 MINUTES OF INTERNAL AUDIT AND RISK COMMITTEE MEETING HELD 19 FEBRUARY 2019.****RESOLUTION 190319/4**

Moved: Cr Daniel Simpson

Seconded: Cr Stephen Morrissey

That Council receives and adopts the minutes of the Internal Audit and Risk Committee meeting held 19 February 2019.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

19 MARCH 2019

7 MATTERS ARISING OUT OF THE MINUTES

Nil

8 DECLARATION OF INTERESTS

Nil

9 PETITIONS

Nil

10 NOTICE OF MOTION

Nil

11 MAYOR'S REPORT**11.1 MAYOR'S ATTENDANCES 12 FEBRUARY - 12 MARCH 2019****RESOLUTION 190319/5**

Moved: Cr Robert Mustow

Seconded: Cr Stephen Morrissey

That Council receive and note the Mayor's attendance report 12 February – 12 March 2019.

CARRIED**12 DELEGATE'S REPORTS****12.1 DELEGATES' REPORT SUBMITTED TO MARCH 2019 ORDINARY MEETING.****RESOLUTION 190319/6**

Moved: Cr Sandra Humphrys

Seconded: Cr Robert Mustow

That Council receive and note the Delegates' report for the month of February 2019

CARRIED

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13 MATTERS DETERMINED WITHOUT DEBATE

13.1 MATTERS TO BE DETERMINED WITHOUT DEBATE

RESOLUTION 190319/7

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That items 15.2, 15.3 be identified be determined without debate.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

19 MARCH 2019

14 GENERAL MANAGER'S REPORTS**14.1 PROPOSED PURCHASE OF 148 BARKER STREET CASINO (FORMER RMS BUILDING)****EXECUTIVE SUMMARY**

In conjunction with their rebranding and restructure from Roads and Maritime Service (RMS) to Service NSW, RMS relocated from 148 Barker Street Casino to a new location at 158 Walker Street Casino. The former RMS building has been vacant since mid-2017.

The NSW Government commenced advertising the sale of the property at 148 Barker Street Casino (former RMS building). Interest in acquiring the building for use as an Art Gallery was expressed by the Casino Art Group to Council and the Local Member Chris Gulaptis MP.

A business case was prepared by Casino Art Group which demonstrated the need and potential for the building to be operated in a financially viable manner as an art gallery. The former RMS building presented an ideal location for the proposed gallery.

The Casino Art Group additionally utilised local media to promote and gather support for the proposal of an art gallery to be established in Casino.

Council entered into preliminary negotiations with the NSW Government to ascertain a purchase price for the property. The 'peppercorn' price of \$1 (one dollar) was agreed to on the proviso that the property be used for community purposes for a period of not less than 15 years.

This restriction allows for the classification of the property as Operational, accommodating future potential uses and opportunity.

Council will negotiate with the Casino Art Group on the funding required to initiate the Art Gallery, as the intent is that this acquisition comes at no cost to Council. Prior to establishing a formal tenancy agreement, Council has estimated that \$10,000 of preparatory works will be required. Other works and improvements required prior to and during the operation of the Art Gallery will be the responsibility of the tenant.

This report outlines the details of the proposal from the Casino Art Group and proposes the recommendation to Council to proceed with the purchase of the property with operational classification.

RESOLUTION 190319/8

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That Council resolve to

1. Authorise the General Manager to negotiate the purchase of Lot 1 DP 513400 being 148 Barker Street Casino generally in accordance with the details contained within this report; and
2. Authorise the General Manager to enter into and endorse relevant documents, contracts and transfers, including affixing the seal of Council where appropriate, for the purchase of the land generally in accordance with the details contained within this report; and
3. Classify Lot 1 DP 513400 as Operational Land.

CARRIED

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15 FINANCIAL REPORTS**15.1 STAGE 2 OF THE NORTHERN RIVERS LIVESTOCK EXCHANGE UPGRADE -
ADMINISTRATION BUILDING UPGRADE****EXECUTIVE SUMMARY**

In addition to the original scoped works for the Stage 2 upgrade of the Northern Rivers Livestock Exchange, Council has the opportunity to enter into a tenancy agreement with a state government department which will provide both financial and operational benefits to the facility.

The tenancy requires additional infrastructure changes to the Administration Building where the costs on completion would exceed the original project budget. It is proposed that the extra capital investment over the project budget is funded from the NRLX reserve.

RESOLUTION 190319/9

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That Council:

1. Approve a contribution from the NRLX Reserve fund up to a maximum of \$250,000, to fund the expanded project scope as outlined in this report to support a new long term tenancy at the facility;
2. Authorise the General Manager to formalise the NRLX Administration Building upgrade variation with AGS Commercial in line with the details in this report;
3. Authorise the General Manager to enter into and endorse relevant documents, leases and contracts, including affixing the seal of Council where appropriate, to formalise the tenancy arrangement proposed for the Northern Rivers Regional Livestock Exchange, generally in accordance with the details contained within this report.

CARRIED

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15.2 MONTHLY BUDGET ADJUSTMENTS FEBRUARY 2019**EXECUTIVE SUMMARY**

This report details the proposed budget adjustments for the month of February 2019. The main adjustment includes the transfer of \$417,150 in funding for Bora Ridge Cell Capping to the 2019/2020 year as the full allocation is not expected to be spent this financial year. Further adjustments include a reallocation of funding between a number of projects including \$63,533 in surplus funding from the Broadwater Youth Space Planning towards the continuation and delivery of the Casino Drill Hall project, along with a proposed transfer of \$22,000 towards the replacement of a pump at the Casino sewer pump station and the purchase of a backup air conditioning unit at the Casino Raw Water Pump Station.

Other adjustments include transfers from reserves for Council's contribution of \$60,000 towards the NRLX Truck wash upgrade project, funding from Water Infrastructure Reserve for the overhaul of water softeners at the Casino Water Treatment Plant and a water main replacement at the South Casino Booster Pump Station.

In summary, the proposed budget adjustments will have no impact on Council's projected surplus of \$305,120 for 2018/2019 as all of the proposed changes are fully funded from reserves or reallocations from other project budgets. The report provides further details of the proposed changes as well as the revised budget position as at 28 February 2019.

RESOLUTION 190319/10

Moved: Cr Sandra Humphrys

Seconded: Cr Sam Cornish

That

1. Council approve the proposed budget adjustments for the month of February 2019.
2. Council note the revised budget position for 2018/2019 as at 28 February 2019.

CARRIED

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15.3 FINANCIAL ANALYSIS REPORT - FEBRUARY 2019**EXECUTIVE SUMMARY**

The purpose of this report is to inform Council on the status and performance of its investment portfolio in accordance with the *Local Government Act 1993* (Section 625), *Local Government (General) Regulation 2005* (Clause 212), Australian Accounting Standard (AASB 139) and Council's Investment Policy.

The value of Council's Investment Portfolio as at 28 February 2019 including General Bank Accounts and Trust Funds is shown below.

Month	Investment Portfolio	General Bank Accounts	Trust Funds	Total
February 2019	\$44,765,177	\$1,794,624	\$87,050	\$46,646,851

The average rate of return on Council's investments for February 2019 was 3.50% which is above the 90 Day Bank Bill Index for February of 1.87%.

RESOLUTION 190319/11

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

Recommended that Council adopt the Financial Analysis Report detailing investment performance for the month of February 2019.

CARRIED**16 TENDER REPORTS****16.1 TENDER RVC-846057 DESIGN AND CONSTRUCT BRIDGE OVER NEILEYS CREEK, NEILEYS LAGOON ROAD, BUNGAWALBYN****EXECUTIVE SUMMARY**

Richmond Valley Council sought tenders from appropriately qualified and experienced tenderers for the Design and Construction of a concrete bridge over Neileys Creek, Neileys Lagoon Road, Bungawalbin, NSW 2469.

The tenderer with the highest total score was Ozwide Bridge and Rail Civil Pty Ltd and is identified as the most advantageous, based upon both price and non-price criteria.

The tendered rates submitted by Ozwide Bridge and Rail Civil Pty Ltd are considered reasonable. The recommended tender amount is \$337,762.00 exclusive of GST.

RESOLUTION 190319/12

Moved: Cr Daniel Simpson

Seconded: Cr Robert Hayes

1. Ozwide Bridge and Rail Civil Pty Ltd be approved as the preferred tenderer for the construction of the Neileys Creek Bridge at the assessed tendered rate of \$337,762.00 exclusive of GST.

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2. Council authorise the General Manager to enter into and endorse relevant contracts and documents, including affixing the Seal of Council where appropriate, generally in accordance with the details contained within this report.

CARRIED**17 GENERAL BUSINESS****17.1 LIVING MUSEUM RELOCATION & VISITOR INFORMATION CENTRE ESTABLISHMENT UPDATE****EXECUTIVE SUMMARY**

Council Officers have been continuing negotiations with Crown Lands and Reflections Holiday Park's Trust Executive Officers to establish the best way forward to co-locate and re-establish two community facilities being the Evans Head Living Museum, and former Community Technology Centre, both within Reserve 82910, Reflections Holiday Park's Central Precinct.

The reserve is Crown Land under the control of two Crown Land Managers, Richmond Valley Council and Reflections Holiday Park. To proceed with the co-location and re-establishment of both buildings within the reserve under the one Crown Land Manager, it was imperative for Council to negotiate an extension of the current gazetted parcel which previously housed the gazebo structure. By doing so, Council will maintain the ownership of both assets, and it will negate the need to utilise Stan Payne Oval as a temporary storage site for the second building while Plans of Management are altered.

By Council maintaining ownership of both assets the second building will be utilised as a visitor information centre. Research shows visitor information centres have a major influence on decision making in destinations through the sharing of local knowledge, with visitors staying an extra night, taking an additional tour, or visiting an additional attraction. This means visitors spend more than budgeted. Once established and accredited with the Australia Visitor Information Centre Network, managed by Tourism Group on behalf of Destination NSW, Council can obtain the accreditation which will allow our LGA to feature in Australia wide advertising.

As a result of extending the gazetted land under Council management the proposed layout of the buildings for re-establishment has been altered to suit the contours of the surveyed site as shown in *Figure 1*.

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MOTION

Moved: Cr Robert Hayes
Seconded: Cr Daniel Simpson

That

1. Council proceed with the relocation and re-establishment of the existing Living Museum Building on the north-east end of Reserve 82910 as set out in Figure 1 of this report, pending approval from Crown Lands for the extension of the gazetted land. Allowing enough room to extend the building to house the Museum and Visitor Information Centre, setting aside the south-western side of the existing path/old shelter shed site for public open space and future covered BBQ, gazebos and picnic facilities.
2. Council note that the interim storage option on land adjacent to the entry to Stan Payne Oval for one building will not be required.
3. Council demolish the remaining buildings.

AMENDMENT

Moved: Cr Robert Mustow
Seconded: Cr Stephen Morrissey

That

1. Council proceed with the relocation and re-establishment of both community buildings within Reserve 82910 as set out in Figure 1 of this report, pending approval from Crown Lands for the extension of the gazetted land,
2. Council note that the interim storage option on land adjacent to the entry to Stan Payne Oval for one building will not be required.

The amendment was withdrawn by Cr Mustow with concurrence from the seconder Cr Morrissey.

The motion was withdrawn by Cr Hayes with concurrence from the seconder Cr Simpson.

MOTION

Moved: Cr Robert Hayes
Seconded: Cr Daniel Simpson

That the matter be deferred until further information is available.

The motion was put to the vote and carried.

RESOLUTION 190319/13

Moved: Cr Robert Hayes
Seconded: Cr Daniel Simpson

That the matter be deferred until further information is available.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

19 MARCH 2019

17.2 PLANNING PROPOSAL PP2019/0003 FOR A GENERAL INDUSTRIAL REZONING OF LAND IMMEDIATE TO THE EAST OF CASSINO DRIVE INDUSTRIAL ESTATE, CASINO**EXECUTIVE SUMMARY**

Council has received a Planning Proposal application (PP2019/0003) to amend the *Richmond Valley Local Environmental Plan 2012* (the LEP) to enable rural land on Johnston Street, Casino (Bruxner Highway), being Lots 1 to 12 and 14 to 20 Section 6 DP976660, Lot 1 DP783330, and a section of unformed Crown Road, to be developed for general industry. The proposed development is sited immediately to the east of the existing Casino Drive industrial estate (Zoned IN1 General Industry), and is strategically supported as future employment land within the *North Coast Regional Plan 2036* and the *Casino Urban Land Release Strategy 2005*.

The Land is currently zoned RU1 Primary Production, with a minimum lot size for subdivision of 40ha. To facilitate general industrial development of the land, the LEP requires amendment to change the:

- Land Zone Map—by applying *Zone IN1 General Industry* to the land; and
- Lot Size Map—by applying a minimum lot size (MLS) of 750m² to the land.

Council's support for the Planning Proposal is required to commence the rezoning process. This will cause the Planning Proposal to be submitted to the Department of Planning and Environment (DPE) for a Gateway Determination, which normally incorporates conditional agency and community consultation.

A further report on the Planning Proposal will be required at the conclusion of the consultation phase, where Council must decide whether to proceed with the LEP amendment, in whole or part; or not at all. If it is to proceed, Council may use Ministerial Plan Making delegations to prepare and make the final LEP amendment, but only where such delegations have been sought, and granted, through the Gateway process. These delegations should be sought for this Planning Proposal and assigned to the General Manager.

RESOLUTION 190319/14

Moved: Cr Stephen Morrissey

Seconded: Cr Sandra Humphrys

That:

1. Council support Planning Proposal PP2019/0003 which proposes to amend the *Richmond Valley LEP 2012*, as it applies to Lots 1 to 12 and 14 to 20 Section 6 DP976660, Lot 1 DP783330, and a section of enclosed unformed Crown Road, by rezoning the land to facilitate its development for general industry (Zone IN1) with a minimum lot size of 750m²;
2. PP2019/0003 be directed to the DPE for a Gateway Determination; and
3. EP&A Act Ministerial Plan Making delegations be requested for the General Manager.

CARRIED

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17.3 REGULATORY CONTROL OF THE DIRAWONG RESERVE**EXECUTIVE SUMMARY**

Council has been approached by board members of the *Dirawong Reserve Land Management Board* to work in partnership in enforcing the regulations of the *Crown Lands Act 2016* on the *Dirawong Reserve* following a rise in illegal camping and prohibited animals within the reserve. To allow this to occur, Council must provide a resolution under the *Crown Lands Act 2016*.

RESOLUTION 190319/15

Moved: Cr Robert Hayes

Seconded: Cr Stephen Morrissey

That

- Council consent to regulatory control staff enforcing the regulations of the *Crown Lands Act 2016* on the *Dirawong Reserve* on behalf of the *Dirawong Reserve Land Management Board*.
- Council provide a copy of the Council resolution resolving consent and the qualifications of Council's regulatory staff who will be acting on behalf of the *Dirawong Reserve Land Management Board* in enforcing the regulations.

CARRIED**18 MATTERS FOR INFORMATION****RESOLUTION 190319/16**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

Recommended that the following reports submitted for information be received and noted.

CARRIED**18.1 DETERMINATION OF DEVELOPMENT APPLICATION 2019.0147 (19-25 WOODBURN STREET, EVANS HEAD)****RESOLUTION 190319/17**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the report titled *Determination of Development Application 2019.0147 (19-25 Woodburn Street, Evans Head)*.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

19 MARCH 2019

18.2 DEVELOPMENT APPLICATIONS DETERMINED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT FOR THE PERIOD 1 FEBRUARY 2019 TO 28 FEBRUARY 2019**RESOLUTION 190319/18**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the development application report for the period 1 February 2019 to 28 February 2019.

CARRIED**18.3 REVEGETATION UPDATE REPORT - OCEAN DRIVE, EVANS HEAD****RESOLUTION 190319/19**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That Council receive and note the Ocean Drive Revegetation Update report.

CARRIED**18.4 ROAD MAINTENANCE AND CONSTRUCTION SERVICES REVIEW UPDATE ON IMPLEMENTATION ACTIONS****RESOLUTION 190319/20**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That:

1. Council receive and note the progress report on the implementation of the recommendations of the Road Maintenance and Construction Services Review; and
2. A further progress report be submitted to Council at the September 2019 Ordinary Meeting.

CARRIED**18.5 GRANT APPLICATION INFORMATION REPORT - FEBRUARY 2019****RESOLUTION 190319/21**

Moved: Cr Stephen Morrissey

Seconded: Cr Sam Cornish

That the Grant Application report for the month of February be received and noted.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

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19 QUESTIONS ON NOTICE**19.1 QUESTIONS FROM ORDINARY MEETING 19 FEBRUARY 2019**

The following questions on notice were received from Councillor Hayes;

Questions

1. What can Council do to control businesses from outside the area utilising our beaches, for the purpose of leisure based water activities that produce an income for the business at the expense of local businesses?
2. What can Council do to control the amount of out of area vehicles which access Airforce Beach for inappropriate uses, without detracting from the local users?
3. I have been approached by the local community based pre-schools in Evans Head, Woodburn and Coraki, as well as local family day care services across the lower river area, asking what Council can do to prevent a large company proposing a large day care centre in Woodburn. When the application is formally lodged, can Council notify and consult with the committees of the community based centres and representatives from family day care to get a feel for what this could do to the viability of existing local services and support these groups when they lobby our state and federal MP's, as the community preschools are a large local employer and are already struggling for numbers?

Responses

1. Council does not currently have a Commercial Activities on public land policy. The introduction of such a policy would involve a competitive application process and would be open for any business to apply. Such a policy would include requirements like public liability insurance and could limit the number of licences/approvals granted. It should be noted that when Byron Shire Council introduced limits a local business actually did not gain a licence. Council received feedback from one Evans Head business about this over the summer period, which at this point in time would not support the resources required to implement a regulatory response.
2. The introduction of a permit system has again been raised at Council and numerous options have been suggested in recent times. Such a system may deter out of area visitation to the beach and could come at a cost to local businesses.

A recent option discussed with the regulation team by the local NSW Police Sergeant, is for a free permit system where the applicant applies for a permit through Council offices and has a permit issued, possibly in the form of a sticker for the car. The applicant will sign an application form agreeing to terms of use of the beach and provide relevant identifying information. This will then allow penalties to be issued more effectively by the NSW Police or Council rangers. The cost would be borne by Council with the length of time the permit is valid for to possibly being for the period of the vehicle ownership.

Another option could be a paid ticket system with a ticket booth installed in Evans Head in an area that deters vandalism. A suitable area maybe the surf club or out the front of the

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administration building. Permits would also be available at Council's Evans Head office. A ticketing system would come at a cost and would be available for anyone wishing to access the beach. Setting a daily limit of vehicles may be an option of controlling vehicle numbers under a ticketing system.

It should be noted that Council does not have the facility for a web based ticketing system that would produce a ticket or receipt at this time.

The issue of the length of the beach, incorporating four beaches (South Ballina, Patches, Broadwater & Airforce), and that entry can be made at South Ballina beach, which is outside the Richmond Valley LGA, complicates the matter. A sign could be installed at Boundary Creek notifying those driving south of the ticketing requirement. Whether this sign is seen as a fair option would need to be determined, especially for those driving at night as the sign may not be lit. Discussions can also be held with Ballina Council in regards to whether they have any intentions to introduce a ticketing system. There have been articles in the local press about the use of the Ballina beaches so this may be a possibility.

Council is in contact with DPI and NPWS in regards to a multi-agency meeting to discuss ongoing land management issues along the beaches.

Overall any ticketing system would come at a cost with new signage installed, a ticketing system agreed upon, introduced and then policed. It would be fair and equitable but may have an impact. It is likely that local residents would seek to receive a free permit to access the beach.

In regards to dealing with inappropriate use of the beach and dune areas, Council officers are currently applying to be authorised under the NPWS Act. This authorisation would be limited to such general actions such as camping, dogs, and driving in sand dunes or off limit areas. Council rangers do patrol the beach and also participate in joint patrols with the police during the year.

3. Like any business and/or land owner the proponent of the proposed large day care centre is entitled to lodge a development application (DA) and Council staff would assess the DA on its merits. Such a DA would involve neighbour notification and advertising in the local papers. Council is not required to and does not notify other businesses in a similar industry of a new DA for a potential competing business.

RESOLUTION 190319/22

Moved: Cr Robert Hayes

Seconded: Cr Jill Lyons

That the responses to the questions regarding questions raised by Councillor Hayes at the 19 February Ordinary meeting be received and noted.

CARRIED

ORDINARY COUNCIL MEETING MINUTES

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20 QUESTIONS FOR NEXT MEETING (IN WRITING)

Nil

The Meeting closed at 6.25pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 April 2019.

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CHAIRPERSON



MINUTES

Extraordinary Council Meeting 28 March 2019

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EXTRAORDINARY COUNCIL MEETING MINUTES

28 MARCH 2019

**MINUTES OF RICHMOND VALLEY COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, 10 GRAHAM PLACE, CASINO
ON THURSDAY, 28 MARCH 2019 AT 4PM**

Please note: these minutes are subject to confirmation at the next Council Meeting. Decisions recorded in the draft minutes are subject to the Council's Code of Meeting Practice in relation to rescinding decisions.

PRESENT: Cr Robert Mustow (Mayor), Cr Stephen Morrissey (Deputy Mayor), Cr Sam Cornish, Cr Robert Hayes, Cr Sandra Humphrys, Cr Jill Lyons, Cr Daniel Simpson

IN ATTENDANCE: Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure & Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond) and Julie Clark (Personal Assistant to the General Manager and Mayor)

1 ACKNOWLEDGEMENT OF COUNTRY

The Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

"Richmond Valley Council recognises the people of the Bundjalung Nations as Custodians and Traditional Owners of this land and we value and appreciate the continuing cultural connection to lands, their living culture and their unique role in the life of this region in the past, present and future."

2 PRAYER

The meeting opened with a prayer by the General Manager.

3 APOLOGIES

Nil

4 DECLARATION OF INTERESTS

Nil

EXTRAORDINARY COUNCIL MEETING MINUTES

28 MARCH 2019

5 GENERAL BUSINESS**5.1 LIVING MUSEUM RELOCATION & VISITOR INFORMATION CENTRE ESTABLISHMENT UPDATE****EXECUTIVE SUMMARY**

At Council's Ordinary Meeting of 19 March 2019, an alternate option for the relocation of buildings from the HealthOne site was put forward for consideration under Item 17.1 as follows:

That

1. *Council proceed with the relocation and re-establishment of the existing Living Museum Building on the north-east end of Reserve 82910 as set out in Figure 1 of this report, pending approval from Crown Lands for the extension of the gazetted land. Allowing enough room to extend the building to house the Museum and Visitor Information Centre, setting aside the south-western side of the existing path/old shelter shed site for public open space and future covered BBQ, gazebos and picnic facilities.*
2. *Council note that the interim storage option on land adjacent to the entry to Stan Payne Oval for one building will not be required.*
3. *Council demolish the remaining buildings.*

Since the demolition of the gazebo to accommodate the relocation of the two buildings, Councillors have received feedback from the community that the open space and vista which has been created by the demolition is sought-after. Questions have been raised about whether locating the two buildings in this area is the best outcome.

Council officers have completed a preliminary assessment of the alternative option with details included in the body of the report. There are cost implications associated with the extension of the Living Museum building and either demolishing or finding an alternate location for the former CTC building. Reflections Holiday Parks Trust and the Living Museum have been consulted on the alternate option and their position has been provided to Councillors.

A number of risks were identified should Council change its decision to move the two buildings to the Central Precinct of the Reflections Holiday Park. Further detailed investigations of the alternative option would be required which would delay the HealthOne project as the relocation of the two buildings is scheduled for the end of April 2019 so that the site is clear for the HealthOne project to proceed.

Council Officers have been continuing negotiations with Crown Lands and Reflections Holiday Park's Trust Executive Officers to establish the best way forward to co-locate and re-establish two community facilities being the Evans Head Living Museum, and former Community Technology Centre (CTC), both within Reserve 82910, Reflections Holiday Park's Central Precinct. The reserve is Crown Land under the control of two Crown Land Managers, Richmond Valley Council and Reflections Holiday Park.

To proceed with co-locating the buildings within Reserve 82910 under the one Crown Land Manager, Council negotiated an extension of the current gazetted parcel which previously housed the gazebo structure. By doing so, Council will maintain ownership of both assets, within the area under the management of Council, and this outcome negates the need to utilise Stan Payne Oval as a temporary storage site for the second building. By Council maintaining ownership of both assets, part of the second building is proposed to be used as the visitor information centre.

As a result of extending the gazetted land under Council management the proposed layout of the buildings for re-establishment has been altered to suit the vegetation and contours of the site as shown in *Figure 1*.

EXTRAORDINARY COUNCIL MEETING MINUTES

28 MARCH 2019

RESOLUTION 280319/1

Moved: Cr Sandra Humphrys

Seconded: Cr Stephen Morrissey

That

1. Council consider and note information provided from investigating the alternative option,
2. Council proceed with the relocation and re-establishment of both community buildings within Reserve 82910 as set out in Figure 1 of this report, pending approval from Crown Lands for the extension of the gazetted land,
3. Council note that the interim storage option on land adjacent to the entry to Stan Payne Oval for one building, will not be required.

In Favour: Crs Robert Mustow, Stephen Morrissey, Sam Cornish, Sandra Humphrys and Jill Lyons

Against: Crs Robert Hayes and Daniel Simpson

CARRIED 5/2**CARRIED**

The Meeting closed at 4.15pm.

The minutes of this meeting will be confirmed at the Ordinary Meeting of the Richmond Valley Council held on 16 April 2019.

.....
CHAIRPERSON



RICHMOND VALLEY COUNCIL DRAFT MODEL CODE OF MEETING

2019

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1 INTRODUCTION

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

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

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

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

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

The provisions of the Model Meeting Code that are supplementary are indicated in green font.

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

Further information on meeting procedures at Richmond Valley Council can be obtained by contacting Council's Governance Section on 6660 0300.

Notes in the Code of Meeting Practice are explanatory notes only and do not form part of the Code of Meeting Practice. The notes are provided to assist with the understanding of the Code of Meeting Practice.

This Code of Meeting Practice was adopted by Council on XX 2019.

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

3 BEFORE THE MEETING

Timing of ordinary council meetings

3.1 Ordinary meetings of the council will be held on the **on the third Tuesday of each month at 5.00 p.m. at the Council Chambers. No meeting will be held in January of each year.**

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

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

3.4 **The mayor or the general manager, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two councillors to consider urgent business.**

- 3.5 For the purposes of clause 3.3, urgent business is any matter that, in the opinion of the mayor or the general manager, requires a decision by the council before the next scheduled ordinary meeting of the council.

Notice to the public of council meetings

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

Note: Clause 3.6 reflects section 9(1) of the Act.

- 3.7 For the purposes of clause 3.6, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

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

Notice to councillors of ordinary council meetings

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

Note: Clause 3.9 reflects section 367(1) of the Act.

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

Note: Clause 3.10 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

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

Note: Clause 3.11 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.12 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted **by 4.30 p.m. on the Monday** before the meeting is to be held.

- 3.13 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.14 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.15 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

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

Agenda and business papers for ordinary meetings

- 3.19 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.20 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and

- (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.21 Nothing in clause 3.20 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.22 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.23 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
 - (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.23 reflects section 9(2A)(a) of the Act.

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

Availability of the agenda and business papers to the public

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

Note: Clause 3.25 reflects section 9(2) and (4) of the Act.

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

Note: Clause 3.26 reflects section 9(2A)(b) of the Act.

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

Note: Clause 3.27 reflects section 9(3) of the Act.

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

Note: Clause 3.28 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.29 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.30 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.31 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.32 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.33 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.34 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.35 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.

- 3.38 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 COMING TOGETHER

Attendance by councillors at meetings

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

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

- 4.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 4.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 4.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 4.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 4.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 4.6 reflects section 234(1)(d) of the Act.

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

The quorum for a meeting

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

Note: Clause 4.8 reflects section 368(1) of the Act.

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

Note: Clause 4.9 reflects section 368(2) of the Act.

- 4.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 4.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 4.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 4.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 4.14 Where a meeting is cancelled under clause 4.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Entitlement of the public to attend council meetings

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

Note: Clause 4.15 reflects section 10(1) of the Act.

- 4.16 Clause 4.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

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

Note: Clause 4.17 reflects section 10(2) of the Act.

Note: If adopted, clauses 14.13 and 14.14 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 14.13 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 14.14 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Public Access and Question Time

- 4.18 The Council Meeting Business Paper will include a section called "Public Access and Question Time".

The procedure for the conduct of the **Public Access Sessions** will be as follows:

- 1) The Public Access Sessions will be held in conjunction with Ordinary Council Meetings on agenda items only.
- 2) The Public Access Sessions will be conducted at the commencement of the meeting on the scheduled days or during meeting time at the discretion of the Mayor/General Manager.
- 3) A time limit of five (5) minutes per address will be applied with a maximum of six (6) time slots allocated at any one session. Each time slot shall be for one (1) item on the agenda.
- 4) Prior appointment for addressing Council must be made through Council's Governance Section with advice as to agenda item. Applications for allocation of access must be made by 4.30 p.m. on Monday prior to the scheduled meeting with details to be provided to Councillors by midday on the same day.
- 5) Council's response to the address (if any) will not necessarily be given at the time of the address.

- 6) At all times during the address, participants will respect the right of the Chairperson to terminate the session.
- 7) Councillors will have the right to question the speaker on the topic outside the presentation time.
- 8) Applications for public access made by individuals, on behalf of an organisation, may be asked to provide proof that they have the organisation's authority to address Council on the organisation's behalf.

The procedure for the conduct of the Question Time Sessions will be as follows:

- 1) Question Time Sessions will be held in conjunction with Ordinary Council Meetings on any items of interest to the community.
- 2) The Question Time Sessions will be conducted at the commencement of meeting on the scheduled days or during meeting time at the discretion of the Mayor/General Manager,
- 3) A time limit of two (2) minutes per question (i.e. for the putting of the question) will be applied with a maximum of five (5) time slots at any one session. The process is for a question to be asked not for making a statement.
- 4) Prior appointment for Question Time must be made through Council's Governance Section (with the written question). Applications for allocation of question time must be made by 4.30 p.m. on the Monday prior to the scheduled meeting with details to be provided to Councillors by 10.00 a.m. on the same day.
- 5) Council's response to the question (if any) will not necessarily be given at the time of the question. Such response time is not part of the two (2) minute question time.
- 6) At all times the participants will respect the right of the Chairperson to refuse any question and/or terminate the question Time Session.
- 7) There is to be no debate on the answer provided.
- 8) Where an answer to a question is provided at the meeting the response to the question is to be recorded in the minutes of that meeting.
- 9) Should an answer to a question not be provided at the Council Meeting, a written response will be forwarded to the person raising the question within seven (7) days of the meeting. A copy of the response is to be provided to Councillors, published on Council's website and recorded in the minutes of the following meeting.
- 10) Applications for question time made by individuals, on behalf of an organisation, may be asked to provide proof that they have the organisation's authority to ask questions on the organisation's behalf.
- 11) Questions are not to be directed to any individual and they are to be in regard to Council matters.

Webcasting of meetings

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

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

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

- 4.20 Clause 4.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 4.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 4.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for **a period of twelve months**. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

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

Note: Clause 4.22 reflects section 376(1) of the Act.

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

Note: Clause 4.23 reflects section 376(2) of the Act.

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

Note: Clause 4.24 reflects section 376(3) of the Act.

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

5 THE CHAIRPERSON

The chairperson at meetings

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

Note: Clause 5.1 reflects section 369(1) of the Act.

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

Note: Clause 5.2 reflects section 369(2) of the Act.

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

- 5.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

- 5.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

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

- 5.6 For the purposes of clause 5.5, the person conducting the election must:

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

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

- 5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 5.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

6 MODES OF ADDRESS

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

7 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 7.1 The general order of business for an ordinary meeting of the council shall be:
 - 01 Acknowledgement of country
 - 02 Prayer
 - 03 Public Access and Question Time
 - 04 Apologies and applications for a leave of absence by councillors
 - 05 Mayoral Minute
 - 06 Confirmation of minutes
 - 07 Matters Arising out of the Minutes
 - 08 Declaration of interests
 - 09 Notices of motions
 - 10 Mayors Report
 - 11 Delegates Reports
 - 12 Matters Determined without debate
 - 12 Matters for Determination
 - 13 Matters for Information
 - 13 Questions on Notice
 - 14 Questions for Next Meeting (in writing)
 - 14 Matters referred to Closed Council
 - 15 Resolutions of Closed Council
- 7.2 The order of business as fixed under clause 7.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

Note: Part 12 allows council to deal with items of business by exception.
- 7.3 Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 8.3 may speak to the motion before it is put.

8 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 8.1 The council must not consider business at a meeting of the council:
 - (a) unless a councillor has given notice of the business, as required by clause 3.10, and

- (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 8.2 Clause 8.1 does not apply to the consideration of business at a meeting, if the business:
 - (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 8.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 8.3 Despite clause 8.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
 - (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 8.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 8.3(a) can speak to the motion before it is put.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 8.3(b).

Mayoral minutes

- 8.6 Subject to clause 8.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 8.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 8.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 8.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

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

Staff reports

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

Reports of committees of council

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

Delegates Reports

- 8.14 Reports are to be provided in writing by the Mayor and Delegates (preferably for dispatch with the meeting agenda). The delegates' reports are to relate to attendances the delegates undertake on behalf of Council and should include the following:
- (a) Date, Location and Subject Matter of Attendance
 - (b) Precipitous/Summary of issues discussed/considered
 - (c) Outcomes and/or actions required from attendance

Late Correspondence

- 8.15 That the deadline be 4.30 p.m. seven (7) days prior to a scheduled Council Meeting to allow ample time for staff to digest and comment, if appropriate, on the contents of the late correspondence. Items received after that time will only be included on the agenda at the discretion of the General Manager or Mayor.

Questions

- 8.16 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 8.17 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 8.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged

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

- 8.18 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 8.19 Councillors must put questions directly, succinctly, respectfully and without argument.
- 8.20 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

9 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

- 9.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 9.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 9.7 Before ruling out of order a motion or an amendment to a motion under clause 9.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

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

Motions requiring the expenditure of funds

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

Amendments to motions

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.
- 9.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 9.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 9.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 9.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 9.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 9.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

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

- 9.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 9.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 9.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 9.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 9.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 9.23 Despite clause 9.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 9.24 Despite clause 9.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 9.20.

- 9.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 9.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 9.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

10 VOTING

Voting entitlements of councillors

- 10.1 Each councillor is entitled to one (1) vote.
- Note: Clause 10.1 reflects section 370(1) of the Act.**
- 10.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.
- Note: Clause 10.2 reflects section 370(2) of the Act.**
- 10.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

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

Voting on planning decisions

- 10.7 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

- 10.8 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 10.9 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 10.10 Clauses 10.8–10.10 apply also to meetings that are closed to the public.

Note: Clauses 10.8–10.11 reflect section 375A of the Act.

Note: The requirements of clause 10.8 may be satisfied by maintaining a register of the minutes of each planning decision.

11 COMMITTEE OF THE WHOLE

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

Note: Clause 11.1 reflects section 373 of the Act.

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

Note: Clauses 9.20–9.30 limit the number and duration of speeches.

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

12 DEALING WITH ITEMS BY EXCEPTION

- 12.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 12.3 The council or committee must not resolve to adopt any item of business under clause 12.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 7.2.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's code of conduct.

13 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

Note: Clause 13.1 reflects section 10A(1) and (2) of the Act.

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

the public.

Note: Clause 13.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 13.3 reflects section 10B(1) of the Act.

13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(g) unless the advice concerns legal matters that:

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

Note: Clause 13.4 reflects section 10B(2) of the Act.

13.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 13.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 13.1.

Note: Clause 13.5 reflects section 10B(3) of the Act.

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

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

Note: Clause 13.6 reflects section 10B(4) of the Act.

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

Note: Clause 13.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 13.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 13.1, and
 - (b) the council or committee, after considering any representations made under clause 13.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 13.8 reflects section 10C of the Act.

Representations by members of the public

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

Note: Clause 13.9 reflects section 10A(4) of the Act.

- 13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **4.30 p.m. on the Monday** before the meeting at which the matter is to be considered.
- 13.12 The general manager (or their delegate) may refuse an application made under clause 13.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 13.13 No more than **six** speakers are to be permitted to make representations under clause 13.9.
- 13.14 If more than the permitted number of speakers apply to make representations under clause 13.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 13.9, the general manager or their delegate is to determine who will make representations to the council.
- 13.15 The general manager (or their delegate) is to determine the order of speakers.

- 13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **six** speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed **five** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 13.20 reflects section 10D of the Act.3

Resolutions passed at closed meetings to be made public

- 13.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has

ended, and the resolution must be recorded in the publicly available minutes of the meeting.

- 13.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 13.21 during a part of the meeting that is webcast.

14 KEEPING ORDER AT MEETINGS

Points of order

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

Questions of order

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

Motions of dissent

- 14.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 14.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

- 14.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 14.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

- (a) contravenes the Act or any regulation in force under the Act or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

- 14.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 14.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 14.11(d) and (e).

How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

- 14.15 Clause 14.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

- 14.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 14.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 14.17 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 14.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 14.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 14.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 14.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 14.22 Any person who contravenes or attempts to contravene clause 14.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

15 CONFLICTS OF INTEREST

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

16 DECISIONS OF THE COUNCIL

Council decisions

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

Note: Clause 16.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

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

Rescinding or altering council decisions

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

Note: Clause 16.3 reflects section 372(1) of the Act.

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

Note: Clause 16.4 reflects section 372(2) of the Act.

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

Note: Clause 16.5 reflects section 372(3) of the Act.

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

Note: Clause 16.6 reflects section 372(4) of the Act.

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

Note: Clause 16.7 reflects section 372(5) of the Act.

- 16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 16.8 reflects section 372(7) of the Act.

- 16.9 A notice of motion submitted in accordance with clause 16.6 may only be

withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 16.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **two working days** after the meeting at which the resolution was adopted.
- 16.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 16.11 reflects section 372(6) of the Act.

- 16.12 Subject to clause 16.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) a motion to have the motion considered at the meeting is passed, and
 - (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 16.13 A motion moved under clause 16.12(b) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.12(b) can speak to the motion before it is put.
- 16.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.12(c).

Recommitting resolutions to correct an error

- 16.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
 - (b) to confirm the voting on the resolution.
- 16.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.15(a), the councillor is to propose alternative wording for the resolution.
- 16.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 16.18 A motion moved under clause 16.15 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.15 can speak to the motion before it is put.

16.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.15.

16.20 A motion moved under clause 16.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

17 TIME LIMITS ON COUNCIL MEETINGS

17.1 Meetings of the council and committees of the council are to conclude no later than **four hours after commencement of the meeting**.

17.2 If the business of the meeting is unfinished **after four hours from the commencement of the meeting**, the council or the committee may, by resolution, extend the time of the meeting.

17.3 If the business of the meeting is unfinished **after four hours from commencement of the meeting**, and the council does not resolve to extend the meeting, the chairperson must either:

- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- (b) adjourn the meeting to a time, date and place fixed by the chairperson.

17.4 Clause 17.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

17.5 Where a meeting is adjourned under clause 17.3 or 17.4, the general manager must:

- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

18 AFTER THE MEETING

Minutes of meetings

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

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

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

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,

- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

19 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

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

Functions of committees

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

Notice of committee meetings

- 19.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.
- 19.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

- 19.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the

committee acceptable reasons for the member's absences.

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

Non-members entitled to attend committee meetings

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

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

Chairperson and deputy chairperson of council committees

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

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

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

- 19.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

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

Procedure in committee meetings

- 19.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

- 19.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

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

Closure of committee meetings to the public

- 19.18 The provisions of the Act and Part 13 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 19.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 19.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

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

Minutes of council committee meetings

- 19.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 19.23 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 19.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 19.25 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 19.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

- 19.27 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 19.28 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

20 IRREGULARITIES

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

Note: Clause 20.1 reflects section 374 of the Act.

21 DEFINITIONS

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

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