



BUSINESS PAPER

Ordinary Meeting of Council

Council Chambers
27 January 2022

6.30pm

BROKEN HILL

CITY COUNCIL

**AUSTRALIA'S FIRST
HERITAGE LISTED CITY**

Notice is hereby given, in accordance with the provisions of the *Local Government Act 1993*, that the December 2021 Ordinary Meeting of the Broken Hill City Council has been postponed due to the timing of the official declaration of the NSW Local Government Election and will be held in the Council Chambers on **Thursday, 27 January 2022** commencing at **6:30pm** to consider the following business:

AGENDA	
1	Opening the Meeting 1a) Requests from Councillors to attend via audio-visual link
2	Apologies and Leave of Absence
3	Prayer
4	Acknowledgement of Country
5	Minutes for Confirmation
6	Disclosure of Interest
7	Mayoral Minute(s)
8	Notice of Motion
9	Notices of Rescission
10	Reports from Delegates
11	Reports
12	Committee Reports
13	Questions Taken on Notice from Previous Council Meeting
14	Questions for Next Meeting Arising from Items on this
15	Confidential Matters
16	Conclusion of the Meeting

LIVESTREAMING AND RECORDING OF COUNCIL MEETINGS

Please note: This Council Meeting will be livestreamed via YouTube and recorded and published online via Council's website. To those present at the meeting today, by participating in this public meeting you are consenting to your image, voice and comments being recorded and published.

The Mayor and/or General Manager have the authority to pause the livestream if comments or debate are considered defamatory or otherwise inappropriate for publishing. Participants are advised that they may be subject to legal action if they engage in unlawful behaviour or commentary.

MINUTES FOR CONFIRMATION

Minutes of the Ordinary Meeting of the Council meeting held Wednesday, January 12, 2022.

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Meeting commenced at 6:30p.m.

OATH / AFFIRMATION OF OFFICE

Pursuant to Section 233A of the Local Government Act 1993, the following Councillors took the Oath of Office or the Affirmation of Office in the presence of the General Manager Mr Jay Nankivell.

Mayor Thomas Kennedy (Oath), Councillor Robert Algate (Affirmation), Councillor Michael Boland (Oath), Councillor Marion Browne (Affirmation), Councillor Alan Chandler (Affirmation), Councillor David Gallagher (Oath), Councillor James Hickey (Oath), Councillor Hayley Jewitt (Oath), Councillor Ronald Page (Oath) and Councillor Darriea Turley (Affirmation).

The Mayor advised that this meeting is the December 2021 Ordinary Council Meeting which has been postponed to 12 January 2022 due to the timing of the official declaration of the NSW Local Government Election.

PRESENT:

Councillor T Kennedy (Mayor) Councillor, Councillors R Algate, M Boland, M Browne, A Chandler, D Gallagher, J Hickey, H Jewitt, R Page and D Turley.

General Manager, Chief Financial Officer, Manager Communications and Marketing, Business Systems Analyst and Executive Assistant (audio-visual link).

Media (3), Members of the Public (31).

APOLOGIES:

Nil.

PRAYER

Councillor Boland delivered the prayer.

ACKNOWLEDGEMENT OF COUNTRY

Councillor Gallagher delivered the Acknowledgment of Country.

MINUTES FOR CONFIRMATION

RESOLUTION

Minute No. 46685

Councillor D Gallagher moved
Councillor R Algate seconded

)
)

Resolved

That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held November 24, 2021 be confirmed.

That the open minutes of the Extraordinary Council Meeting held 11 November 2021 be amended to include the resolution of Item 1 – Broken Hill City Council Report No. 179/21 dated November 10 2021 – Proposed Transport Options – Confidential.

That the amended open minutes of the Extraordinary Council Meeting held 11

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November 2021 be represented to the Ordinary Council Meeting held 27 January 2022 for confirmation.

CARRIED UNANIMOUSLY

DISCLOSURE OF INTEREST

Nil.

MATTER OF URGENCY

The Mayor accepted Councillor Algate's request for a matter of urgency to be considered regarding introducing two Public Forum Sessions at this meeting.

RESOLUTION

Minute No. 46686

Councillor R Page moved)

Councillor H Jewitt seconded)

Resolved

1. Council considers, as a matter of urgency, a motion to introduce a Public Forum Sessions at this Council Meeting.
2. That Standing Orders be suspended in order for a 15 minute Public Forum Session to be held.
3. That a further 15 minute Public Forum Session be held at the conclusion of consideration of all items of business and prior to the conclusion of the meeting.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey, Jewitt and Page.

AGAINST: Councillors Browne and Turley.

PUBLIC FORUM

Development Applications/Business Rates/Library Hub Project

Mr Nick Bobos congratulated Mayor Kennedy and Councillors and referred to the Oath taken by Councillors and hope that all Councillors will listen to the community and stated that it will be good to see the Council moving forward.

Mr Bobos referred to issues over the past five years relating to the erection of a sign on his property for which he was fined \$6,000 twice because he did not have development application approval and stated that Council should support businesses and not fine businesses.

Mr Bobos advised that he has had a Development Application in for over 2 years and hopes that this year it will be approved. Council should help local business and approve Development Applications so that the City moves forward. Referred to the large rate increase to his business rates on his Barrier Highway property from \$5,000/year to \$20,000/year stating that it was hard to pay these rates when Council hasn't approved his Development Application and Council uses his land and doesn't pay for it.

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Mr Bobos referred to the Library project, and supports a new Library for the City but does not believe the current plans for the Library are adequate. The Town Hall needs to be rebuilt to match as closely as possible to the original Town Hall as it is one of Broken Hill's historic buildings. This building could be utilised as the new Library and will draw tourists to the City. The Heritage Festival light projection show can be held at another location in the City.

The Mayor thanked Mr Bobos for his comments.

Council Meetings Processes

Mr Peter Bevan asked if a desk can be available for member of the media, and a hard copy register for members of the public to do their COVID-19 check-in.

The Mayor thanked Mr Bevan for his comments and stated that the matters raised would be addressed.

Commercial Land Rates

A member of the public spoke about the City's land rates for commercial properties in comparison to Mildura and Adelaide and that commercial land rates in Mildura and Roseworthy are less than commercial land rates in Broken Hill. He raised concerns about land value increasing and rates increasing in Pinnacles Place and the Kanandah Road industrial area again if AGL put a battery storage complex on land which has just been surveyed.

The member of the public advised of locals selling their properties in the industrial area as they can't afford to pay the rates and requested Council to review land rates in Broken Hill for the benefit of the City moving forward.

Support for Tae-Kwon-Do

Mr Lee Hermansson congratulated the new Council. Mr Hermansson advised that he wishes to grow martial arts in Broken Hill, Wilcannia and Menindee and sought support from Council to establish a Tae-Kwon-Do Club in Menindee and Wilcannia.

Replacement of Dead Street Trees

Mr Shawn Power spoke about the street trees that are dying due to the drought and advised that there are qualified arborists in Broken Hill who are keen to be involved in removed the dead trees. He referred to a tree that fell during high winds this week on the footpath adjacent to the Broken Hill High School which could have injured a student. A replanting strategy needs to be put into place to replace these trees with a more suitable species.

The Mayor thanked all speakers and made the following comments:

- Council will do all it can for local businesses, there is now a mechanism that Council can use to reduce rates in the City and Council will work with businesses and the community to address the rates issues. If there is a major land value increase as mentioned during the public forum, Council can now use this mechanism to even out rates.
- Development Applications and Construction Certificates are an issue in the City and is a priority for this Council.
- Council will do all it can to support Tae-Kwon-Do activities in Wilcannia and Menindee through the Community Assistance Grants Committee.
- Replacing the dead street trees in the City is an important issue and seeking advice from qualified horticulturists and using volunteers will be instrumental in improving the City.
- Council will be seen as a partner working with the community to make Broken Hill a better place to live.

The Mayor advised that he is tabling two Mayoral Minutes at this meeting and referred to item 6 of Mayoral Minute No. 1 which relates to the Deputy Mayor Election and asked for a motion to suspend

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Standing Orders in order for the Deputy Mayor Election to be conducted.

ELECTION OF DEPUTY MAYOR

RESOLUTION

Minute No. 46687

Councillor R Page moved

Councillor D Gallagher seconded

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Resolved

That Standing Orders be suspended in order for the Deputy Mayor election to be conducted.

CARRIED UNANIMOUSLY

**ITEM 1 - BROKEN HILL CITY COUNCIL REPORT NO. 1/22 - DATED DECEMBER 07, 2021 -
ELECTION OF DEPUTY MAYOR**

D21/53744

RESOLUTION

Minute No. 46688

Councillor R Page moved

Councillor D Gallagher seconded

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Resolved

1. That Broken Hill City Council Report No. 1/22 dated December 7, 2021, be received.
2. That Council elect the Deputy Mayor at this meeting.
3. That the Deputy Mayor be elected for the period from this Council Meeting until the September 2022 Council Meeting.
4. That voting for the Deputy Mayor be open voting, i.e. "show of hands".
5. That the result of the election of Deputy Mayor be forwarded to the Office of Local Government and to Local Government NSW.

CARRIED UNANIMOUSLY

The Mayor appointed the General Manager as Returning Officer for the conduct of the Election of Deputy Mayor.

The Returning Officer advised that one (1) nomination had been received for the position of Deputy Mayor, being:

Councillor Hickey (nominated by Councillor Algate and Councillor Boland) nomination received: 12 January 2022 at 7:18 pm.

The Returning Officer called for any further nominations prior to the ballot being conducted. No further nominations were received.

As Councillor Hickey's nomination for Deputy Mayor was uncontested, the Returning Officer declared Councillor Hickey elected as Deputy Mayor for the period 12 January 2022 to the September 2022 Council Meeting.

The Returning Officer congratulated Councillor Hickey on his appointment as Deputy Mayor.

The Mayor and all Councillors also congratulated Councillor Hickey on his appointment as Deputy Mayor as Councillor Hickey assumed the chair of Deputy Mayor for the remainder of the meeting.

MAYORAL MINUTES

The Mayor tabled the following Mayoral Minute No. 1/22.

RESOLUTION

Minute No. 46689

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

Resolved:

1. That Mayoral Minute No. 1/22 dated 12 January 2022 be received.
2. That all relevant extant policies and practices be rescinded or amended so as to facilitate the following:
3. That the Mayor be afforded dedicated full time secretarial assistance with requisite office equipment, including letterhead.
4. That the Mayor's office be responsible for all ceremonial activities.
5. That the Mayor and Councillors be afforded priority use of the level 2 Administrative Centre Meeting Room, and that councillors be afforded access to the administrative centre; and that the level 2 Administrative Centre Meeting Room be turned back into a Councillor Meeting Room/Common Area for the use of Councillors as required.
6. That Cr Jim Hickey be appointed Deputy Mayor 2022.
7. That standing committees, viz: Works, Health and Building, Policy and General be formed such that meetings at 5.30 be held on Monday, Tuesday and Wednesday of the week preceding scheduled monthly council meetings; and that the work of the existing Key Direction Working Groups will be amalgamated with the new the Standing Committees.
8. That "Works" include consideration of all matters relating to garbage services, parks and gardens, animal control and any other function the council delegates.
9. That "Health and Building include consideration of all matters relating to cultural activities, Library, Art Gallery, Geocentre and any other function the

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council delegates.

10. That "Policy and General" include consideration of all matters relating to corporate services, heritage, tourism and any other function the council delegates.
11. That the General Manager be invited to ensure that senior staff, the authors of reports are present at the relevant standing committee meetings.
12. That the standing committees be chaired by Cr Michael Boland "Works", Cr Jim Hickey "Building and Health, Cr Bob Algate "Policy and General
13. That the first standing committee be held in February 2022.
14. That the composition of the standing committees, other than the Mayor be: "Works" Cr Michael Boland, Cr Bob Algate, Cr Alan Chandler, Cr Ron Page. "Health and Building" Cr Jim Hickey, Cr Alan Chandler, Cr Hayley Jewitt, Cr Dave Gallagher. "Policy and General" Cr Bob Algate, Cr Michael Boland, Cr Marion Brown, Hayley Jewitt, Jim Hickey.
15. That the Mayor, Deputy Mayor, Cr Algate and Cr Boland be appointed to the audit committee.
16. That councillors be invited to indicate to the Mayor's office their preferences for membership of section 355 committees and any other committees/working groups with Councillor representation, and appointment of Councillor Delegates to same be made at the February 2022 Council Meeting.

CARRIED UNANIMOUSLY

The Mayor tabled the following Mayoral Minute No. 2/22.

During consideration of the Mayoral Minute, the meeting was adjourned at 8:05pm for 15 minutes due to severe storm activity affecting the electrical equipment in the Council Chambers. Consideration of the Mayoral Minute resumed at 8:20pm.

RESOLUTION

Minute No. 46690

Resolved

1. That the Mayoral Minute 2/22 dated the

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Mayor T Kennedy moved
Councillor R Algate seconded

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12/01/22 be received.

2. That an Ordinary Council Meeting be held on the 27/01/2022 at 6.30pm.
3. That a workshop be held on Wednesday 19/01/2022 at 5.30pm to organise amendments to Council's Code of Meeting Practice, so that the public forum will be part of Councils Ordinary and Extraordinary Meetings. Other amendments to the Code of Meeting Practice will also be made, that the amendments discussed will be put in a draft form for adoption at the January Council Meeting on Thursday 27/01/2022.
4. That Council immediately advertises for community groups interested in hosting public meetings to discuss Council matters. The public meetings will be held monthly and business forums bi-monthly; that a report will be presented to the February 2022 meeting of Council about potential arrangements for public meetings.
5. That at the February 2022 meeting of Council, Councillors are to be presented with the required policies, with amendments included, that will allow for cash payments to be accepted at all Council operated facilities.
6. That a workshop will be held to discuss amendments to the following policies, The Code of Conduct, Compliance and Enforcement Policy, Debt Recovery Policy, Local Orders Policy, Media Relations Policy, Social Media Policy and Tree Management Policy.
7. That all expenditure, plans and actions related to the development of the Council's Library hub be abandoned and that the General Manager be invited to present a report to the Council Meeting on 27/1/2022 outlining the use of federal grant money for a purpose built archive that is located in the proposed position of the Library hub. The report will include staffing requirements.
8. That the General Manager be invited to advertise for expressions of interest for a community group to facilitate the removal and replacement of the gateway signage, that Councillors are presented with a report at the February 2022 Council Meeting detailing the cost of replacing one of the gateway signs with a sign chosen by

Deanna Spicer from her designs.

9. That the General Manager be invited to provide a report to Council with options on how to manage a complaints committee that is operated locally, the committee will deal with disputed fines and disputed orders.
10. That the General Manager be invited to provide a report to March 2022 Ordinary Council Meeting that details the structure and operations of the former 355 committee known as "The Regional Tourism Association" with a view to re-establish the committee. The goal of the committee will be to market tourism and encourage migration to the city.
11. That the General Manager be invited to provide a report to Council detailing the requirements for dedicated full time Council employed staff to maintain footpaths and nature strips.
12. That the over \$6M collected from waste disposal from the Wentworth to Broken Hill pipeline is removed from the Library hub project reserve and placed into a general projects reserve.
13. That Council forms a 355 committee that deals with all matters that affect our senior citizens and that the formation of the committee is to be advertised to the community for membership and expressions of interest.
14. That Council forms a 355 committee that has the role to bring projects and services to the city that benefit young children, teenage children and young adults and that the formation of the committee will be advertised and expressions sought.
15. That the General Manager be invited to provide a report to Council detailing what amendments need to be made to the constitutions of all Council 355 committees as to provide more autonomy to the committees to operate and manage Council facilities.
16. That the Mayor be invited to organise a meeting with the Local Member Roy Butler and Essential Water as early as possible to significantly accelerate the process to open the Imperial Lake. That a site visit is organised with Essential Energy for Councillors to view the Imperial Lake. That the General Manager be invited to obtain

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an independent engineers report into the safety of the dam wall. Expressions of interest are advertised immediately for community representation on a working group to facilitate volunteers and the opening of the Lake and that Landcare and RANA are contacted to gauge interest.

17. That options to increase street lighting be referred to the Policy and General committee.
18. That the General Manager be invited to immediately advertise for expression of interest from the community to form a working party to provide Council with advice on projects that Council undertakes, with a view to reduce the Council's reliance on consultants.
19. That the General Manager be invited to hold a workshop to explain to Councillors how line budgets will be implemented for the 2022/23 budget.
20. That the Mayor be invited to host a meeting with the Local State Member Roy Butler and the Local Federal Member Mark Coulton and that John Lynch, and a representative from the RFDS are invited to discuss proposals and options for an airport upgrade and options.
21. That options to increase childcare be referred to the Policy and General committee.
22. That the Works committee discuss and provide options for the removal of residential waste gate charges, this will also apply to commercial businesses that are disposing of residential rubbish, the committee will also discuss greenwaste and other recycling options. Any findings will be discussed at a number of public meetings.
23. That the General Manager be invited to provide the Council with a report detailing the legal expenditure to defend against the Ombudsman's report into the Occupation Certificate and Civic Centre usage. The report will detail any decision to expend funds to mount such defence. This report will be provided to the February 2022 meeting.
24. That the General Manager be invited to hold a workshop on 24/01/2022 at 5.30 pm to provide Councillors with all reports and information pertaining to the Civic Centre

litigation.

25. That the Policy and General committee consider proposals to reduce commercial and industrial rates and to make residential rates more equitable.
26. That the General Manager be invited to advertise for expressions of interest to paint murals and provide other street art and that a report be provided at the January 27th 2022 meeting explaining why the proposed mural in Argent Street from the Country Women's Association was rejected and options to invite them to resubmit their application.
27. That the Policy and General committee investigate the cost for Council to provide more focus on applying for grant funding and the opportunity to apply for grants for local organisations as a fee for service.
28. That the Mayor be invited to send correspondence to the Local State Member Roy Butler asking that he make representations to the State Government on behalf of the Broken Hill community to have a permanent Wentworth pipeline subsidy implemented. That the State Member be asked to facilitate a meeting with the appropriate Minister to meet with himself and the Mayor to discuss the subsidy.
29. That the General Manager be invited to provide Council with a report at the on the progress of the Netball, Norm Fox redevelopment and a tour is organised for Councillors to see all Council parks, ovals and sporting facilities.
30. That the General Manager be invited to organise a meeting with IPART and Essential Energy to discuss options to increase water usage at a lower cost so that the city can be greened.
31. That the Mayor be invited to send correspondence to the Local Member Roy Butler to ask him to organise a meeting with the appropriate Ministers to discuss the management of the Menindee Lakes and the Darling River.
32. That General Manager be invited to immediately advertise for expressions of interest from the community to remove dead trees.
33. That the Works committee investigate

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options to plant different tree species that are asset friendly and fast growing.

34. That the General Manager be invited to provide Councillors with a report on options to address the issues of roaming dogs and cats. That a meeting be organised of the committee that was formed to address this issue and the findings referred to the Policy and General committee.
35. That the General Manager be invited to provide a report about the process to get funding for a mining, truck, car and motorbike museums. The report will include previous reports on the matters and the offer made by Perilya a number of years ago about mining assets.
36. That the General Manager advertise for expressions of interest to form a working group to address the homeless issue, drug and alcohol use and suicide prevention.
37. That the General Manager be invited to provide a report to Council detailing options to facilitate a truck wash and truck stop.
38. That the General Manager be invited to provide a report to the January meeting about any positions in the employee structure that remain unfilled and the expense to date for wages compared to the budgeted amount. Also the expected wage amount to year end with only the current positions filled.
39. That the General Manager be invited to contact the appropriate Aboriginal organisations to facilitate communication for the purpose of establishing a green space at the rear of Creedon Street.
40. That the General Manager provides a report to the January 27 2022 Ordinary Council Meeting outlining timelines for the implementation of the resolutions of Mayoral Minute No. 2/22.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey, Jewitt and Page.
AGAINST: Councillors Browne and Turley.

NOTICES OF MOTION

Nil.

RESCISSION MOTIONS

The Mayor accepted as a matter of urgency, a Rescission Motion from Councillors Algate, Hickey and Boland regarding Council's adopted COVID-19 Vaccination Policy.

RESOLUTION

Minute No. 46691

Councillor R Algate moved

Deputy Mayor J. Hickey seconded

Resolved

) That the Recission Motion dated 12 January
) 2022 be received.

That Council rescind resolution Minute No
46679 – Adoption of the Draft Workplace
COVID 19 Vaccination Policy.

That the General Manager be invited to prepare
a report to the February Council Meeting to
resubmit an updated policy.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey, Jewitt and
Page.
AGAINST: Councillors Browne and Turley.

REPORTS FROM DELEGATES

Nil.

REPORTS

ITEM 2 - BROKEN HILL CITY COUNCIL REPORT NO. 2/22 - DATED DECEMBER 07, 2021 - CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR WITHIN 18 MONTHS OF THE 4 DECEMBER 2021 LOCAL GOVERNMENT ELECTION

D21/53761

Councillor Algate suggested an amendment to the motion that should there become a casual vacancy in the office of Councillor for Broken Hill City Council within 18 months of the 4 December 2021 Local Government Election, a bi-election be held.

The Mayor did not accept Councillor Algate's amendment and ruled that it was a direct negative to the motion before Council. The Mayor advised that if the motion is lost to the vote, the same outcome would be achieved.

The Mayor put the motion to the vote.

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Councillor D Gallagher moved)
Councillor D Turley seconded)

1. That Broken Hill City Council Report No. 2/22 dated December 7, 2021, be received.
2. That should there become a casual vacancy in the office of Councillor for Broken Hill City Council within 18 months of the 4 December 2021 Broken Hill City Council Local Government election, then the vacancy be filled by using a countback of votes cast at the 4 December 2021 Broken Hill City Council Local Government election.
3. That the General Manager advises the Returning Officer of the Broken Hill City Council Local Government election held 4 December 2021 within seven (7) days of Council's resolution.

LOST

FOR: Councillors Browne, Gallagher, Page and Turley.
AGAINST: Councillors Algate, Boland, Chandler, Kennedy, Hickey and Jewitt

MAYORAL MINUTE

Due to Councillor Page calling a point of order regarding the Mayor's Chairmanship of the Council Meeting, the Mayor moved the following Mayoral Minute in order for Councillors to vote as to whether the Mayor's Chairmanship of the Council Meeting is acceptable:

RESOLUTION

Minute No. 46692

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

That Standing Orders cease in order for the Mayoral Minute to be considered.

That Mayor Kennedy's Chairmanship of the Council Meeting is acceptable.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Kennedy, Hickey and Jewitt.
AGAINST: Councillors Browne, Gallagher, Page and Turley.

ITEM 3 - BROKEN HILL CITY COUNCIL REPORT NO. 3/22 - DATED DECEMBER 21, 2021 - ELECTORAL FUNDING OBLIGATIONS OF NEWLY ELECTED COUNCILLORS AND MAYORS

D21/56098

RESOLUTION

Minute No. 46693

Councillor M Browne moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 3/22 dated December 21, 2021, be received.
2. That the Mayor and Councillors note their disclosure obligations as newly elected members of Council and comply with the NSW Electoral Commission's reporting

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requirements of political donations and
electoral expenditure.

CARRIED UNANIMOUSLY

**ITEM 4 - BROKEN HILL CITY COUNCIL REPORT NO. 4/22 - DATED SEPTEMBER 09, 2021 -
DELEGATION OF FUNCTIONS** D21/53934

RESOLUTION

Minute No. 46694

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 4/22 dated September 9, 2021, be received.
2. That the matter be deferred to the February 2022 Ordinary Council Meeting.
3. That a Councillor Workshop regarding the Delegations be held prior to the February Council Meeting.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey and Jewitt.
AGAINST: Councillors Browne, Page and Turley.

**ITEM 5 - BROKEN HILL CITY COUNCIL REPORT NO. 5/22 - DATED DECEMBER 09, 2021 -
ANNUAL FEES - MAYOR AND COUNCILLORS** D21/53756

RESOLUTION

Minute No. 46695

Councillor M Boland moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 5/22 dated December 9, 2021, be received.
2. That the current annual fees payable to the Mayor and Councillors remain unchanged for the remainder of the financial year.
5. That allocation of a fee for the newly elected Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed.

CARRIED

FOR: Councillors Algate, Boland, Chandler, Gallagher, Kennedy, Hickey and Jewitt and Page.
AGAINST: Councillors Browne and Turley.

**ITEM 6 - BROKEN HILL CITY COUNCIL REPORT NO. 6/22 - DATED DECEMBER 09, 2021 -
LOCAL GOVERNMENT REMUNERATION TRIBUNAL -ANNUAL REVIEW FOR 2022** D21/54502

RESOLUTION

Minute No. 46696

Councillor M Browne moved)
Councillor M Boland seconded)

Resolved

1. That Broken Hill City Council Report No. 6/22 dated December 9, 2021, be received.

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2. That Council notes that the Broken Hill City Council is categorised as a "Regional Rural" Council for the purpose of determining the Mayoral and Councillor Fees; and that Council makes a submission to the NSW Local Government Remuneration Tribunal in support of the categorisation.

CARRIED UNANIMOUSLY

**ITEM 7 - BROKEN HILL CITY COUNCIL REPORT NO. 7/22 - DATED DECEMBER 09, 2021 -
APPOINTMENT OF DELEGATES TO COMMITTEES - DECEMBER 2021 TO SEPTEMBER 2022**

D21/54039

RESOLUTION

Minute No. 46697

Councillor R Algate moved)
Deputy Mayor J Hickey seconded)

Resolved

1. That Broken Hill City Council Report No. 7/22 dated December 9, 2021, be received.
2. That the matter be deferred as per the resolution of the Mayoral Minute No.1.

CARRIED UNANIMOUSLY

**ITEM 8 - BROKEN HILL CITY COUNCIL REPORT NO. 8/22 - DATED SEPTEMBER 17, 2021 -
ADOPTION OF COUNCILLOR SUPPORT POLICY**

D21/48651

RESOLUTION

Minute No. 46698

Councillor M Browne moved)
Councillor R Page seconded)

Resolved

1. That Broken Hill City Council Report No. 8/22 dated September 17, 2021, be received.
2. That the following amendments be made to the Councillor Support Policy:
 - a) amend Item 4.13 d) to allow Council orders for accommodation to include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel, to alleviate the inconvenience of paying separately for these charges when checking-out of a hotel/motel.
 - b) amend the policy to update the reference of iPads.
3. That the amended Councillor Support Policy be re-presented to the February Council Meeting.

CARRIED UNANIMOUSLY

As the time was 9:00pm and as per Council's adopted Code of Meeting Practice Policy (which requires a resolution of Council to continue the Council Meeting once the time reaches 9:00pm), the Mayor called for a motion to continue the Council Meeting until its conclusion.

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RESOLUTION

Minute No. 46699

Councillor D Gallagher moved
Mayor D Turley seconded

Resolved

) That the Council Meeting continues until its
) conclusion.

CARRIED UNANIMOUSLY

**ITEM 9 - BROKEN HILL CITY COUNCIL REPORT NO. 9/22 - DATED DECEMBER 07, 2021 -
COUNCILLOR ATTENDANCE AND MOTIONS TO THE LOCAL GOVERNMENT NSW SPECIAL
CONFERENCE HELD IN SYDNEY 28 FEBRUARY - 2 MARCH 2022** D21/53778

Motion

Councillor M Browne moved
Councillor M Boland seconded

-) 1. That Broken Hill City Council Report No. 9/22
) dated December 7, 2021, be received.
2. That Council notes the LGNSW Special Conference, including debate and resolution of motions from member councils setting LGNSW's advocacy agenda for 2022, will be held in-person in Sydney from 28 February to 2 March 2022.
3. That Councillors advise the Mayor's Office of their interest in attending the LGNSW Special Conference (in-person) in Sydney from Monday 28 February to Wednesday 2 March 2022.
4. That the Mayor be delegated authority to determine Council's voting delegates to the LGNSW Special Conference (Council is entitled to two (2) voting delegates who must be present) and Council advises Local Government NSW by 17 February 2022.
5. That Council notes the following motion (from the 28 July 2021 Council Meeting, Minute Number 46598), and the motion suggested during the Public Forum Session at this meeting:
- a) That Local Government NSW lobbies the Minister for Transport and Transport NSW to re-introduce reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres.
- b) That Councillor Browne provides a motion to the Mayor's Office based on the suggestion made during the Public

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Forum Session in relation to
encouraging refugees/immigrants to
settle in regional NSW.

6. That motions along with the accompanying Council Resolutions be submitted to LGNSW prior to the closing date of 30 January 2022.

At the Mayor's request the Deputy Mayor assumed the Chair during debate of Item 9 in order for the Mayor to move an amendment to the motion.

Amendment

Mayor T Kennedy moved)
Councillor R Algate seconded)

1. That Broken Hill City Council Report No. 9/22 dated December 7, 2021, be received.
2. That Council notes the LGNSW Special Conference, including debate and resolution of motions from member councils setting LGNSW's advocacy agenda for 2022, will be held in-person in Sydney from 28 February to 2 March 2022.
3. That Councillor Boland and Councillor Chandler attend the LGNSW Special Conference (in-person) in Sydney from Monday 28 February to Wednesday 2 March 2022.
4. That Councillor Boland and Councillor Chandler be Council's two voting delegates to the LGNSW Special Conference and Council advises Local Government NSW by 17 February 2022.
5. That Council notes the following motion (from the 28 July 2021 Council Meeting, Minute Number 46598), and the motion suggested during the Public Forum Session at this meeting:
 - a) That Local Government NSW lobbies the Minister for Transport and Transport NSW to re-introduce reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres.
 - b) That the suggestion during the Public Forum Session prior to this Council Meeting for a further motion to be submitted to the Local Government NSW Conference regarding encouraging refugees/immigrants to settle in Broken Hill, be formulated by the General Manager's Office into a conference motion to be presented to

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JANUARY 12, 2022

the Council Meeting held on 27 January 2022 for adoption for submission to the Local Government NSW Conference.

6. That motions along with the accompanying Council Resolutions be submitted to LGNSW prior to the closing date of 30 January 2022.

CARRIED UNANIMOUSLY

The amendment becomes the motion.

RESOLUTION

Minute No. 46700

Mayor T Kennedy moved)
Councillor R Algate seconded)

Resolved

1. That Broken Hill City Council Report No. 9/22 dated December 7, 2021, be received.
2. That Council notes the LGNSW Special Conference, including debate and resolution of motions from member councils setting LGNSW's advocacy agenda for 2022, will be held in-person in Sydney from 28 February to 2 March 2022.
3. That Councillor Boland and Councillor Chandler attend the LGNSW Special Conference (in-person) in Sydney from Monday 28 February to Wednesday 2 March 2022.
4. That Councillor Boland and Councillor Chandler be Council's two voting delegates to the LGNSW Special Conference and Council advises Local Government NSW by 17 February 2022.
5. That Council notes the following motion (from the 28 July 2021 Council Meeting, Minute Number 46598), and the motion suggested during the Public Forum Session at this meeting:
 - a) That Local Government NSW lobbies the Minister for Transport and Transport NSW to re-introduce reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres.
 - b) That the suggestion during the Public Forum Session prior to this Council Meeting for a further motion to be submitted to the Local Government NSW Conference regarding encouraging refugees/immigrants to settle in Broken Hill, be formulated by the General Manager's Office into a conference motion to be presented to the Council Meeting held on 27 January

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JANUARY 12, 2022

2022 for adoption for submission to the
Local Government NSW Conference.

6. That motions along with the accompanying
Council Resolutions be submitted to LGNSW
prior to the closing date of 30 January 2022.

CARRIED UNANIMOUSLY

The Mayor resumed the Chair.

**ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 10/22 - DATED DECEMBER 21, 2021 -
CITIES POWER PARTNERSHIP - LOCAL LEADERS PROGRAM** D21/56162

RESOLUTION

Minute No. 46701

Councillor M Boland moved)
Councillor H. Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No.
10/22 dated December 21, 2021, be
received.
2. That the matter be deferred to the Ordinary
Council Meeting to be held 27 January 2022
and a further report be provided to Council
outlining the benefits of the Local Leaders
Program to the City of Broken Hill.

CARRIED UNANIMOUSLY

**ITEM 11 - BROKEN HILL CITY COUNCIL REPORT NO. 11/22 - DATED DECEMBER 07, 2021 -
INVESTMENT REPORT FOR NOVEMBER 2021** D21/53773

RESOLUTION

Minute No. 46702

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No.
11/22 dated December 7, 2021, be received.

CARRIED UNANIMOUSLY

**ITEM 12 - BROKEN HILL CITY COUNCIL REPORT NO. 12/22 - DATED DECEMBER 10, 2021 -
SECTION 355 COMMITTEE TERM REPORT 2016-2021** D21/54737

RESOLUTION

Minute No. 46703

Councillor R Algate moved)
Councillor D Gallagher seconded)

Resolved

1. That Broken Hill City Council Report No.
12/22 dated December 10, 2021, be
received.
2. That the Term Report 2016-2021 from
Section 355 Broken Hill Regional Art Gallery
Advisory Committee be received and noted.
3. That the resubmitted Term Report 2016-2021
from Section 355 Friends of the Flora and
Fauna of the Barrier Ranges Community
Committee be received and noted.

CARRIED UNANIMOUSLY

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
JANUARY 12, 2022

**ITEM 13 - BROKEN HILL CITY COUNCIL REPORT NO. 13/22 - DATED DECEMBER 22, 2021 -
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 420, HELD TUESDAY 7
DECEMBER 2021**

D21/56657

RESOLUTION

Minute No. 46704

Councillor M Browne moved
Mayor D Turley seconded

Resolved

1. That Broken Hill City Council Report No. 13/22 dated December 22, 2021, be received.
2. That the minutes of the Local Traffic Committee – Meeting No.420, held on Tuesday, 7 December 2021 be received.
3. Item No. 415.6.1 - That Council installs signage and line marking for one (1) disability parking bay adjacent to the ramp on the north side of Crystal Street adjacent to the Country University Centre (CUC) and for three to four 4-hour parking spaces (pending measurement allowance) be installed on the south side of Crystal Street between the two driveways for use by the general community.

CARRIED UNANIMOUSLY

**ITEM 14 - BROKEN HILL CITY COUNCIL REPORT NO. 14/22 - DATED DECEMBER 16, 2021 -
ACTION LIST REPORT**

D21/55682

RESOLUTION

Minute No. 46705

Councillor D Gallagher moved
Councillor R Page seconded

Resolved

1. That Broken Hill City Council Report No. 14/22 dated December 16, 2021, be received.

CARRIED UNANIMOUSLY

COMMITTEE REPORTS

Nil.

QUESTIONS TAKEN ON NOTICE FROM PREVIOUS COUNCIL MEETING

Nil.

QUESTIONS FOR NEXT MEETING ARISING FROM ITEMS ON THIS AGENDA

Fruit Fly Program

Councillor Hickey enquired if the Fruit Fly program was still being conducted in Broken Hill?

The Mayor advised that Council staff will contact the Department of Industry to seek clarification regarding fruit fly programs in Broken Hill and will advise Councillors.

The Mayor accepted a motion from Deputy Mayor Hickey as a matter of urgency, and called for a motion to consider the matter:

RESOLUTION

Minute No. 46706

Councillor D Gallagher moved

Councillor H. Jewitt seconded

)

)

Resolved

That the motion regarding fruit fly in Broken Hill be considered as a matter of urgency.

CARRIED UNANIMOUSLY

MATTER OF URGENCY

RESOLUTION

Minute No. 46707

Deputy Mayor J. Hickey moved

Councillor R Page seconded

)

)

Resolved

That Council writes to the relevant State Agency regarding the urgent nature of fruit fly in Broken Hill and region and Council requests advice on what action is or can be taken to address the issue.

CARRIED UNANIMOUSLY

Costings for a proposed new Aquatic Centre and Community Gardens in South Broken Hill

Councillor Page asked for costings on the establishment of a 25m pool or a 50m pool along with the establishment of a Community Garden, both at the old South Pool site in South Broken Hill.

The Mayor advised that this matter would be referred to the Works Standing Committee for further consideration.

CONFIDENTIAL MATTERS

Nil.

PUBLIC FORUM

Proposed Community Gardens in South Broken Hill and Fruit Fly Program

A member of the public advised that Landcare currently operate a Community Garden and it may be beneficial for Council to discuss the idea of establishing a Community Garden in South Broken Hill with Mr Simon Molesworth of Landcare. It was also suggested that Council contact Landcare regarding the fruit fly outbreak in Broken Hill.

The General Manager took the matter on notice.

End of Term Report 2016-2021

A member of the public referred to an item on the Action List relating to the distribution of the infographics summary from the End of Term Report 2016-2021, stating that it has not been distributed to all ratepayers and won't be distributed until the July 2022 rate notices and therefore should not be considered as a completed item.

The General Manager advised that the infographic summary has been printed and will be distributed to all ratepayers irrespective of whether they have received their third quarterly instalment. Staff have used the entire rate assessment list that is used for the annual rate notices for the distribution of the infographic summary which will be posted out at the end of January/early February 2022.

Library Hub Project

Mr Nick Bobos referred to Councillor Browne's comments regarding the Library Project and regarding the plans were put on public display to the community. Mr Bobos said that himself and another person had put in a comment regarding the plans for the Library redevelopment and had not received a reply from Council. Mr Bobos said that Councillor Browne's comments were untrue.

The Mayor asked Councillor Browne if she wished to comment on the matter.

Councillor Browne stated that she had not mentioned anything of this nature during debate of the item at this Council Meeting.

The Mayor advised all members of the public that they cannot debate questions with Councillors.

Street Trees

A member of the public referred to the removal of dead street trees in the City and requested that Council seeks advice from Landcare Broken Hill regarding the best species of replacement trees for Broken Hill's climate and lack of rainfall.

The Mayor advised that staff will seek advice from Landcare Broken Hill.

RESOLUTION

Resolved

MINUTES OF THE ORDINARY MEETING OF THE BROKEN HILL CITY COUNCIL HELD
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Minute No. 46708

Deputy Mayor J. Hickey moved)

Councillor R Algate seconded)

That the Public Forum Session conclude.

CARRIED UNANIMOUSLY

There being no further business the Mayor closed the meeting at 9:34 pm.

THE FOREGOING MINUTES WERE READ)
AND CONFIRMED AT THE ORDINARY)
MEETING OF THE BROKEN HILL CITY)
COUNCIL HELD ON 27 JANUARY 2022.)

CHAIRPERSON

REPORTS

1. BROKEN HILL CITY COUNCIL REPORT NO. 15/22 - DATED JANUARY 21, 2022 - TIMELINE FOR IMPLEMENTATION OF ACTIONS FROM THE COUNCIL RESOLUTION OF MAYORAL MINUTE NO. 2/22 (12 JANUARY 2022 COUNCIL MEETING) (D22/3036)28
2. BROKEN HILL CITY COUNCIL REPORT NO. 16/22 - DATED JANUARY 20, 2022 - DRAFT AMENDED CODE OF MEETING PRACTICE POLICY FOR PUBLIC EXHIBITION (D22/2463)35
3. BROKEN HILL CITY COUNCIL REPORT NO. 17/22 - DATED JANUARY 17, 2022 - BROKEN HILL CBD REVITALISATION AND ACTIVATION PROJECT - REVISED PROJECT SCOPE (D22/1698)177
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5. BROKEN HILL CITY COUNCIL REPORT NO. 19/22 - DATED JANUARY 20, 2022 - E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT - PROGRESS UPDATE (D22/2439)262
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ORDINARY MEETING OF THE COUNCIL

January 21, 2022

ITEM 1**BROKEN HILL CITY COUNCIL REPORT NO. 15/22**

SUBJECT: TIMELINE FOR IMPLEMENTATION OF ACTIONS FROM THE COUNCIL RESOLUTION OF MAYORAL MINUTE NO. 2/22 (12 JANUARY 2022 COUNCIL MEETING) D22/3036

Recommendation

1. That Broken Hill City Council Report No. 15/22 dated January 21, 2022, be received.
2. That the timeline contained within this report for the implementation of actions relating to Council's resolution of Mayoral Minute No. 2/22 from the 12 January 2022 Council Meeting be received and noted.

Executive Summary:

During the Ordinary Council Meeting held 12 January 2022, Council considered a Mayor Minute No. 2/22 which was tabled at the meeting. Council's resolution (Minute No. 46690) contained 40 recommendations.

Item 40 of the resolution reads "40. *That the General Manager provides a report to the January 27 Council Meeting outlining timelines for the implementation of the resolutions of Mayoral Minute No. 2/22.*"

The timeline for implementation of the actions from the resolution of Mayoral Minute No. 2/22 is now presented to Council for information.

Report:

During the Ordinary Council Meeting held 12 January 2022, Council considered a Mayor Minute No. 2/22 which was tabled at the meeting. Council's resolution (Minute No. 46690) contained 40 recommendations. As per item 40, below is a table outlining the Council resolution and providing comments and a timeline for the implementation of the actions relation to Council's resolution:

Council Resolution of Mayoral Minute No. 2/22	Comments / Action timeframe
1. That the Mayoral minute 2/22 dated the 12/01/22 be received.	
2. That an ordinary council meeting be held on the 27/01/2022 at 6.30pm.	Complete
3. That a workshop be held on Wednesday 19/01/2022 at 5.30pm to organise amendments to council's code of meeting practice, so that the public forum will be part of councils ordinary and extraordinary. Other amendments to the code of meeting practice will also be made, that the	Complete. Draft presented for public exhibition at this meeting.

amendments discussed will be put in a draft form for adoption at the January council meeting on Thursday 27/01/2022.	
4. That council immediately advertises for community groups interested in hosting public meetings to discuss council matters. The public meetings will be held monthly and business forums bimonthly, that a report will be presented to the February 2022 meeting of council about potential arrangements for public meetings.	Report to be presented to the February Ordinary Council meeting.
5. That at the February 2022 meeting of council, councillors are to be presented with the required policies, with amendments included, that will allow for cash payments to be accepted at all council operated facilities.	Report to be presented to the February Ordinary Council meeting.
6. That a workshop will be held to discuss amendments to the following policies, The code of conduct, Compliance and enforcement, Debt recovery, Local orders policy, Media relations, Social media and Tree management.	Workshops to be scheduled during February to enable consideration of amended policies at the March Committee meetings.
7. That all expenditure, plans and actions related to the development of the council's library hub be abandoned and that the General Manager be invited to present a report to the Meeting on 27/1/2022 outlining the use of federal grant money for a purpose-built archive that is located in the proposed position of the library hub. The report will include staffing requirements.	Report presented at this Council meeting.
8. That the General Manager be invited to advertise for expressions of interest for a community group to facilitate the removal and replacement of the gateway signage, that councillors are presented with a report at the February 2022 meeting detailing the cost of replacing one of the gateway signs with a sign chosen by Deanna Spicers from her designs.	Report to be presented at the February Ordinary Council meeting.
9. That the General Manager be invited to provide a report to council with options on how to manage a complaints committee that is operated locally, the committee will deal with disputed fines and disputed orders.	Report to be presented to the March Policy & General Committee.
10. That the General Manager be invited to provide a report to March 2022 ordinary council meeting that details the structure and operations of the former 355 committee known as "The regional tourism association" with a view to reestablish the committee. The goal of the committee will be to market tourism and encourage migration to the city.	Report to be presented to the March Ordinary Council meeting.

11. That the General Manager be invited to provide a report to council detailing the requirements for dedicated full time council employed staff to maintain footpaths and nature strips.	Workshops to be held with Council through the development of the 2022/23 Operational Plan and Resourcing Strategy, with a report provided to the April 2022 Policy & General Committee.
12. That the over \$6m collected from waste disposal from the Wentworth to Broken Hill pipeline is removed from the library hub project reserve and placed into a general projects reserve.	Internal transfer of reserves has been completed. An updated internal reserve table will be presented as part of the December Quarterly Budget Review Report.
13. That council forms a 355 committee that deals with all matters that affect our senior citizens and that the formation of the committee is to be advertised to the community for membership and expressions of interest.	That a workshop be held with Councillors in March to formulate a TOR for presentation to the March Committee meetings.
14. That council forms a 355 committee that has the role to bring projects and services to the city that benefit young children, teenage children and young adults and that the formation of the committee will be advertised and expressions sought.	That a workshop be held with Councillors in March to formulate a TOR for presentation to the March Committee meetings.
15. That the General Manager be invited to provide a report is presented to council detailing what amendments need to be made to the constitutions of all council 355 committees as to provide more autonomy to the committees to operate and manage council facilities.	Report to be presented to the March Works Committee meeting.
16. That the Mayor be invited to organise a meeting with the Local member Roy Butler and Essential Water as early as possible to significantly accelerate the process to open the Imperial Lake. That a site visit is organised with Essential Energy for councillors to view the Imperial Lake. That the General manager be invited to obtain an independent engineers report into the safety of the dam wall. Expressions of interest are advertised immediately for community representation on a working group to facilitate volunteers and the opening of the Lake and that landcare and RANA are contacted to gauge interest.	Site visit scheduled being arranged with Essential Water for the week commencing 31 January 2022.
17. That options to increase street lighting be referred to the Policy and General committee.	Options to be presented at the April Works Committee meeting.
18. That the General Manager be invited to immediately advertise for expression of interest from the community to form a working party to provide council with advice on projects that	Projects Steering Group Terms of Reference to be formulated and presented to the February Ordinary Council Meeting.

council undertakes, with a view to reduce the council's reliance on consultants.	
19. That the General Manager be invited to hold a workshop to explain to councillors how line budgets will be implemented for the 2022/23 budget.	Workshops to be held during March 2022 as part of the 2022/23 budget process.
20. That the Mayor be invited host a meeting with the local state member Roy Butler and the local federal member Market Coulton and that John Lynch, and a representative from the RFDS are invited to discuss proposals and options for an airport upgrade and options.	Meeting to be scheduled for February 2022
21. That options to increase childcare be referred to the Policy and General committee.	Further consultation with Foundation Broken Hill is recommended during February 2022 with options for Council support to be presented to the March Health and Building Committee meeting.
22. That the Works committee discuss and provide options for the removal of residential waste gate charges, this will also apply to commercial businesses that are disposing of residential rubbish, the committee will also discuss greenwaste and other recycling options. Any findings will be discussed at a number of public meetings.	To occur during March 2022 as part of the 2022/23 budget process.
23. That the General Manager be invited to provide the council with a report detailing the legal expenditure to defend against the ombudsman's report into the occupation certificate and civic centre usage. The report will detail any decision to expend funds to mount such defence. This report will be provided to the February 2022 meeting.	Report to be tabled at the February Council Meeting
24. That the General Manager be invited to hold a workshop on 24/01/2022 at 5.30 pm to provide councillors with all reports and information pertaining to the Civic Centre litigation.	Workshop held on 24 January 2022
25. That the Policy and General committee consider proposals to reduce commercial and industrial rates and to make residential rates more equitable.	To occur during March 2022 as part of the 2022/23 budget process.
26. That General Manager be invited to advertise for expressions of interest to paint murals and provide other street art and that a report be provided at the January 27th 2022 meeting explaining why the proposed mural in Argent St from the Country Women's association was	Report presented at this Council meeting. EOI for murals and street art in accordance with Council's Public Art Policy to be advertised in February 2022.

rejected and options to invite them to resubmit their application.	
27. That the Policy and General committee investigate the cost for council to provide more focus on applying for grant funding and the opportunity to apply for grants for local organisations as a fee for service.	This will be workshopped with Council through the development of the 2022/23 Operational Plan and Resourcing Strategy, with a report provided to the April Policy & General Committee meeting.
28. That the Mayor be invited to send correspondence to the Local Member Roy Butler asking that he make representations to the State Government on behalf of the Broken Hill community to have a permanent Wentworth pipeline subsidy implemented. That Roy be asked to facilitate a meeting with the appropriate Minister to meet with the Mayor and Roy to discuss the subsidy.	Letter being drafted
29. That the General Manager be invited to provide council with a report at the on the progress of the Netball, Norm Fox redevelopment and a tour is organised for councillors to see all council parks, ovals and sporting facilities.	Report tabled at this Council meeting with site visits and further workshops scheduled for February 2022.
30. That the General Manager be invited to organise a meeting with IPART and Essential Energy to discuss options to increase water usage at a lower cost so that the city can be greened.	Meeting to be organised for February 2022
31. That the Mayor be invited to send correspondence to the Local member Roy Butler to ask him to organise a meeting with the appropriate Ministers to discuss the management of the Menindee Lakes and the Darling River.	Letter being drafted
32. That General Manager be invited to immediately advertise for expressions of interest from the community to remove dead trees.	Expression of interest to be advertised during February 2022 following the results of a tree audit to identify high priority areas of removal in the first instance.
33. That the Works committee investigate options to plant different tree species that are asset friendly and fast growing.	Tree Management Policy & Tree Management Plan to be workshopped with Councillors during February 2022 for presentation to the March Works Committee meeting.
34. That the General Manager be invited to provide councillors with a report on options to address the issues of roaming dogs and cats. That a meeting be organised of the committee that was formed to address this issue and the	Report will be provided to Councillors in March 2022, following the commencement of Council's recently appointed Executive Manager Planning & Community Safety.

findings referred to the Policy and General committee.	
35. That the General Manager be invited to provide a report about the process to get funding for a mining, truck, car and motorbike museums. The report will include previous reports on the matters and the offer made by Perilya a number of years ago about mining assets.	Priority projects and funding to be discussed and workshopped as part of the development of the 2022/23 Operational Plan & Resourcing Strategy.
36. That the General manager advertise for expressions of interest to form a working group to address the homeless issue, drug and alcohol use and suicide prevention.	Working groups Terms of Reference to be developed in consultation with the appropriate stakeholders and presented to the April Health and Building Committee meeting.
37. That the General Manager be invited to provide a report to council detailing options to facilitate a truck wash and truck stop.	Report to be presented to the February Ordinary Council meeting for funding consideration to occur as part of the 2022/23 budget process.
38. That the General Manager be invited to provide a report to the January meeting about any positions in the employee structure that remain unfilled and the expense to date for wages compared to the budgeted amount. Also the expected wage amount to year end with only the current positions filled.	Report presented at this Council meeting.
39. That the General Manager be invited to contact the appropriate Aboriginal organisations to facilitate communication for the purpose of establishing a green space at the rear of Creedon Street.	Contact and further investigation to occur during February 2022 when appropriate officers return from leave.
40. That the General Manager provides a report to the January 27 Council Meeting outlining timelines for the implementation of the resolutions of Mayoral Minute No. 2/22.	Subject of this report.

The timeline is now presented to Council for noting purposes.

Community Engagement:

Engagement with the community regarding various items listed in the resolution of Mayoral Minute No. 2/22 will occur as per the above timeline.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making

Strategy:	4.1.1	Support the organisation to operate its legal framework
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Relevant Legislation:

N/A

Financial Implications:

Nil at this stage.

Attachments

There are no attachments for this report.

JAY NANKIVELLGENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

January 20, 2022

ITEM 2BROKEN HILL CITY COUNCIL REPORT NO. 16/22

SUBJECT: DRAFT AMENDED CODE OF MEETING PRACTICE POLICY FOR
PUBLIC EXHIBITION D22/2463

Recommendation

1. That Broken Hill City Council Report No. 16/22 dated January 20, 2022, be received.
2. That Council publicly exhibits the draft amended Code of Meeting Practice Policy for a 28 day period and accepts submissions for members of the community for a period of at least 42 days.
3. That following the public exhibition and submission period of the draft amended Code of Meeting Practice Policy, a report be presented to Council outlining any public submissions received and whether the draft amended Code of Meeting Practice Policy has been further amended due to the submissions received.

Executive Summary:

Just prior to the December 2021 NSW Local Government Elections, the Office of Local Government released its new 2021 Model Code of Meeting Practice for Local Councils in NSW which was published in the Government Gazette and prescribed under the *Local Government (General) Regulation 2021*.

The release of the 2021 Model Code of Meeting Practice coincides with the newly elected Council's requirement to review and adopt its Code of Meeting Practice Policy that incorporates the mandatory provisions of the Model Code of Meeting Practice within 12 months of the local government elections.

At the Ordinary Council Meeting held 12 January 2022, Council considered a Mayoral Minute No. 1/22 and as part of the resolution (Minute No. 46690) Council resolved *"That a workshop be held on Wednesday 19 January 2022 at 5:30pm to organise amendments to Council's Code of Meeting Practice, so that the public will be part of Council's Ordinary and Extraordinary Meetings. Other amendments to the Code of Meeting Practice will also be made, that the amendments discussed will be put in a draft form for adoption at the January Council Meeting on Thursday 21 January 2022."*

The draft amended Code of Meeting Practice Policy is now presented to Council for adoption for the purpose of public exhibition.

Report:

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of Councils and committees of Councils of which all the members are Councillors (committees of Council).

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 the Office of Local Government Model Code of Meeting Practice.

A Council and a Committee of Council of which all members are Councillors must conduct its meetings in accordance with the Code of Meeting Practice adopted by the Council.

Pursuant to Section 361 of the Local Government Act 1993, before adopting a new Code of Meeting Practice, Council must first exhibit a draft Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft Code of Meeting Practice before it can be presented to Council for adoption.

2021 Model Code of Meeting Practice

The Office of Local Government have released a new 2021 Model Code of Meeting Practice for Local Councils in NSW (published in the Government Gazette and prescribed under the *Local Government (General) Regulation 2021*).

The Office of Local Government consulted with Councils in NSW during 2021 to gauge interest in the inclusion of new provisions that allow Councils to permit individual Councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audio-visual link are non-mandatory. Councils can choose to adopt them or to adapt them to meet their own needs.

The repeal date for section 237 of the Regulation (which exempts Councils from the requirement under clause 5.2 of the previous iteration of the Model Meeting Code for Councillors to be personally present at meetings in order to participate in them) has been extended to 30 June 2022. This is to allow Councils additional time to exhibit and adopt new Codes of Meeting Practice containing provisions allowing attendance by audio-visual link at meetings. If Councils have not adopted a new Meeting Code that allows Councillors to attend meetings by audio-visual link, they will not be permitted to do so after 30 June 2022.

Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

A further amendment was made to implement an ICAC recommendation in relation to its investigation of the former Canterbury City Council. ICAC recommended that the Model Meeting Code be amended to require that Council business papers include a reminder to Councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

Councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Office of Local Government Model Code of Meeting Practice for Local Councils in NSW within 12 months of the Local Government Elections. A Council's adopted Code of Meeting Practice must not contain provisions that are inconsistent with the mandatory provisions but may also incorporate the non-mandatory provisions of the Model Meeting Code.

Attached to this report (**Attachment 1**) is a copy of the Office of Local Government Model Code of Meeting Practice which has three elements:

- Mandatory provisions (indicated in **black font**)
- Non-mandatory provisions (indicated in **red font**) covering areas of meeting practice that are common to most Councils but where there may be a need for some variation in practice between Councils based on local circumstances. The non-mandatory provisions also operate to set a benchmark based on what the Office of Local Government see as best practice for the relevant area of practice.
- Provisions for Joint Organisations and County Councils (indicated in **blue font**) are not relevant to the operations of Broken Hill City Council, and therefore should not be considered.

Councillor Workshop of the Draft Code of Meeting Practice Policy

At the Ordinary Council Meeting held 12 January 2022, Council resolved (Minute No. 46690) *"that a workshop be held on Wednesday 19 January 2022 at 5:30pm to organise amendments to Council's Code of Meeting Practice, so that the public forum will be part of Council's Ordinary and Extraordinary Meetings. Other amendments to the Code of Meeting Practice will also be made that the amendments discussed will be put in a draft form for adoption at the January Council Meeting on Thursday 27 January 2022."*

Due to the Office of Local Government's recent release of the new 2021 Model Code of Meeting Practice, and the Council's requirement to adopt a Code of Meeting Practice within 12 months of the Local Government Elections. Councillors undertook a full review of the new 2021 Model Code at the workshop held on 19 January 2022.

From this review Councillors agreed that:

- all supplementary provisions contained in Council's adopted Code of Meeting Practice Policy (additional to the mandatory and non-mandatory provisions of the 2021 Model Meeting Code) be removed.
- All mandatory provisions and the majority of the non-mandatory provisions of the 2021 Model Code of Meeting Practice, which were adopted by Council in the current iteration of Council's Code of Meeting Practice Policy should remain.
- Two non-mandatory provisions of the Model Meeting Code be included in Council's draft amended Code of Meeting Practice to be considered and debated at the Council Meeting as optional inclusions.

These two non-mandatory optional provisions to be included in Council's draft amended Code of Meeting Practice for the purpose of consideration and debate are:

- Pre-Council Meeting Briefings (indicated in **green font**) on pages 9 and 10.
- Meetings held by Audio-visual link and Councillor attendance at meetings held by audio-visual link (indicated in **orange font**) throughout the draft Code on pages 14, 15, 16, 17, 19, 23, 35, 39, 41, 45, 49 and 52.

A summary of the amendments made to Council's draft amended Code of Meeting Practice Policy are:

Provision	Changes made to Council's current adopted Code of Meeting Practice Policy
All provisions of Council's adopted Code of Meeting Practice Policy	Remove any supplementary provisions that are additional to the mandatory or non-

	mandatory provisions of the OLG Model Meeting Code
3.1 – Timing of Ordinary Council Meetings	Include provision for an Ordinary Council Meeting every month of the year and remove the provision for a Public Forum Session to be held prior to the commencement of the meeting.
3.11-3.12b – Giving notice of business to be considered at Council Meetings	<p>Remove 3.11 - 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 at the meeting, the General Manager may prepare a report to the same Council Meeting in relation to the Notice of Motion.</p> <p>Remove 3.12- 3.12b – That a notice of motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:</p> <ul style="list-style-type: none"> 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, or b) send a written notice to Councillors with the Business Paper for the meeting for which the notice of motion has been submitted, defer consideration of the matter by Council to such a date specified in the notice, pending the preparation of such a report.
3.20 – Statement of Ethical Obligations	Include new mandatory provision
3.30 – Pre-meeting Briefing Sessions (indicated in green font)	Include the non-mandatory provision for Council to consider and debate as an optional inclusion.
4.1–4.23 – Public Forum Sessions	<p>Include provisions for two Public Forum Sessions held as part of Council Meetings. Public Forum Sessions to be of 15 minutes duration. One session held at the commencement of the meeting to hear submissions on matters relating to items to be considered at the meeting or on general matters, and one session held at the conclusion of open reports to hear submissions on matters relating to items to be considered at the meeting.</p> <p>The Chairperson may approve that a speaker may speak on more than two items.</p>

	All other previous provisions remain that are consistent with the mandatory or non-mandatory provisions of the Model Code.
5.2, 5.15-5.29, 5.43, 8.1, 14.20, 15.21-15.22, 16.2, 19.2, 20.22, 22 - Meetings held by audio-visual link; and - Attendance by Councillors at meetings by audio-visual link (all indicated in orange font throughout the draft Policy)	Include the non-mandatory provisions for Council to consider and debate as an optional inclusion.
5.35 – Webcasting of meetings	Include that webcasting are available via YouTube and Facebook.
7.1 – Modes of Address	Include that the Mayor is to be addressed as “Mayor [surname]”
8.1 – Order of Business for Ordinary Council Meetings	Include Leave of Absence Applications and 2 x Public Forum Sessions in the order of business.
9 – Mayoral Minutes	Remove 9.10 which provided for Mayoral Minutes which make a recommendation, which if adopted, would require the expenditure of funds on works and/or services other than those already provided for in Council’s current adopted operational plan, to 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.
15.14 – Expulsion from meetings	Include the provision that Councillors may only be expelled by resolution of Council or the committee of Council.
18.1-18.3 – Time Limits on Council Meetings	Include extending the time that Council Meetings are to conclude (unless resolved by Council to continue the meeting until its conclusion) to 10:00pm.

Council's draft amended Code of Meeting Practice Policy is now presented to Council for adoption for the purpose of public exhibition for a period of 28 days and Council will accept submissions for a period of 42 days. Following this period, the draft amended Code of Meeting Practice Policy will be re-presented to Council along with public submissions and will outline whether any further amendments are recommended due to the submissions received.

Council's draft amended Code of Meeting Practice Policy is attached to this report at **Attachment 2**.

Community Engagement:

Pursuant to Section 361 of the Local Government Act 1993, Council must exhibit a draft Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993, Sections 360 and 361

Local Government (General) Regulation 2021

Office of Local Government 2021 Model Code of Meeting Practice for Local Councils in NSW

Financial Implications:

Nil

Attachments

1. [↓](#) OLG Model Code of Meeting Practice for Local Councils in NSW
2. [↓](#) Draft Amended Code of Meeting Practice Policy

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

MODEL CODE OF MEETING PRACTICE

for Local Councils
in NSW

2021



MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW

2021

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Model Code of Meeting Practice for Local Councils in NSW

1 Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is prescribed under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

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

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

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

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

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

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

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

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

Model Code of Meeting Practice for Local Councils in NSW

2 Meeting Principles

2.1 Council and committee meetings should be:

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

Model Code of Meeting Practice for Local Councils in NSW

3 Before the Meeting

Timing of ordinary council meetings

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

- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Councils must use either clause 3.1 or 3.2.

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

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

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

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

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

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

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

Notice to councillors of ordinary council meetings

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

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

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

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

Model Code of Meeting Practice for Local Councils in NSW

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

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

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

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

Questions with notice

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

Agenda and business papers for ordinary meetings

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

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

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

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

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

Statement of ethical obligations

- 3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Model Code of Meeting Practice for Local Councils in NSW

Availability of the agenda and business papers to the public

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

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

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

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

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

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

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

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

Agenda and business papers for extraordinary meetings

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

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

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

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

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

- 3.31 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.29(a) can speak to the motion before it is put.

- 3.32 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.33 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.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 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.

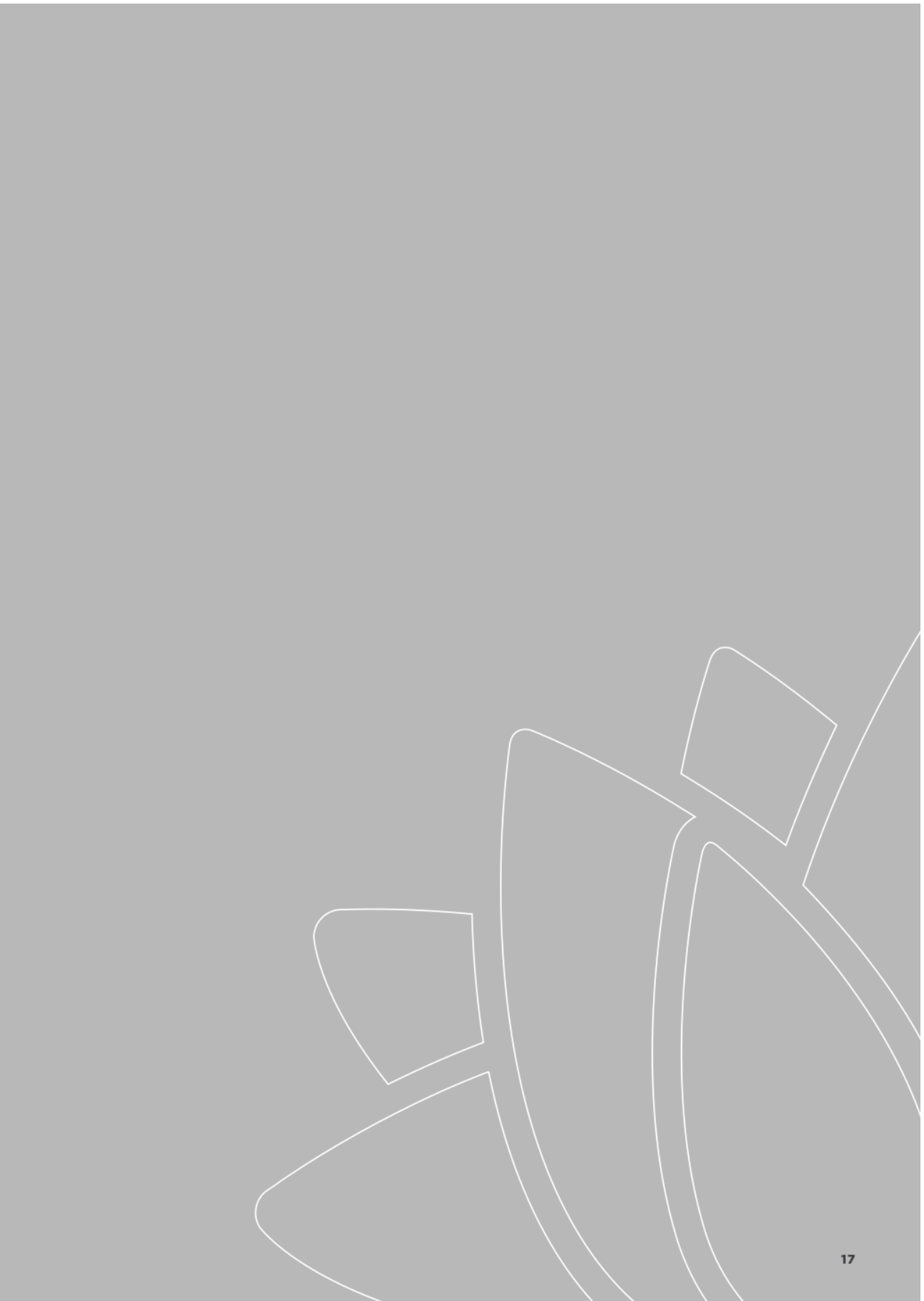
Model Code of Meeting Practice for Local Councils in NSW

4 Public Forums

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

Model Code of Meeting Practice for Local Councils in NSW

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



Model Code of Meeting Practice for Local Councils in NSW

5 Coming Together

Attendance by councillors at meetings

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

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

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

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

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

an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 5.7 reflects section 234(1)(d) of the Act.**
- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

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

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

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

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

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

- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.

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

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

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

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

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

- (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.
- Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**
-
- ## Attendance by councillors at meetings by audio-visual link
- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-

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visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality, or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

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

Note: Clause 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

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

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.

- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.34–5.39. Joint organisations that choose not to webcast meetings may omit clauses 5.34–5.39.

Attendance of the general manager and other staff at meetings

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

Note: Clause 5.40 reflects section 376(1) of the Act.

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

Note: Clause 5.41 reflects section 376(2) of the Act.

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

Note: Clause 5.42 reflects section 376(3) of the Act.

- 5.43 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.

- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

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6 The Chairperson

The chairperson at meetings

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

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

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

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

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

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

- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

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

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7 Modes of Address

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

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8 Order of Business for Ordinary Council Meetings

- 8.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 8.2 The general order of business for an ordinary meeting of the council shall be:
[councils may adapt the following order of business to meet their needs]
- 01 Opening meeting
 - 02 Acknowledgement of country
 - 03 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors
 - 04 Confirmation of minutes
 - 05 Disclosures of interests
 - 06 Mayoral minute(s)
 - 07 Reports of committees
 - 08 Reports to council
 - 09 Notices of motions/Questions with notice
 - 10 Confidential matters
 - 11 Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

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

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

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

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9 Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

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

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

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

Mayoral minutes

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

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

Staff reports

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

Reports of committees of council

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

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

Questions

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

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

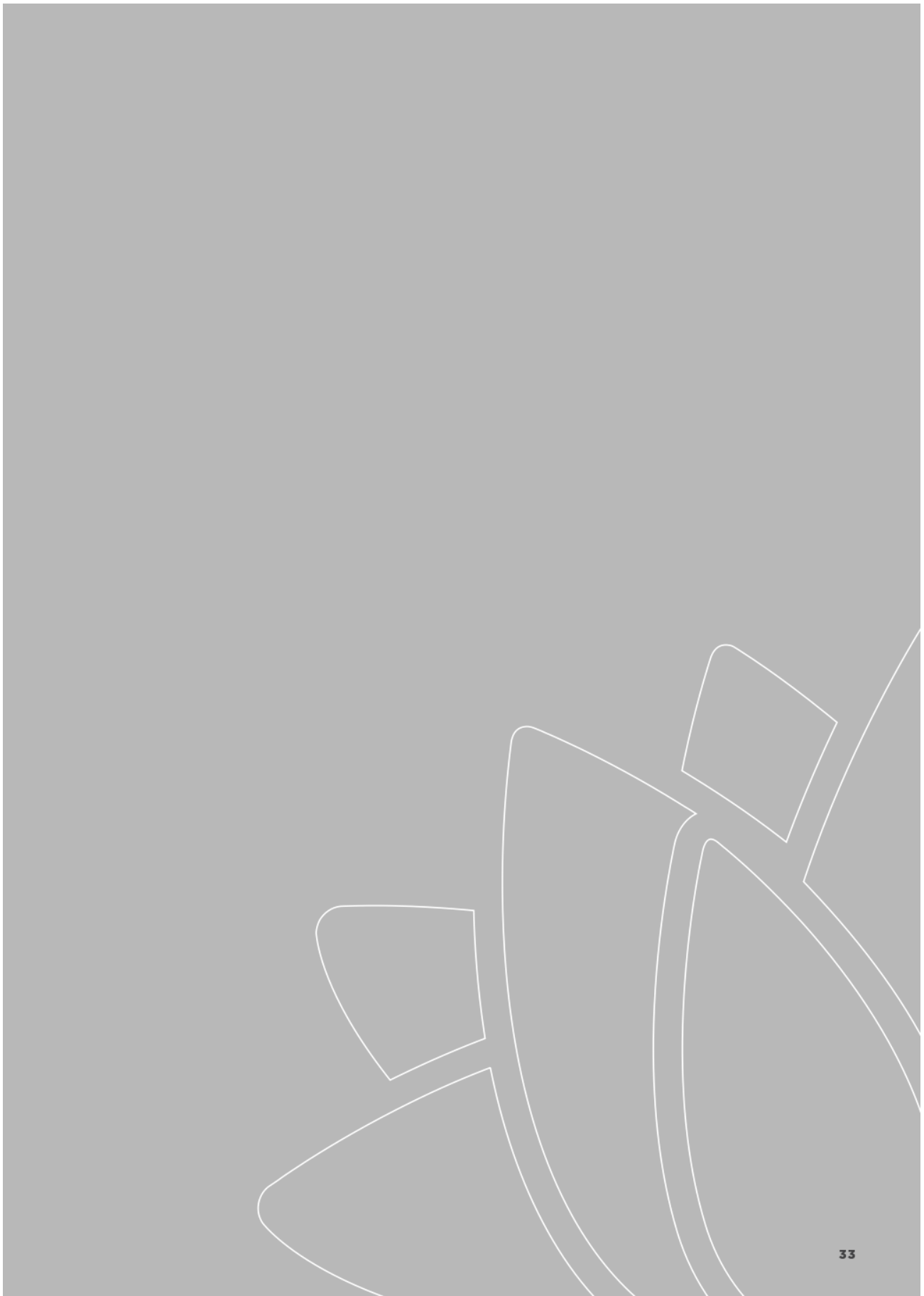
9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to

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

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

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

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



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10 Rules of Debate

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

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

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

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

Motions requiring the expenditure of funds

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

Amendments to motions

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

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

Foreshadowed motions

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

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

Limitations on the number and duration of speeches

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

10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

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

10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

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

10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

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

Participation by non-voting representatives in joint organisation board meetings

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

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

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

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11 Voting

Voting entitlements of councillors

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

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

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

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

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

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

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

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

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

Voting at council meetings

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

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

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

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

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

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

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

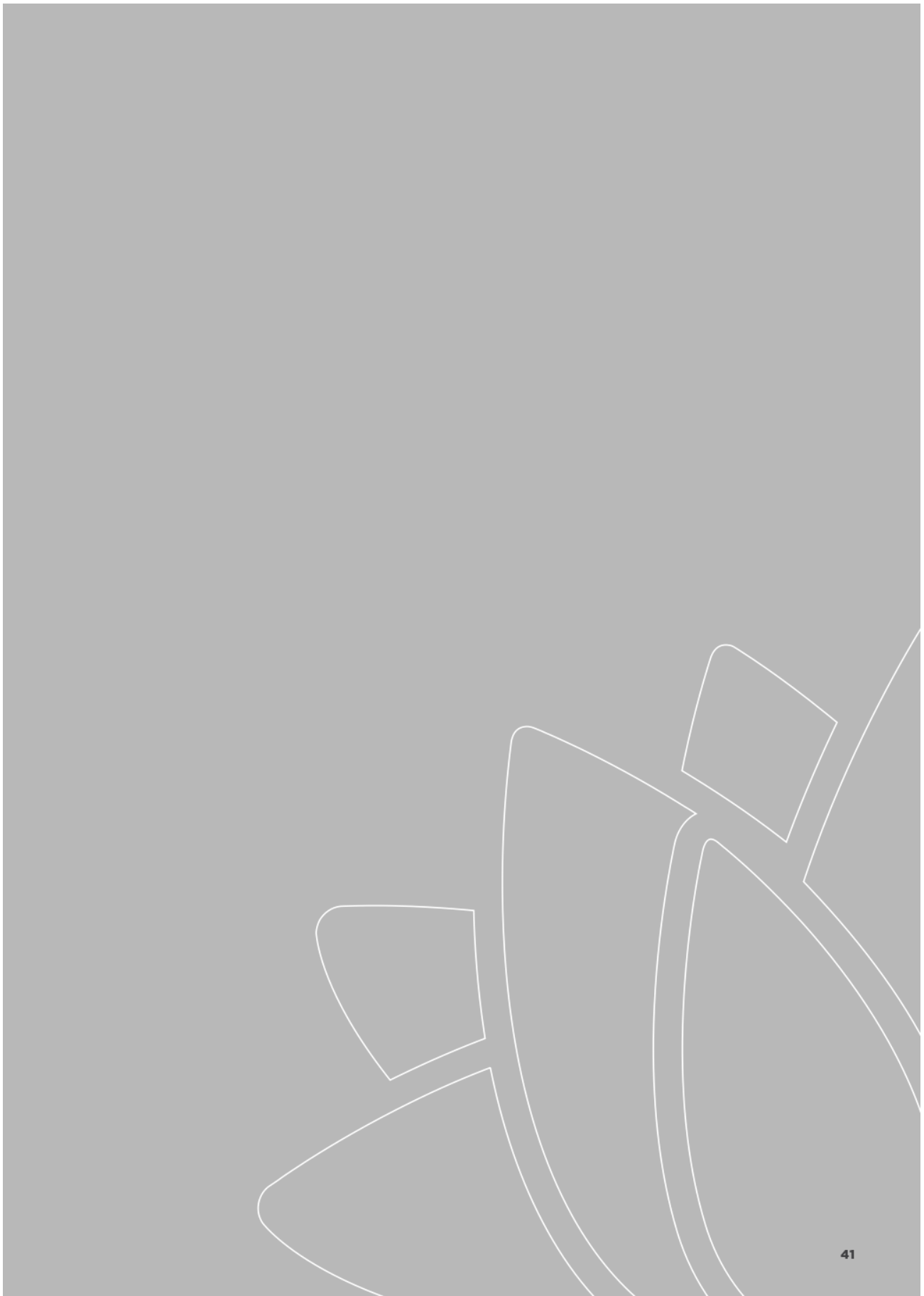
Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.

Voting on planning decisions

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

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

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



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12 Committee of the Whole

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

Note: Clause 12.1 reflects section 373 of the Act.

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

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

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

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13 Dealing with Items by Exception

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

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14 Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

14.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

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

(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,

(i) alleged contraventions of the council's code of conduct.

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

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

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

Matters to be considered when closing meetings to the public

14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

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

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

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

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

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

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

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **[date and time to be specified by the council]** before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **[number to be specified by the council]** speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the

persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than **[number to be specified by the council]** speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **[number to be specified by the council]** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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Expulsion of non-councillors from meetings closed to the public

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

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

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

Points of order

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

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act, the Regulation 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

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(d) insults, makes unfavourable personal remarks about, 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.

Note: Clause 15.11 reflects section 182 of the Regulation.

15.12 The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or

(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or

(c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

Note: Clause 15.12 reflects section 233 of the Regulation.

How disorder at a meeting may be dealt with

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

Expulsion from meetings

15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

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

Note: Councils may use either clause 15.14 or clause 15.15.

15.16 Clause [15.14/15.15] **[delete whichever is not applicable]**, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

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

Note: Clause 15.17 reflects section 233(2) of the Regulation.

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

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

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 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.

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16 Conflicts of Interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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17 Decisions of the Council

Council decisions

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

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

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

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

Rescinding or altering council decisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommitting resolutions to correct an error

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

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

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

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

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

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

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



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18 Time Limits on Council Meetings

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

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19 After the Meeting

Minutes of meetings

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

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

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

- (a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

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

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

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

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

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

- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been

confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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



Model Code of Meeting Practice for Local Councils in NSW

20 Council Committees

Application of this Part

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

Council committees whose members are all councillors

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

Functions of committees

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

Notice of committee meetings

- 20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
 - (b) the business proposed to be considered at the meeting.

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

Attendance at committee meetings

- 20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:
- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- 20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

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

Procedure in committee meetings

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

Closure of committee meetings to the public

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.20 during a part of the meeting that is webcast.

Disorder in committee meetings

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

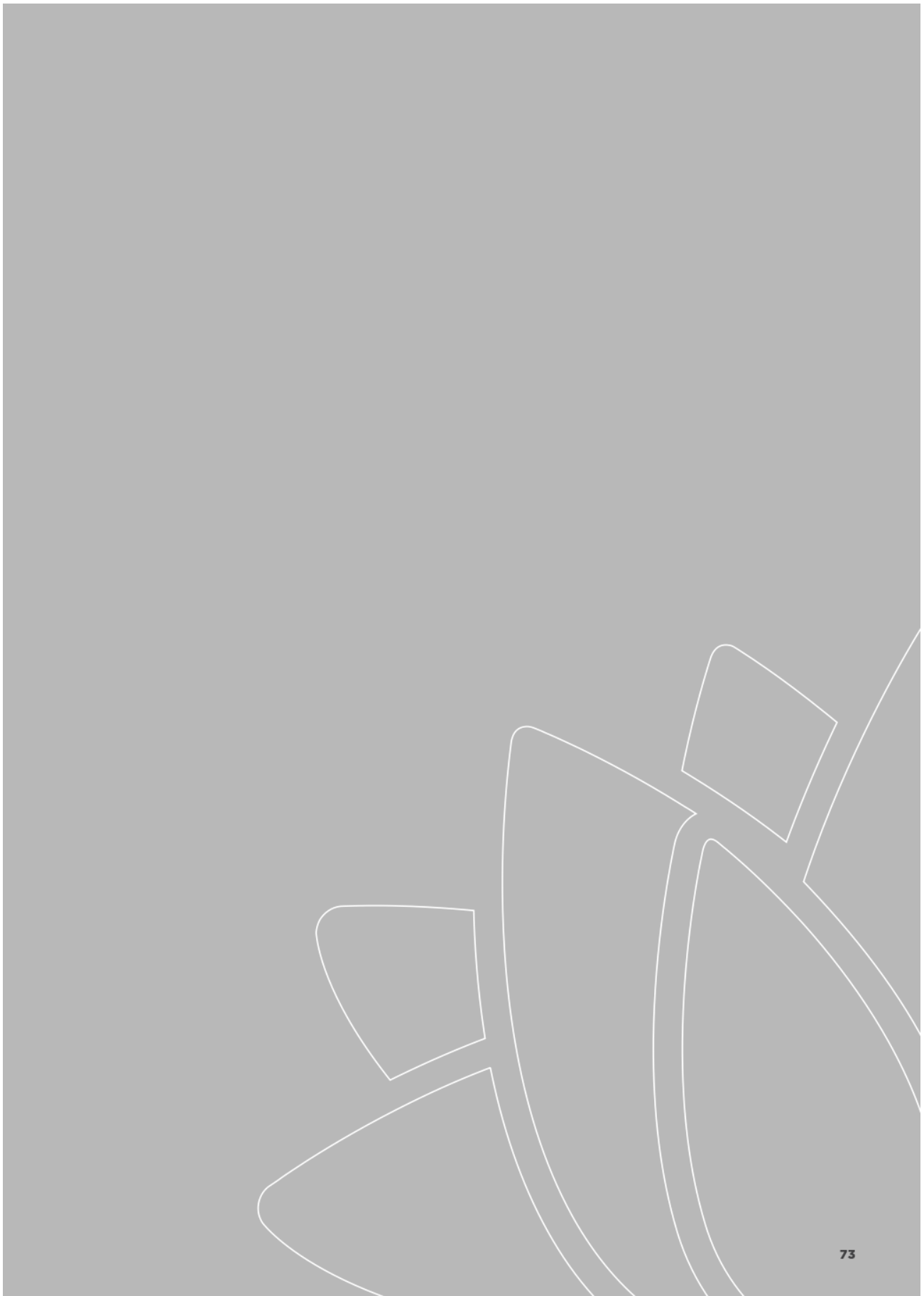
Minutes of council committee meetings

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

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

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



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21 Irregularities

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

Note: Clause 21.1 reflects section 374 of the Act.

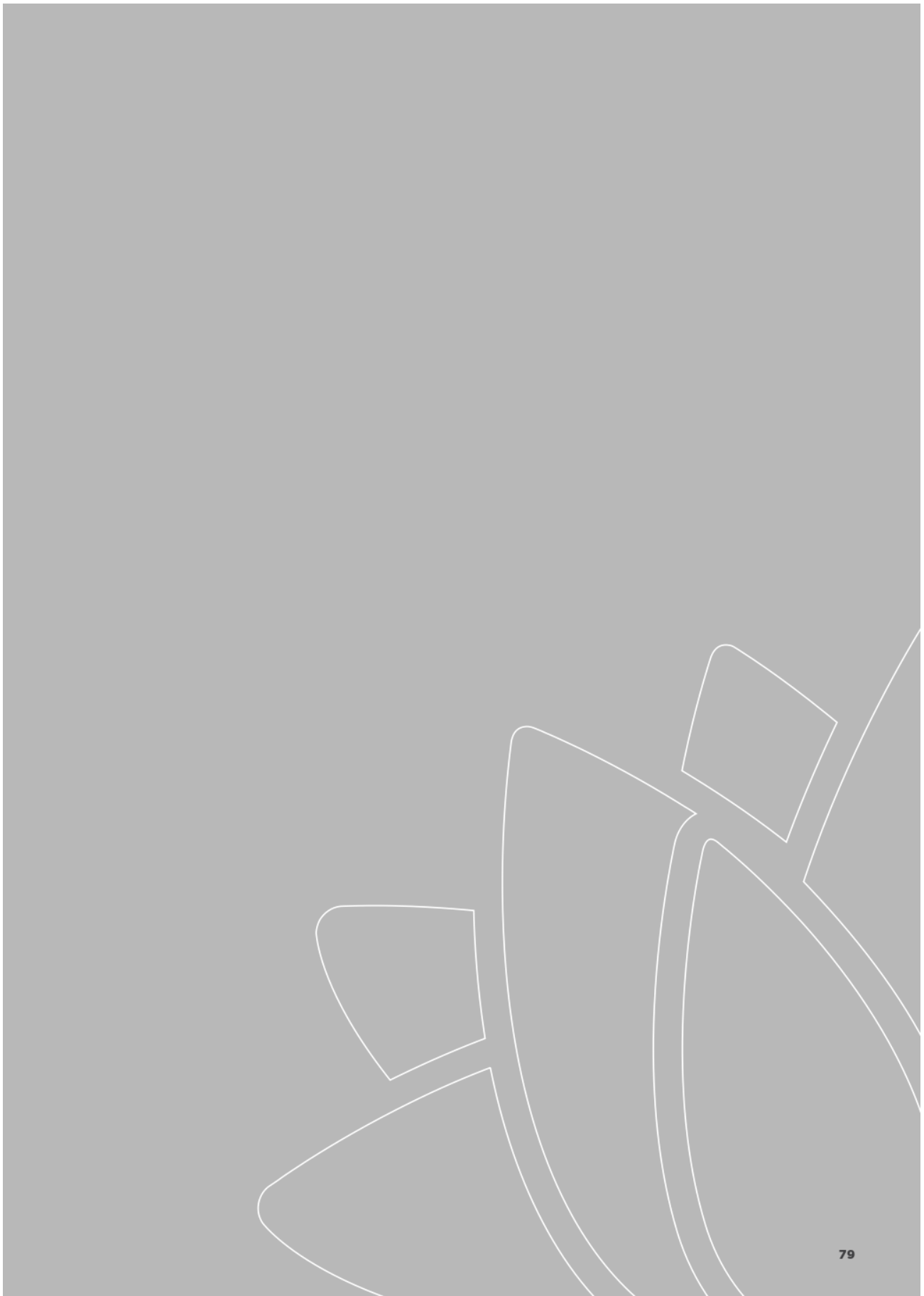
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22 Definitions

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

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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 2021</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







DRAFT AMENDED CODE OF MEETING PRACTICE POLICY

QUALITY CONTROL			
EDRMS REFERENCES	12/14 - D19/21935		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Council		
REVIEW DATE	Within 12 months after each ordinary election	REVISION NUMBER	5
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
27 March 2019	Public Exhibition	46029	
29 May 2019	Adoption	46070	
29 April 2020	Adoption of Amendment and Temporary Amendment	46238	
29 July 2020	Adoption	46307	
9 December 2020	Adoption of Temporary Amendment	46411	
26 March 2021	Temporary amendment to policy as per <i>Local Government (General) Regulation 2005 temporary amendment to allow Councillors to attend Council Meetings via audio-visual link under certain circumstances and as resolved by Council</i>	As per the temporary amendment to the <i>Local Government (General) Regulation 2005</i> (26 March 2021 to 31 December 2021).	
28 April 2021	Adoption of temporary addendum (extended to 30 June 2022) – Procedures for Councillor attendance via audio-visual link	46505	

TEMPORARY AMENDMENT TO POLICY DUE TO THE CORONAVIRUS (COVID-19) PANDEMIC

- That the Council Meetings will be held in the Council Chambers with the option for Councillors to attend via videoconference under certain circumstances and as resolved by Council.
- That all NSW Public Health Order requirements be met and a COVID-19 Safety Plan be put in place for Councillors/Staff/members of the public to attend in person.
- That in order for Councillors (attending via videoconference) to be classed as attending a meeting, Councillors must have both a video and audio connection to the meeting.
- That single-use hard copies of the Business Papers will be available for the public to use at Council Meeting and to take away. The Business Paper is also available on Council's website for viewing by the public.
- That Council holds the Public Forum Session in the Council Chambers prior to each Ordinary and Extraordinary Council Meeting for the purpose of hearing submissions from members of the public on items of business to be considered. That presenters attend in person, or if unable to attend in person, can email submissions to Council up until 4:00pm the day before the Council Meeting. The submissions will then be read by the Mayor during the Public Forum Session.
- That the Council Meeting be livestreamed.
- That the visual and audio recording of the Council Meeting is uploaded to Council's website/facebook as soon as practicable after the meeting.

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1. INTRODUCTION

The Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) first adopted by Broken Hill City Council on 29/05/2019 and with subsequent amendments and is known as Council's Code of Meeting Practice Policy is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

This code applies to all meetings of council 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.

The code of meeting practice 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.

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.

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 following occasions:

Ordinary Council Meetings will be held on the last Wednesday of every month of the year with the exception of the December Council Meeting which will be set by Council Resolution each year. The meeting will commence at 6:30p.m. and be held in the Council Chambers.

Note: Clause 3.1 reflects section 365 of the Act.

Extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

Notice to the public of council meetings

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

Note: Clause 3.3 reflects section 9(1) of the Act.

- 3.4 For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

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

Notice to councillors of ordinary council meetings

- 3.6 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 3.6 reflects section 367(1) of the Act.

- 3.7 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 3.7 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.8 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 3.8 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.9 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 to the General Manager's Office by 5:00pm two Friday's prior to the Council Meeting.
- 3.10 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.

Questions with notice

- 3.11 A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.12 A councillor is not permitted to ask a question with notice under clause 3.13 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.
- 3.13 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 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

- 3.14 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.
- 3.15 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 3.9.

- 3.16 Nothing in clause 3.17 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.
- 3.17 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.
- 3.18 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 3.20 reflects section 9(2A)(a) of the Act.

- 3.19 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.

Statement of Ethical Obligations

- 3.20 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

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

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

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

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

- 3.23 For the purposes of clause 3.22, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

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

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

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

Agenda and business papers for extraordinary meetings

- 3.25 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.
- 3.26 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.
- 3.27 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.
- 3.28 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.
- 3.29 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

- 3.30 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.
- 3.31 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.32 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.33 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.34 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.
- 3.35 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a

pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4. PUBLIC FORUMS

4.1 That Council holds two public forum sessions of 15 minute duration, during ordinary and extraordinary meetings of the council for the purpose of hearing oral submissions from members of the public. The first public forum session held at the commencement of the meeting will be held for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting or on general matters. The second public forum session held prior to the consideration of confidential matters will be held for the purpose of hearing oral submissions from members of the public on items of business only. Public forums will also be held during extraordinary council meetings.

4.2 Public forums are to be chaired by the mayor or their nominee.

4.3 To speak at a public forum, a person is encouraged to make an application to the council in the approved form. Applications to speak at the public forum should be delivered to Council's Administrative Centre, Customer Relations Staff, up to 4:00pm on the day of the meeting or handed to a Council staff member 15 minutes prior to the commencement of the Public Forum Session, and must identify the item of business on the agenda of the council meeting the person wishes to speak upon.

The Chairperson will invite members of the public present at the Public Forum to speak. Members of the public will be asked to state their name and verbally identify the item of business on the agenda of the meeting in which they are speaking, and whether they wish to speak 'for' or 'against' the item.

Members of the public will be invited to speak in the following order:

1. Members of the public who have registered to speak either 'for' or 'against' items listed in the meeting agenda.
2. Members of the public who have registered to speak on general matters.
3. Then if time permits, members of the public who have not registered but wish to speak either 'for' or 'against' items listed in the meeting agenda; or who wish to speak on general matters.

4.4 A person may apply to speak on no more than 2 items of business on the agenda of the council meeting. A person may speak on more than 2 items if approved by the Chairperson.

4.5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.6 The Chairperson may refuse an application to speak at a public forum. The Chairperson must state reasons for a decision to refuse an application.

4.7 No more than 2 speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chairperson may request the speakers to nominate from among themselves the persons who are to address the council on the item of

business. If the speakers are not able to agree on whom to nominate to address the council, the Chairperson or their delegate is to determine who will address the council at the public forum.

- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chairperson may increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.10 Speakers at the public forum are to register with the council any written material to be presented in support of their address to the council at the public forum no less than one (1) day before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.11 The Chairperson is to determine the order of speakers at the public forum.
- 4.12 Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have requested to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to 1 minute.
- 4.16 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to 2 minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.19 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.20 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

- 4.21 Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.
- 4.22 Where a speaker engages in conduct of the type referred to in clause 4.19, the Chairperson may refuse further requests from that person to speak at public forums for such a period as the Chairperson considers appropriate.
- 4.23 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

5. COMING TOGETHER

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.
- Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.
- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, [or unless permitted to attend the meeting by audio-visual link under this code](#).
- 5.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.
- Note: Clause 5.6 reflects section 234(1)(d) of the Act.**
- 5.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

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

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

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

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

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - within half an hour after the time designated for the holding of the meeting, or
 - at any time during the meeting.
- 5.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- by the chairperson, or
 - in the chairperson's absence, by the majority of the councillors present, or
 - failing that, by the general manager.
- 5.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor

must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.

- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.19 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.20 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.21 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.22 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.23 A decision whether to approve a request by a councillor to attend a meeting of the

council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

- (a) the meetings the resolution applies to, and
- (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

- 5.24 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.25 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.26 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.27 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.28 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.29 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

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

Note: Clause 5.30 reflects section 10(1) of the Act.

- 5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.32 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- a. by a resolution of the meeting, or
 - b. by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.32 reflects section 10(2) of the Act.

Webcasting of meetings

- 5.33 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.34 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- a. The meeting is being recorded and made publicly available on the council's website, and
 - b. Persons attending the meeting should refrain from making defamatory statements.
- 5.35 The recording of a meeting is to be made publicly available on the council's website and via YouTube and Facebook:
- a. at the same time as the meeting is taking place, or
 - b. as soon as practicable after the meeting.
- 5.36 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.

- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

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

Note: Clause 5.39 reflects section 376(1) of the Act.

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

Note: Clause 5.40 reflects section 376(2) of the Act.

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

Note: Clause 5.41 reflects section 376(3) of the Act.

- 5.42 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.
- 5.43 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

6. THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

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

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

- 6.4 The election of a chairperson must be conducted:

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

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

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

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

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

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

Chairperson to have precedence

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

7. MODES OF ADDRESS

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

8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 The general order of business for an ordinary meeting of the council shall be:
- 01 Opening Meeting
 - 02 Apologies [and applications for attendance by audio-visual link](#)
 - 03 Leave of Absence Applications
 - 04 Prayer
 - 05 Acknowledgement of Country
 - 06 Public Forum Session
 - 07 Disclosures of Interests
 - 08 Confirmation of Minutes
 - 09 Mayoral Minute(s)
 - 10 Notices of Motion
 - 11 Notices of Rescission
 - 12 Reports from Delegates
 - 13 Reports
 - 14 Committee Reports
 - 15 Questions on Notice
 - 16 Questions for Next Meeting
 - 17 Public Forum Session
 - 18 Confidential Matters
 - 19 Conclusion of the meeting
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.1 may speak to the motion before it is put.

9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- a. unless a councillor has given notice of the business, as required by clause 3.9, and
 - b. unless notice of the business has been sent to the councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- a. is already before, or directly relates to, a matter that is already before the council, or
 - b. is the election of a chairperson to preside at the meeting, or
 - c. subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - d. is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- a. a motion is passed to have the business considered at the meeting, and
 - b. the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

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

Staff Reports

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

Reports of committees of council

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

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.9 and 3.13.
- 9.14 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.15 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10. RULES OF DEBATE

Motions to be seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.9 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- a. any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - b. the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

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

Amendments to motions

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

Foreshadowed motions

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

Limitations on the number and duration of speeches

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

- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- a. if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - b. if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

11. VOTING

Voting entitlements of councillors

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

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

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

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

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

Voting at council meetings

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

Voting on planning decisions

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

Note: Clauses 11.7–11.10 reflect section 375A of the Act.

Note: The requirements of clause 11.7 may be satisfied by maintaining a register of the minutes of each planning decision.

12. COMMITTEE OF THE WHOLE

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

Note: Clause 12.1 reflects section 373 of the Act.

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

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

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

13. DEALING WITH ITEMS BY EXCEPTION

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

14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

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

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- a. except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

- b. if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

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

matter is a matter referred to in clause 14.1, and

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

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

Representations by members of the public

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 5:00pm 3 days before the meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than 2 speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than 2 speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed 2 minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their

representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Obligations of councillors attending meetings by audio-visual link

- 14.20 Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

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

Note: Clause 14.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

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

- 14.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.22 during a part of the meeting that is webcast.

15. KEEPING ORDER AT MEETINGS

Points of order

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

Questions of order

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

Motions of dissent

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

Acts of disorder

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- a. contravenes the Act, the Regulation 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, makes unfavourable personal remarks about, 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.

Note: Clause 15.11 reflects section 182 of the Regulation

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

Note: Clause 15.12 reflects section 233 of the Regulation

How disorder at a meeting may be dealt with

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

Expulsion from meetings

- 15.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.
- 15.15 Clause 15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

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

Note: 15.16 reflects section 233(2) of the Regulation

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

Note: Clause 15.17 reflects section 233(2) of the Regulation

- 15.18 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

How disorder by councillors attending meetings by audio-visual link may be dealt with

- 15.21 Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.
- 15.22 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.23 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.24 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

- 15.25 Without limiting clause 15.18, a contravention of clause 15.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Any person who contravenes or attempts to contravene clause 15.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

16. CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.
- 16.2 Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17. DECISIONS OF THE COUNCIL

Council decisions

- 17.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.
- Note: Clause 17.1 reflects section 371 of the Act**
- 17.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.
- Note: Clause 17.3 reflects section 372(1) of the Act.**
- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- Note: Clause 17.4 reflects section 372(2) of the Act.**
- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.
- Note: Clause 17.5 reflects section 372(3) of the Act.**
- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.
- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager's Office no later than 5:00pm 2 business days after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

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

- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- a. a notice of motion signed by three councillors is submitted to the chairperson, and
 - b. a motion to have the motion considered at the meeting is passed, and
 - c. the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 17.13 A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.
- 17.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

Recommitting resolutions to correct an error

- 17.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:
- a. to correct any error, ambiguity or imprecision in the council's resolution, or

- b. to confirm the voting on the resolution.
- 17.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.
- 17.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.
- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

18. TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 10:00pm.
- 18.2 If the business of the meeting is unfinished at 10:00pm, the council or the committee may, by resolution, extend the time of the meeting.
- 18.3 If the business of the meeting is unfinished at 10:00pm, and the council does not resolve to extend the meeting, the chairperson must either:
 - a. defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - b. adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:
 - a. individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - b. publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19. AFTER THE MEETING

Minutes of meetings

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

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

- 19.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:
- a. The names of councillors attending a council meeting **and whether they are attending the meeting in person or by audio-visual link**
 - b. details of each motion moved at a council meeting and of any amendments moved to it,
 - c. the names of the mover and seconder of the motion or amendment,
 - d. whether the motion or amendment was passed or lost, and
 - e. such other matters specifically required under this code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

20. COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

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

Functions of committees

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

Notice of committee meetings

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

Attendance at committee meetings

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

acceptable reasons for the member's absences.

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

Non-members entitled to attend committee meetings

- 20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:
- a. to give notice of business for inclusion in the agenda for the meeting, or
 - b. to move or second a motion at the meeting, or
 - c. to vote at the meeting.

Chairperson and deputy chairperson of council committees

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

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

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

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 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.
- 20.20 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 20.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 20.21 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

- 20.22 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. The names of councillors attending a meeting **and whether they attended the meeting in person or by audio-visual link**
 - b. details of each motion moved at a meeting and of any amendments moved to it,
 - c. the names of the mover and seconder of the motion or amendment,
 - d. whether the motion or amendment was passed or lost, and
 - e. such other matters specifically required under this code.
- 20.23 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.
- 20.24 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.25 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.

- 20.26 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.27 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.
- 20.28 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.

21. IRREGULARITIES

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

Note: Clause 21.1 reflects section 374 of the Act.

22. DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
Audio-visual link	Means a facility that enables audio and visual communication between persons at different places
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 2021</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

BROKEN HILL
CITY COUNCIL

ADDENDUM TO BROKEN HILL CITY COUNCIL'S CODE OF MEETING PRACTICE POLICY

Resolved by Council at its Ordinary Monthly Meeting held 28 April 2021 – Minute Number 46505. This addendum expires on 30 June 2022.

PROCEDURES FOR ATTENDANCE BY COUNCILLORS AT MEETINGS BY AUDIO-VISUAL LINK

What is an “audio visual link”

- For the purposes of these procedures, an audio-visual link is a facility that enables audio and visual communication between persons at different places.

Approval for councillors to attend meetings by audio visual link

- The council and committees of the council comprising wholly of councillors may, in response to a request made by a councillor, resolve to permit the councillor to attend one or more meetings of the council or committee remotely by audio visual link where it is satisfied that the councillor will be prevented from attending the meeting/s in person because of illness, disability, caring responsibilities, or such other reason that is acceptable to the council or committee.
- Requests by councillors to attend meetings remotely by audio-visual link must be made in writing to the General Manager at least 5 business days before a meeting (or as advised by the General Manager's Office if an Extraordinary Council Meeting is called without 5 business days' notice), and must provide information about the meetings the councillor will be prevented from attending in person and the reason why the councillor will be prevented from attending the meeting/s in person.
- A resolution by the council or a committee of the council permitting a councillor to attend one or more meetings by audio-visual link must provide the following information:
 - the grounds on which the councillor is being permitted to attend meetings remotely by audio visual link, but not where those grounds relate to illness, disability or caring responsibilities, and
 - details of the meetings the resolution applies to.
- The council or committee of the council may permit more than one councillor to attend a meeting by audio-visual link but must not permit all councillors to attend a meeting by audio-visual link.
- A decision to permit a councillor to attend a meeting remotely by audio-visual link is at the council's or the committee's discretion. The council and its committees must act reasonably when considering requests by councillors to attend meetings remotely by audio-visual link.

- The council and its committees are under no obligation to permit a councillor to attend a meeting remotely by audio-visual link where the technical capacity does not exist to allow the councillor to attend a meeting by these means.
- The council and its committees may refuse a councillor's request to attend a meeting remotely by audio-visual link where the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or comply with the council's code of meeting practice on one or more previous occasions when they have attended a meeting of the council or its committees by audio-visual link.

Attendance by councillors at meetings by audio visual link

- Where a councillor attends a meeting by audio-visual link with the approval of the council or a committee of the council they are to be taken as attending the meeting in person for the purposes of the council's code of meeting practice and will have the same voting rights as if they were attending the meeting in person.
- The council's code of meeting practice will apply to a councillor attending a meeting remotely by audio-visual link, in the same way it would if the councillor was attending the meeting in person.
- Councillors must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link.
- Councillors must be appropriately dressed when attending meetings by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.
- Where a councillor attends a meeting of the council or a committee of the council by audio-visual link, the minutes of the meeting must record that they attended the meeting by audio-visual link.

Conflicts of interest

- Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct.
- Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

Confidentiality

- Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting has been closed to the public under section 10A of the Local Government Act 1993.

Maintenance of order

- Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with the council's code of meeting practice.
- If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Compliance with the Health Privacy Principles

- The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting remotely by audio-visual link

ORDINARY MEETING OF THE COUNCIL

January 17, 2022

ITEM 3BROKEN HILL CITY COUNCIL REPORT NO. 17/22

SUBJECT: BROKEN HILL CBD REVITALISATION AND ACTIVATION
PROJECT - REVISED PROJECT SCOPE D22/1698

Recommendation

1. That Broken Hill City Council Report No. 17/22 dated January 17, 2022, be received.
2. That a workshop be held with Councillors to further investigate and understand Council's desired vision and outcome in accordance with Council's revised budget.
3. That Council write to the Federal and State funding bodies and relevant Ministers advising of a proposed change in project scope including the withdrawal or reduction in Council's contribution to the project and seek advice as to whether funding can be redirected to a smaller project scope for a purpose-built archive facility incorporating a library facility as result of the Councillor workshop.

Executive Summary:

At the Extraordinary meeting of Council held 12 January 2022 Council resolved:

That all expenditure, plans and actions related to the development of the council's library hub be abandoned and that the General manager be invited to present a report to the Meeting on 27/1/2022 outlining the use of federal grant money for a purpose-built archive that is located in the proposed position of the library hub. The report will include staffing requirements.

This report provides information on the following:

- Background/history of the project
- Current status of project including staging and estimated costs
- Grant funding secured for the project including funding guidelines
- BHP Billiton Foundation Funding
- Recommendation for Council to write to funding bodies, appropriate Federal and State Ministers advising of the change in project scope and seek advice on whether funding can be redirected to a newly scoped project and what would be required from Council to achieve this.

Due to the tight turnaround in relation to the development of this report, staff are awaiting final advice as to certainty around the reduction to the Building Better Regions Grant Funding co-contribution and any implications this may have as a result to the State Funding.

Report:**Project Background**

The Broken Hill Central Business District Revitalisation and Activation Project is a project that has evolved over time and can be broken down into three key sub projects; Banner Poles, Wayfinding and Community Hub including Library and Archive with each of the three projects funded through separate grant funding.

Project	Funding	Status
Banner Poles (Part of CBD Master Plan)	T-Corp Loan & Council Internal funds \$1.7m	Poles for Argent St and Patton St currently being manufactured. Installation planned February 2022 Poles for side streets currently under review with email to go out to affected business for feedback 21/01/2022
Wayfinding (Part of CBD Master Plan)	NSW Govt through Far South West Joint Organisation \$1M (Part of)	Consultation commenced, with face to face consultation scheduled to commence in February 2022.
Community Hub including Library and Archive	Federal \$8.7M State \$2.9M BHCC \$6M (Withdrawn) Total \$17.6M	Design being finalised and preparing for Tender. Council resolved abandon plans at its meeting held 12/01/22

This report specifically considers the Community Hub including Library and Archives and the funding secured for it.

Current site

Broken Hill City Council (BHCC) operates one of the oldest public library services in NSW, with the municipal library opening in 1891. The library serves an estimated population of 17,269 people in Broken Hill as well as operating the Outback Letterbox Library service to residents in the Unincorporated Area and Central Darling Shire, a service that is funded by the State Library of NSW.

The current Blende Street site is 907 square metres which means the current Broken Hill City Library building is undersized and inadequate to provide library services which meet the needs of the community. The public library is currently limited to 450 square metres downstairs, with the Outback Archives occupying a similar amount of space upstairs.

The recommended minimum size public library for a population of 17,269 is 1,137 square metres according to State Libraries NSW**. The library was built in 1964 and has not had any major refurbishment since that time. It is well beyond its use-by date. The building places severe constraints on the library services and facilities the Broken Hill City Council can offer residents and visitors to the region.

**Note: At the commencement of the project the design was based on a population of 18,517 and minimum recommended size of 1,496 square metres.

Timeline

February 2018	Following a decision to abandon utilising the Pellew and Moore Building to re-house a Library, Council committed to the reinvigoration of Argent Street as the city's premier urban precinct through the development of a cultural hub that creates an improved customer experience for residents and tourists
September 2018	Council engaged Neeson Murcutt Architects (T18/4 \$1.483M), a leading innovative architectural firm within Australia to develop a Cultural Plan Framework (Stage one) and construction ready drawings for the development of the Cultural Precinct. (Stage two). The Federal Government contributed to the funding of stage one of the project.
April 2019	Council Adopted Broken Hill, Community Hub and Cultural Precinct - Cultural Framework and Synopsis Report
2018/2019 FY	Council resolved to allocate \$6M gained from the disposal of waste from the Wentworth to Broken Hill Pipeline to an internal reservice for the development of the Cultural Precinct.
April 2020	Development Application Approved by Western Regional Planning Panel
October 2020	Library Design and Pre-Tender Estimate completed
October 2021	Building Better Regions Fund - Round 5 – Funding Secured (\$8.7M)
December 2021	Resources for Regions Round 8 – Funding Secured (\$2.9M)

Current Project Status

Since securing Federal and State funding in late 2021 Council Officers have been working with the project architects to align the project with the available grant funding including the Council's then contribution of \$6M. It should also be noted that many major construction project estimates have escalated since Covid-19 pandemic due to material shortages and supply chain issues experienced globally.

The current estimate for the project for Construction Tender Cost is \$16.7M which includes new Library, Archive, External Works and Carpark and takes into account estimating contingencies, builders' preliminaries, builders margin and escalation, staging and locality allowance.

Additional allowance has also been made for professional fees and construction contingency during construction of \$2.8M which include costs such as Project Management, other consultant fees for ongoing architectural services during construction and a 10% construction contingency. Making the total estimate \$19.5M

It should be noted that this estimate is based on advice received from Council's engaged Quantity Surveyors and any reduction in construction costs will similarly reduce the contingency and professional fees required.

In addition, Council have secured Public Works to manage the ongoing contract administration and project management of the entire project for around 3% of the total estimated construction cost.

To achieve the current estimates as stated above, some components of the project design have been amended or removed and other components have been flagged for future staging if funding becomes available.

Those items flagged for future stages include refurbishment of Town Hall Façade, Police Station and Police Cottage; further landscaping and public artwork. To also assist in reducing costs, consideration has been given to Council staff undertaking partial design and delivery of the landscaping aspect of the project.

Staffing of current design or stand-alone Archive

One of the key criteria for the design completed by NMNA was that the new Library/Archive was able to be operated with existing staffing numbers (7.1 FTE). Any change in design including a stand-alone archive facility would require a review of staffing numbers based on a new design. It is strongly recommended that any future scope revision ensures that the Library and Archive are situated under the 'same roof' to ensure that staffing levels can remain consistent with current resourcing requirements.

Current Project Funding

The below table represents the funding contributions that formed part of the Building Better Regions (Federal) Grant Application and Resources for Regions (State) grant application.

Stage 1	2021-22	2022-23	Total
Proposal capital costs	13,294,191	4,241,591	17,535,783
NSW Government	1,965,968	982,984	2,948,952
Council contributions	3,879,293	1,939,647	5,818,940
Industry contributions (BHPB Foundation)	Subject to secured funding		
Community contributions	0	0	0
Federal	5,854,261	2,922,630	8,767,891
Sub-total	11,690,522	5,845,261	17,535,783

Council's application for both Federal and State Funding included committed circa \$6M of Council funds to the project, as per Council's previous internally restricted reserve.

As per the grant guidelines Council was required to, have a co-contribution of 50%. This could be made up from other funding allocations and Council's own funds. As per the above, Council's co-contribution was made up of \$5.8m from internal reserves and \$2.9m from expected State Government funding. The discussion was held between Council officers, the Building Better Region Fund administration and Local Member Mark Coulton's Office about reducing the co-contribution to 25%, however it was strongly suggested that due to the competitiveness and over allocation of the fund, that Council's best opportunity for success would be to comply with the criterion of 50% and not seek special consideration.

As per the current funding agreement for the Building Better Regions Funds any reduction to the co-contribution will require a variation to the grant and subsequent grant amount.

For example, if Council were only to contribute the \$2,948,952, Council would only be eligible to receive the same from the fund. Reducing the total funding available to \$5,897,904, resulting in a grant reduction from the Building Better Regions Fund of \$5,818,939.

Initial advice has been sought from the Business Grants Hub who manage the federal grant on behalf of the Department of Infrastructure and as the application was approved on the basis of a 50% co-contribution from Council and it would be highly unlikely the grant would

continue to be approved without the co-contribution. In addition to this, if it's the view of the Department of Infrastructure that the scope of the project or funding of the project changes significantly the application would also need to be reassessed.

That being said, there are options to seek a variation for co-contribution, from the Building Better Regions Fund and official communication will be written to Department of Infrastructure and relevant Ministers seeking special consideration as per the grant guidelines for their consideration.

State Funding

Council was successful in receiving \$2.9M in funding from the Resources for Regions funding pool. This amount was allocated to the City of Broken Hill for a priority project and aligned with the funding application to the Federal Government to ensure a maximum co-contribution, therefore meeting the criteria for a higher grant allocation from Federal Government.

At the time of submitting the grant application, Council had not been notified as to whether Council was successful with the Federal Grant Application and submitted an alternate proposal aligned to the redevelopment of the CBD as per the CBD Masterplan.

Based on advice received from the State Government, it is Council staff's understanding that a revised or new application may be considered by the State to the value of \$2.9M; however Council will still require official confirmation from the NSW Government based on any revised scope or change in priority projects.

It should be noted, that any decision to change the scope of the project as well as the withdrawal of Council's co-contribution from the projects should be proceeded with caution as this may put the current funding allocation at risk as well as affecting Council's future ability to attract similar grants.

Funding guidelines for both State and Federal funding can be viewed at attachments 1 and 2.

BHP Billiton Foundation Funding

Following changes in the original funding arrangements and a change in project scope, the BHP Billiton Foundation sought return of the unspent portions of the grant, in keeping with their responsibilities as an US based charitable organisation.

At the Ordinary Council Meeting held 30/05/2018 Council resolved:

RESOLUTION

Minute No. 1

Councillor T. Kennedy moved
Councillor B. Licul seconded

- | | |
|---|---|
|) | 1. That Broken Hill City Council Report No. 82/18 dated May 21, 2018, be received. |
|) | 2. That, at the request of the BHP Billiton Foundation, the unspent funds be returned to the Foundation to assist it to meet its regulatory governance frameworks whilst Council designs the new Library Project. |

CARRIED

The original grant from BHP Billiton Foundation was for the amount of \$5,700,000, with \$2,871,912 being paid as an initial instalment and \$561,422 of that amount being expended by Council.

Following the return of the unspent money, there is currently \$5,138,578 available for reconsideration for an alternate proposal by the BHP Billiton Foundation.

Contact with BHP Billiton has been ongoing with the most being discussions being held in October 2021 following the announcement of the \$8.7M Building Better Regions Funding. The General Manager presented to the BHP Billiton Foundation CEO and sent a letter based on the alternate proposal for inclusion to the Foundation's December 2021 Board Meeting for the Board's guidance and consideration of next steps.

As at the time of writing this report, Council is still awaiting advice as to the outcome of this meeting.

Next Steps

It is recommended that a workshop be held with Councillors, for Council's internal Project Delivery Team to present Councillors with the latest revised plans, inclusive of Quantity Surveyor costings, and ongoing operational costs to begin reducing the scope parameters to align with Council's vision, desired outcome and available budget, subject to advice provided by the Federal Government in relation to co-contributions.

Community Engagement:

N/A

Strategic Direction:

Key Direction:	1	Our Economy
Objective:	1.3	Our history, culture and diversity is embraced and celebrated
Strategy:	1.3.2	Develop the Broken Hill Cultural Precinct Library and Archive

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Total expenditure to date is \$1,704,686, which includes all preliminary and detailed design work, DA and tender ready plans, commencement of project management and development of tender documents.

Attachments

1. Grant Opportunity Guidelines - Building Better Regions Fund - Infrastructure Projects
[↓](#) Stream - Round Five
2. Resources for Regions - Round Eight Program Guidelines
[↓](#)

JAY NANKIVELL
GENERAL MANAGER



Australian Government
Department of Industry, Science,
Energy and Resources
Department of Infrastructure, Transport,
Regional Development and Communications

Grant Opportunity Guidelines

Building Better Regions Fund – Infrastructure Projects Stream – Round Five

Opening date:	12 January 2021
Closing date and time:	5.00PM Australian Eastern Daylight Time on 12 March 2021 <i>Note: closing date has been extended from 5 March 2021 (by one week)</i> Please take account of time zone differences when submitting your application.
Commonwealth policy entity:	Department of Infrastructure, Transport, Regional Development and Communications
Administering entity:	Department of Industry, Science, Energy and Resources
Enquiries:	If you have any questions, contact us on 13 28 46.
Date guidelines released:	16 December 2020 4 th March 2021 (updated to extend application closing date)
Type of grant opportunity:	Open competitive

A message from the Minister



Our regions have always been integral to our economic success and this has never been more important than right now.

Investing in local communities is at the heart of our plan for a more secure and stronger Australia. In the 2020-21 Budget, we committed a further \$200 million for a fifth round of the Building Better Regions Fund to benefit areas outside major capital cities.

Our regional communities are tough. Country and coastal people are strong. After the prolonged effects of bushfires, drought, flood and now a global pandemic, regional tourism has been hit hard. That's why Round Five of the program includes \$100 million of targeted support for tourism-related infrastructure, with \$100 million for broader community infrastructure and investment.

This brings our total commitment for this highly successful program to more than \$1 billion over seven years.

The Building Better Regions Fund has already delivered significant benefits —creating jobs and driving economic growth — and reflects the Government's commitment to supporting regional communities now and into the future.

I encourage all interested parties to read the grant guidelines and apply for funding under this program, because when our regions are strong, so too is our nation.

The Hon Michael McCormack MP

Deputy Prime Minister

Minister for Infrastructure, Transport and Regional Development

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1. Building Better Regions Fund: Infrastructure Projects Stream – Round Five processes

The Building Better Regions Fund is designed to achieve Australian Government objectives

This grant opportunity is part of the above grant program, which contributes to the Department of Infrastructure, Transport, Regional Development and Communications' (DITRDC) Outcome 3. The DITRDC works with stakeholders to plan and design the grant program according to the [Commonwealth Grants Rules and Guidelines](#).



The grant opportunity opens

We publish the grant guidelines on business.gov.au and GrantConnect.



You complete and submit a grant application

You complete the application form, addressing all the eligibility and assessment criteria in order for your application to be considered.



We assess all grant applications

We review the applications against eligibility criteria and notify you if you are not eligible. We assess eligible applications against the assessment criteria including an overall consideration of value with relevant money and compare it to other eligible applications.



We make grant recommendations

We provide advice to the decision maker on the merits of each application.



Grant decisions are made

The decision maker decides which applications are successful.



We notify you of the outcome

We advise you of the outcome of your application. Unsuccessful applicants will be notified after the announcement of successful applicants.



We enter into a grant agreement

We will enter into a grant agreement with successful applicants. The type of grant agreement is based on the nature of the grant and proportional to the risks involved.



Delivery of grant

You undertake the grant activity as set out in your grant agreement. We manage the grant by working with you, monitoring your progress and making milestone payments.



Evaluation of the Building Better Regions Fund

We evaluate the specific grant activity and Building Better Regions Fund as a whole. We base this on information you provide to us and that we collect from various sources.

2. About the grant program

The Australian Government has committed a total of \$1.04 billion over seven years from 2017-18 to 2023-24 for the Building Better Regions Fund (the program). The Round Five grant opportunity was announced in Budget Paper 2, *Supporting Regional Australia*. \$200 million is available for this program, with \$100 million of this dedicated to tourism-related infrastructure projects.

The **objectives** of the program are to:

- drive economic growth
- build stronger regional communities into the future.

The intended **outcomes** of the program are to:

- create jobs
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
- enhance community facilities
- enhance leadership capacity
- encourage community cohesion and a sense of identity.

There are two grant opportunity streams as part of this program:

- [Infrastructure Projects Stream](#), as outlined in these guidelines
- [Community Investments Stream](#).

Information about the Community Investments Stream is available on business.gov.au.

We will publish the [opening and closing dates](#) and any other relevant information on business.gov.au and GrantConnect for each grant opportunity separately.

We administer the program according to the [Commonwealth Grants Rules and Guidelines](#) (CGRGs).¹

2.1. About the Infrastructure Projects Stream Round Five grant opportunity

These guidelines contain information for the Infrastructure Projects Stream Round Five grant opportunity.

The Infrastructure Projects Stream will support investment ready projects (refer to 2.1.1.) for new infrastructure, or the upgrade or extension of existing infrastructure, that provide economic and social benefits to regional and remote areas.

Round Five will provide \$100 million for tourism-related infrastructure projects under the Infrastructure Projects Stream, and a further \$100 million for other projects under the Infrastructure Projects Stream and the Community Investments Stream combined, with the allocation of funding across these streams dependant on the volume and quality of applications.

As part of the application process, we will ask you to indicate if you are applying for funding for a tourism-related infrastructure project, and if so, to provide information about how your project is related to tourism as outlined below at section 2.1.2.

¹ <https://www.finance.gov.au/sites/default/files/commonwealth-grants-rules-and-guidelines.pdf>

This document sets out:

- the eligibility and assessment criteria
- how we consider and assess grant applications
- how we notify applicants and enter into grant agreements with grantees
- how we monitor and evaluate grantees' performance
- responsibilities and expectations in relation to the opportunity.

The Department of Industry, Science, Energy and Resources (the department/we) is responsible for administering this grant opportunity on behalf of the DITRDC.

- We have defined key terms used in these guidelines in the glossary at section 14.

You should read this document carefully before you fill out an application.

2.1.1. Investment ready projects

The Infrastructure Projects Stream only supports investment ready projects. We consider a project to be investment ready where you have taken steps to allow construction to commence within 12 weeks of executing your grant agreement. This includes where you have:

- the authority of the land or infrastructure owner to undertake the project at the nominated site(s)
- confirmed funding contributions from all sources and can provide formal documentation to verify those contributions with your application
- identified and prepared submissions for all required regulatory and/or development approvals or have already submitted and/or obtained those approvals
- finalised project designs and costings.

For multi-stage projects, the first stage of the project must be investment ready within 12 weeks of executing the grant agreement. You must demonstrate that subsequent stages are investment ready in the progress report immediately preceding the next stage's agreed commencement date, and the entire project (as defined in the BBRF grant agreement) must be complete within the maximum grant period.

2.1.2. Tourism Related Infrastructure project funding - key points

- Round Five of the program incorporates \$100 million towards tourism-related infrastructure projects
- when applying through the online application form, you will be asked to indicate your intention to seek funding for your project from the tourism-related infrastructure projects funding pool
- you will be asked to demonstrate the impact the COVID-19 pandemic has had on your region's tourism industry (or the region that will benefit from your proposed project) and how your project will provide benefits to the tourism industry to assist in mitigating the impact from the COVID-19 pandemic
- you are required to provide evidence to support your claims. You must also meet the eligibility requirements set out in these guidelines
- note that you do not have to be a tourist organisation to apply for the tourism-related infrastructure funding

- [Austrade](#) may be consulted as part of the assessment process for tourism-related infrastructure project funding².

If you do not clearly articulate how your project will provide benefits to the tourism industry in the region to assist in mitigating the impact of the COVID-19 pandemic, and support those claims with tangible evidence, your application will not be considered for the \$100 million tourism-related infrastructure project funding. It will be considered with the general infrastructure project applications instead.

3. Grant amount and grant period

Round Five will provide \$100 million for tourism-related infrastructure projects under the Infrastructure Projects Stream, and a further \$100 million for other projects under the Infrastructure Projects Stream and the Community Investments Stream combined, with the allocation of funding across these streams dependent on the volume and quality of applications.

3.1. Grants available

Your grant amount will be a percentage of the total eligible project costs (grant percentage) based on your project circumstances as outlined in Table 1 below.

- The minimum grant amount is \$20,000
- The maximum grant amount is \$10 million.

You can fund your contribution from any source including state, territory and local government grants. Your contribution must be cash.

Where you receive a cash contribution from another source (e.g. state government), the source must provide you with formal documentation confirming the cash contribution so you can attach it to your application.

Your contribution can also come from the Aboriginal Benefits Account, Financial Assistance Grants to local government, and fully repayable loans from organisations such as Indigenous Business Australia and the Northern Australia Infrastructure Facility, as these are not considered Commonwealth funding. Please check the individual agreements to ensure you can use the funds as your contribution to your proposed BBRF project.

Where you receive other Commonwealth funding for your project, the total Commonwealth funding cannot exceed the percentage indicated in the table below.

² <https://www.austrade.gov.au/>

Table 1: Project circumstance and your grant amount

Project circumstance	Total Commonwealth Government funding (including this grant) towards eligible project costs*
Projects classified as remote or very remote (see section 5.2.1)	Up to 75 per cent of total eligible project costs
Projects granted exceptional circumstances exemption from a cash contribution (see section 4.2.1)	Up to 100 per cent of total eligible project costs (we encourage any level of contribution)
All other classifications	Up to 50 per cent of total eligible project costs

*Total eligible project costs include the grant amount and your cash contribution. We will pay the grant in accordance with the agreed grant percentage of total eligible project costs up to the approved grant amount.

3.2. Project period

You must complete your project by the project end date specified in your grant agreement, which cannot be after 31 December 2023.

4. Eligibility criteria

We cannot consider your application if you do not satisfy all eligibility criteria.

4.1. Who is eligible?

To be eligible you must be the key driver of the project and:

- have an Australian Business Number (ABN)

and be one of the following incorporated entities:

- an incorporated not-for-profit organisation. As a not-for-profit organisation you must demonstrate your not-for-profit status through one of the following:
 - Current Australian Charities and Not-for-profits Commission's (ACNC) Registration
 - State or territory incorporated association status
 - Constitutional documents and/or Articles of Association that demonstrate the not-for-profit character of the organisation
- an Australian local government agency or body as defined in the glossary
- non-distributing co-operatives.

For the purposes of the program, we also consider the following organisations to be an Australian local government agency or body:

- Anangu Pitjantjatjara, Maralinga, Gerard, Nepabunna and Yalata local governing bodies in South Australia
- Cocos (Keeling) Islands Shire Council
- Lord Howe Island Board
- Norfolk Island Regional Council
- The Outback Communities Authority

- The Shire of Christmas Island
- The Silverton and Tibooburra villages in New South Wales
- The Trust Account in the Northern Territory
- Australian Capital Territory Government.

4.2. Additional eligibility requirements

We can only accept applications where:

- your project is located in an eligible location as outlined under section 5.2
- you can produce evidence of how you will provide your share of project costs:
 - if you will be making a cash contribution to the project you must use the Accountant Declaration form available on business.gov.au and GrantConnect
 - if your project will receive cash contributions from other sources, you must provide formal documentation confirming the cash contributions from those sources (e.g. state government) such as a commercial finance agreement or letter of offer with your application.
- you can confirm that you have the authority of the land or infrastructure project owner to undertake the project at the nominated site(s). You are required to provide a letter from the land or infrastructure project owner using the letter template provided on business.gov.au.

We cannot waive the eligibility criteria under any circumstances.

4.2.1. Seeking an exceptional circumstances exemption from your cash contribution to the project

We recognise that some applicants may be experiencing exceptional circumstances, including the particular impact the COVID-19 pandemic has had on regional tourism, which may limit their capacity to contribute to the project.

Exceptional circumstances may include:

- drought and/or disaster declaration
- limited financial capacity of the local council
- impact of industry decline
- significant recent change in population or community demographics
- other exceptional circumstances.

Where you can demonstrate you are experiencing exceptional circumstances, you may seek an exemption from your cash contribution to the project in your application.

Before you consider seeking an exemption, note:

- we will only grant exemptions in very limited circumstances
- if the evidence provided does not include how the exceptional circumstance is preventing you from meeting your cash contribution requirement, or is deemed insufficient, your application will be deemed ineligible and there will be no opportunity to resubmit your application in the same funding round
- we assess all applications, including those granted an exemption, against each of the assessment criteria.

If you seek an exemption, you must submit a supporting case that includes evidence demonstrating the exceptional circumstances you are experiencing, and how they are preventing you from making a cash contribution. This must also include evidence to demonstrate the capacity to maintain and fully utilise the project.

The Ministerial Panel will consider requests for exemption. If the Ministerial Panel grants an exemption, we will consider your application to have met the requirements under section 4.2.1. If you apply for, but are not granted an exemption, your application will not be assessed for funding.

4.3. Who is not eligible?

You are not eligible to apply if you are:

- a for-profit organisation
- an individual, partnership or trust (however, an incorporated trustee may apply on behalf of a not-for-profit trust organisation)
- a Commonwealth, state or territory government agency or body (including government business enterprises) with the exception of those organisations referred to in section 4.1.
- a university, technical college, school or hospital
- a Regional Development Australia Committee.

4.4. What qualifications or skills are required?

If you are successful, relevant personnel working on the project must maintain the following registration/checks:

- Working with Children check
- Working with Vulnerable People registration.

5. What the grant money can be used for

5.1. Eligible activities

To be eligible your project must:

- be aimed at the construction, upgrade or extension of infrastructure that provides economic and social benefits to regional and remote areas
- comprise one of the following activities:
 - the construction of new infrastructure
 - the upgrade to existing infrastructure
 - the extension of existing infrastructure
 - the replacement of infrastructure where there is a significant increase in benefit
- not have started construction.

We may also approve other activities.

5.2. Eligible locations

Your project must not be located in an excluded area unless you can clearly demonstrate the significant benefits and employment outcomes, which flow directly into an eligible area. A mapping tool is available on business.gov.au to assist you in determining the eligibility of your project location. Your project can include activities at different sites, as long as they are in an eligible

location or you can demonstrate the significant benefits and employment outcomes, which flow directly into an eligible location.

Excluded areas are the Urban Centre and Locality (UCL) cities over 1 million people for Sydney, Melbourne, Brisbane, Perth and Adelaide as defined by the Australian Bureau of Statistics' Australian Statistical Geography Standard. For the city of Canberra, the excluded area is only the part of the Canberra-Queanbeyan Significant Urban Area that is located within the Australian Capital Territory.

5.2.1. Project remoteness classification and your grant amount

Your project location (latitude and longitude) determines your remoteness classification. We base the criteria for the remoteness classification on the Australian Bureau of Statistics' Remoteness Structure³ under the Australian Statistical Geography Standard. A mapping tool is available on business.gov.au to assist you in determining the location of your project.

Your contribution to the project depends on your remoteness classification. It is critical that you specify the correct remoteness classification in your application. An error may cause your contribution to be inadequate and your application to be ineligible.

Your project may include multiple site locations. Where there is a mix of regional and remote site locations we will consider your entire project location as remote for the purposes of your contribution.

5.3. Eligible expenditure

You can only spend grant funds on eligible expenditure you have incurred on an agreed project as defined in your grant agreement:

- for guidelines on eligible expenditure, see Appendix A
- for guidelines on ineligible expenditure, see Appendix B.

If your application is successful, we may ask you to verify project costs that you provided in your application are eligible. You may need to provide evidence such as quotes for major costs and evidence of investment-readiness as outlined under 2.1.1.

Not all expenditure on your project may be eligible for grant funding. The Program Delegate makes the final decision on what is eligible expenditure, and may give additional guidance on eligible expenditure if required.

To be eligible, expenditure must:

- be a direct cost of the project
- be incurred by you for required project audit activities.

You must incur the project expenditure between the project start and end date for it to be eligible.

You must not commence your project until you execute a grant agreement with the Commonwealth. **We will not make any payments to you for any expenditure you have incurred prior to the execution of your grant agreement.**

³ <http://www.abs.gov.au/websitedbs/d3310114.nsf/home/remoteness+structure>

6. The assessment criteria

You must address all assessment criteria in your application. We will assess your application based on the weighting given to each criterion.

The application form asks questions that relate to the assessment criteria below. The amount of detail and supporting evidence you provide in your application should be relative to the project size, complexity and grant amount requested. You must provide evidence to support your answers against each of the assessment criteria. The application form displays size limits for answers.

We will only consider funding applications that score at least 60 per cent against each assessment criterion, as these represent best value with relevant money.

6.1. Assessment criterion 1

Economic benefits of your project for the region (15 points)

You should demonstrate this by identifying:

- a. the extent to which your project meets the needs of the regional community
- b. the broader economic benefits that your project will deliver for the region and community during and beyond the term of funding.

Economic benefits for a region may cover increases in economic activity, improvements in productivity, wider access to markets or fairer and more equitable economic outcomes.

Examples of how your project could deliver economic benefits may include but is not limited to:

- increasing the number or value of jobs, new businesses or the production of goods and services in the region (this includes direct and indirect opportunities created through the project)
- providing opportunities for growth and/or increasing efficiencies in existing sectors, e.g. tourism, agriculture, manufacturing
- the use of local suppliers and goods, especially those that employ the use of sustainable work practices/goods
- increasing efficiency of the transport system or service delivery
- increasing Indigenous economic participation, including Indigenous employment and supplier-use outcomes.

In your application, you must include the total employment numbers you expect to create during and following your project. You will need to identify how many of these employees will be Indigenous. You must substantiate any employment numbers with evidence.

6.2. Assessment criterion 2

Social benefits of your project for the region (15 points)

You should demonstrate this by identifying:

- a. the extent to which your project meets the needs of the regional community
- b. the broader social benefits that your project will deliver for the region and community during and beyond the term of funding.

Social benefits for a region may cover increases in regional amenity, improving community connections and inclusion and providing opportunities for learning and knowledge creation.

Examples of how your project could deliver social benefits may include but is not limited to:

- making a region a more attractive place to live
- the degree to which the project fills a 'gap' within the community
- improving community connections and social inclusion
- supporting or protecting local heritage and culture
- increasing community volunteering
- addressing disadvantage within the community.

6.3. Assessment criterion 3

Capacity, capability and resources to deliver the project (5 points)

You should demonstrate this by identifying:

- a. your track record managing similar projects and access to personnel and/or partners with the right skills and experience
- b. your readiness to commence the project, including your access to any required resources such as infrastructure, capital equipment or technology. You should describe the steps you have taken to allow construction to commence in the immediate future including the status of:
 - required regulatory and/or development approvals
 - project designs and costings
 - authority from the land or infrastructure owner to undertake the project at the nominated site(s)
 - funding contributions from all sources.
- c. sound project planning to manage and monitor the project, which addresses scope, implementation methodology, timeframes, budget and risk management (including mitigation of health risks associated with the current COVID-19 pandemic)
- d. how you will operate and maintain the infrastructure and benefits of the project into the future.

If your project is still in the planning or concept stage, it is not likely to be competitive.

6.4. Assessment criterion 4

Impact of funding on your project (5 points)

You should demonstrate this by identifying:

- a. your plan for engagement and collaboration to ensure community support for your project. In your response you can describe:
 - the total investment the grant will leverage including additional cash contribution and in-kind support
 - the extent that your project increases investment and builds partnerships in your region.
- b. the likelihood the project would proceed without the grant. If not, why not? Explain how the grant will impact the project in terms of size, timing and reach.
- c. if you have already received Commonwealth funding for this project or an associated project, explain why you need additional funding.

7. How to apply

Before applying, you should read and understand these guidelines, the sample [application form](#) and the sample [grant agreement](#) published on [business.gov.au](#) and GrantConnect.

We encourage you to seek the support of your [Regional Development Australia⁴](#) (RDA) Committee for your project. Your RDA Committee can:

- assist you in identifying and developing a strong project proposal which is a priority within your region and will contribute to long term economic growth
- work with you to prepare a competitive application, including supporting documents and evidence.

If you are applying for tourism-related infrastructure project funding, you may also want to discuss your proposed project with independent regional, state/territory tourism organisations to assist in identifying key elements of your project that can support broader tourism stimulus and investment initiatives – evidence of which may be provided as a supporting document in your application.

You can only submit an application during a funding round.

To apply, you must:

- complete the online [program application form](#) on [business.gov.au](#)
- provide all the information requested
- address all eligibility and assessment criteria
- include all necessary attachments.

You will receive confirmation when you submit your application, and we recommend you view and print a copy of your submitted application from the portal at that time for your own records.

You are responsible for making sure your application is complete and accurate. Giving false or misleading information is a serious offence under the *Criminal Code 1995* (Cth). If we consider you to have provided false or misleading information, we may not progress your application. If you find an error in your application after submitting it, you should call us immediately on 13 28 46.

If we find an error or information that is missing, we may ask for clarification or additional information from you that will not change the nature of your application. However, we can refuse to accept any additional information from you that would change your submission after the application closing time.

If you need further guidance around the application process, or if you are unable to submit an application online, [contact us](#) at [business.gov.au](#) or by calling 13 28 46.

7.1. Attachments to the application

We require the following documents with your application as per Table 2:

⁴ <https://rda.gov.au/>

Table 2: Mandatory attachments to the application

Applicant type	Document
Mandatory for applicants seeking to classify their projects as tourism-related infrastructure	<ul style="list-style-type: none"> Evidence to demonstrate your case for the project being considered tourism-related infrastructure, and to demonstrate the region where the project is to be located, or the region which will benefit from the project, has sustained economic impact to the local tourism industry as a result of COVID-19, as per Section 2.1.2.
Mandatory for all applicants making a cash contribution to the project	<ul style="list-style-type: none"> If you are making a cash contribution to the project, you must provide an Accountant Declaration that confirms you can fund your share of the project costs. You must use the Accountant Declaration form available on business.gov.au and GrantConnect. If your project will receive cash contributions from other sources, you must attach a letter/s from each contributing organisation or individual that includes formal documentation confirming the cash contributions they will make towards the project. A template is provided on business.gov.au and GrantConnect. Letters must: <ul style="list-style-type: none"> be on the organisation's letterhead (not applicable for individuals) be signed and dated by an authorised person or the individual providing the contribution set out the value and timing of cash contributions and any conditions attached include the commercial agreement or letter of offer to verify that the cash contribution has been committed to the project (not applicable for individuals).
Mandatory for applicants seeking an exceptional circumstances exemption from the cash contribution requirements	Evidence to demonstrate your case for exemption as outlined in 4.2.1.
Mandatory for not-for-profit organisations	If you do not have an active Australian Charities and Not-for-profits Commission (ACNC) registration or state or territory incorporated association registration at the time of application, you must provide Constitutional documents and/or Articles of Association that demonstrate the not-for-profit character of the organisation.
Mandatory for not-for-profit organisations that are incorporated trustees applying on behalf of a trust	Trust documents showing the relationship of the incorporated trustee to the trust.

Applicant type	Document
Mandatory for projects with a grant request over \$1 million	Cost benefit analysis. Further information on how to prepare a cost benefit analysis is available on business.gov.au .
Mandatory for all organisations that do not own the land or infrastructure for their project, to demonstrate they have authorised access to the project location(s) and/or infrastructure	Evidence of the owner's authority to conduct the project at the nominated site(s) using the letter template at business.gov.au and GrantConnect .

You must attach supporting documentation to the application form in line with the instructions provided within the form. You should only attach requested documents. We will not consider information in attachments that we do not request.

7.2. Timing of grant opportunity

The outcome of the grant selection process is expected to be announced mid-2021.

You can only submit an application between the published opening and closing dates. We only accept late applications where:

- a natural disaster has occurred in your area, which has affected the submission of an application.

If you are successful, you can commence your project from the date you execute a grant agreement with the Commonwealth.

Table 3: Expected timing for this grant opportunity

Activity	Timeframe
Assessment of applications	9 weeks
Approval of outcomes of selection process	8 weeks
Negotiations and award of grant agreements	1-5 weeks
Notification to unsuccessful applicants	2 weeks
Earliest start date of project	From execution of your grant agreement
End date of grant commitment	30 June 2024

8. The grant selection process

We first review your application against the eligibility criteria. If eligible, we will then assess it against the assessment criteria. Only eligible applications will proceed to the assessment stage.

We consider your application on its merits, based on:

- how well it meets the criteria
- how it compares to other applications
- whether it provides value with relevant money
- your past performance with project delivery.

When assessing whether the application represents value with relevant money, we will consider the:

- overall objectives of the grant opportunity
- evidence provided to demonstrate how your project contributes to meeting those objectives
- relative value of the grant sought.

We assess applications relative to the project size, complexity and grant amount requested. The amount of detail and supporting evidence you provide in your application should be relative to these factors.

We may seek advice regarding your project from state or territory government agencies, other Australian Government agencies, independent experts and other external parties, including Austrade if you are applying for tourism-related infrastructure project funding. This advice may be taken into consideration when assessing the project.

If we identify unintentional errors in your application during the assessment process, we may contact you to correct or clarify the errors, but you cannot make any material alteration or addition.

8.1. Who will approve grants?

A Ministerial Panel, chaired by the Minister for Infrastructure, Transport and Regional Development, will be established to make funding decisions for the program.

After considering the assessed application and availability of grant funds, the Ministerial Panel, in consultation with Cabinet, then decides which grants to approve. The Ministerial Panel may consider other factors when deciding which projects to fund, including, but not limited to:

- the spread of projects and funding across regions
- the regional impact of each project, including Indigenous employment and supplier-use outcomes
- other similar existing or planned projects in the region to ensure that there is genuine demand and/or no duplication of facilities or services
- other existing or planned projects in the region, and the extent to which the proposed project supports or builds on those projects and the services they offer
- the level of funding allocated to an applicant in previous programs
- reputational risk to the Australian Government
- the Australian Government's priorities. Round Five of the program includes \$100 million of funding dedicated to supporting tourism-related infrastructure projects.

The Ministerial Panel's decision is final in all matters, including:

- the approval of applications for funding
- the amount of grant funding awarded
- the terms and conditions of funding.

We cannot review decisions about the merit of your application.

9. Notification of application outcomes

We will advise you of the outcome of your application in writing. If you are successful, we will advise you of any specific conditions attached to the grant.

If you are unsuccessful, we will notify you in writing and give you an opportunity to discuss the outcome with us. You can submit a new application for the same (or similar) project in any future funding rounds. You should include new or more information to address the weaknesses that prevented your previous application from being successful.

10. Successful grant applications

10.1. Grant agreement

You must enter into a legally binding grant agreement with the Commonwealth. The grant agreement has general terms and conditions that cannot be changed. A sample [grant agreement](#) is available on business.gov.au and GrantConnect.

We must execute a grant agreement with you before we can make any payments. Execute means both you and the Commonwealth have signed the agreement. We are not responsible for any expenditure you incur until a grant agreement is executed.

The approval of your grant may have specific conditions determined by the assessment process or other considerations made by the Ministerial Panel. We will identify these in the offer of funding.

The Commonwealth may recover grant funds if there is a breach of the grant agreement.

10.2. Standard grant agreement

We will use a standard grant agreement for all projects.

You will have 60 days from the date of a written offer to execute this grant agreement with the Commonwealth. During this time, we will work with you to finalise details.

The offer may lapse if both parties do not sign the grant agreement within this time. Under certain circumstances, we may extend this period. We base the approval of your grant on the information you provide in your application. We will review any required changes to these details to ensure they do not impact the project as approved by the Ministerial Panel.

10.3. Project specific legislation, policies and industry standards

You must comply with all relevant laws and regulations in undertaking your project. You must also comply with the specific legislation/policies/industry standards that follow. It is a condition of the grant funding that you meet these requirements. We will include these requirements in your grant agreement.

In particular, you will be required to comply with:

- State/territory legislation in relation to working with children
- *Code for the Tendering and Performance of Building Work 2016*⁵ ([Building Code 2016](#))
- Australian Government Building and Construction WHS Accreditation Scheme⁶ ([WHS Scheme](#))

These regulations are subject to the level of funding you receive as outlined below.

To be eligible, you must declare in your application that you comply with these requirements. You will need to declare you can meet these requirements in your grant agreement with the Commonwealth.

⁵ <https://www.abcc.gov.au/building-code>

⁶ <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme>

10.3.1. Building and Construction Requirements

Wherever the government funds building and construction activities, the following special regulatory requirements apply.

- *Code for the Tendering and Performance of Building Work 2016*⁷ ([Building Code 2016](#))
- Australian Government Building and Construction WHS Accreditation Scheme⁸ ([WHS Scheme](#))

These regulations are subject to the level of funding you receive as outlined below.

10.3.1.1. Building Code

The Building Code is administered by relevant state and territory administrations under relevant state or territory legislation on behalf of the Australian Building and Construction Commission.⁹

The Building Code applies to all construction projects funded by the Australian government through grants and other programs where:

- the value of Australian Government contribution to a project is at least \$5 million and represents at least 50 per cent of the total construction project value; or
- regardless of the proportion of Australian Government funding, where the Australian Government contribution to a project is \$10 million or more.

10.3.1.2. WHS Scheme

The WHS Scheme is administered by the Office of the Federal Safety Commissioner.¹⁰

The Scheme applies to projects that are directly or indirectly funded by the Australian Government where:

- the value of the Australian Government contribution to the project is at least \$6 million and represents at least 50 per cent of the total construction project value; or
- the Australian Government contribution to a project is \$10 million (GST inclusive) or more, irrespective of the proportion of Australian Government funding; and
- a head contract under the project includes building work of \$4 million or more (GST Inclusive).

10.4. How we pay the grant

The grant agreement will state the:

- maximum grant amount we will pay
- proportion of eligible expenditure covered by the grant (grant percentage)
- any financial contribution provided by you or a third party.

We will not exceed the maximum grant amount under any circumstances. If you incur extra costs, you must meet them yourself.

⁷ <https://www.abcc.gov.au/building-code/building-code-2016>

⁸ <http://www.fsc.gov.au/sites/fsc/needaccredited/accreditation/scheme/pages/theaccreditation/scheme>

⁹ <https://www.abcc.gov.au/>

¹⁰ <http://www.fsc.gov.au/sites/FSC>

We may make an initial payment on execution of the grant agreement. We will make subsequent payments as you achieve milestones in arrears, based on your actual eligible expenditure. Milestone payments are subject to satisfactory progress on the project.

Note that if you request an upfront initial payment, we will request additional financial information from you, to verify your organisation is unable to cover the costs associated with your project without that initial grant payment.

We set aside at least 10 per cent of the total grant funding for the final payment. We will pay this when you submit a satisfactory end of project report demonstrating you have completed outstanding obligations for the project. We may need to adjust your progress payments to align with available program funds across financial years and/or to ensure we retain a minimum 10 per cent of grant funding for the final payment.

The Program Delegate may approve alternative arrangements on a discretionary basis.

10.5. Tax obligations

If you are registered for the Goods and Services Tax (GST), where applicable we will add GST to your grant payment and provide you with a recipient created tax invoice. You are required to notify us if your GST registration status changes during the project period. GST does not apply to grant payments to government related entities¹¹.

Grants are assessable income for taxation purposes, unless exempted by a taxation law. We recommend you seek independent professional advice on your taxation obligations or seek assistance from the [Australian Taxation Office](#). We do not provide advice on tax.

11. Announcement of grants

We will publish non-sensitive details of successful projects on GrantConnect. We are required to do this by the [Commonwealth Grants Rules and Guidelines](#) unless otherwise prohibited by law. We may also publish this information on business.gov.au. This information may include:

- name of your organisation
- title of the project
- description of the project and its aims
- amount of grant funding awarded
- Australian Business Number
- business location
- your organisation's industry sector.

12. How we monitor your grant activity

12.1. Keeping us informed

You should let us know if anything is likely to affect your project or organisation.

We need to know of any key changes to your organisation or its business activities, particularly if they affect your ability to complete your project, carry on business and pay debts due.

¹¹ See Australian Taxation Office ruling GSTR 2012/2 available at ato.gov.au

You must also inform us of any changes to your:

- name
- addresses
- nominated contact details
- bank account details.

If you become aware of a breach of terms and conditions under the grant agreement, you must contact us immediately.

You must notify us of events relating to your project and provide an opportunity for the Minister or their representative to attend.

12.2. Reporting

You must submit reports in line with the grant agreement. We will provide the requirements for these reports as appendices in the grant agreement. We will remind you of your reporting obligations before a report is due. We will expect you to report on:

- progress against agreed project milestones
- project expenditure, including expenditure of grant funds
- contributions of participants directly related to the project.

The amount of detail you provide in your reports should be relative to the project size, complexity and grant amount.

We will monitor the progress of your project by assessing reports you submit and may conduct site visits to confirm details of your reports if necessary. Occasionally we may need to re-examine claims, seek further information or request an independent audit of claims and payments.

12.2.1. Progress reports

Progress reports must:

- include details of your progress towards completion of agreed project activities
- include the agreed evidence as specified in the grant agreement
- show the total eligible expenditure incurred to date
- include evidence of expenditure (if requested)
- be submitted by the report due date (you can submit reports ahead of time if you have completed relevant project activities).

We will only make grant payments when we receive progress reports showing satisfactory progress on the project.

You must discuss any project or milestone reporting delays with us as soon as you become aware of them.

12.2.2. End of project report

When you complete the project, you must submit an end of project report.

End of project reports must:

- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred for the project

- include a declaration that the grant money was spent in accordance with the grant agreement and report on any underspends of the grant money
- be submitted by the report due date
- be in the format provided in the grant agreement.

12.2.3. Ad-hoc reports

We may ask you for ad-hoc reports on your project. This may be to provide an update on progress, or any significant delays or difficulties in completing the project.

12.3. Independent audits

We may ask you to provide an independent audit report. An audit report will verify that you spent the grant in accordance with the grant agreement. The audit report requires you to prepare a statement of grant income and expenditure. The report template is available on business.gov.au and GrantConnect.

12.4. Compliance visits

We may visit you during the project period, or at the completion of your project to review your compliance with the grant agreement. We may also inspect the records you are required to keep under the grant agreement. For large or complex projects, we may visit you after you finish your project. We will provide you with reasonable notice of any compliance visit.

12.5. Grant agreement variations

We recognise that unexpected events may affect project progress. In these circumstances, you can request a variation to your grant agreement, including:

- changing project milestones
- extending the timeframe for completing the project but within the maximum time period (i.e. 31 December 2023) referred to in section 3.2.
- changing project activities.

Note the program does not allow for:

- an increase of grant funds.

If you want to propose changes to the grant agreement, you must put them in writing before the grant agreement end date.

If a delay in the project causes milestone achievement and payment dates to move to a different financial year, you will need a variation to the grant agreement. We can only move funds between financial years if there is enough program funding in the relevant year to allow for the revised payment schedule. If we cannot move the funds, you may lose some grant funding.

You should not assume that a variation request will be successful. We will consider your request based on factors such as:

- how it affects the project outcome
- consistency with the program policy objective, grant opportunity guidelines and any relevant policies of the department
- changes to the timing of grant payments
- availability of program funds.

12.6. Evaluation

We will evaluate the program to measure how well the outcomes and objectives have been achieved. We may use information from your application and project reports for this purpose. We may also interview you, or ask you for more information to help us understand how the grant impacted you, and to evaluate how effective the program was in achieving its outcomes.

We may contact you up to two years after you finish your project for more information to assist with this evaluation.

12.7. Grant acknowledgement

If you make a public statement about a project funded under the program, including in a brochure or publication, you must acknowledge the grant by using the following:

‘This project received grant funding from the Australian Government.’

If you erect signage in relation to the project, the signage must contain an acknowledgement of the grant.

12.8. Maintaining project benefits

In your grant agreement, you will be required to commit to operate and maintain your project infrastructure and deliver project benefits into the future. In line with your grant agreement, the operational periods are relative to total eligible project cost.

Table 4 – Operational periods for maintaining project benefit

Project Cost	Number of years
< \$250,000	1 year
\$250,000 to \$1 million	3 years
> \$1 million	5 years
Projects granted an exceptional circumstances exemption from a cash contribution (see section 4.2.1)	5 years

13. Probity

We will make sure that the grant opportunity process is fair, according to the published guidelines, incorporates appropriate safeguards against fraud, unlawful activities and other inappropriate conduct and is consistent with the CGRGs.

13.1. Conflicts of interest

Any conflicts of interest could affect the performance of the grant opportunity or program. There may be a conflict of interest, or perceived conflict of interest, if our staff, any member of a committee or advisor and/or you or any of your personnel:

- has a professional, commercial or personal relationship with a party who is able to influence the application selection process, such as an Australian Government officer or member of an external panel

- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicant from carrying out the proposed activities fairly and independently or
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation receives a grant under the grant program/ grant opportunity.

As part of your application, we will ask you to declare any perceived or existing conflicts of interests or confirm that, to the best of your knowledge, there is no conflict of interest.

If you later identify an actual, apparent, or perceived conflict of interest, you must inform us in writing immediately.

Conflicts of interest for Australian Government staff are handled as set out in the Australian [Public Service Code of Conduct \(Section 13\(7\)\)](#)¹² of the *Public Service Act 1999* (Cth). Committee members and other officials including the decision maker must also declare any conflicts of interest.

We publish our [conflict of interest policy](#)¹³ on the department's website.

13.2. How we use your information

Unless the information you provide to us is:

- confidential information as per 13.2.1, or
- personal information as per 13.2.3,

we may share the information with other government agencies for a relevant Commonwealth purpose such as:

- to improve the effective administration, monitoring and evaluation of Australian Government programs
- for research
- to announce the awarding of grants.

13.2.1. How we handle your confidential information

We will treat the information you give us as sensitive and therefore confidential if it meets all of the following conditions:

- you clearly identify the information as confidential and explain why we should treat it as confidential
- the information is commercially sensitive
- disclosing the information would cause unreasonable harm to you or someone else
- you provide the information with an understanding that it will stay confidential.

13.2.2. When we may disclose confidential information

We may disclose confidential information:

- to the Ministerial Panel and our Commonwealth employees and contractors, to help us manage the program effectively

¹² <https://www.legislation.gov.au/Details/C2019C00057>

¹³ https://www.industry.gov.au/sites/default/files/July%202018/document/pdf/conflict-of-interest-and-insider-trading-policy.pdf?acsf_files_redirect

- to the Auditor-General, Ombudsman or Privacy Commissioner
- to the responsible Minister or Assistant Minister
- to a House or a Committee of the Australian Parliament.

We may also disclose confidential information if

- we are required or authorised by law to disclose it
- you agree to the information being disclosed, or
- someone other than us has made the confidential information public.

13.2.3. How we use your personal information

We must treat your personal information according to the Australian Privacy Principles (APPs) and the *Privacy Act 1988* (Cth). This includes letting you know:

- what personal information we collect
- why we collect your personal information
- to whom we give your personal information.

We may give the personal information we collect from you to our employees and contractors, the Ministerial Panel, and other Commonwealth employees and contractors, so we can:

- manage the program
- research, assess, monitor and analyse our programs and activities.

We, or the Minister, may:

- announce the names of successful applicants to the public
- publish personal information on the department's websites.

You may read our [Privacy Policy](#)¹⁴ on the department's website for more information on:

- what is personal information
- how we collect, use, disclose and store your personal information
- how you can access and correct your personal information.

13.2.4. Freedom of information

All documents in the possession of the Australian Government, including those about the program, are subject to the *Freedom of Information Act 1982* (Cth) (FOI Act).

The purpose of the FOI Act is to give members of the public rights of access to information held by the Australian Government and its entities. Under the FOI Act, members of the public can seek access to documents held by the Australian Government. This right of access is limited only by the exceptions and exemptions necessary to protect essential public interests and private and business affairs of persons in respect of whom the information relates.

If someone requests a document under the FOI Act, we will release it (though we may need to consult with you and/or other parties first) unless it meets one of the exemptions set out in the FOI Act.

¹⁴ <https://www.industry.gov.au/data-and-publications/privacy-policy>

13.3. Enquiries and feedback

For further information or clarification, you can contact us on 13 28 46, by [web chat](#) or through our [online enquiry form](#) on business.gov.au.

We may publish answers to your questions on our website as Frequently Asked Questions.

Our [Customer Service Charter](#) is available at business.gov.au. We use customer satisfaction surveys to improve our business operations and service.

If you have a complaint, call us on 13 28 46. We will refer your complaint to the appropriate manager.

If you are not satisfied with the way we handle your complaint, you can contact:

Head of Division
AusIndustry – Support for Business
Department of Industry, Science, Energy and Resources
GPO Box 2013
CANBERRA ACT 2601

You can also contact the [Commonwealth Ombudsman](#)¹⁵ with your complaint (call 1300 362 072). There is no fee for making a complaint, and the Ombudsman may conduct an independent investigation.

14. Glossary

Term	Definition
Application form	The document issued by the Program Delegate that applicants use to apply for funding under the program.
AusIndustry	The division of the same name within the department.
Cash contributions	<p>Money contributed to the project from each contributing organisation (the grantee and other contributing organisations), and is provided to the grantee for the project and is immediately available for use on the project.</p> <p>Cash contributions can come from any source including state, territory and local government grants.</p> <p>Cash contributions can also come from the Aboriginal Benefits Account, Financial Assistance Grants to local government and fully repayable loans from organisations such as Indigenous Business Australia and the Northern Australia Infrastructure Facility, as these are not considered Commonwealth funding. Please check the individual agreements to ensure you can use the funds as your contribution to your proposed BBRF project.</p>

¹⁵ <http://www.ombudsman.gov.au/>

Term	Definition
Decision Maker	The Ministerial Panel, chaired by the Minister for Infrastructure, Transport and Regional Development, which will be established to make funding decisions for the program.
Department	The Department of Industry, Science, Energy and Resources.
Eligible activities	The activities undertaken by a grantee in relation to a project that are eligible for funding support as set out in 5.1.
Eligible application	An application or proposal for grant funding under the program that the Program Delegate has determined is eligible for assessment in accordance with these guidelines.
Eligible expenditure	The expenditure incurred by a grantee on a project and which is eligible for funding support as set out in 5.3 and at Appendix A. You can only use BBRF grant funds or cash contributions for eligible expenditure directly related to the project.
Eligible expenditure guidance	The guidance that is provided at Appendix A.
Grant agreement	A legally binding contract between the Commonwealth and a grantee for the grant funding.
Grant funding or grant funds	The funding made available by the Commonwealth to grantees under the program.
GrantConnect	The Australian Government's whole-of-government grants information system, which centralises the publication and reporting of Commonwealth grants in accordance with the CGRGs.
Grantee	The recipient of grant funding under a grant agreement.
Guidelines	Guidelines that the Minister gives to the department to provide the framework for the administration of the program, as in force from time to time.
Incurred	An incurred expense is a legal liability for receiving goods or services.
Infrastructure	Fixed physical structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a community.

Term	Definition
Investment ready project	<p>Project construction is ready to commence in the immediate future and where you have:</p> <ul style="list-style-type: none"> the authority of the land or infrastructure owner to undertake the project at the nominated site confirmed funding contributions from all sources and can provide formal documentation to verify those contributions with your application identified and prepared submissions for all required regulatory and/or development approvals or have already submitted and/or obtained those approvals, finalised project designs and costings.
Local government agency or body	A local governing body as defined in the <i>Local Government (Financial Assistance) Act 1995</i> (Cth).
Minister	The Commonwealth Minister for Infrastructure, Transport and Regional Development
Ministerial Panel	The panel of Ministers that make decisions on projects to be funded.
Not-for-profit (NFP)	A not-for-profit is an organisation that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run it or their friends or relatives). The definition of not-for-profit applies both while the organisation is operating and if it closes down.
Payment in advance	Payments made progressively in advance based on your forecast eligible expenditure and adjusted for unspent amounts from previous payments.
Payment in arrears	Payments made progressively based on actual expenditure.
Personal information	<p>Has the same meaning as in the <i>Privacy Act 1988</i> (Cth) which is:</p> <p>Information or an opinion about an identified individual, or an individual who is reasonably identifiable:</p> <ol style="list-style-type: none"> whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.
Program Delegate	An AusIndustry general manager or manager within the department with responsibility for the program.
Program funding or Program funds	The funding made available by the Commonwealth for the program.

Term	Definition
Project	A project described in an application for grant funding under the program.
Project location	Where the project is undertaken, as determined by its latitude and longitude.
Project period	The time between the project start date and project end date as detailed in the grant agreement.
Project start date	The date as detailed in the grant agreement, which cannot be before grant agreement execution.
Project end date	The date as detailed in the grant agreement, which cannot be after 31 December 2023.
Total eligible project costs	This is the grant amount plus your cash contribution to be spent on eligible activities directly related to the project.
Tourism-related infrastructure project	An Infrastructure project designed to assist in mitigating the economic impact of the COVID-19 pandemic on the region's tourism industry.
Value with relevant money	The processes, actions and behaviours employed by the Australian Government and grant recipients which result in public resources being used in an efficient, effective, economical and ethical manner.

Appendix A. Eligible expenditure

This section provides guidance on the eligibility of expenditure.

The Program Delegate makes the final decision on what is eligible expenditure in accordance with the guidelines and may give additional guidance on eligible expenditure if required.

To be eligible, expenditure must:

- be incurred by you within the project period, and
- be a direct cost of the project, or
- be incurred by you to undertake required project audit activities, and
- meet the eligible expenditure guidelines.

You can only use BBRF grant funds or cash contributions for eligible expenditure. Non-cash contributions are not eligible. For BBRF purposes, non-cash contributions have the following characteristics:

- no impact on entity cash flow
- no record in the entity's statement of financial performance.

In-kind contributions are not eligible expenditure.

A.1 How we verify eligible expenditure

If your application is successful, we will ask you to verify the project budget that you provided in your application when we negotiate your grant agreement. You may need to provide evidence such as quotes for major costs.

The grant agreement will include details of the evidence you may need to provide when you achieve certain milestones in your project. This may include evidence related to eligible expenditure.

If requested, you will need to provide the agreed evidence along with your progress reports.

You must keep payment records of all eligible expenditure, and be able to provide evidence as to how the costs relate to the agreed project activities. At any time, we may ask you to provide records of the expenditure you have paid. If you do not provide these records when requested, the expense may not qualify as eligible expenditure.

At the end of the project, you may be required to provide an independent financial audit of all eligible expenditure from the project.

A.2 Materials for construction

We consider costs of acquiring materials for the construction of infrastructure as eligible expenditure. Where possible, you should use sustainable, recycled or repurposed materials. You must list material costs as a separate item within your project budget in the application form and in the expenditure table in your progress reports.

We will not make any payments to you for any expenditure you have incurred prior to the execution of your grant agreement. Examples of eligible material costs can include:

- building materials
- ICT cabling
- fit out of the infrastructure, such as window dressings
- fixed furniture (e.g. kitchen fit outs as part of the construction of a building)

- landscaping.

You may show expenditure on materials by providing evidence of:

- purchase price
- payments (e.g. tax invoices and receipts from suppliers confirming payment)
- commitment to pay for the materials (e.g. supplier contract, purchase order or executed lease agreement)
- receipt of materials (e.g. supplier or freight documents)
- associated costs such as freight and installation (e.g. supplier documents)
- photographs of the infrastructure on your premises.

If you claim expenditure for materials, we limit this to:

- the costs of materials
- freight costs.

A.3 Hired/leased plant

You may lease plant and equipment to support your project, and where possible, you should use local suppliers.

You must calculate eligible expenditure for hired, rented, or leased plant by the number of payment periods where you use the plant for the project multiplied by the period hiring fee. If you purchase plant under a hire purchase agreement, or you use a lease to finance the purchase of the plant, the cost of the item of plant, excluding interest, is capitalised, and then depreciated.

Running costs for hired or leased plant are eligible expenditure but you must be able to verify them. They may include items such as rent, light and power, and repairs and maintenance.

A.4 Contract expenditure

Eligible contract expenditure is the cost of work undertaken on any agreed eligible project activities that you contract others to do. This can include contracting:

- another organisation
- an individual who is not an employee, but engaged under a separate contract.

This does not include existing employees that you pay a salary or a wage.

Where possible, you should engage local contractor/operators. All contractors must have a written contract prior to starting any project work—for example, a formal agreement, letter or purchase order which specifies:

- the nature of the work they perform
- the applicable fees, charges and other costs payable.

Invoices from contractors must contain:

- a detailed description of the nature of the work
- the hours and hourly rates involved
- any specific plant expenses paid.

Invoices must directly relate to the agreed project, and the work must qualify as an eligible expense. The costs must also be reasonable and appropriate for the activities performed.

We will require evidence of contractor expenditure that may include:

- an exchange of letters (including email) setting out the terms and conditions of the proposed contract work
- purchase orders
- supply agreements
- invoices and payment documents.

You must ensure all project contractors keep a record of the costs of their work on the project. We may require you to provide a contractor's records of their costs of doing project work. If you cannot provide these records, the relevant contract expense may not qualify as eligible expenditure.

A.5 External labour hire and external consulting expenditure

Eligible external labour and external consulting expenditure for the grant covers the cost of contracting others on the core elements of the project related to construction. Where possible, you should engage local labour and services.

Eligible external labour hire and external consulting expenditure may include:

- Architect services
- Design services
- Project management
- Quantity surveying
- Building services.

Costs for pre-construction activities including architect services, design, surveying, planning, environmental or other regulatory approvals (A.5 and A.6), are limited to 20 per cent of the total amount of eligible project expenditure claimed.

A.6 Other eligible expenditure

Other eligible expenditures for the project may include:

- financial auditing of project expenditure
- costs you incur in order to obtain planning, environmental or other regulatory approvals during the project period. However, associated fees paid to the Commonwealth, state, territory and local governments are not eligible.
- agreed Building Better Regions Fund signage if applicable as outlined in 12.7 of these guidelines.

Other specific expenditures may be eligible as determined by the Program Delegate in accordance with the CGRGs and Government practice.

Evidence you need to supply can include but is not limited to supplier contracts, purchase orders, invoices and supplier confirmation of payments.

Appendix B. Ineligible expenditure

This section provides guidance on what we consider ineligible expenditure. We may update this guidance from time to time, so you should make sure you have the current version from the business.gov.au website before preparing your application.

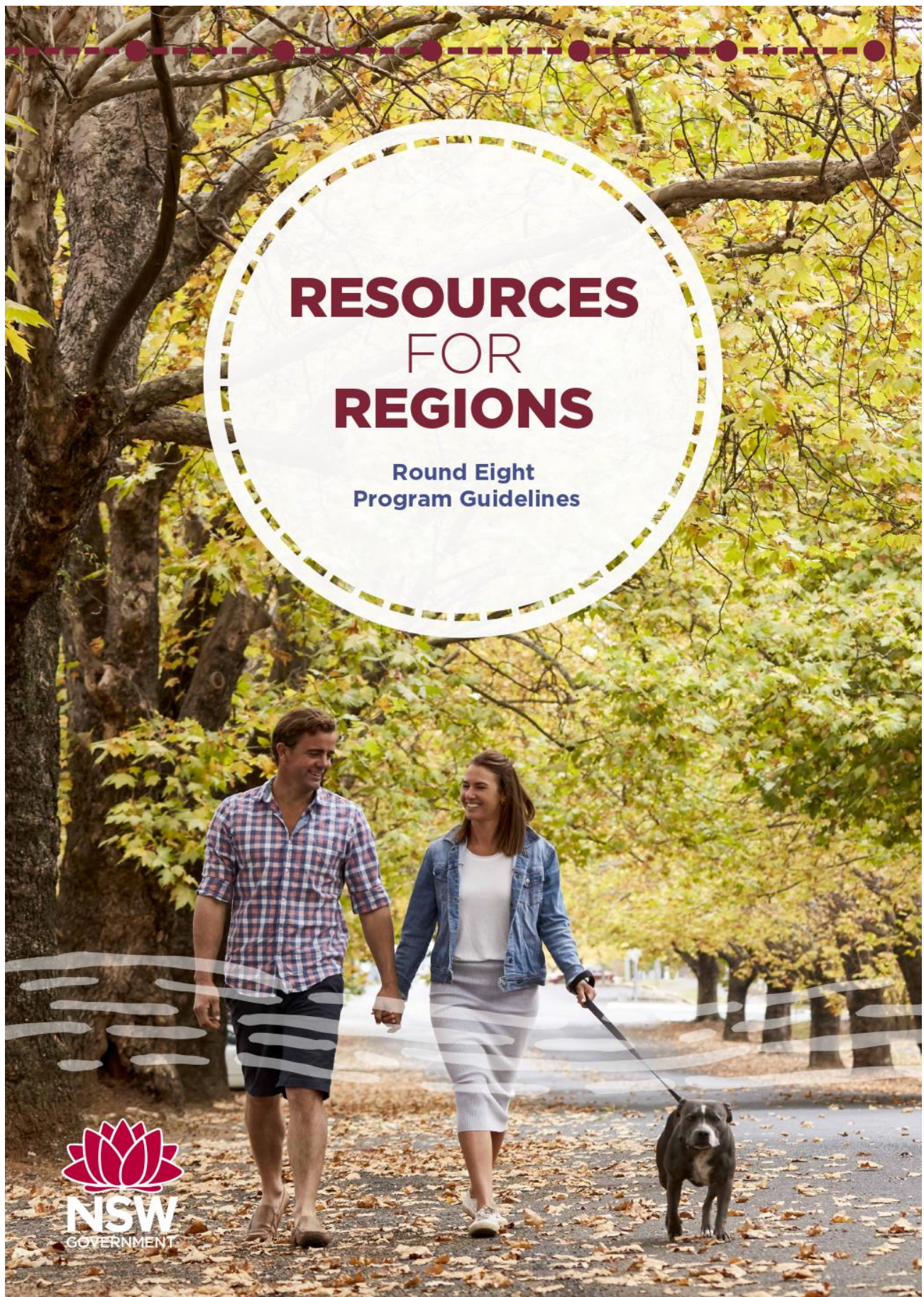
The Program Delegate may impose limitations or exclude expenditure, or further include some ineligible expenditure listed in these guidelines in a grant agreement or otherwise by notice to you.

Examples of ineligible expenditure include:

- purchase of land or existing infrastructure, including the costs associated with sub-division of land
- repair or replacement of existing infrastructure where there is no demonstrated significant increase in benefit
- purchase and installation of manufacturing equipment
- purchase of unfixed furniture, such as desks and fridges
- ongoing operating costs, including utilities
- ICT equipment, including software or hardware that is not an integral part of the funded infrastructure project
- payment of salaries for the applicant's employees
- project overhead items including office equipment, vehicles or mobile capital equipment. Examples include trucks and earthmoving equipment and the applicant's internal plant operating costs
- business case development and feasibility studies
- costs related to registered training organisation training activities
- routine operational expenses, including communications, accommodation, office computing facilities, printing and stationery, postage, legal and accounting fees and bank charges
- writing the application and reporting for the grant
- making donations, gifts and sponsorships
- pre-construction activities, including architect services, design, surveying, planning, environmental or other regulatory approvals (A.5 and A.6), that exceed 20 per cent of the total eligible project expenditure
- costs incurred prior to the execution of a grant agreement
- fees paid to the Commonwealth, state, territory and local governments to obtain planning, environmental or other regulatory approvals.

This list is not exhaustive and applies only to the expenditure of the grant funds. Other costs may be ineligible where the Program Delegate determines they do not directly support the achievement of the planned outcomes for the project or, they are contrary to the objective of the program.

You must ensure you have adequate funds to meet the costs of any ineligible expenditure associated with the project.



WE'RE HERE TO HELP

Have questions about this program?
Get in touch with your local
Department of Regional NSW office.

Email: regionalnsw.business@regional.nsw.gov.au

Phone: 1300 679 673

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MESSAGE FROM THE DEPUTY PREMIER



The mining and resources sector plays an important role in supporting a strong NSW economy and is the backbone for many regional communities, providing around 40,000 jobs for people across the state. Add to this the thousands of people working in mining-related jobs, and it is easy to see how important the sector is to making regional NSW a place where people can live, work and raise a family.

That is why the NSW Government established the Resources for Regions program in 2012 to help fund local infrastructure and manage the unique conditions for mining communities.

Since then, we have run seven rounds of the program, providing \$345 million in funding to 149 projects including new and upgraded roads, water and sewerage systems, community resilience programs, childcare centres and sports fields. In Round Seven, we broadened the program to include community programs in addition to infrastructure, and the response was overwhelming.

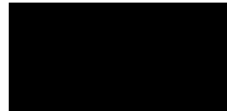
Round Seven has been the most successful round to date and for the first time, each of the 24 eligible mining-affected communities received a guaranteed minimum allocation of funding.

The expanded program resulted in an exciting range of projects aimed at improving everyday living and increasing the wellbeing of mining communities. It funded business development, neighbourhood, community and environmental programs.

I was very pleased to see the variety of applications put forward last year - from shared pathways and community centres to resilience and skills training - and I hope to see a great range of project applications submitted again this year. A total \$75 million is available through Round Eight, for both community programs and infrastructure projects.

Many of the successful projects funded through previous rounds can be found on the Regional Growth Fund web page at nsw.gov.au/regional-growth-fund.

I encourage you to take a look and hope you are inspired to submit an application in Round Eight.



The Hon. John Barilaro

Deputy Premier
Minister for Regional New South Wales,
Industry and Trade

nsw.gov.au/resourcesforregions

OVERVIEW

The Resources for Regions program has run since 2012, providing support to communities across regional NSW impacted by mining. Round Seven was the first round of the revamped program following a Strategic Review in 2019. The revised program ensures support is provided to the right areas and long-term benefits are delivered to NSW's highly valued mining communities. The review saw several key recommendations implemented to reshape and refocus the program.

Mining impacts differ across NSW regional communities.¹ Some communities may have an increased need for new infrastructure and community amenities to support population and industry growth. Others may need infrastructure or other initiatives to support economic resilience, long-term sustainability and community wellbeing.

The Resources for Regions program recognises the significant benefits mining delivers to the NSW economy, and the unique and diverse needs of mining communities. The program will fund infrastructure projects and community programs that help address these unique and diverse needs.

The Resources for Regions program is administered by the Department of Regional NSW (DRNSW).

PROGRAM OBJECTIVE

The Resources for Regions program aims to support the ongoing prosperity of mining communities in regional NSW by providing economic opportunities, improved amenity and positive social outcomes.

KEY DATES

Round Eight applications open
17 May 2021

Applications close
12 July 2021

Assessment & approval process
12 July - 6 September 2021

Announcement of successful applications
September 2021

Funding Deed contracting
October 2021

Program evaluation
From January 2022

In extenuating circumstances, late applications may be accepted at the sole discretion of the DRNSW.

3



1. Strategic Review of the Resources for Regions Program - Inputs Summary Report, University of Technology Sydney Institute for Public Policy and Governance, October 2019.

4

PROGRAM FUNDING

A total of \$75 million is available under Resources for Regions Round Eight to be allocated across the identified eligible Local Government Areas.

Prescribed allocations of funding are assigned to eligible Local Government Areas to ensure the Resources for Regions program is weighted towards supporting the most mining-affected communities in NSW.

The funding allocations to eligible Local Government Areas consist of:

- base allocation of \$1 million
- weighted funding to the most mining-affected Local Government Areas using the mining employment location quotient. Further information about the location quotient is available in the Frequently Asked Questions.

Each eligible council will be informed in writing of the funding allocation available for their Local Government Area. Councils are eligible to submit projects up to the maximum funding allocation for their Local Government Area.

If a council submits applications seeking funding above the nominated funding allocation for their Local Government Area, council is asked to rank projects, including joint projects (if applicable), in their order of local priority.

Where a Local Government Area's funding allocation is not fully exhausted, the ability to utilise these funds in future rounds or for other projects will be assessed on a case by case basis.

Grant amounts

Project type	Minimum grant funding	Maximum funding
Infrastructure	\$250,000	The individual Local Government Area's funding allocation
Program	\$100,000	\$300,000 per program*
Business cases/ future project planning	\$50,000	\$200,000

*A maximum of 30 per cent of the Local Governments Areas' total allocation can be used towards programs.

Where infrastructure and community programs are packaged together to meet minimum funding requirements, the projects must be comprised of projects that are clearly dependent and have the same objective and outcomes.

Co-contributions

Applicants are strongly encouraged to make a financial co-contribution to their projects; however, this is not a mandatory eligibility requirement. Co-contributions could include leveraging council funds as well as funding from other sources including other NSW or Australian Government programs.

Project delivery or viability should not be dependent on co-contributions that have not been secured.



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ELIGIBILITY CRITERIA

Projects submitted under Resources for Regions Round Eight will need to meet the program eligibility and assessment criteria to receive funding. All applications will be assessed for eligibility and against the assessment criteria.

Eligible applicants

Eligible applicants must be local councils located in one of the eligible Local Government Areas identified in Appendix A. These Local Government Areas are eligible because they have been identified as being mining-affected communities.

Eligible councils are encouraged to submit joint applications, particularly for larger scale infrastructure projects across Local Government Areas.

Joint Organisations are eligible to apply as a lead applicant providing the project is located in an eligible Local Government Area or Local Government Areas and the Joint Organisation has the support of an eligible council/s to allocate a portion of the council's allocated funds towards the project. This support can be demonstrated through a letter of support from the eligible council/s.

Councils are expected to work with community groups to identify priority projects and submit applications on behalf of these organisations. Councils are encouraged to consider project partnerships, however only councils can submit an application on behalf of a community group.

If projects are brought forward to a council by community groups but are not submitted, an independent review process can be requested to ensure councils have given the project appropriate consideration. A review request should be submitted to the DRNSW before 21 June 2021.

Organisations interested in putting forward a project are encouraged to read all program details and approach their local council early in the application period.

Eligible project locations

Projects must be in an eligible Local Government Area or must deliver its primary benefits to one or more eligible Local Government Area/s. This applies to all applications including joint applications.

Eligible project types

Projects must be for infrastructure or community programs that support the ongoing prosperity of mining communities by providing economic opportunities, improved amenity and positive social outcomes.

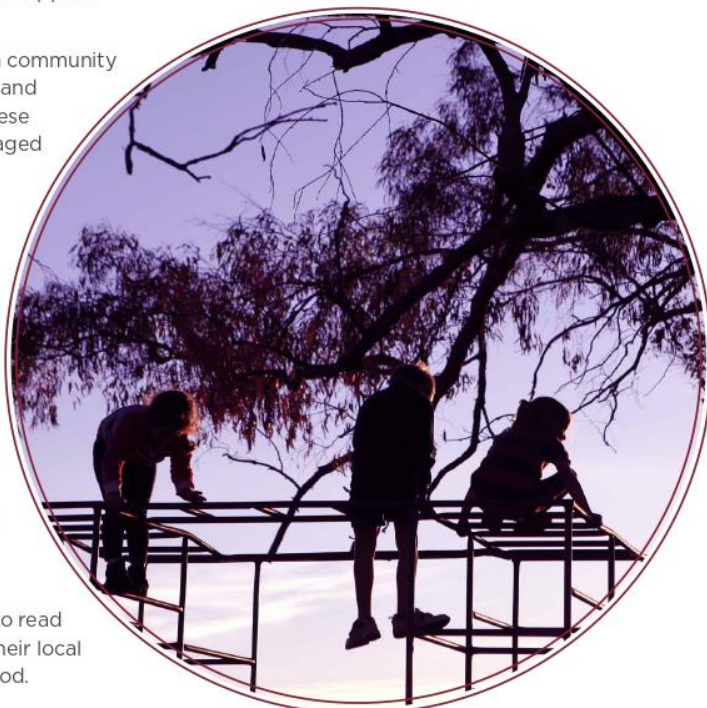
Applications for community programs should not exceed 30 per cent of the total available funding allocation for each Local Government Area.

The specific scope of works and key milestones of the project must be defined in the application.

All applications need to demonstrate the project can commence within six months of the announcement of funding and can be completed within two years.

All projects must deliver public benefit.

5



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Table 1. Examples of eligible projects

Project type	Key objectives	Examples
Infrastructure	Mitigate the impact of mining on local infrastructure in the LGA.	<ul style="list-style-type: none"> Service infrastructure such as road or bridge upgrades or waste infrastructure.
	Delivery of new economic opportunities to help strengthen and/or diversify the local economy.	<ul style="list-style-type: none"> Upgrade or new or improved tourism projects that align with the region's Destination Management Plan. Infrastructure projects aligned to the Local Government Area's local endowments as articulated in the relevant Regional Economic Development Strategy (REDS) or a relevant NSW Government Strategy (e.g. State Infrastructure Strategy 2018-2038, Future Transport 2056, Regional Growth Plans).
	Improved community amenity through new or upgraded community infrastructure.	<ul style="list-style-type: none"> New or enhanced public spaces including recreational facility upgrades, walking and cycling tracks, community centres and halls. Sports facilities, local pool or other publicly owned health and fitness facility upgrades. Main street or town centre beautification projects. Civic centre or art gallery upgrades, libraries or community or cultural spaces. Upgrades to community infrastructure that improve accessibility and inclusion. Common infrastructure such as amenities or other improvements to public spaces.
Community programs	Economic diversification initiatives to support the long-term resilience and prosperity of mining communities.	<ul style="list-style-type: none"> Targeted skills development programs. Industry development or business innovation workshops. Projects related to the development of tourism products that align with the region's Destination Management Plan including the development of new or enhanced tourism experiences and digital product development.
	Deliver community wellbeing outcomes by enhancing the overall liveability of mining communities.	<ul style="list-style-type: none"> Larger scale sporting festivals, arts, culture or cultural heritage projects that are accessible and inclusive and support community involvement. Promotion of local culture or history or land care projects. Community programs that support or encourage mining workers or their families to relocate to the region or support wellbeing outcomes for residents of mining communities. Indigenous tourism or cultural heritage projects. Inclusiveness training for mainstream services to enable community participation. Community events to enable community networking and relationship building.

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Funding to support future project planning

Each eligible Local Government Area can apply for up to \$200,000 from their total funding allocation for projects that will support the planning of future projects that are of strategic importance to the Local Government Area and are identified in the council's Community Strategic Plan.

Eligible costs include:

- business case development for specific infrastructure or community programs
- feasibility and other studies to inform future infrastructure projects or community programs
- master planning to inform future developments.

Ineligible projects/project costs

Infrastructure and programs are not eligible for funding if they:

- are not in an eligible location or do not provide direct benefit to an eligible Local Government Area
- are for the day-to-day delivery of essential or core council services
- are for a privately-owned asset or are on private land unless there is a clear public benefit and the landowner has provided documented consent
- have exclusive private benefits or provide direct commercial and/or exclusive private benefit to an individual or business
- are for marketing, advertising or product promotion
- are for works that are listed in a council's current year capital works budget.



Ineligible project costs include:

- costs related to buying or upgrading non-fixed equipment or supplies, unless considered essential to program delivery and are incidental costs to the overall project budget
- financing, including debt financing, insurance or rental costs
- costs relating to depreciation of plant and equipment beyond the life of the project
- non-project related staff training and development costs
- operational expenditure, including but not limited to regular repairs and maintenance
- ongoing/recurrent funding that is required beyond the stated timeframe of the project
- for infrastructure projects, funding for any ongoing staff or operational costs
- for community programs, funding for ongoing staff or operational costs beyond the scope and timeframe of the funded project
- retrospective funding to cover any project component that is already complete before funding is announced.
- costs related to accommodation services, such as tourist parks unless for a common infrastructure such amenities or improvements to public spaces.

All costs will be assessed against program criteria with a focus on how the project delivers benefits linked to the key objectives of the Resources for Regions program.

Inclusion and accessibility

The NSW Government is seeking to help regional communities future-proof infrastructure and programs by funding universally designed amenities that move beyond compliance and provide dignified inclusion in social and community programs.

Applicants must demonstrate consideration of inclusion and accessibility measures in their application. Projects which demonstrate the provision of fit-for-purpose, accessible and safe facilities, and participation opportunities with the aim of increasing access and inclusion are encouraged.

This applies to both infrastructure projects and community or social programs (where applicable) with the aim to improve existing accessibility and inclusion to encourage greater participation.

nsw.gov.au/resourcesforregions

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ASSESSMENT CRITERIA

All applications that meet the eligibility criteria must also meet the relevant assessment criteria to receive funding. Eligible applications will be assessed against the following:

1. delivery of outcomes aligned with the program objectives
2. local need
3. affordability
4. deliverability.

Projects will be assessed as a 'Yes/No' against the assessment criteria. Projects will not be competitively assessed across Local Government Areas.

1. Delivery of outcomes aligned with program objectives

Projects must demonstrate they will deliver on one of the five key strategic objectives of the program.

Infrastructure projects must show capacity to either:

- mitigate the impact of mining on local infrastructure in the Local Government Area, or
- deliver new economic opportunities to help strengthen and/or diversify the local economy, or
- improve community amenity through new or upgraded community infrastructure.

Community programs must show the capacity to either:

- support economic diversification initiatives to support the long-term resilience and prosperity of mining communities, or
- deliver community wellbeing outcomes by improving the overall liveability of mining communities.

Applications will need to show measurable outcomes that can be delivered by each project and how the applicant will monitor these outcomes. Projects that are not able to articulate clear outcomes and monitoring and reporting processes will not be approved for funding.

Applicants can refer to the Outcome Reporting Guidance Notes at nsw.gov.au/resourcesforregions for examples on how their project outcomes can be measured.

The outcomes to be delivered and measured for each project should be proportionate to the amount of funding requested.

Applicants may be asked to clarify outcomes and reporting measures during the assessment process. The reporting methodology for each project must be agreed prior to entering a funding deed. Applicants can refer to a sample funding deed available at nsw.gov.au/resourcesforregions



nsw.gov.au/resourcesforregions

2. Local need

Applications must demonstrate the project aligns with one or more outcomes in one of the following plans:

- the Local Government Area's Community Strategic Plan or Delivery Program
- the broader Regional Plan of which the Local Government Area or Joint Organisation is a part of
- the broader Regional Economic Development Strategy (REDS) for the region or relevant NSW Government Strategy (e.g. State Infrastructure Strategy 2018-2038, Future Transport 2056, Regional Growth Plans).

Where individual projects are not specifically identified in the above plans, applications will need to demonstrate how the project will deliver against one or more objectives identified in the relevant plan/s. Projects can demonstrate public benefit by showing how the project will benefit the public generally, or a sufficient section of the public. Similarly, while projects can be located on private land they must not be solely for private benefit. The applicant will need to show how the facility will be open to the community.

It is advisable that tourism product development projects are developed in collaboration with the local Destination Network and, where the project relates to Indigenous tourism, the relevant Local Aboriginal Land Council.

3. Affordability

Applicants will need to demonstrate projects can be delivered within the identified budget and can be managed independent of further state or other government funding. Quotes or detailed estimates should be provided.

Projects should support local procurement, where possible, and articulate how they will do this.

Project costs eligible for funding include those associated with capital costs to build local economic and community infrastructure (including up to 20 per cent for project management costs).

Detailed costings should be provided in each application and be only for the period required to deliver stated outcomes of the projects.

Projects will need to be delivered within a two-year timeframe. Extensions may be considered on a case by case basis at the discretion of the DRNSW.

Project management and administration costs are eligible for projects to a maximum of 20 per cent of the total project cost.

Project value for money will be assessed by determining that the outcomes to be delivered by a project are proportionate to the amount of funding requested by that project.

4. Deliverability

Project deliverability refers to the applicant's capacity, capability and resources to carry out the project.

Applicants must demonstrate the project is investment ready by providing:

- a detailed and realistic project management plan (including risk assessment and management plans)
- evidence the project can commence within six months of funding announcement and can be delivered within two years as outlined in the project plan or business case
- confirmation there is no serious planning, construction, zoning, environmental and/or Native Title impediments to delivering the project
- evidence the applicant has the required expertise to deliver the project or program and/or can access experienced and qualified personnel to support the delivery of the project
- for infrastructure, evidence that the applicant has the financial capacity to manage the infrastructure, including its operation and/or maintenance when the project is completed.

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APPLICATION PROCESS

Resources for Regions Round Eight will be a single stage application process.

To facilitate assessment of applications, applicants are required to submit the application documents via the program's online portal.

How to apply

Visit r4r.smartygrants.com.au/R4R8 to make an application to the Resources for Regions program.

Project category	Application documents required
Category 1 \$50,000 to \$5 million funding requested	<ul style="list-style-type: none"> Completed application form Completed project plan template Completed budget template (with evidence of estimated costs) Land owner's consent (if applicable) Evidence of \$20 million Public Liability Insurance
Category 2 Over \$5 million funding requested	<ul style="list-style-type: none"> Completed application form Business case in DRNSW template Land owner's consent (if applicable) Evidence of \$20 million Public Liability Insurance

ASSESSMENT PROCESS

Following receipt of applications, DRNSW staff will assess projects against the program eligibility requirements and then facilitate the assessment of projects against the assessment criteria.

Through the assessment process, DRNSW may request additional information from the applicant. DRNSW may also seek advice from other NSW Government agencies or other third parties (such as probity advisors) to assist with the assessment of projects. The Resources for Regions Project Assessment Panel will review project eligibility and assessment outcomes and form a list of projects that are deemed suitable/not suitable for government consideration.

The Assessment Panel may recommend part-funding of projects where there is insufficient funding available for the whole project or where only a component of the project is considered suitable for funding. Councils may be requested to submit alternative projects if the projects they submit are deemed unsuitable or ineligible.

Project recommendations are considered by the Deputy Premier and submitted to the NSW Cabinet Committee on Expenditure Review for the final funding decision. Other factors may be taken into consideration when determining final projects to receive funding.



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If the project is successful

Successful applicants will be required to:

- enter into a funding deed with the NSW Government
- not make financial commitments for funded activities until funding deeds have been executed
- submit project progress reports to the NSW Government as outlined in the funding deed. Grants will be paid via milestone payments set out in the funding deed
- pay back unspent funds or those funds which have not been spent in accordance with the funding deed
- participate in a program evaluation after the project has commenced to determine the extent to which their projects have contributed to the objectives of the fund
- hold all relevant insurances, such as public liability insurance of \$20 million, or other insurance depending on the project
- provide evidence of landowner consent if the project is being delivered on private land
- acknowledge financial support for projects as per the NSW Government Funding Acknowledgement Guidelines available at nsw.gov.au/nsw-government-communications/branding
- note the NSW Government reserves the right to undertake an audit of grant funding within a period seven years from the signing of the funding deed.

Requests for variations or changes to the project will only be considered in limited circumstances.

The evaluation of the program will require applicants to provide evidence of how projects have resulted in a measurable benefit to the community that is consistent with the objectives of the program.

Any information submitted by an applicant may be used for promotional material prepared by the NSW Government.

If the project is unsuccessful

Applicants will be notified in writing of the outcome of each application and will be offered a feedback information session for any unsuccessful application.

IMPORTANT TERMS AND CONDITIONS

Applicants should note:

- the NSW Government may choose to publicly announce funding for individual applications and the expected jobs created by the funding. It may also use information provided in the grant to develop case studies
- all awarded grants will be GST exclusive. If you are registered for GST, this will be applied on top of the agreed grant value when payment is made to you. Grants are assessable income for taxation purposes, unless exempted by taxation law. It is recommended applicants seek independent professional advice about taxation obligations or seek assistance from the Australian Taxation Office. The NSW Government does not provide advice on individual taxation circumstances.

COMPLAINTS

Any concerns about the program or individual applications should be submitted in writing to regionalnsw.business@regional.nsw.gov.au

If applicants do not agree with the way the DRNSW handled the issue, they may wish to contact the NSW Ombudsman via ombo.nsw.gov.au

GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT

Applicants should be aware that information submitted in applications and all related correspondence, attachments and other documents may be made publicly available under the Government Information (Public Access) Act 2009 (NSW). Information deemed to be commercially sensitive will be withheld.

The Government Information (Public Access) Act 2009 (NSW) makes government information accessible to the public by:

- requiring government agencies to make certain sorts of information freely available
- encouraging government agencies to release as much other information as possible
- giving the public an enforceable right to make access applications for government information
- restricting access to information only when there is an overriding public interest against disclosure.

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RESOURCES FOR REGIONS SUCCESS STORIES

Helensburgh Town Centre Revitalisation Project

This project is revitalising the historic township of Helensburgh, improving pedestrian safety and resident amenity.

**Total NSW Government funding:
\$1.6 million.**

Helensburgh is home to Australia's oldest continually operating coal mine. This transformational project is revitalising this historic mining township while maintaining existing mining truck movements within the town centre. These works include pedestrian crossing safety improvements, upgrade of the main streets, new footpaths connecting the town centre to recreation and sporting precincts, a new playground, car park upgrades and a new roundabout. These improvements support the aging Helensburgh population and help to increase economic activity of local businesses in the town centre.

Orange Airport Security and Passenger Enhancements

\$1.5 million is funding transformation of the Airport into a true regional transport hub with modern and secure facilities.

**Total NSW Government funding:
\$1.5 million.**

The Airport Security and Passenger Enhancement Project is the next strategic step in the development of the Orange Airport as a truly regional transport hub. This project enhances security at the Airport for commuters to park their car in a secure environment and increases protection from the weather for passengers being dropped off or picked up at the terminal with the construction of an all-weather awning. The terminal has had a new fit out including mobile device charging stations, workstations, free Wi-Fi and conference facilities to allow people to work remotely while waiting for flights.



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AVAILABLE SUPPORT

For help preparing applications, information and resources including relevant application templates are available at nsw.gov.au/resourcesforregions

Staff from the DRNSW will be available to work with applicants to identify projects that will benefit the community and prepare applications.

It is strongly recommended that applicants seek input from the DRNSW prior to applying to ensure applications are consistent with Resources for Regions Round Eight key objectives, are well-developed and investment ready.

For assistance please contact regionalsw.business@regional.nsw.gov.au or call 1300 679 673 for a referral.

APPENDIX A ELIGIBLE LOCAL GOVERNMENT AREAS

- Bland Shire Council
- Blayney Shire Council
- Bogan Shire Council
- Broken Hill City Council
- Cabonne Council
- Cessnock City Council
- Cobar Shire Council
- Gunnedah Shire Council
- Lake Macquarie City Council
- Lithgow City Council
- Liverpool Plains Shire Council
- Maitland City Council
- Mid-Western Regional Council
- Muswellbrook Shire Council
- Narrabri Shire Council
- Narromine Shire Council
- Newcastle City Council
- Orange City Council
- Parkes Shire Council
- Singleton Council
- Upper Hunter Shire Council
- Wentworth Shire Council
- Wollondilly Shire Council
- Wollongong City Council

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FIND OUT MORE

Contact us

region@nsw.business@regional.nsw.gov.au

1300 679 673

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Images: Destination NSW.

ORDINARY MEETING OF THE COUNCIL

January 19, 2022

ITEM 4BROKEN HILL CITY COUNCIL REPORT NO. 18/22

SUBJECT: FURTHER MOTION TO THE NSW LOCAL GOVERNMENT
SPECIAL CONFERENCE TO BE HELD IN SYDNEY 28 FEBRUARY
2022 - 2 MARCH 2022 D22/2008

Recommendation

1. That Broken Hill City Council Report No. 18/22 dated January 19, 2022, be received.
2. That Council notes that the deadline for motions to be submitted to the NSW Local Government Special Conference to be held in Sydney from 28 February – 2 March 2022 is **30 January 2022**.
3. That Council considers the following motion to be submitted to the Special Conference along with the Council resolution:
 - a) That Local Government NSW lobbies the Department of Home Affairs to increase its support to regional councils in developing and implementing humanitarian settlement strategies in order to increase their population and stimulate their economies.

Executive Summary:

Local Government NSW (LGNSW) postponed the 2021 Annual Conference due to the COVID-19 pandemic and the Delta variant outbreak in NSW along with the proximity of the NSW Local Government Elections, prior to them being postponed to 4 December 2021.

LGNSW split the 2021 Annual Conference into two parts on the following dates:

1. A free one-hour online Annual Conference to present the LGNSW annual report and financial reports, was conducted virtually on Monday 29 November 2021; and
2. A Special Conference which will include the debate and resolution of motions setting LGNSW's advocacy agenda for 2022. The Special Conference will be held in-person in Sydney from Monday 28 February to Wednesday 2 March 2022.

At the August 2021 Council Meeting, Council resolved that the Mayor be Council's voting delegate to the one hour on-line Conference on 29 November 2021 for the presentation of the LGNSW annual report and financial reports and that a further report be presented to the newly elected Council to determine the delegates and voting delegates along with any further motions to the Special Conference to be held in-person in Sydney from 28 February to 2 March 2022.

At the Ordinary Council Meeting held 12 January 2022, Council resolved that Councillors Boland and Chandler be Council's voting delegates to the Conference and also confirmed a previous resolution of Council to forward a motion to the Conference regarding the

reintroduction of reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres. Council also resolved that the General Manager's Office formulate a further motion to the conference based on the suggestion during the Public Forum Session by Ms Ghislaine Barbe regarding encouraging refugees/immigrants to settle in regional NSW.

The proposed Conference motion is now presented to Council for consideration of adoption.

Report:

The LGNSW Conference is the annual policy-making event for councils of NSW. The Conference is the pre-eminent event of the local government year where local Councillors come together to share ideas and debate issues that shape the way we are governed.

The split conference format will ensure that LGNSW meet its legal obligations as a registered organisation to present its annual report and financial report to members within six months of the end of the 2020/2021 financial year. These matters were considered during a one-hour Annual Conference on Monday 29 November 2021. The Special Conference will be held between 28 February 2021 to 2 March 2022 in-person and will follow the standard conference program.

The theme for the Special Conference is "Locally Led" and will focus on how councils can drive employment and economic recovery as councils continue to work through the complex challenges posed by the COVID-19 pandemic.

The Special Conference will also include the consideration of motions that are submitted by member Councils. The Special Conference Business Paper will be available on the LGNSW website two weeks prior to the Conference.

Attendance at the Special Conference will ensure that remote areas such as the Far West are not placed at a disadvantage by decisions made. LGNSW have advised that the in-person Conference will follow all government COVID-19 guidelines and will have Safety Plans in place to ensure a safe event for all participants, although there are no guarantees that the format of the Special Conference may need to change if the pandemic situation has not eased closer to the event.

Motions

The Board encourages submission of motions along with the accompanying Council Resolution by the new deadline of **12 midnight (AEDT) on Sunday 30 January 2022** to allow printing and distribution of the Business Paper before the Special Conference.

The Board has resolved that motions will be included in the Business Paper for the conference only where they:

1. are consistent with the objectives of the Association (as per Rule 4 of the Association's Rules)
2. relate to Local Government in NSW and/or across Australia
3. concern or are likely to concern Local Government as a sector
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);

6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

As a Council Resolution must accompany any motions that Council wishes to submit, the last Council Meeting that these motions must be resolved is at the 27 January 2022 Ordinary Council Meeting in order to meet the submission deadline of 30 January 2022.

Council has already determined one motion for the Conference, at its Ordinary Meeting held 28 July 2021, (Minute Number 46598) and which was endorsed at the Ordinary Meeting held 12 January 2022 (Minute Number 46700):

“That Local Government NSW lobbies the Minister for Transport and Transport NSW to re-introduce reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres.”

Proposed Motion – Refugee Settlement

A further motion to the conference was suggested by Ms Ghislaine Barbe during the Public Forum Session prior to the Ordinary Council Meeting held 12 January 2022 regarding encouraging refugees/immigrants to settle in regional NSW. The proposed motion and background note provided by Ms Barbe is as follows:

Motion

“That Local Government NSW lobbies the Department of Home Affairs to increase its support to regional councils in developing and implementing humanitarian settlement strategies in order to increase their population and stimulate their economies”.

Background

“Welcoming newcomers to regional cities/towns can stimulate local regional economies, boost workforces and offset population decline as shown in the whole of community approach to the recent Ezidi settlement in Armidale. However, geographically isolated councils lack the knowledge, understanding and experience necessary to develop programs that will successfully lead to the integration of refugee communities. Currently in NSW only Sydney, Newcastle, Coffs Harbour and Armidale have benefited from the federal Humanitarian Settlement Program through a service provider (SSI). It is important that remote communities are offered similar opportunities to undertake local leadership for growth.”

Ms Barbe provided reference to the Settlement Services International’s website at www.ssi.org.au and to the reference document “All in for Armidale: A whole-of-community approach to Ezidi settlement”. This reference document is attached to the report as Attachment 1.

Further motions **must be resolved at this Council Meeting** in order to meet the submission deadline of **30 January 2022**.

Attached to the report is a guide for the submission of motions (Attachment 2).

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.2	Our leaders make smart decisions
Strategy:	4.2.1	Provide learning and networking opportunities for elected members

Relevant Legislation:

Local Government Act 1993

Local Government (General) Regulation 2021

Financial Implications:

Nil.

Attachments

1. [↓](#) All in for Armidale: A whole-of-community approach to Ezidi settlement
2. [↓](#) Local Government NSW - Motions Submission Guide

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER



All in for Armidale: A whole-of-community approach to Ezidi settlement

Settlement Services International

SSI 
settlementservices
international



We acknowledge the traditional custodians of Australia's land and waterways.
We pay our respects to elders, past and present, and commit ourselves to a
future with reconciliation and renewal at its heart.

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Foreword by SSI CEO Violet Roumeliotis

Settlement Services International (SSI) recognises that migrants and refugees have a critical part to play in supporting Australia's regional development goals.

In this paper, you will read first-hand accounts of newcomers and host community members in regional Australia coming together with a shared passion and on common ground over the past year. This is a direct result of SSI's 'whole-of-community' approach to settlement, that adopts a partnership approach to delivering on-arrival services to refugees, complemented by SSI's unique Community Engagement Framework.

Under the Federal Government's Humanitarian Settlement Program (HSP), we provide on-arrival services to refugees in Armidale, Coffs Harbour, Newcastle and Greater Sydney region. Case managers support families to achieve their settlement goals, to become familiar with the local community and to connect with essential services, such as housing, education, English programs, health and employment assistance.

Working through an integrated model, SSI has added value to the funded settlement program, facilitating opportunities for newcomers to come together with Armidale locals with a common purpose. Our shared goal is to foster self-determination so that these newly arrived families become permanent, productive and valued members of the Armidale community.

Our standout achievement from this first stage of refugee arrivals in a new settlement location is the extraordinarily high retention rates among families settled in Armidale. This is a wonderful outcome

for us as a provider and, more importantly, this is a wonderful outcome for these families, who are growing roots and rebuilding their lives in a welcoming new home.

My own parents migrated to regional Australia from post-World War II Greece. At that time, Australia did not have organisations like SSI to help newcomers and to connect them to the broader Australian community. My parents were active contributors to our Greek community, but they needed my sisters and me to bridge the gap to the wider mainstream. This experience taught me the value of social connections and the critical role these play in integration.

We know achieving integration is not simple. It has many dimensions and it is a two-way process of mutual adaptation by the whole of the community, with each party having a shared responsibility for their own contribution, be they newcomers, host communities or government at all levels.

As CEO, I am very proud of SSI's dedicated investment to ensuring newcomers are active participants in the Armidale community. I'm equally proud how the Traditional Owners of the land and other members of wider Armidale community have, in turn, embraced the Ezidi community with warm hearts, compassion and respect. As a result, the host community and newcomers are building solid foundations for their new lives and shared future in Armidale.

Violet Roumeliotis
SSI CEO
2017 Telstra Australian Business Woman of the Year



Executive Summary

A unique approach to regional refugee settlement is delivering strong results in the new settlement location of Armidale, offering insights that will guide other regional centres seeking to welcome newcomers as long-term members of their communities.

Community organisation and social business SSI has overseen the settlement of over 300 refugees from Iraq and Syria in Armidale since February 2018 under the Federal Government's Humanitarian Settlement Program (HSP).

SSI provides new arrivals with contracted HSP services, such as housing, orientation to community, links to education programs, training and employment assistance. In tandem with these services, SSI has implemented an integration model that includes community engagement, arts and culture, volunteering, project management, and marketing and communications.

Early results from this unique whole-of-community approach are extremely positive, with a high retention of new arrivals to date. This approach could be instrumental in the success of regional settlement strategies across Australia, if duplicated in other areas.

The Armidale community has forged countless connections with newcomers through community events, a volunteering service, newcomer-driven initiatives, and connections with sporting groups. At the same time, positive community attitudes toward the Ezidi refugees have strengthened.

SSI's success in Armidale shows the benefits settlement brings for both regional host communities and those on humanitarian visas. Welcoming newcomers to regional sites can stimulate local regional economies, boost workforces and offset population decline. For the newcomers, a regional environment can offer a warmer, less confronting settlement experience than that available in cities.

As an advocate for stronger pathways to regional communities, SSI recognises that regional settlement arrangements must accommodate the needs of both new arrivals and host communities. To realise the full potential of such arrangements, it is essential that the host community finds meaningful ways to welcome and support newcomers in their settlement and that the newcomers feel empowered, welcome and at home in their new environment.

This paper explores how SSI's whole-of-community approach is doing just that and the opportunities this brings for regional settlement right across Australia.



About SSI

Settlement Services International (SSI) is a leading community-based, social-purpose organisation that provides services in NSW across areas including refugee settlement, asylum seeker assistance, housing and multicultural foster care. SSI's vision is to achieve a society that values the diversity of its people and actively provides support to ensure meaningful social and economic participation and to assist individuals and families to reach their potential.

The organisation is contracted to deliver Humanitarian Settlement Program (HSP) services in a region that encompasses Sydney, Newcastle, Coffs Harbour and Armidale. In the 2018-19 financial year, SSI provided settlement support services to more than 9,000 refugees, including nearly 800 in regional Australia.

SSI believes in a collaborative, partnered approach to service delivery. It leads the NSW Settlement Partnership, a consortium of community organisations that helps deliver settlement services in NSW under the Department of Social Services' Settlement Engagement and Transition Support (SETS) program. The consortium comprises 21 organisations, including SSI and its 11 member Migrant Resource Centres and multicultural services, as well as nine community organisations. In Armidale, SSI works with NSP member organisation Northern Settlement Services to deliver SETS.

One of the hallmarks of SSI's approach to service delivery is to provide self-funded initiatives that address gaps that it notices in support networks. For the past several years, SSI has delivered community engagement practice to foster the inclusion of newcomers in social, economic and community life.

About HSP

The Federal Government provides refugees with assistance on arrival and beyond through the Humanitarian Settlement Program (HSP). Services under the program are delivered by five contracted providers (including SSI) nationally, with a focus on establishing a foundation for newcomers to become self-reliant and to thrive in Australia. Service providers support refugees in areas including employment, education, housing, physical and mental health, managing money, community participation, family functioning, justice, and links to English language learning. Participation in the HSP is voluntary and services are delivered to clients through a needs-based case management approach. When refugees have achieved the HSP outcomes they are exited and referred to a longer-term settlement program called SETS.

About SETS

Northern Settlement Services (NSS) has delivered migrant support programs and case management services in Armidale since 2004. NSS delivers the Settlement Engagement and Transition Support (SETS) program, which equips and empowers refugee and migrant communities to address their settlement needs during the first five years of arrival. Funded by the Federal Government, SETS provides newcomers with settlement-related information, advice, advocacy and assistance to access services. Community capacity building initiatives help new and emerging community groups support their community to increase the social participation, and economic and personal wellbeing of community members. SETS aims to ensure longer-term positive settlement outcomes are achieved.

About the Ezidi

The Ezidi (or Yazidi) people are a distinct ethno-religious group who have traditionally lived in areas of northern Iraq, Syria, Turkey and Iran, and speak Kurmanji. The Ezidi are an ancient minority who have passed on religion, culture and customs through oral storytelling from generation to generation. In 2014, Islamic State began a systemic series of attacks on northern Iraq's Ezidi people, slaughtering thousands and forcing many women into sexual slavery. The Office of the United Nations High Commissioner for Human Rights has termed the killings genocide. In September 2015, the Federal Government announced that it would make an additional 12,000 humanitarian program places available in response to the conflicts in Syria and Iraq.

About Armidale

The city of Armidale is located approximately halfway between Sydney and Brisbane in the NSW Northern Tablelands. The region has a population of about 30,000 people. Armidale's primary industries include agriculture and education, with the University of New England (UNE) and schools including NEGS making it a regional educational hub. The largest employment sector is education and training. Armidale's levels for secondary and tertiary education completion are slightly above national averages, and considerably higher than many comparable regional cities. Armidale has had a generally positive view towards the settlement of Ezidi refugees from the outset of the process. Telephone surveys conducted by UNE Senior Lecturer in Psychology Dr Susan Watt indicated that a majority of residents were either 'enthusiastic' or 'positive' about the newcomers (see Community Outcomes section).

Refugee Settlement in Armidale

Australia has a long history of accepting refugees from global conflicts through its humanitarian program.

In recent years, successive federal governments have turned to regional areas to settle newcomers, with humanitarian regional settlement rising from three per cent in 1981, when humanitarian visas were first introduced, to 22 per cent in 2018.

With bipartisan support, governments and settlement providers have developed a more sophisticated, bespoke approach to regional settlement, with settlements currently under way in regional NSW, Victoria, Queensland, South Australia and Tasmania.

In August 2017, the Turnbull Government announced that the NSW city of Armidale would become the newest regional settlement site. Federal Member for New England and then Deputy Prime Minister Barnaby Joyce announced that some 200 refugees fleeing conflict in Syria and Iraq would be settled in the city. It soon emerged that the refugees were members of the Ezidi ethno-religious minority, a group targeted by Islamic State and subjected to genocide and other atrocities.

In November 2017, community-based organisation SSI was granted a contract to manage the settlement of the Ezidi refugees and provide services through the Federal Government's Humanitarian Settlement Program (HSP).

The first refugees began arriving in Armidale in February 2018, at which time SSI had already set up a local office staffed with case managers, an orientation trainer and support staff. In addition to staff tasked with delivering HSP services, SSI also appointed a Community Engagement Coordinator to work on facilitating interactions with the local community and empowering the newcomer community to have a say in decisions affecting their settlement.

SSI has since provided settlement services to over 300 refugees in Armidale, assisting in areas such as meeting newcomers at the regional airport, finding them housing, and referring them to services for their mental and physical health. SSI has helped them to manage money, linked them to training including English lessons, helped them to seek employment and to navigate the key points of contact in the community.

In mid-2019, some 300 refugees were residents of Armidale with close to 200 more expected to arrive by the end of the year.



Unlocking the Benefits of Regional Settlement

The settlement of refugees in regional Australia has much to offer both host communities and newcomers. Many parts of regional and country Australia are experiencing economic and population decline, as younger people leave seeking opportunities in capital cities. Welcoming refugee families to a regional township has the potential to address labour shortages, to boost local economies, to revive flagging schools and to enrich local cultures.

For refugees, who have often experienced trauma, a regional town can offer a softer landing into Australian society. The more intimate scale offers rich opportunity for interpersonal connections, for developing a sense of community and for feeling at home.

A key prerequisite for unlocking the benefits of regional settlement is the attitude and involvement of the local community. A community that is well informed, welcoming, positive and actively involved in the settlement process provides a solid foundation for newcomers to build new lives and thrive. A community that is not supported can be less engaged, suspicious, frustrated and even hostile, and is likely to discourage more permanent settlement. Newcomers can be inclined to drift away, often to urban areas.

Also critical is newcomer self-determination and empowerment. Refugees who feel a sense of power in shaping their futures in their new community are more likely to step up and become engaged than those who are not empowered to make life choices in the settlement process.

One challenge to developing and maintaining positive community attitudes and empowering newcomers during regional settlement is that settlement service providers typically have little scope to address those community-based aspects of the process. The Humanitarian Settlement Program does excellent work in addressing the immediate and ongoing needs of refugees. The key deliverables for providers such as SSI include housing, links to services including health, education and training, and employment assistance. However, there is little or no scope for engaging and managing relationships with the local community, for coordinating volunteers, for developing dialogue between stakeholders, and for enabling newcomers to make important decisions about their futures in their new community.

What is needed are mechanisms to optimise the settlement process by enhancing the host community's perception of the newcomers, building bridges between all parts of the community, facilitating the work of volunteers and empowering newcomer communities to take more control of their futures.



Community Integration, Belonging and Participation

At its heart, SSI's community engagement approach recognises that no single organisation can address all the needs of newcomer communities. What are needed are collaborative and innovative solutions that involve a wide cross section of the community.

Successful SSI community engagement initiatives in Sydney include: the Community Innovation Fund, a small grants program for community leaders in Western Sydney who have a bold vision for realising their community's aspirations; and the Welcome2Sydney program where volunteer ambassadors host excursions for newcomers to visit the sites and landmarks of Sydney. Others include the Community Kitchen in Auburn, an intercultural gathering where people of different backgrounds share recipes and meals, culture, dance and music; and the annual New Beginnings Festival that celebrates of the creative work of artists, performers and craftspeople from refugee and migrant backgrounds living in NSW.

Integration is usually defined as the capacity to participate fully in economic, social, cultural and civic life (Fozdar & Hartley, 2013¹). SSI's approach to regional settlement sets out to ensure newcomers are encouraged to take part in local community life. It also aims to avoid challenges potentially created by a disengaged host community and a disempowered newcomer community.

Understanding Integration: A Conceptual Framework (Ager and Strang, 2008)² states that quality social integration is a two-way process between host communities and newcomers, which is largely shaped by access to community resources, exchanges between social groups, and is a shared responsibility of all members of society, including the three tiers of government.

A clear community engagement strategy was established in Armidale at the start of the settlement process, focusing on five strategic pillars. This was delivered by Community Engagement Coordinator Samantha Ains. "A community engagement approach means finding ways that both the new and the host community can have meaningful engagement that encourages sustainable, long-lasting settlement," she says. "It means listening to the new community first and being led by them, but also listening to the local community and what they have to offer."

The first pillar of the community engagement strategy was to harness voice in the newcomer community. That involved consultation within the Ezidi community to allow them to shape their settlement journey and to identify aspirations and cultural observances they wanted to share with the wider community. This helped shape the remainder of the strategy.

¹<https://espace.curtin.edu.au/handle/20.500.11937/47213>

²<https://academic.oup.com/jrs/article/21/2/166/1621262>

The second pillar of the strategy involved optimising stakeholder engagement. Civic leaders were enlisted to champion regional settlement, and relationships were developed with local service providers on whom the newcomers relied. Also crucial was developing a strong relationship with Armidale Regional Council, through measures including workshops with senior council staff and meetings between council and newcomers, and maintaining ties with local charities and advocacy groups.

The next pillar was to foster inclusion and belonging. Strategies included encouraging newcomers to participate in community events, supporting community groups to deliver projects to newcomers, and fostering cultural exchange between members of the Ezidi community and local Aboriginal family groups.

Pillar four was a strong volunteer program that encouraged local volunteers to carry out meaningful work that not only enhanced settlement and integration but also enriched newcomers' experience of community. The training offered ensured volunteers were skilled and confident to undertake their duties, and volunteer contributions were captured in media profiling and local award nominations.

The final pillar was looking at the role the arts and cultural expression play in settlement, integration and, more broadly, in multicultural society. That involved the production of high-quality cultural events that showcased culturally and linguistically diverse artists, as well as the pairing of newcomers with established artists and cultural practitioners.

Strategic Pillars

**Harness
community voice**

**Stakeholder
engagement**

**Foster inclusion
and belonging**

Volunteerism

Arts and Culture

Stakeholder Engagement Testimonials

Stakeholder Engagement: Armidale Mayor Simon Murray

In 2015, Armidale Regional Council unanimously voted to apply to welcome refugees from the conflict in Syria and Iraq to Armidale. Simon Murray has been Mayor since 2017 and witnessed and participated in the settlement of the Ezidi.

Why have people in Armidale generally been so receptive of the Ezidi?

Thanks to the University [of New England] we have about 57 different nationalities in Armidale. Because of that there's a high level of multicultural awareness. On top of that, you have community groups that have been advocating for refugees, and I think these factors have come together. People have had no concern in having refugees coming because they have experienced multiculturalism already.

What do the Ezidi settlers bring to the area?

They bring wealth in that they are a different culture coming in that is mixing with the other cultures we have and enriching the whole melting pot. They make Armidale more diverse. And they're not just sitting back – they're involving themselves in the community, and that to me is a very positive thing. Armidale and the region will benefit from that.

How has Council worked with SSI to support the settlement?

We've let SSI take the lead role and we have been supporting that work. For example, we have got a Youth Coordinator who has been working with them.

If ever an issue comes up, I know I can ring [Community Engagement Coordinator] Sam Ains at any time and say, 'how is this going?', or 'do you need help?' or 'can you help us?'. It's a relationship built on respect. There's no treading on toes. It's been a very mutual relationship.

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Stakeholder Engagement: President of Armidale Sanctuary Lucinda Wright

Armidale Sanctuary helped pioneer refugee settlement in the Armidale area, sponsoring a number of refugees from South Sudan and the Democratic Republic of Congo from the early 2000s. Lucinda Wright is the current President.

What difference has SSI's Community Engagement approach made to the settlement of the Ezidi in Armidale?

I think it's an essential role. The Community Engagement Coordinator provides a very good link between SSI and other organisations and for liaising with the general community. Without that sort of community engagement role, you wouldn't get those more disparate sections of the community coming in. You might get the organisations and agencies who are contracted to do something, but not the people who would like to do something but may need some suggestions or some guidance.

What are some of the ways Sanctuary has worked with SSI to support the settlement?

We organised excursions for groups of Ezidis when they arrived, particularly in the beginning when they were first learning to use transport. As the children have settled into school, we have organised home reading volunteers to assist them with their reading. Our Vice President Jeff Seigel is an SSI volunteer who helped organise for some of the boys and later on the girls to link up with the soccer teams and play soccer. And we have had individuals who have signed up to the volunteer tutor program or have gone into TAFE to assist in English classes.

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Community Outcomes

SSI's whole-of-community approach to regional settlement has contributed to positive outcomes in terms of the Armidale community's perceptions of settlement and the experience of the Ezidi community.

The outcomes of SSI's community engagement efforts show enormous engagement of the local community and countless positive interactions between the Ezidi newcomers and other groups.

In the area of harnessing voice in the Ezidi community, SSI's efforts have had many tangible results. Two 'community-voice' consultations in 2018 clearly established the Ezidi community's priorities and goals in their settlement, and resulted in outcomes such as the development of a dedicated burial site for the Ezidi community (page 19). The celebration of the Ezidi New Year attracted 250 participants, including 30 stakeholders, while the observation of the fourth anniversary of the Ezidi genocide attracted 200 participants. More than 20 community groups have come together to coordinate cultural celebrations.

In the stakeholder engagement area, SSI has participated in more than 200 briefing sessions, engaged 32 civic groups, and formed relationships with 25 community leaders. SSI has also delivered Culturally Responsive Practice training to upskill local service providers, and relationships have been established with three local charities who support newcomers, as well as other vulnerable community members, through times of hardship.

In terms of fostering inclusion, several events have been organised, including Armidale Picnic in the Park, while monthly meetings have been held with local settlement advocacy group, Armidale Sanctuary.

The volunteer program has attracted 27 active volunteers. Four volunteers were nominated for the New England Volunteer Awards 2019 and 10 were nominated for the Certificate of Appreciation for International Volunteer Day 2018. Both award ceremonies were organised through Armidale Regional Council.

In the arts-and-culture space, key events included a tour to Armidale by the SSI-organised Homelands World Music Tour, featuring refugee musicians who drew a crowd of 180 locals to the concert and music workshop. To mark Refugee Week 2018, 90 people attended the local screening of *The Staging Post* with a Q&A panel featuring the documentary filmmakers Muzafar Ali and Khadim Dai. A photography mentorship has also been established between a local commercial photographer and young novice photographer from the Ezidi community (see page 21).

Tim Gray, HSP Coordinator for SSI Armidale, said the cumulative impact of those measures had greatly enhanced the delivery of the HSP program in Armidale. "I believe that without community engagement the Armidale community's positive perception of settlement would not be quite as high," he said. "SSI's focus would be on delivering those front-line essential services such as sourcing GPs or issues with education or employment agencies. But, longer term, it's the wider social connections that create the 'glue' and relationships with the local community and better outcomes for all."

An interim report from an independent evaluation of SSI's delivery of HSP services in Armidale which is currently underway has stated that "early reports through [stakeholder] interviews indicate that progress has been good."

The report concludes, "The community engagement and volunteer efforts provided by SSI are separate from HSP but clearly complement the program and support its operations. The HSP could not have been as successful as it has been without the contribution and investment in these services by SSI."

Monitoring community attitudes

Dr Susan Watt, Senior Lecturer in the School of Psychology at the University of New England, began to monitor Armidale community attitudes shortly after the first refugees arrived in early 2018. She subsequently surveyed residents on two further occasions, in September 2018 and in February 2019.

Dr Watt's work involved random telephone surveys of 200 residents, with a new sample each survey. The initial survey showed high support among residents for the refugee settlement, with an overall positivity rating of 68/100. The majority of residents surveyed were either 'positive' or 'enthusiastic' about the settlement with a minority 'concerned' and fewer still were 'negative'.

By the time of the most recent survey in February 2019, the positivity rating had risen to 73/100 and the level of concern about the impact of refugees coming to Armidale was significantly lower.

"The community monitoring program suggests very positive responses from the Armidale community to the refugee resettlement program," Dr Watt says. "This is tempered by a minority of people who feel negatively about the program, but this number has decreased during the first 12 months of settlement."

Ancient Cultures Connect: Steve and Khalaf

On 26 May 2019, members of the Armidale Ezidi community turned out in great numbers for the city's Reconciliation Bridge Walk. One of the most memorable sights was local Anaiwan elder Steve Widders, who is vision impaired, walking arm in arm with Ezidi community member Khalaf Bari

“He’s now my mate,
and a big brother I
can ask for advice...”

Khalaf Bari: “I knew very little about Aboriginal people before we came to Australia, just some basic information. But since we have been in Armidale, the local Aboriginal people have supported us and been very welcoming. I’ve learned that, like us, they have been exposed to some very hard situations. And we try to support other people who are suffering and struggling.”

“On the day of the bridge walk, I got to know more about Aboriginal history and what has happened to them. Steve and I talked about the Aboriginal flag and the Ezidi flag, and that both flags have the sun in them. We talked about the meaning of the bridge walk. It was very natural to link arms with Steve. I wanted to show sympathy and it was just my way of showing my feelings. He’s now my mate, and a big brother I can ask for advice if something happens.”

*Told via a translator.

Steve Widders: “I know a few members of the Ezidi community and while their English may be limited, a handshake says it all. They have shown a great willingness to become involved and they turned up to the local Survival Day event. The Ezidi population also invited the local Aboriginal community to dinner in the park, and Aboriginal kids have invited the Ezidis to play soccer.”

“On the day of the bridge walk, about 70 members of the Ezidi community turned up – that was about one tenth of the crowd there. Khalaf and another man came up. They said, ‘Please can we walk with you?’ It wasn’t planned. It happened because we have the same heart and we have empathy for each other. Khalaf is my brah. Communication isn’t a barrier. We stand the same, walk the same, and walk hand in hand. This is the beginning of a friendship that will expand through our families and through our respective communities.”



Fostering Agency in the Newcomer Community: Ezidi Burial site

When SSI brought together members of the Ezidi community with local stakeholders for a ‘community voice’ meeting in 2018, one of the topics that quickly emerged was the importance of a place of burial for their community members.

Given their recent experiences with trauma and loss, the Ezidi representatives explained that being able to properly care for family members who pass away in Armidale and Australia was crucial to feeling at home. “Just as life is continuous, so is death”, says one senior Ezidi community member who attended the meeting. “The Ezidi have been subjected to 74 genocide attempts throughout their history. We now feel Australia is our future and we want to build our lives here. Part of that is being prepared for death.”

The Ezidis have since worked with Settlement Services International, Northern Settlement Services, Armidale Regional Council, mortuary operators and other stakeholders to develop strategies for understanding burial practices in the community in culturally appropriate ways. Armidale Regional Council has allocated a plot of land at the Armidale Cemetery for use by the Ezidi community, and negotiation is continuing around helping them to find ways of carrying out their funeral practices, such as preparation for burial.

The Ezidi tradition is for mourners to regularly visit the gravesite of the deceased. To provide a degree of privacy, the Ezidi representatives have asked for a boundary wall on their burial site. The Rotary Club of Armidale is helping them achieve this. “In consultation with community members, it was determined that a small bush and dry stone wall were appropriate,” says club President Peter Lloyd. “This is really a joint community exercise. We’re sourcing materials at the moment and then the whole community, including children and parents, will collect the rocks and move them onto the site.”

A member of the community has expressed that while getting used to the requirements of Australian bureaucracy can be frustrating, the consultative nature of the whole process is empowering. “It makes a big difference, having a choice. It’s not just this this is what you have to do.”

“This is really a joint
community exercise.”



Fostering Inclusion and Belonging: Ezidi Pop-up Restaurant

Learning the English language can be hard under the best of circumstances, let alone as a refugee having just arrived in a new country. But there are often other ways of communicating – like food.

In April 2019, a group of Ezidi women were provided the opportunity to create a pop-up restaurant in Armidale's Café Patisserie, showcasing their traditional fare for members of the wider local community. The 60 tickets on offer quickly sold out, with guests queuing up to try foods including biryani, stuffed vine leaves and peppers, naan breads and curries.

"Food is important to us, and we wanted to share our culture and to let people try something new," Ezidi settler Zuhour Khudhier, explains via a translator. "The people who came were very happy. They tried everything and didn't leave anything behind."

Café owners Nathan Walker and Enora Chanteperdrix happily handed over their venue to the Ezidi women for an evening, and came up with the idea for the event in the first place. "When I'm working in the kitchen, I can hear everyone's conversation, and one of our customers was talking about the Ezidi

refugees," Nathan recalls. "I'd heard about [pop-up] restaurants in Coffs Harbour and Melbourne, and so we just threw it out there that it would be cool to do something similar here."

Nathan says the event crystallised with the help from SSI Community Engagement Coordinator, Sam Ains. "SSI got involved, and it all sort of came together in two weeks. Other people give shoes, bikes and clothes and all those things, and this was our way of welcoming the newest group into town. I was born in Armidale, and I think it's great."

After the success of the first pop-up restaurant, Armidale's Ezidi cooks are now planning a follow-up, possibly in the spring of 2019 when warmer weather returns. So, with the people of Armidale clearly in love with Ezidi food, would the women consider opening a restaurant? "Maybe in the future," says Zuhour with a smile.

👩🏫 *Food is important to us,
and we wanted to share
our culture and to let
people try something new* 🍴

All in for Armidale: A whole-of-community approach to Ezidi settlement

20/24



Arts and Culture: Simon and Salwan

When professional photographer Simon Scott tasked his Ezidi student Salwan Qasim Muhi to photograph objects that were unfamiliar to him, the results were surprising.

As Salwan, 21, walked through the streets of Armidale with a camera, he gravitated towards traffic signs and other items of street furniture. "I asked him to photograph things that were new to him, and he took pictures of roundabout signs and give-way signs," says Simon. "He was intrigued by zebra crossings. When any photographer is in a new area, there's a wealth of things to discover, and it was fascinating to see what someone who's seen a harder side to life found different in this environment."

Salwan and Simon came together at the end of 2018 when Simon approached SSI hoping to volunteer and Salwan expressed an interest in developing his photographic skills. "I like cameras and I like taking pictures, and I want to learn how to be a photographer," Salwan says.

When Simon has time free from his work shooting across New England and overseas, the pair wander the streets, Salwan equipped with one of Simon's hefty Canon SLR cameras. They swap words in English and

Kurmanji, sometimes resorting to charades to get the point across. One of Salwan's funniest images is a picture of Simon with his arms spread out, mimicking a plane to ask Salwan how he arrived in Australia.

Simon says Salwan's passion for photography is growing, while his own understanding of the Ezidi culture is also getting better. "It's nice to work with someone who genuinely wants to learn something new," he says. "And this is my way of welcoming someone to the community, by helping with English and photography."

Simon is now keen to offer photographic workshops to the wider Ezidi community to provide them with another means of self-expression and to document their new life in Armidale.

Salwan, meanwhile, remains determined to make it as a photographer if he can. "I'd like to keep getting better to study and improve myself," he says.

👩🏫 *This is my way of
welcoming someone to the
community, by helping with
English and photography* 🍴

All in for Armidale: A whole-of-community approach to Ezidi settlement

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Participation in Community Life: Girls Join Soccer Team

One of the many things that Armidale's Ezidi newcomers have in common with the wider community is a love of sport. Many of the younger community members are passionate – and skilled – soccer players, and they have been embraced by local clubs.

Jean Bone, Operations Officer for Northern Inland Football – the soccer competition that takes place in Armidale – says the male players came forward in 2018 to express their interest in getting involved. In response, she organised referees for informal matches, and then a coach to help the new players get accustomed to local rules. By mid 2019, more than 50 Ezidi males between the ages of 15 and 50 were playing with three local clubs.

"Most of the men play for South Armidale in the first and second divisions, and they are doing really, really well," she says. "They have needed some help with translation, but having said that, their English is improving."

It took a little longer to find opportunities involve the female players, but the results are equally positive. "[SSI Community Engagement Coordinator] Sam Airs contacted me about the girls in late February,

and I attended a meeting at the SSI office," Jean says. "I think 14 or 15 girls were there, and we talked about what they wanted to do. Then we organised a training session and a coach, and that all happened within a few days of the meeting."

Some 13 Ezidi female players between the ages of 6 and 16 now play in local teams. "We asked them if they wanted to stay together as a team, but what they wanted was to play in other teams. So, that was what we went with. There's a handful of five-, six-, and seven-year-olds, and a couple of nine- and 10-year-olds playing in the junior girls with East Armidale. And at the Demon Knights [club], there are players in the senior teams, as well as some in the under sixes and under sevens."

Jean says while no stars are yet to emerge from the girls' ranks, "they're enjoying it, and that's what we want."

“They're enjoying it, and that's what we want.”



Volunteer Profile Jess Schmidt

Jess Schmidt's course work for a master's degree in Development and Humanitarian Action taught her all about the theory of refugee resettlement. But it's been her time as a volunteer and then an intern with SSI that has taught her about the reality.

Through her connection with SSI since 2018, Jess has worked closely with members of the Ezidi community, gaining an understanding of both their challenges – and triumphs – as they adapt to life in their new home.

"I have been able to see what I have been learning about in my degree put into practice," says Jess, who grew up in Armidale. "Sometimes the theory works, and sometimes it doesn't, and you have manoeuvre around or try a new approach. I have learned so much about engaging with the community and about the Ezidi."

Jess's involvement with the Ezidi community began in mid 2018 when, via SSI, she began volunteering with an eight-member family, helping them to practise their English and providing emotional support. "I would go to their house twice a week and we would have conversations," she says. "I would go over some of their TAFE work with them and if there was anything they didn't understand I would help. I think it made a difference knowing that they had someone in the community that they could connect with – someone that they trusted and who they could talk to and be quite open with."

Jess says the relationship had two-way benefits. "I found the Ezidi to be really open and accepting as well, especially as a young woman," she says. "They obviously have suffered trauma and have some issues, but it's always very positive when I'm around this community."

Since January 2019, Jess has worked as an intern with SSI in Armidale, helping Community Engagement Coordinator Sam Airs liaise with community stakeholders. "I've learned a lot from Sam, watching how she talks to people and opens networks, which I think is pretty fundamental to regional settlement."

“I have learned so much about engaging with the community and about the Ezidi”

All in for Armidale: A whole-of-community approach to Ezidi settlement

Settlement Services International

Vision and values

SSI's vision is to achieve a society that values the diversity of its people and actively provides support to ensure meaningful social and economic participation and to assist individuals and families to reach their potential.

Social Justice

Equity and access to all

Diversity

Respecting diversity and being non-discriminatory

Compassion

Caring, empathy and respect for the dignity of others

Respect

Cooperation and mutual respect

Quality

Dynamic, flexible and responsive service

Ethics

Professional practices and accountability

Innovation

Commitment to partnerships and excellence



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LGNSW 2021 Annual Conference Motions Submission Guide

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LGNSW Annual Conference Motions Submission Guide

1. Introduction

The Local Government NSW (LGNSW – the “Association”) Annual Conference is the pre-eminent policy making event for the local government sector. Resolutions of Conference help determine the policies and priorities for LGNSW and the sector. It is a key event for local government where councillors come together to share ideas and debate issues that shape the way the sector functions and is governed.

LGNSW member councils are invited to submit motions to the Conference to advance the sector wide policy agenda. Motions are strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions.

This guide outlines the process for councils to submit motions for LGNSW's Annual Conference.

2. Deadlines

Members are encouraged to submit motions [online](#) by **12 midnight (AEST) on Monday 27 September 2021** to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Sunday 31 October 2021** (28 days prior to Conference).

3. Criteria for motion submission

The LGNSW Board has resolved that motions will be included in the Business Paper for the Annual Conference only where they:

1. are consistent with the objects of the Association (see Rule 4 of the Association's [rules](#)),
2. relate to local government in NSW and/or across Australia,
3. concern or are likely to concern local government as a sector,
4. seek to advance the local government policy agenda of the Association and/or improve governance of the Association,
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws),
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Council members are encouraged to review [Action Reports](#) (on the member only pages of the LGNSW website) from previous Conferences and the [LGNSW Policy Platform](#) before submitting motions for this year's Annual Conference to ensure the proposed motion wording reflects any recent developments and does not duplicate existing positions..

4. How to write a motion

Motions adopted at the Annual Conference inform LGNSW's advocacy actions on behalf of the local government sector. LGNSW includes the exact wording of motions when writing to ministers, departments and agencies post-conference and so it is important that the wording of motions clearly outlines your council's policy intent or objective.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific department or minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

Examples of clearly-worded Annual Conference motions:

Minister for Rural and Regional NSW

That LGNSW lobbies the NSW State Government to appoint a Minister for Rural and Regional NSW with suitable resources to undertake meaningful representative activities.

Natural Disaster Funding, Day Labour

That LGNSW requests the Australian and NSW governments reinstate the claimable expense for the use of council staff during their normal working hours to attend to natural disaster relief and recovery funded works and reverse the present policy that effectively requires the mandatory use of contractors for recovery works.

Companion Animal Act matters

That LGNSW advocates that the NSW Government takes the following steps to improve the management of companion animals:

- establish an integrated on-line statewide registration process as an improved service to companion animal owners;
- resolve difficulties with the *Companion Animals Act 1998* definition of an "Authorised Officer", by using the definition contained in the *Impounding Act 1993* as the definition in both Acts, allowing councils choice in the business model for its area; and
- review the dismissal of charges under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in relation to offences under the *Companion Animals Act 1998*.

For more examples see Business Papers from [past Conferences](#) on the LGNSW website.

5. Demonstrating evidence of council support for motion

The member submitting the motion must provide accompanying evidence of support for the motion. Such evidence may include an attachment note or extract from the minutes of the council meeting, at which the member council resolved to submit the motion for consideration by the Conference. In the absence of a council meeting, the evidence should be a letter signed by both the Mayor and General Manager.

LGNSW has developed a template council report for members to use to resolve at their own council meetings to submit motions to LGNSW for Conference at **Attachment B** of this Guide.

6. How to submit a motion

LGNSW members are invited to submit motions through an [online portal](#) from **12 July 2021**.

Each motion submission should include responses to the following fields:

1. **Council name**
2. **Contact details** of relevant officer
3. **Motion category** (e.g. *planning, economic, environment etc. This assists with assigning motions to the relevant policy staff and grouping related motions in the Conference Business Paper.*)
4. **Motion title** (a few words)
5. **Motion** (a sentence or two which includes the call to action)
6. **Background note** (a paragraph or two to explain the context and importance of the issue to the local government sector)
7. **Evidence of council support** for the motion (e.g. *extract of council meeting minutes*)

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission.

7. How LGNSW manages incoming motions

The LGNSW Board has established a committee and delegated the function of managing incoming motions for the Annual Conference to this committee. The Chief Executive will refer motions to the committee and the committee will assess whether the motion meets or doesn't meet the criteria or if it is unclear whether it meets the criteria and will make the final decision on inclusion of motions into the Annual Conference Business Paper.

Prior to the committee making a final decision, LGNSW may contact the council that submitted the motion to seek clarity on its intent or wording.

Incoming motions which seek to change any long-held Fundamental [Principles](#), will be highlighted in the Business Paper for members' information at time of voting.

Motions which are consistent with current LGNSW actions or existing LGNSW positions, or that are operational and can be actioned without a Conference resolution, may still be printed in the Business Paper but will not be debated at the Annual Conference.

8. What happens to motions at the LGNSW Annual Conference

Standing orders are outlined at the front of the Business Paper and adopted at the commencement of each Annual Conference. They outline the manner in which the Conference deals with motions. The standing orders adopted at the 2019 Conference can be found in **Attachment A**.

During debate on motions at Conference, the standing orders generally permit councillor delegates to speak in support of or against each motion. Following a vote on a motion, the motion is either carried and then becomes a resolution of the Annual Conference, or the motion is defeated.

9. Post-conference: Updates to the LGNSW Policy Platform

LGNSW's [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. Importantly, the Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform consists of two parts: LGNSW's Fundamental Principles, and the more targeted Position Statements.

- **Fundamental Principles** are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at the Annual Conference.
- **Position Statements** contain LGNSW's more detailed positions on specific issues and guide LGNSW's work on, and response to, policy issues of the day. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise.

Changing Fundamental Principles

Where a motion conflicts or may conflict with a Fundamental Principle, this will be clearly highlighted for delegates in the Conference Business Paper. If the motion is adopted as a resolution at Conference, then the relevant Fundamental Principle will be changed.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector.

Changing Position Statements

Following each Annual Conference, LGNSW will review resolutions of that Conference to determine whether the intent of each resolution is adequately covered by existing Position Statements. Where the Position Statements do not adequately include the intent of a resolution, LGNSW will update an existing Position Statement or draft a new Position Statement, to be endorsed by the LGNSW Board as part of the LGNSW Policy Platform.

LGNSW members will be informed of updates to the LGNSW Policy Platform.

10. Post-conference: Determining LGNSW Advocacy Priorities

Following the LGNSW Annual Conference, LGNSW will review the resolutions and identify key areas of focus to guide LGNSW's advocacy for the coming year. These areas of focus will also be informed by member feedback, the LGNSW strategic plan, position statements, emerging issues, and Board input.

This broad review will result in the development of LGNSW's Advocacy Priorities for the following year, for endorsement by the LGNSW Board and communication to members.

As LGNSW undertakes advocacy actions on each of the Conference resolutions throughout the year, these actions and their outcomes will be published in LGNSW's Action Report ([past Action reports](#) are available on the member only pages of the LGNSW website).

11. Further information

For further information on the motion submission process, please contact Beau Reid, Policy Officer at beau.reid@lgnsw.org.au.

Frequently Asked Questions

- **How do I know if my proposed motion is consistent with existing LGNSW policy positions?**

The subject matter expert within council is best placed to identify this (for example, if the motion relates to a planning matter, this question should be answered by the Planning Manager). Subject matter experts are encouraged to review LGNSW's [Policy Platform](#) to gain an understanding of LGNSW's position on a particular matter to help identify whether your proposed motion is consistent.

- **What is the deadline for submitting motions?**

Members are encouraged to submit motions [online](#) by **12 midnight (AEST) on Monday 27 September 2021** to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight AEST on Sunday 31 October 2021** (28 days prior to Conference).

LGNSW can receive more than 300 motions for an Annual Conference. Submitting motions as early as possible helps LGNSW to manage the large volume of motions received within a short period of time and allows LGNSW to seek clarification on any motions if required.

- **I'm unsure which motion category or sub-category I should select in the online portal**

If you are unsure, just select the category you think best fits. LGNSW can reallocate the motion if necessary.

- **Who should be the council contact for motions?**

We recommend the council contact is someone who is available during the months that motions are open, and able to respond promptly to communications between the subject matter expert, your council and LGNSW. Some councils have identified the General Manager and others have identified the Governance Officer – it is a decision for each council.

- **Will the COVID-19 pandemic affect the motions process?**

The LGNSW Annual Conference motions process is an important policy setting process for the local government sector. The Annual Conference will follow government guidelines on safe events and social distancing. In 2020, the LGNSW conference was held online due to COVID-19 health and safety orders and delegates had the opportunity to debate motions during the conference.

- **How can I amend my council's motion that I've already submitted?**

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission. If you need to edit a submitted motion, please contact Beau Reid, Policy Officer at beau.reid@lgnsw.org.au. You may need to provide evidence of support for the change (see section 5).

Attachment A – Excerpt of LGNSW 2019 Annual Conference Standing Orders

The 2020 Annual Conference was held wholly online and as such the standing orders differed substantially from past years. The 2019 standing orders are below as a guide.

Manner of dealing with Conference Business

11. Conference Business will be dealt with in any order at the discretion of the Chairperson.
12. Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.

In the case of motions

13. The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.
14. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded.
15. If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.
16. Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.
17. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.
18. The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:
 - a. limit repetition of matters addressed by other speakers;
 - b. limit debate about matters or issues not genuinely disputed.
19. Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, shall have had an opportunity to speak on the resolution then before the Conference.
20. A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;
 - a. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and
 - b. Despite any clause to the contrary, 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.
21. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.
22. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.

23. *No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.*
24. *The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.*

New motions from the floor of Conference

25. *At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).*
26. *Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.*
27. *The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.*

Motions that reflect existing LGNSW policy

28. *Motions submitted for inclusion in the Business Paper to the Conference which reflect existing LGNSW policy (Category 2 motions) shall remain existing LGNSW policy unless superseded or replaced by a subsequent Conference resolution.*

In the case of all other Conference Business

29. *All other Conference Business will be dealt with at the discretion of the Chairperson.*

Manner of voting

30. *Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.*
31. *Except as hereinafter provided voting on any matter shall be on the show of cards.*
32. *The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.*
33. *After a show of voting cards or on conclusion of an electronic vote the Chairperson may either:*
a. declare the question resolved in the affirmative or negative; or
b. if voting cards have been used, call for a new vote using electronic voting.
34. *A Division may be called following a vote on the show of cards by no less than 10 Delegates.*
35. *A Division will be taken by use of electronic voting.*

Suspending Standing Orders

36. *Standing Orders may be suspended by a majority of those present, provided the meeting is in quorum. A motion to this effect shall be open to debate.*

Outstanding business

37. *In the event that the Conference, having commenced in quorate, subsequently loses a quorum and is unable to consider any item(s) of business properly put before the Conference, they shall be referred to the Association's Board for consideration.*

Attachment B – Template – Council Meeting Report

Item number	XX	Division	XX
Responsible officer	XX	Confidentiality	XX
Date	XX	Reference	XX
Subject	2021 Local Government NSW Annual Conference		

Purpose of report/summary

To provide Council with the opportunity to nominate motions, voting delegates and attendance for the upcoming Local Government NSW (LGNSW) Annual Conference.

Overview

The 2021 LGNSW Annual Conference will be held from 28-30 November 2021 at the Hyatt Regency Hotel in Sydney. LGNSW is asking councils to also reserve Monday 20 December 2021 for continuation of the Conference online (if required). This year is a Board election year and if the Australian Electoral Commission (AEC) requires the election to be conducted by postal ballot due to COVID-19 (instead of in-person at the Conference) the reserve date will be used to announce and introduce LGNSW's new Board members.

The LGNSW Annual Conference is the pre-eminent policy making event for the local government sector. Delegates will vote on motions which help determine the policies and priorities for LGNSW and the sector. It is a key event for local government where councillors come together to share ideas and debate issues that shape the way the sector functions and is governed.

For Council to participate fully in the Annual Conference, it is recommended the Council register attendees, nominate voting delegates and submit motions for debate within the timeframes specified in this paper.

Registration to attend the Conference

Conference attendees are invited to register from 27 July 2021.

- Early bird registration rate is \$890 ex GST and applies if you register and pay by 11 October 2021
- Standard registration rate is \$995 ex GST for all registrations made between 12 October and 12 November 2021.

The following optional events are available to attendees at an additional cost:

- Conference Dinner - \$160 ex GST per delegate
- Councillor Training Workshops - \$50 ex GST per delegate
- ALGWA Breakfast - \$70 ex GST per delegate
- Welcome Reception - \$85 ex GST per delegate

Accommodation has been secured at the Hyatt Regency Hotel, with rooms accommodating up to two people incurring a cost from \$330 per night for two nights.

Registration as a voting delegate

Voting delegates must be registered to attend the Conference and also be registered as a voting delegate.

[IF COUNCIL IS AN ORDINARY MEMBER OF LGNSW]

Confirmation has been received from LGNSW that Council is entitled to have XX voting delegates for voting on motions and XX voting delegates for voting in the election for Office Bearers and the Board.¹

It is proposed that Council:

¹ Find your council's voting entitlements via the Annual Conference page of the LGNSW website: lgnsw.org.au.

- (i) register the Mayor and [XX number] Councillors to attend the Conference;
- (ii) nominate [XX number] Councillors as the Council's nominated voting delegate(s) for voting on motions, comprising of:
 - 1) Cr XX (Mayor)
 - 2) Cr XX
 - 3) Cr XX
 - 4) Cr XX
 - 5) (continue until voting entitlement is exhausted)
- (iii) nominate [XX number] Councillors as the Council's nominated voting delegate(s) for voting in the Board election, comprising of:
 - 1) Cr XX (Mayor)
 - 2) Cr XX
 - 3) Cr XX
 - 4) Cr XX
 - 5) (continue until voting entitlement is exhausted)

[IF COUNCIL IS AN ASSOCIATE MEMBER OF LGNSW]

Confirmation has been received from LGNSW that Council is entitled to have **XX²** voting delegates for voting on motions.

It is proposed that Council:

- (i) register the Mayor and [XX number] Councillors to attend the Conference;
- (ii) nominate [XX number] Councillors as the Council's nominated voting delegate(s) for voting on motions, comprising of:
 - 1) Cr XX (Mayor)
 - 2) Cr XX
 - 3) Cr XX
 - 4) Cr XX
 - 5) (continue until voting entitlement is exhausted)

The deadline to provide LGNSW with the names of voting delegates is **5pm (AEDT) on Tuesday 2 November 2021**. Additional nominations submitted after the closing date cannot be accepted. However, the names of voting delegates submitted for voting on motions prior to the cut-off date may be substituted at any time, in line with Rule 34(b) of the LGNSW Rules.

Voting delegates may not appoint a proxy to attend or vote at formal business sessions on their behalf (absentee/proxy voting is only available for voting in elections for Office Bearers and the Board).

Conference Motions Submission Guide

Council is invited to submit motions for possible debate at the Annual Conference to advance the sector wide policy agenda. Motions are strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions.

Important information on the motions process, including submitting motions, motion criteria and a sample submission form are available in the *LGNSW 2021 Annual Conference Motions Submission Guide* at Attachment XX.

Deadlines

² Find your council's voting entitlements via the Annual Conference page of the LGNSW website: lgnsw.org.au.

Members are encouraged to submit motions online by **12 midnight (AEST) on Monday 27 September 2021** to allow assessment of the motions and distribution of the Business Paper before the Annual Conference. However, in line with the LGNSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight (AEDT) on Sunday 31 October 2021**.

Draft motions for consideration for LGNSW Annual Conference

Having regard to the above motion requirements set out by the LGNSW Board, the following draft motions are provided for consideration by Council:

Proposed motion 1

Motion category

Motion title

Motion background note

Proposed motion 2

Motion category

Motion title

Motion background note

{please repeat for the number of proposed motions required}

Recommendations

1. Approve registration of the Mayor and [XX number] other Councillors to attend the 2021 LGNSW Annual Conference
2. Determine the Council's nominated voting delegate(s) for voting on motions at the 2021 LGNSW Annual Conference.
3. Determine the Council's nominated voting delegate(s) for voting in the election for Office Bearers and the Board of LGNSW [IF APPLICABLE]
4. Adopt the proposed motions for submission to the 2021 LGNSW Annual Conference Business Paper
5. Determine any additional motions for submission at this meeting
6. That the Mayor be given delegated authority to submit any further proposed motions after consulting with Councillors prior to the deadline for submitting motions.

ORDINARY MEETING OF THE COUNCIL

January 20, 2022

ITEM 5BROKEN HILL CITY COUNCIL REPORT NO. 19/22

SUBJECT: E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT - PROGRESS
UPDATE D22/2439

Recommendation

1. That Broken Hill City Council Report No. 19/22 dated January 20, 2022, be received.
2. That Broken Hill City Council note the progress update of capital project E.P O'Neill Memorial Park Redevelopment.
3. That Council note the Councillor induction process includes a tour of all Council facilities/assets and major projects and that these will be scheduled in February at a time convenient with all Councillors.
4. That a workshop be held with Barnson Pty Ltd and Councillors as part of the face-to-face consultation scheduled for February 2022 to review the draft technical designs.

Executive Summary:

At the Extraordinary Council Meeting held on Wednesday 12 January 2022, Council resolved the following:

That the General Manager be invited to provide Council with a report at the on the progress of the Netball, Norm Fox redevelopment and a tour is organised for Councillors to see all Council parks, ovals and sporting facilities.

The purpose of this report is to provide a progress update on this matter.

The E.P. O'Neill Memorial Park site is a multi-functional hub which provides facilities for a diverse mix of sporting and recreational usage. Council plans to expand the efficiencies and connectivity of the facilities through enhanced sporting amenities, pathways, shared use of parking and services.

The Precinct Concept E.P O'Neill Memorial Park Redevelopment Plan focuses on four main elements:

- Reconstruction of the O'Neill Netball Courts
- Car parking, accessibility and landscape areas to E.P O'Neill Memorial Park
- Norm Fox Cricket Oval enhancements
- O'Neill Soccer Complex upgrades and enhancements

Report:

The E.P. O'Neill Memorial Park site is a multi-functional hub which provides facilities for a diverse mix of sporting and recreational usage. Council plans to expand the efficiencies and connectivity of the facilities through enhanced sporting amenities, pathways, shared use of parking and services.

In June 2020 Council engaged Environmental Partnership (NSW) Pty Ltd to undertake consultation and assessment of the current site and provide a concept design and preliminary costings to achieve Council's overall vision for this site. This concept design and preliminary costings supported a grant funding application, of which Council successfully obtained funding through the Resources for Regions Program to a total value of \$1,993,583.00.

In May 2021, to further progress the project, Council engaged Public Works Advisory to Project Manage both the Design and Construction Tenders. During this same period Council endorsed to establish a Governance Framework to include a Project Steering Group (PSG), a Project Control Group (PCG) and a Project Delivery Team (PDT). (PSG Terms of Reference Attached)

PROJECT STEERING GROUP (PSG)

Provide guidance to the project

Mayor, Deputy Mayor, General Manger, Group Manager Infrastructure and Projects, Projects Officer, Community Representatives from each Broken Hill Soccer Association, Broken Hill Tennis Association Inc., Broken Hill Netball Association, Barrier District Cricket Association, Aboriginal Working Party, Disability Inclusion Action Plan Monitoring Group, Youth

PROJECT CONTROL GROUP (PCG)

Responsible for detailed planning, design and implementation of project and reports

Public Works Advisory, Key Council Staff including GM, Group Manager Infrastructure and Projects, Projects Officer, Manager Communications, Business Systems Analyst, City Growth Coordinator, Coordinator Parks & Open Spaces, Leading Hand Carpenter & Joiner and a representative from the Strategic Asset Management Team.

PROJECT DELIVERY TEAM (PDT)

Manages the day to day running of the project

Group Manager Infrastructure and Projects, Projects Officer, Manager Communications

In November 2021, Council engaged Barnson PTY LTD to complete technical designs for all aspects of project as outlined in Environmental Partnerships concept design from 2020 \$437,855.00 (including GST).

This report is to provide Council with a progress update of the status of the E.P O'Neill Memorial Park Redevelopment project.

Key activity	Planned commencement date	Planned completion date	Actual commencement date	Actual completion date
Tender design documentation completion	August 2021	September 2021	August 2021	September 2021
Tender assessment completion	July 2021	October 2021	October 2021	October 2021

Council approvals	October 2021	November 2021	October 2021	November 2021
Award Design Consultancy	November 2021	November 2021	November 2021	November 2021
Receive preliminary designs	January 2022	January 2022	December 2021	N/A
Accept final design	February 2022	February 2022	N/A	N/A
Tender for construction stage	April 2022	April 2022	N/A	N/A
Construction start stage	June 2022	December 2022	N/A	N/A

Community Engagement:

Community consultation has previously been completed during the development of the Concept Design with representatives each from the Broken Hill Soccer Association, Broken Hill Tennis Association Inc., Broken Hill Netball Association and Barrier District Cricket Association. Representatives of each of the associations consulted with will be included on the Project Steering Group to ensure the final project meets the expectations and needs of the relevant user groups.

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.4	Our built environment supports our quality of life
Strategy:	1.4.3	Develop Council assets to promote outdoor recreation, exercise and mobility for families

Relevant Legislation:

Local Government Act 1993

Financial Implications:

The total indicative pricing of the project, as indicated within Environmental Partnership's concept design plan is \$12,870,508.80.

Stage 1 of the project is budgeted for a total of \$3,200,000 which includes Council's \$1,206,417 contribution and grant funding of \$1,993,583 through the Resources for Regions Program.

Expenditure to date amounts to \$64,729, which includes Concept Design by Environmental Partnership and staged payments made to Public Works Advisory and Barnson PTY LTD for work completed.

Attachments

1. E. P O'Neill Memorial Park Redevelopment - Final Concept
[↓](#)
2. E. P O'Neill Memorial Park Redevelopment - Terms of Reference - Project Steering
[↓](#) Group

CODIE HOWARD
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL
GENERAL MANAGER



INTRODUCTION

In August 2020 Council appointed Environmental Partnership (EP) to prepare concept options for particular facilities within the E P O'Neill Memorial Oval precinct.

Council have since carried some initial consultation on the preferred concept plan with the current sporting groups using the precinct.

This report provides a summary of the work in the preparation and production of the precinct concept plan.

PURPOSE

The concept plan is envisaged as the first step towards developing the E.P O'Neill Memorial Oval precinct over the future years subject to funding. The development of the concept plan aims to :

- Enable council to apply for funding grants
- Address the need for multi-purpose facilities catering for various sports and informal recreation needs to justify expense of maintenance costs of the precinct.
- Council are managing a lot of open space with reduced budgets and the preferred approach is to focus on 'Quality over Quantity'
- Investigate options for alternative layouts for existing Netball Cricket facilities and shared carparking.

STUDY AREA



Existing Site Layout

PROJECT SCOPE



LEGEND	
1	Fenced BMS track area retained as-is
2	Tennis courts and building retained as-is
3	Netball court building retained as-is
4	Courts reconstruction (Option 1- current foot print of 10 courts/ Option 2- 6 rows x 2 total 12 courts configuration) new lights, fence and shaded seatings around the court
5	Entry to net ball, tennis and Norm fox cricket oval
6	Possible exit from carpark through Iodide lane to Iodide st
7	foot bridge connecting Norm Fox and netball/ tennis
8	Norm Fox oval building to be retained as-is
9	Norm Fox oval shed & toilets to be retained as-is
10	BIU band hall building - <i>Retained As-is</i> * Confirmed at Inception Meeting. Refer meeting notes
11	Soccer oval building retained as-is
12	Soccer oval shed and surrounding children's soccer ground retained as-is
13	Foot bridge connecting Norm Fox cricket oval and O'Neil soccer oval
14	Soccer oval shade seating to eb retained (incl. allowance for upgrade)
15	Service entry from Bagot st to O'Neil soccer oval
16	Lights for both upper level & lower level soccer ovals
C1	Potential shared carpark areas for tennis & netball
C2	Shared car park area for Norm Fox cricket & O'Neil soccer oval
Signage & lighting	Allowance for signage and lighting across all areas of precinct
Norm Fox Oval	As per brief: <ul style="list-style-type: none">• oval layouts considering cricket, soccer, baseball oval configurations and potential rugby playing field. Note: current two pitches will need to change to only one cricket pitch• Cricket practice nets x 2.• oval lighting and layouts.• looping path network around the perimeter of oval with potential seating nodes.

SITE REVIEW - EXISTING LAYOUT



Precinct Concept Plan - E.P. O'Neill Memorial Park — August/Dec 2020

Precinct Area:

Approx 14.27 ha

Key Dimensions:

455m H x 400m W (longest)

455m H x 255m W

LEGEND

- Study area boundary
- Cadastral lot boundaries
- Sportsfield/irrigated grass
- Sealed carpark - asphalt
- Unsealed carpark area
- Street
- Sports Courts
- BMX area - not in scope
- Existing Amenity Building/ shed to be retained
- Concrete drainage channel
- Drainage Swale
- Existing site furniture - shelters, seats, bins, taps
- Water tank
- Existing fence/barrier - various types/heights
- Existing gates
- Existing trees
- Sports lighting
- Street light



ep

SITE REVIEW - OBSERVATIONS & OPPORTUNITIES



Key Observations:

- The precinct facilities are divided into 3 distinct areas by drainage channels.
- Facilities are further segregated by fenced sports facilities and separate club/amenities buildings.
- Few facilities are available for general public use ie Norm Fox Oval is accessible, whilst other sports are gated/fenced/ locked outside of club use times.
- No dedicated pedestrian path access or defined routes throughout the precinct connecting facilities.
- There are a number of areas of residual or underutilised space that provide opportunity for alternative/informal recreation uses, reconfiguration of areas to allow shared use of parking and better connections.

SITE PHOTOS



Facilities - Sports



Facilities - Amenities for users / spectators/ visitors (Norm Fox Oval)



- Existing shelters, seatings, bins
 - older style facilities
 - bins needs replacing, in poor state / or not functional
 - location of facilities in relation to existing sports layout

SITE PHOTOS



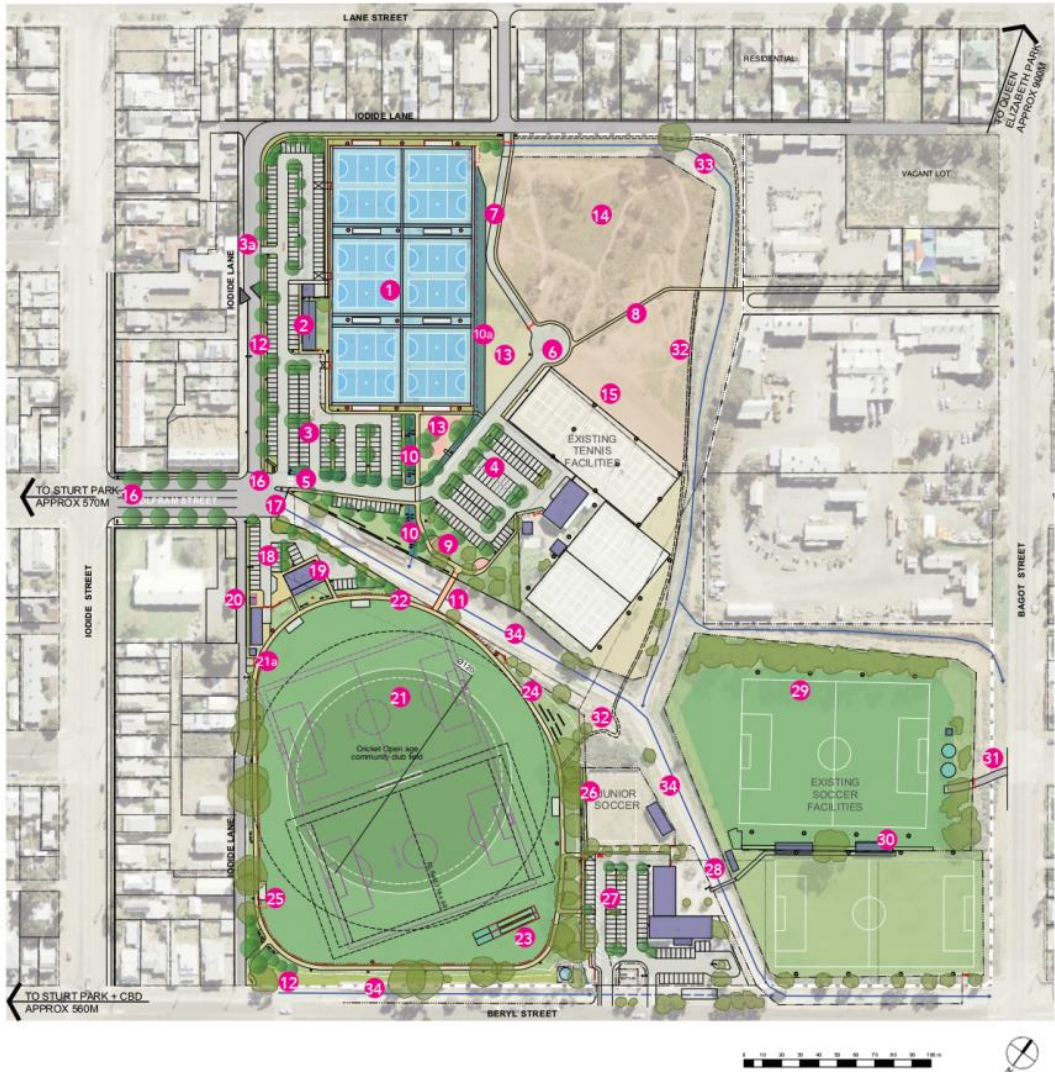
Entries and parking



Edges and Boundary Conditions



PREFERRED CONCEPT (OPTION 3)



Precinct Concept Plan - E.P. O'Neill Memorial Park — August/Dec 2020

Key

- 1

Netball Courts - extended to 12 Courts with court lighting - all runoff, circulation and space for shelters to Netball Australia Guidelines.
- 2

Existing Netball Club building retained as-is
- 3

Shared carparking*:
Netball/Tennis/Norm Fox Oval - reconfigured parking area, integrate shade tree and median planting and provision for emergency access to courts, lighting and CCTV
- 3a

Potential new exit from carpark onto Iodide Lane
- 4

Tennis carpark area extended and shade tree planting integrated, lighting and CCTV
- 5

Entry Road - realigned and widened road, potential for drop-off zone
- 6

Turning circle - service vehicle and bus use
- 7

Potential future one-way access road to entry/exit on Iodide Lane/Lane Street - controlled access gates
- 8

Potential future pedestrian/cycle path link to the east/Bagot Street, formalise crossing over swale
- 9

New pocket park for shared use, integrate access path link to Norm Fox Oval/Soccer precinct, picnic facilities, potential small play elements publicly accessible
- 10

Existing Drainage swale regraded as necessary
- 10a

New drainage swale to cater for netball courts
- 11

New pedestrian bridge connection, 3m wide
- 12

Buffer planting to boundary - low native shrub/groundcover and shade tree
- 13

Space for future recreational use - adventure play area, multi-purpose hard court publicly accessible
- 14

Existing BMX site to be remediated - potential for alternative recreational use or remodel tracks for BMX use - (future works)
- 15

Potential for overflow parking on event days - site remediation required
- 16

Wolfram Street Entry signage and streetscape improvement, wayfinding signage including at Iodide lane entries
- 17

Retain stormwater flowpath to drainage channel
- 18

Cricket Club carpark - formalise, retain emergency access route to oval, lighting
- 19

Cricket clubhouse retained as is - potential to extend building footprint for additional changeroom facilities
- 20

Potential to relocate toilets with 'Exeloo' or similar unit including accessible toilet.
- 21

Norm Fox Multi-purpose Oval - 1 x Synthetic cricket wicket, soccer and rugby field layouts and sportsfield lighting
- 21a

Sportsfield fencing (900mm high min) to perimeter adjacent street frontage
- 22

Loop path (2.4m wide) with seating nodes
- 23

Cricket practice nets (2 no.). Install section of ball stop fence on perimeter to mitigate potential for balls being hit onto road
- 24

Viewing mound - integrate low seat walls to improve spectator amenity
- 25

Replace existing shelters and bench seating
- 26

Replace worn turf areas with circulation space and spectator seating west side of Junior Soccer
- 27

Shared Carparking*: Reconfigure and minor extension to carpark to allow minimum aisle widths to standard with 90 degree angle parking, lighting retained/upgraded, CCTV
- 28

Soccer fields pedestrian bridge access to be replaced with wider/accessible bridge
- 29

Soccer fields lights to be upgraded
- 30

Team/Spectator shelters to be refurbished/upgraded
- 31

New emergency/service vehicle access point to Lower oval - detailed survey required to review levels and assess impacts on existing embankment
- 32

Potential future recreation trail loop with new crossing over channel
- 33

Existing drainage swale
- 34

Concrete lined drainage swale - potential future project to include improvements to infrastructure for water quality, erosion control and revegetation of embankments

*Accessible car spaces not shown on plan. (As per BCA guidance Minimum 1 space per 100 spaces. Space dimensions as per AS2890.6 min 2.4 x 5.4m with additional shared space 2.4m width)

LEGEND

- Study area boundary
- Cadastral lot boundaries
- Sportsfield/irrigated grass
- Netball Courts - refurbished & new courts incl circulation space
- Existing Amenity Building/ shed to be retained as-is
- Proposed new shelter
- Sealed carpark - asphalt
- Footpaths (concrete)
- Existing Concrete drainage channel
- Drainage Swale - existing & proposed
- Existing Water tank
- Existing fence/barrier - various types/heights
- Proposed court / perimeter fencing
- Service/emergency access gates
- Existing Sports lighting
- Existing street/carpark light
- Proposed lighting - indicative position
- Proposed Entry & directional signage
- Proposed seating
- Existing trees
- Proposed trees

PREFERRED CONCEPT - ORDER OF PROBABLE COSTS

Summary costs from Order of Probable costs

The costs below provides an indication of overall implementation costs for the concept proposals. Refer detailed costing for further information and items excluded from costing.

No.	Item	Quantity	Unit	Rate	Cost
Netball (Tennis) Precinct - north side of drainage channel					
1.0	Preliminaries				\$1,709,289.20
2.0	Demolition and Earthworks				\$503,540.00
3.0	Environmental Works				\$61,775.00
4.0	Access and Parking works				\$2,660,355.00
5.0	Amenities				\$0.00
6.0	Netball Courts upgrades /extension				\$1,527,800.00
7.0	Drainage - / WSUD swales				\$551,875.00
8.0	Facilities & Furniture				\$432,500.00
9.0	Planting Works				\$151,045.00
10.0	Establishment				\$30,000.00
Total - Contruction Works (Items 2 to 11)					\$5,918,890.00
TOTAL ALL ITEMS - INCL PRELIMS					\$7,628,179.20

No.	Item	Quantity	Unit	Rate	Cost
Norm Fox Oval Precinct + Soccer					
1.0	Preliminaries				\$1,171,759.60
2.0	Demolition and Earthworks				\$278,850.00
3.0	Environmental Works				\$0.00
4.0	Access and Parking works				\$1,058,550.00
5.0	Amenities				\$0.00
6.0	Norm Fox Oval Refurbishment				\$1,542,370.00
7.0	Soccer Facilities upgrades				\$660,000.00
8.0	Facilities & Furniture				\$465,000.00
9.0	Planting Works				\$35,800.00
10.0	Establishment				30000
Total - Contruction Works (Items 2 to 11)					\$4,070,570.00
TOTAL ALL ITEMS - INCL PRELIMS					\$5,242,329.60

PRECEDENT IMAGES



Precinct Entry Statement signage



Directional Signage



Accessible toilet facilities - Exeloo or similar



Opportunities for Outdoor Fitness facilities - dynamic and static equipment



Loop path to sportsfield



Water refill station



Netball courts refurbished/extended with shelters



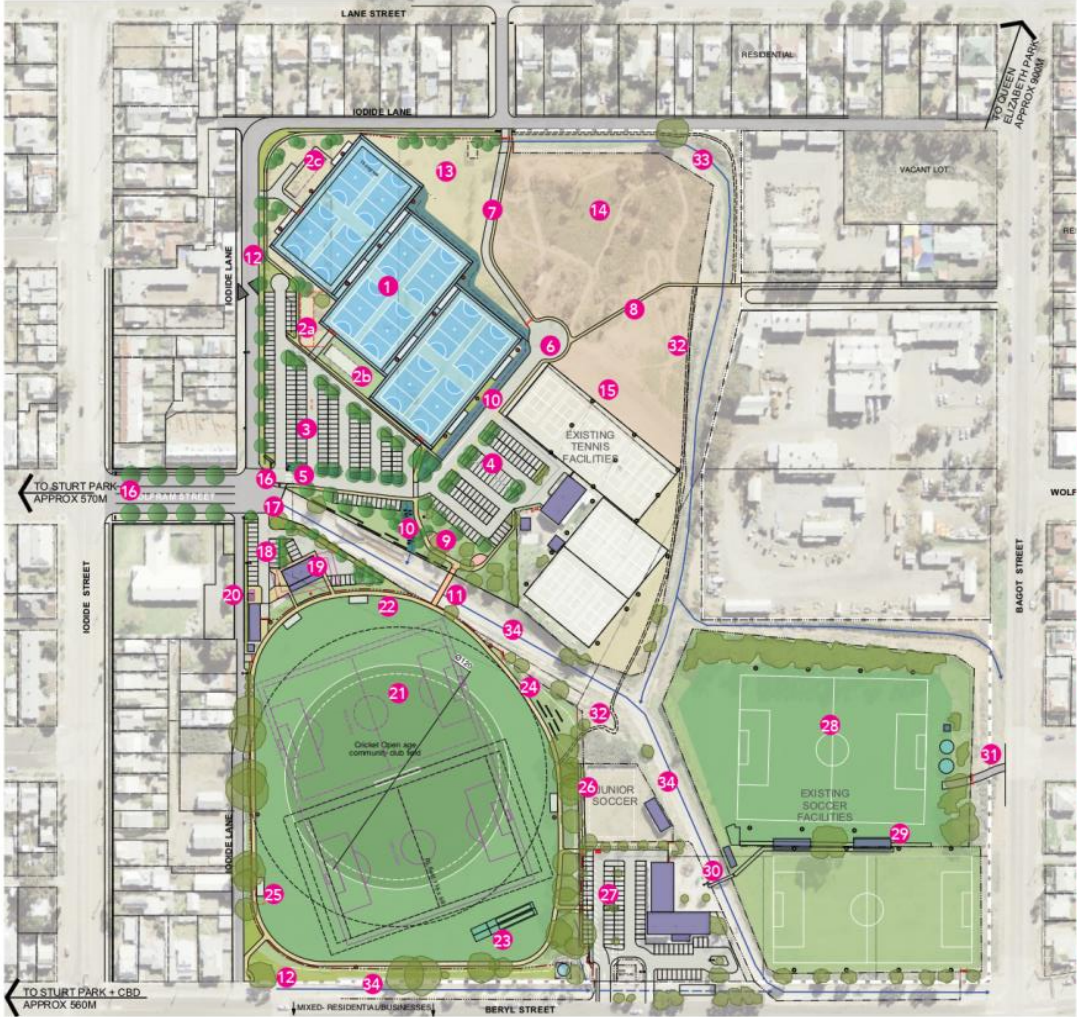
Shelters - teams and spectators/visitors



Future opportunities for more publicly accessible Informal recreation to be integrated within precinct and potential to include public art

Precinct Concept Plan - E.P. O'Neill Memorial Park — August/Dec 2020

OPTIONS DEVELOPMENT - CONCEPT OPTION 1



Key

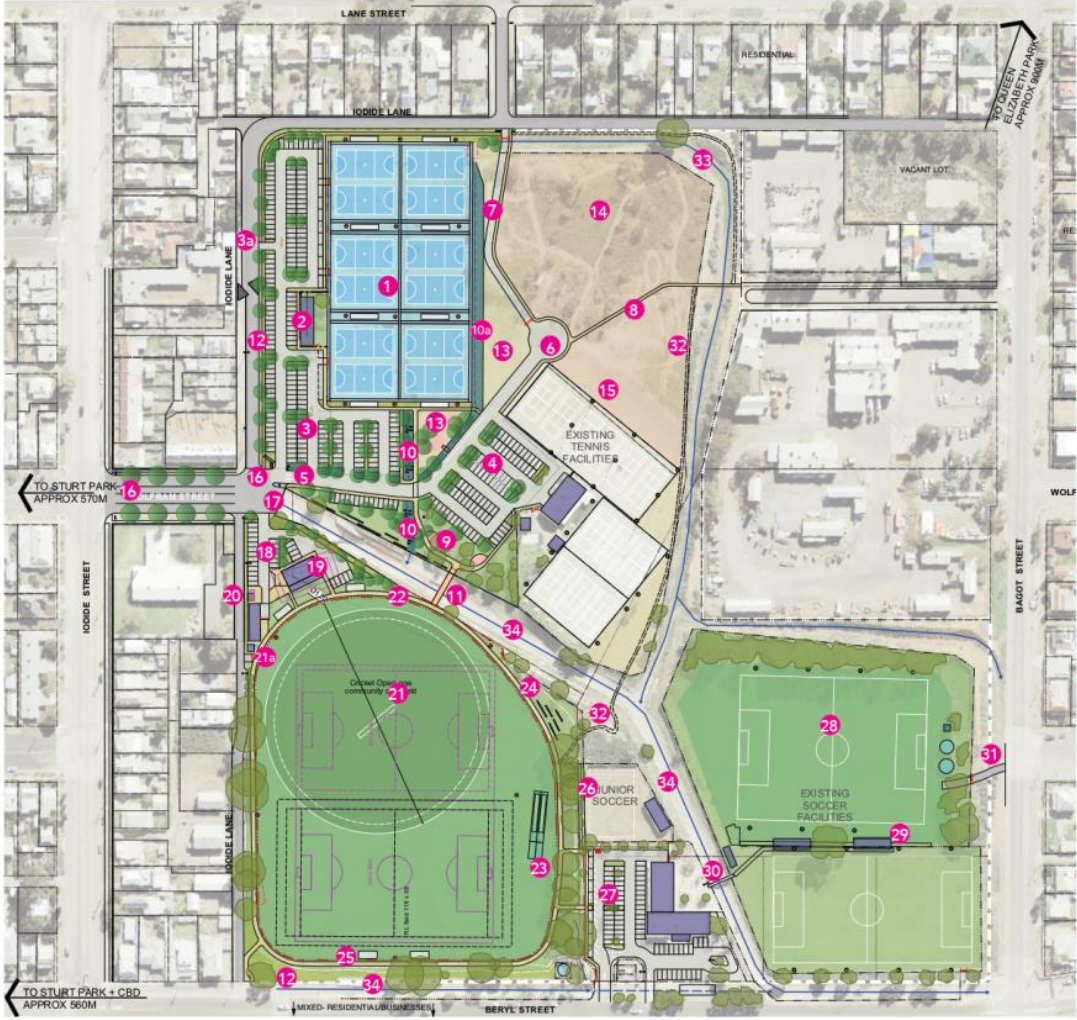
- 1 Reorientated Netball Courts with 12 Courts, and court lighting - all runoff, circulation and space for shelters to Netball Australia Guidelines.
- 2a Existing Netball Club building retained as-is or reposition as per 2b or 2c
- 2b Option for new club building location
- 2c Option for new club building location and emergency/service access to north/west boundary of courts
- 3 Shared carparking for Netball/tennis/ Norm Fox Oval - reconfigured parking area, integrate shade tree and median planting and provision for emergency to courts
- 4 Shared carparking area - Tennis carpark area extended and shade tree planting integrated
- 5 Entry Road - realigned and widened road, potential for drop-off zone
- 6 Turning circle - service vehicle and bus use
- 7 Potential future one-way access road to entry/exit on Iodide Lane/Lane Street - controlled access gates
- 8 Potential future pedestrian/cycle path link to the east/Bagot Street, formalise crossing over swale
- 9 New pocket park for shared use, integrate access path link to Norm Fox Oval/Soccer precinct, picnic facilities, potential small play elements publicly accessible
- 10 Drainage swale
- 11 New pedestrian bridge connection, 3m wide
- 12 Buffer planting to boundary - low native shrub/groundcover and shade tree
- 13 Space for future recreational use - adventure play area
- 14 Existing BMX site to be remediated - potential for alternative recreational use or remodel tracks for BMX use
- 15 Potential for overflow parking on event days - site remediation required
- 16 Wolfram Street Entry signage and streetscape improvement
- 17 Retain stormwater flowpath to drainage channel
- 18 Formalise carpark to Cricket Club, retain emergency access route to oval
- 19 Cricket clubhouse - potential to extend building footprint for additional changeroom facilities
- 20 Potential to replace toilets with 'Exeloo' or similar unit including accessible toilet
- 21 Multi-purpose Oval - 1 x Synthetic cricket wicket, soccer and rugby field layouts and sportsfield lighting
- 22 Loop path (2.4m wide) with seating nodes - inside boundary fence
- 23 Cricket practice nets (2 no.)
- 24 Viewing mound - integrate low seat walls to improve spectator amenity
- 25 Replace existing shelters and bench seating
- 26 Replace worn turf areas with circulation space and spectator seating west side of Junior Soccer
- 27 Reconfigure and minor extension to carpark to allow minimum aisle widths to standard with 90 degree angle parking, lighting retained
- 28 Soccer fields lights to be upgraded
- 29 Team/Spectator shelters to be refurbished/ upgraded
- 30 Pedestrian bridge to be replaced
- 31 New emergency/service vehicle access point to Lower oval - detailed survey required to review levels and assess impacts on existing embankment
- 32 Potential future recreation trail loop with new crossing over channel
- 33 Existing drainage swale
- 34 Concrete lined drainage swale - potential future project to include improvements to infrastructure for water quality, erosion control and revegetation of embankments



PRELIMINARY

PREPARED BY ep environmental partnership	PREPARED FOR BROKEN HILL CITY COUNCIL	CLIENT	TITLE Precinct Concept Plan - Option 1	PROJECT Precinct Concept Plan E.P. O'NEILL MEMORIAL PARK		SCALE 1:1000 @ A1 1:2000 @ A3	DATE Aug 2020	DRAWING 3121.CP01
				ISSUED FOR FOR DATE FOR DATE		ISSUE 1		

OPTIONS DEVELOPMENT - CONCEPT OPTION 2



Key

1

Netball Courts - extended to 12 Courts with court lighting - all runoff, circulation and space for shelters to Netball Australia Guidelines.

2

Existing Netball Club building retained as-is

3

Shared carparking for Netball/Tennis/ Norm Fox Oval - re-configured parking area, integrate shade tree and median planting and provision for emergency access to courts

3a

Potential new exit from carpark onto Iodide Lane

4

Shared carparking area - Tennis carpark area extended and shade tree planting integrated

5

Entry Road - realigned and widened road, potential for drop-off zone

6

Turning circle - service vehicle and bus use

7

Potential future one-way access road to entry/exit on Iodide Lane/Lane Street - controlled access gates

8

Potential future pedestrian/cycle path link to the east/Bagot Street, formalise crossing over swale

9

New pocket park for shared use, integrate access path link to Norm Fox Oval/Soccer precinct, picnic facilities, potential small play elements publicly accessible

10

Drainage swale

10a

New drainage swale for courts

11

New pedestrian bridge connection, 3m wide

12

Buffer planting to boundary - low native shrub/groundcover and shade tree

13

Space for future recreational use - adventure play area, multi-purpose hard court publicly accessible

14

Existing BMX site to be remediated - potential for alternative recreational use or remodel tracks for BMX use

15

Potential for overflow parking on event days - site remediation required

16

Wolfram Street Entry signage and streetscape improvement

17

Retain stormwater flowpath to drainage channel

18

Formalise carpark to Cricket Club, retain emergency access route to oval

19

Cricket clubhouse - potential to extend building footprint for additional changeroom facilities

20

Potential to replace toilets with 'Exeloo' or similar unit including accessible toilet

21

Multi-purpose Oval - 1 x Synthetic cricket wicket, soccer and rugby field layouts and sportsfield lighting

21a

Sportsfield fencing (900mm high min) to perimeter of fields

22

Loop path (2.4m wide) with seating nodes - on outside of boundary fence

23

Cricket practice nets (2 no.)

24

Viewing mound - integrate low seat walls to improve spectator amenity

25

Replace existing shelters and bench seating

26

Replace worn turf areas with circulation space and spectator seating west side of Junior Soccer

27

Reconfigure carpark to allow minimum aisle widths to standard - 90 degree angle and parallel bays to retain existing carpark footprint, lighting retained

28

Soccer fields lights to be upgraded

29

Team/Spectator shelters to be refurbished/ upgraded

30

Pedestrian bridge to be replaced

31

New emergency/service vehicle access point to Lower oval - detailed survey required to review levels and assess impacts on existing embankment

32

Potential future recreation trail loop with new crossing over channel

33

Existing drainage swale

34

Concrete lined drainage swale - potential future project to include improvements to infrastructure for water quality, erosion control and revegetation of embankments

PRELIMINARY

1:1000 @ A1
1:2000 @ A3

Aug 2020

3121.CP02
ISSUE 1

PREPARED BY ep environmental partnership	PREPARED FOR BROKEN HILL CITY COUNCIL	CLIENT	TITLE Precinct Concept Plan - Option 2	PROJECT Precinct Concept Plan E.P. O'NEILL MEMORIAL PARK	SCALE 1:1000 @ A1 1:2000 @ A3	DATE Aug 2020	DRAWING 3121.CP02 ISSUE 1
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APPENDIX

- Site vist summary meeting notes
- Precinct_Facility orientation / Layout Diagrams study
- Preferred Concept/Option 3 OPC costings



TERMS OF REFERENCE – E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT PROJECT STEERING GROUP

QUALITY CONTROL			
TRIM REFERENCES	D21/22540 – 20/498		
KEY DIRECTION	1. Our Community		
OBJECTIVE	1.4 Our built environment supports our quality of life		
STRATEGY	1.4.3 Develop Council assets to promote outdoor recreation, exercise and mobility for families		
RESPONSIBLE POSITION	General Manager		
APPROVED BY	Broken Hill City Council		
REVIEW DATE	May 2022	REVISION NUMBER	1
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
May 2021	Document Endorsed		

1. INTRODUCTION

Broken Hill City Council are seeking to expand the functionality of the E.P O'Neill Memorial Park, through creating a quality site that provides multi-functional sporting opportunities, while increasing the connectivity between each sporting area. The E.P O'Neill Memorial Park incorporates many sporting bodies and their facilities, including but not limited to the Broken Hill Netball Association, the Broken Hill Tennis Association, the Broken Hill Soccer Association and the Barrier District Cricket League.

The Sporting Precinct needs to be a multi-functional hub which provides for a diversity of uses across the week and throughout the seasons, as well as allowing for ease of movement between facilities and offer ample parking opportunity for participants and spectators.

The redevelopment will focus on the redesign and upgrade of the existing netballs courts and its drainage, the redesign and upgrade of the playing surface and watering system of the Norm Fox Oval, while also increasing the capacity for multiple sports to be played on this oval. The project will clarify the parking layout of all facilities with pedestrian and cycleways to link for ease of movement throughout the precinct.

The Project Steering Group (PSG) has been established to provide guidance to the project.

2. NAME

TERMS OF REFERENCE – E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT PROJECT STEERING GROUP

Page 1 of 6

The group shall be known as the E.P. O'Neill Memorial Park Redevelopment Project Steering Group.

3. ADDRESS

The address of the Committee will be:

c/- PO Box 448
Broken Hill NSW 2880

4. VISION, MISSION AND OBJECTIVES

4.1 Vision

To expand the role of the E.P O'Neill Memorial Park to be a multi-functional hub which provides for a diversity of uses and meets the needs of the community by enhancing the quality of recreational facilities available.

4.2 Mission

To lend advice, provide advocacy, input and engagement towards achieving the E.P. O'Neill Memorial Park redevelopment objectives.

4.3 Objectives

The Objectives of the project are:

- To increase the quality of the facilities within the precinct to enhance use from current occupants and encourage future sporting bodies to use the precinct for their chosen activities.
- To ensure the condition of the playing surfaces are of a high quality to ensure safe use from users of the precinct.
- To link all facilities by walkways and cycleways to create one united sporting precinct.
- To ensure safe, easy movement of pedestrians, cyclists and motorists in and out of the precinct.
- To have facilities that can host intercity and interstate sporting carnivals and increase tourism within the City.
- For the community to have ownership of a recreational space where all users have the ability to be active and improve their well-being.
- To have facilities that have the potential for long term evolution and future growth.

5. STRUCTURE AND MEMBERSHIP

- 5.1** The PSG shall consist of fourteen (14) members to be appointed at the first Committee meeting following a local election, such members to be nominated in the following manner:
- Minimum of three (3) Councillor Representatives – Mayor and Deputy Mayor and one Councillor (with proposed alternates).
 - One (1) Project Director – General Manager (BHCC).
 - One (1) representative from the Broken Hill Aboriginal Community Working Party.
 - One (1) youth representative.
 - One (1) representative from the Disability Inclusion Action Plan Monitoring Group.
 - One (1) representative from the Broken Hill Soccer Association.
 - One (1) representative from the Broken Hill Tennis Association Inc.
 - One (1) representative from the Broken Hill Netball Association.
 - One (1) representative from the Barrier District Cricket League.
 - One (1) Community Engagement representative – Manager Communications (BHCC).
 - One (1) Project Management – Group Manager Infrastructure and Projects (BHCC).
 - One (1) Council Contact Officer – Project Officer (BHCC).
- 5.2** Council reserves the right to amend the number of PSG members and category of representation.
- 5.3** All members of the PSG will act in an honorary capacity.

6. TERM OF APPOINTMENT

- 6.1** Members appointed to the PSG will serve for a period of four (4) years coinciding with the period of election of the current elected body.
- 6.2** Councillors will be appointed to the group on an annual basis in September.
- 6.3** Members standing down during that period will be eligible for re-appointment.
- 6.4** Any new appointments in that period, due to vacancies or formal expansion of membership by the elected body; will serve the remainder of the four (4) year term; but will be eligible for re-appointment.

7. VACANCIES WITHIN THE PSG

- 7.1** Vacancies will be advertised and interested parties invited to apply for membership in writing, by completing a nomination form providing names and other necessary details for Council's consideration.

- 7.2** The names and addresses of the persons nominated will be forwarded in writing to Council's General Manager.

8. VACANCIES IN PSG MEMBERSHIP

- 8.1** PSG members will serve the set period unless the PSG is disbanded by Council prior to the time of the next local government election.
- 8.2** A member having failed to attend three (3) consecutive ordinary meetings, without leave of absence having been granted, shall have resigned their membership.
- 8.3** Any member of the PSG resigning his/her position within the PSG shall do so in writing addressed to the General Manager, such notice having effect upon receipt by the General Manager.
- 8.4** Membership shall cease in the following cases:
- If member becomes bankrupt;
 - Member resigns from office by notification in writing to the General Manager;
 - Member is absent for three (3) consecutive meetings without leave from meetings of the PSG;
 - Council passes a resolution to remove the member from the PSG;
 - Member holds any office of profit under the PSG;
 - Member fails to disclose any pecuniary interest in any matter with which the PSG is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision 'pecuniary interest' has the same meaning given to that term in Section 441-443 of the *Local Government Act 1993*;
 - Member while holding that office is convicted of an offence referred to in part 4 of the *Crimes Act 1900* (offences relating to property);
 - Member is prohibited by Order under Section 230 of the Corporations Law from managing a corporation within the meaning of that Section;
 - Member becomes a mentally incapacitated person; or
 - Upon the death of a member.
- 8.5** It shall be the duty of the Chairperson, if any extraordinary vacancy occurs, to declare the fact to the next ensuing ordinary meeting and to ensure that the necessary steps are taken to fill the vacancy in accordance with this Terms of Reference.

9. MEETINGS

- 9.1** All meetings shall be held in accordance with the Council's Code of Meeting Practice.

- Minutes of the matters discussed will be kept and a copy forwarded to all PSG members in advance of the next meeting.
- Any items requiring action by Council are to be the subject of a report to the next scheduled meeting of Council.

9.2 There should be minimum of four (4) meetings held each year and additional as required.

9.3 The Council Contact Officer is responsible for preparing a report to Council requesting the minutes be noted and any specific recommendation of the PSG which must be endorsed at the time major events will be occurring with the PSG.

9.4 Following the Councils consideration of the Minutes and Recommendations, the Council Contact Officer will provide advice/feedback to the PSG as applicable.

10. EXECUTIVE

10.1 The Executive shall consist of a Chairperson which will be held by the incumbent Mayor of the Broken Hill City Council.

10.2 The Chairperson shall chair and maintain order at all meetings of the PSG at which he/she is present. The Chairperson may vote on all questions before the PSG and when voting is equal shall have the casting vote.

10.3 During the absence of the Chairperson, the Chairperson shall nominate an incumbent member of the PSG to hold the role in an acting capacity on his/her behalf. During this period, the acting Chairperson shall have and may exercise all the powers of the Chairperson.

10.4 Under normal circumstances only the Chairperson shall speak for the PSG however, individual members may be delegated powers of public comment by the General Manager, should circumstances warrant it.

11. RECORDS

Meetings are to follow an agenda and minutes taken are to be distributed to all members of the PSG.

12. CONFLICT OF INTERESTS

Councillors, Council Staff and members of Council Committees must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council Officials. It is the personal responsibility of Council Officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

PSG members must declare any conflict of interests at the start of each meeting, or before discussions of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

13. COUNCIL CONTACT OFFICER

For further information on the E.P. O'Neill Memorial Park Redevelopment Project PSG, contact the Council Contact Officer on 08 8080 3392.

TERMS OF REFERENCE – E.P. O'NEILL MEMORIAL PARK REDEVELOPMENT PROJECT STEERING GROUP

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14. DEFINITIONS

In this Constitution the following definitions will apply:

"BHCC" and "Council" shall mean Broken Hill City Council.

"Executive" shall mean the Chairperson Project Steering Group.

"PSG" shall mean the Project Steering Group.

"Contact Officer" shall mean Committee specific Council Contact Officer, as detailed at Section 13.

ORDINARY MEETING OF THE COUNCIL

January 21, 2022

ITEM 6**BROKEN HILL CITY COUNCIL REPORT NO. 20/22****SUBJECT:** **STAFFING NUMBERS AND CURRENT BUDGET** **D22/3101****Recommendation**

1. That Broken Hill City Council Report No. 20/22 dated January 21, 2022, be received and noted.

Executive Summary:

At the 12 January 2022 Council Meeting, as part of Council's resolution of Mayoral Minute No. 2/22, Council resolved: "38. *That the General Manager be invited to provide a report to the January meeting about any positions in the employee structure that remain unfilled and the expense to date for wages compared to the budgeted amount. Also the expected wage amount to year end with only the current positions filled.*"

This report is presented to Council to provide the requested information.

Report:

Employee benefits and oncosts through to December 2021 are currently \$126,899 above the 2021-22 year to date budget. This is not unusual, as wages expenditure is not linear during the year due to staff turnover and is also affected by wages allocations for capital projects which occur at different stages throughout the year.

The below tables outline employee benefits and oncosts on a year-to-date basis and also as a projection for the financial year.

Year to Date Operational Expenditure		
Actuals	Budget	Variance
\$6,889,069	\$6,762,170	\$126,899

2021-22 Projected operational Expenditure		
Projected	Budget	Variance
\$13,532,990*	\$13,905,770	(\$389,780)

*Not filling all of the vacant positions as at 31 December 2021 would further reduce the projected annual employee benefits and on costs expenditure by a further \$389,601, resulting in a net saving in employee benefits of \$779,381. Whilst this would achieve a financial saving to Council, it would also have a significant impact to Council's service delivery abilities and community service levels, as currently experienced within our Building & Compliance Team.

The table below lists the positions vacant at 31 December 2021 and the estimated savings in expenditure for the remainder of the 2021-22 financial year of the positions remaining unfilled.

POSITION	STATUS	Vacancy Commencement	SAVING
			\$
Manager Planning, Dev & Compliance	Candidate Appointed	29/05/2020	55,793.56
Projects Engineer	Candidate Appointed	30/06/2021	41,063.76
Ranger	Candidate Appointed filled by contractors	18/03/2021	33,696.83
Chief Strategic and Commercial Officer	Part filled by staff acting in higher duties	30/06/2021	46,974.24
Weighbridge Operator	Interviewing candidates	30/11/2021	8,050.42
People & Culture Business Partner	Candidate Appointed	13/09/2021	32,247.71
Ranger	Candidate appointed	26/11/2021	26,957.47
Corporate Support Officer	Advertisement	29/11/2021	28,187.82
Gallery & Marketing Officer	Advertisement	09/11/2021	25,973.78
Tradesperson Mechanic	Advertisement	24/12/2021	29,297.74
Events & Partnerships Officer	Advertisement	29/10/2021	28,152.33
Asset Management Trainee	Advertisement	N/A	16,603
Tourism Assistant Trainee	Advertisement	N/A	16,603
TOTAL			389,601.73

Community Engagement:

N/A

Strategic Direction:

Key Direction 4: Our Leadership
 Objective 4.1: Openness and Transparency in Decision Making
 Action 4.1.1 Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

Relevant Legislation:

N/A

Financial Implications:

Employee benefits and Oncosts are currently projected to be \$389,780 below budget. If the current Vacant positions were to not be filled, this would increase by \$389,602, resulting in a net saving of \$779,381.

Attachments

There are no attachments for this report.

CASEY DEERY
EXECUTIVE MANAGER PEOPLE AND CULTURE

JAY NANKIVELL
GENERAL MANAGER

ORDINARY MEETING OF THE COUNCIL

January 19, 2022

ITEM 7BROKEN HILL CITY COUNCIL REPORT NO. 21/22

SUBJECT: PROPOSED CWA MURAL - ARGENT STREET D22/1951

Recommendation

1. That Broken Hill City Council Report No. 21/22 dated January 19, 2022, be received.

Executive Summary:

At the Council meeting held 12 January 2022, Council resolved (Minute No. 46690) *"26. That the General Manager be invited to advertise for expressions of interest to paint murals and provide other street art and that a report be provided at the 27 January 2022 Council Meeting explaining why the proposed mural in Argent Street from the Country Women's Association (CWA) was rejected and options to invite them to resubmit their application"*.

This report outlines the reasons why the proposed mural submitted by the CWA was not able to be approved. The proposed mural was considered under Council's Public Art Policy, which requires assessment by a Panel.

The Panel found that there was not enough information provided to be able to approve the application. Further reasoning and feedback was outlined in correspondence sent to the CWA, encouraging the application to be reconsidered in the future.

Report:

CWA Broken Hill submitted an application to install a four panel mural on the side of the building at 163 Argent Street. The mural required assessment under Council's Public Art Policy (attached for reference) as a public art project. Development consent was also required as the proposed location is within a heritage conservation area, and a Development Application (DA) was therefore also lodged by CWA.

Council's Heritage Advisor had provided advice to CWA prior to lodgement of the DA, with the Heritage Advisor supportive of CWA installing a mural in this location.

Council's Public Art Policy requires submission to be assessed by a panel, with the role of the panel outlined in Section 6.1 of the Policy and the assessment criteria outlined in Section 6.3.

The Public Art Panel met in August 2021 to assess the application. No visual mock-up of the proposed mural was provided, but a written description noted that panel would represent a period of 25 years, with a woman dressed in the fashion of the era at the centre of the mural and historical events of the era surrounding the image. Upon assessment, the panel was unable to recommend approval of the application based on the information submitted.

The Panel noted that no colour design or visual mock-up of the proposed mural was provided and also no information regarding the lifespan of the mural.

The panel did note the excellence in contemporary art practice represented through the chosen artist and supported the employment of a local artist. Whilst the panel unanimously supported the idea of a mural celebrating women's history, it was recommended that the mural have more of a local focus to strengthen the application's alignment with the principles of the Public Art Policy. The Panel advised that while the proposals listed examples highlighted nationally significant moments, by using local examples, the proposed mural would better connect to policy principle, 'Enhancing Broken Hill's cultural offer for residents and visitors', driving visitation from tourists and local interest in the project.

The panel's decision and reasoning was communicated to CWA Broken Hill in correspondence dated 6 August 2021 (see attached), with CWA Broken Hill encouraged to resubmit the application incorporating feedback from the panel.

The concurrent Development Application was unable to be approved as DA approval would have been inconsistent with the Public Art panel decision. The DA was subsequently withdrawn and the DA fees were refunded to the CWA.

It is recommended that a CWA representative meet with Council's Art Gallery Manager and Planner to discuss this information prior to resubmitting an application.

Subsequently, should CWA wish to submit a new application for the same site, a new application is required to be submitted as per the Public Art Policy (online on Council's website) and a DA will also need to be lodged (due to the site's location within a heritage area).

Community Engagement:

N/A

Strategic Direction:

Key Direction:	1	Our Community
Objective:	1.3	Our history, culture and diversity is embraced and celebrated
Strategy:	1.3.5	Sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Nil

Attachments

1. [↓](#) Correspondence provided to CWA - 6 August 2021
2. [↓](#) Public Art Policy

JAY NANKIVELL
GENERAL MANAGER

**BROKEN HILL**
CITY COUNCILQuote No. L21/2140 - 16/58
RN:CMHTelephone / Personal Enquiries
Ask for Razija Nu'man

Please address all communications to:

The General Manager
240 Blende Street
PO Box 448
Broken Hill NSW 2880
Phone 08 8080 3300
Fax 08 8080 3424

6 August 2021

The Chairperson
CWA of Broken HillEmail: 

Dear Mr Whitelaw

Public Art Mural Application

Thank you for submitting your application proposing a mural to be installed at 163 Argent Street, Broken Hill. As outlined in the Public Art Policy, a panel met to review the application according to the criteria outlined in Section 6.3 of the Policy.

Unfortunately, on this occasion, the panel have not endorsed your application. The panel have provided the following feedback should you wish to re-apply, taking the advice listed below.

The panel unanimously supported the idea of celebrating women's history but recommend the mural champion a local focus. A focus on the achievements of women in this region would strengthen the applications alignment with policy principle, 'Connecting to place (people, land and environment)'. While the listed examples highlighted nationally significant moments, by using local examples, the proposed mural would better connect to policy principle, 'Enhancing Broken Hill's cultural offer for residents and visitors', driving visitation from tourists and local interest in the project. The panel highly recommend you reference how your application satisfies the policy principles within the application.

The panel suggests reviewing the representations of women on the mural and thought be given to diversity criteria. As one suggestion, the panel noted a possible inclusion of the history of migrant women and their contribution to early settler life in Broken Hill. The panel found it difficult to assess the application without a mock-up of the proposed mural. While there was reference to another artists' work, the panel encourages the applicant to invest and remunerate an artist to create a visual mock-up, aiding the assessment process. The panel did, however, note the excellence in contemporary art practice represented through the chosen artist and support the employment of a local artist.

cont.

AUSTRALIA'S FIRST HERITAGE LISTED CITY

L21/2140 – 16/58
RN:CMHPage 2

Please refer to Appendix 1 of the Public Art Policy, 'Guidelines for Mural Artwork'. This appendix contains a list of information to be submitted, some of which, was missing from your application. Particularly, please ensure future applications address point 5, a clear timeline and lifespan of the mural and point 9, the colour design of the artwork.

Council is committed to ensuring our Public Art expresses the distinct character and identity of this town inspired by our history and uniqueness. We hope you understand the feedback listed above and reconsider your application in the future.

Should you have any queries regarding this application please contact the undersigned on 8080 3387 or via email at Razija.Numan@brokenhill.nsw.gov.au.

Yours faithfully



RAZIJA NU'MAN
DIRECTOR CORPORATE

PUBLIC ART POLICY

QUALITY CONTROL			
EDRMS REFERENCES	D20/27566 – 12/14		
RESPONSIBLE POSITION	Director Corporate		
APPROVED BY	Council		
REVIEW DATE	09/07/2024	REVISION NUMBER	2
EFFECTIVE DATE	ACTION	MINUTE NUMBER	
03/11/2010	Adoption	42572	
29/07/2020	Public Exhibition	46311	
30/09/2020	Adoption	46352	

1. INTRODUCTION

This Public Art Policy supports Council's broader strategic priorities of creating a vibrant community that expresses our distinctive character and identity. Whilst Broken Hill is a City that honours and is inspired by its history and uniqueness, at the same time, Council also encourages new creative interpretations of culture that reflect our current way of life.

Broken Hill aspires for public art to be an everyday experience that expresses the community's unique attributes, culture, heritage and people. Public art contributes to the creation and vibrancy of the City's public spaces and landscapes for the enjoyment of residents and visitors. It elevates the aesthetic profile of our places and provides insight into our cultural life and community values. It also assists in promoting social inclusion, diversity and artistic expression.

This policy reflects the key directions identified in Council's vision, plans and strategic priorities. It also outlines a position and approach to public art that is flexible to ensure outcomes are responding appropriately to the changing social/economic/cultural environment of Broken Hill and the region.

Council plays a key role in the development of public spaces and as such hold the key to including public art in its many forms, whether through direct commissions or in partnership with other tiers of government and/or the private sector, or through supporting community driven initiatives. This Policy supports the Broken Hill City Council Community Strategic Plan.

2. POLICY OBJECTIVE

This Policy and associated Guidelines (attached) aims to provide a framework for the acquisition, assessment and development of public art in the Broken Hill Local Government Area (LGA) in accordance with community aspirations and industry best practice. It also establishes the key principles (Council and the community seeks to express through public art) and criteria for informed, transparent and high-quality decision-making when developing, approving or declining proposed public art projects.

3. POLICY SCOPE

This Policy applies to all and any public art projects located, or proposed, in the public domain; including private land that is publicly visible. It articulates the approach for works that are developed and managed by Council. It also defines Council and third-party roles in facilitating privately commissioned works. The policy applies to:

- Public art commissioned and developed by Council.
- Public art commissioned and developed by private enterprises, associations, individuals, property developers, community groups, businesses or other third parties.
- Public art commissioned by third parties (including other government bodies) and transferred or donated to Council.

This policy applies to public art within the Broken Hill City Council Local Government Area.

Signage including entry statements, interpretative panels are excluded from this policy.

This policy also recognises that contemporary public art practice includes a diverse range of styles and practices. These may be stand-alone projects or proposals from within Council or from the community; embellishments to capital works or other proposals arising from time to time. Council reserves the right to decline the offer of any artwork proposed for a public place which does not meet safety, aesthetic, structural, heritage, urban design or durability requirements.

The policy does not apply to public art that does not otherwise require Council involvement. This includes projects that are wholly exempt development, privately funded, privately owned, on private property and carried out without Council involvement.

Proponents of public art projects outside the scope of this policy are encouraged to engage Council for guidance and advice voluntarily. In such cases, this policy will form the basis of that guidance and advice as though the project were within the policy scope.

4. POLICY PRINCIPLES

Through public art, we imagine and experience our place in a new way. Broken Hill's unique status on the National Heritage List as the first heritage listed city reflects its deep natural and cultural values. It is therefore challenging to define a single cultural narrative for Broken Hill.

For that reason, these guiding principles help define the key messages to be conveyed, and help define the way in which the City will interpret or create meaning or spirit of the place through public art. These principles aim to encourage conversation, aid engagement with the social and cultural histories of Broken Hill and guide artists in the initiation and development of public art. These include:

- ***Supporting Equity, Accessibility, Relevance and Engagement***

Council recognises the intrinsic value of public art. Artworks can be accessible to a diverse audience while maintaining rigor, relevance, and depth of meaning. Public art can provide a variety of experiences and opportunities for community engagement/ interaction and to encourage community reflection, inspiration, and well-being. Public art will also seek to provoke thought and challenge.

- ***Connecting to place (people, land and environment)***

Public art can bring Broken Hill's fascinating history to life while also making the city socially viable and connected in the present day. Public artworks can provide a point of reference, a meeting place and an object for exploration. Key narratives that support this principle relate to Broken

Hill's uniqueness through deep earth, desert, climate, heritage, Aboriginal art and culture, stories, the big sky and land art.

- **Enhancing Broken Hill's cultural offer for residents and visitors**

Public art can build a connected, creative and dynamic place to live and visit. Public art enlivens and animates public space and can be used as an active placemaking tool in regeneration. Public art can not only seek to enhance the aesthetic value of the built and natural environment but also encourage residents and visitors to Broken Hill to interact with public spaces and contribute to the vibrancy of the community and broader cultural tourism opportunities. Public art can offer Indigenous perspectives and strengthen our understanding of the rich First Nations Cultures in this area.

- **Recognising the depth and breadth of contemporary public art practice**

This policy recognises that contemporary public art practice includes a diverse range of styles and practices. Public art includes permanent and/or temporary and ephemeral art projects across a wide range of media including projects integrated with architecture and urban design (street lighting, wayfinding, landscape and furniture elements) to supporting and creating events and outcomes of artist residencies (film, digital, projection, performance and interactivity).

5. POLICY STATEMENT

This Policy will guide the development and implementation of public art projects to enhance the cultural vitality of the community.

The role of public art in urban design, placemaking and activation is widely recognised for its ability to enliven spaces, contribute to a positive sense of place and reinforces a range of social, cultural, economic, and environmental and heritage values particular to Broken Hill.

Culture and landscape are fundamental to shaping our local place, and are inherently linked with memory, meaning, and identity. Council is able to play a very active role in advocating for quality public art works to be created across the LGA. Council is in a position of primary influence, to shape public spaces and inspire art which is unique to Broken Hill and reflective of its community.

6. IMPLEMENTATION

Implementation of this Policy is outlined in greater detail below and in the attached guidelines.

6.1 Roles and Responsibilities

The implementation of this Policy requires a cross-Council approach. Strong internal working processes at Council are critical to the success of the Public Art Program. An interdepartmental group/panel comprised of key representatives from departments will be established under this Policy.

The panel will include the following skills and experience of Council staff; with the support of two independent panel members:

- Art/Culture i.e. Art Gallery & Museum Manager
- Technical i.e. Building inspector/civic works/landscape architect
- Planning i.e. Development Assessment Planner

Two independent panel members will be co-opted from Council's Broken Hill Regional Art Gallery Advisory Committee. One of these two members will be the Chair of the Broken Hill Regional Art Gallery Advisory Committee.

6.2 Project Application Approval Process

All public art projects to which this policy applies will require a written application to Council, describing the project and demonstrating how the project meets the policy (see attached guidelines). If a development application (DA) is required, this should be submitted alongside the application. Both the application under this policy and the DA will be assessed concurrently.

All public art projects will be assessed by the panel referred to in section 6.1 Roles and Responsibilities. The panel will review the application and a report will be prepared on the development of public art proposals/projects. This report will be submitted to Council for final adoption.

6.3 Assessment Criteria

Each public art project will be assessed on its merit. Evaluation and approval of all public artworks proposed by Council, the private sector, other public authorities, individuals and other groups within the Broken Hill LGA is based on the following criteria:

1. Reflects excellence in contemporary art practice and standards of high quality.
2. Presents creative, original and innovative ideas.
3. Appropriateness to the context of the project brief, site and community (ability to reflect and engage with community aspirations, create discussion, interest and awareness, and foster relationships between people and place).
4. Consideration of the implications of the project in the context of the National Heritage values of the City.
5. Technical feasibility and ability to successfully realise the proposal/work.
6. Consideration of public safety and the public's access to and use of the public domain.
7. Relevance to the strategic objectives and actions of Council.
8. Consistency with current Council plans and procedures (heritage; environmental policies; and plans of management).
9. Maintenance and durability requirements.
10. Value for money.

6.4 Maintenance of Public Art Works

Council recognises the importance of adequate and appropriate maintenance of public artworks. As such, the life of the work should be considered in the commissioning phase and any ongoing maintenance requirements form a core part of the consideration for the work; an assessment of the work's ongoing durability, life of materials and the limitation of maintenance are criteria for Council's consideration.

Council is responsible for the maintenance and safe keeping of all Council commissioned or acquired public artwork. Excepting contractual exclusions, assets procured under this policy are to be managed under Council's Asset Management Policy and procedures, with specific regard to maintenance linked with Council's corporate and business plans (including the Long-Term Financial Plan), budgets and reporting processes.

Public artworks developed privately are the responsibility of the owner. If the artwork cannot be satisfactorily maintained/repaired or restored, Council may request the removal of the artwork at the owners expense or consider discretion for future public ownership.

6.5 Communication

This Policy will be communicated to the community and staff in accordance with Council's Policy, Procedure and Process Framework and Council's Business Paper process. Following adoption by Council the Policy will be made available on Council's website and will be further documented in any commission briefs

6.6 Associated Documents

This Public Art Policy integrates with Council's strategic directions, policies, planning controls, corporate documents. This holistic approach to local planning requires that the Public Art Policy reference those policies and equally that those policies are amended to reference it.

The following documentation is to be read in conjunction with this policy:

- The Public Art Guidelines (Appendices attached) – which outline the main elements that need to be considered in the implementation of Council's Public Art Policy. These Guidelines provide the rationale and outline the key processes for Council's commitment to planning, developing, and installing public art projects. It provides the key criteria for informed, transparent and high-quality decision-making when approving or declining proposed public art projects.
- Council's Procurement Policy.
- BHRAG Collection Management Policy.

7. REVIEW

Review of this policy will incorporate relevant legislation, documentation released from relevant state agencies and best practice guidelines. The standard review period will be within each term of Council following the Local Government Elections, or as required to ensure that it meets legislation requirements and the needs of the community and Council. The responsible Council officer will be notified of the review requirements three months prior to the expiry of this policy.

The Director Corporate is responsible for the review of this policy.

8. LEGISLATIVE AND LEGAL FRAMEWORK

This policy is to be read in conjunction with the following:

- *Environmental Planning and Assessment Act 1979.*
- *Local Government Act 1993.*
- *Graffiti Control Act 2008.*
- *Environment Protection & Biodiversity Conservation Act 1999 (Commonwealth)*
- Regulations associated with above legislation.
- Relevant State Environmental Planning Policies.
- *Broken Hill Local Environmental Plan 2013; and*
- *Broken Hill Development Control Plan 2016.*

9. DEFINITIONS

Public Art - Art which is: located in the public domain; and/or accessible to members of the public; and/or created through a public event or activity.

This includes artwork installed, performed, created or otherwise presented on Council controlled premises, reserves under BHCC control, community land, or otherwise requires development consent.

This can consist of permanent, temporary and ephemeral works such as installations, sculptures, murals, mosaics, projection, lighting, soundscapes, multi-media and performance-based work. Public art also extends to unique street design and furniture elements created by an artist to add value to the creative outcome of public realm projects such as paving, ornamental wall inserts, windows, gates, grates, light fittings, bollards, water features and the like.

Temporary artworks - have a lifespan of under five years and include relocatable works. All public art, as encompassed by this guideline, is short-term, temporal or transient. It does not include works of public art which are intended to be "permanent". Works of temporary public art are intended to occupy a place and/or have a presence in the public realm for a finite period of time usually between one week and six months.

Ephemeral artworks - are distinctive because they may have a fleeting and immaterial presence on site, perhaps only for a single day or a matter of hours - for instance in the case of a light projection or a performance. Other works of ephemeral public art may have a more substantial material presence on site but may incorporate their own changing state and disappearance/dissipation as an integral part of the artwork (i.e. sand sculpture).

Permanent artworks - have an expected lifespan of five years or more. Enduring artworks are commissions with an expected lifespan of 15-20 years or more.

Site specific - specifically, for and responsive to a particular site, thematically or through use of scale or materials.

Mural - A mural is an artwork applied directly to a large surface in a public space. As a form of street art, murals can be distinguished from graffiti-vandalism, tagging or guerilla advertising. Murals are typically temporary in nature and can be produced in a variety of ways - for example, painted, digital, ceramic, airbrush and aerosol can.

Memorial - Generally, a memorial can be described as an object established in memory of a person or an event. A memorial object may be a plaque, statue, sculptural work, fountain, seat or park bench, or horticultural features.

Graffiti - Unlike Street Art, graffiti and tagging are generally considered to be the illegal practice of marking another person's property without consent and usually involves the use of paint, spray paint or marker pens.

Plaque - A flat tile/tablet of metal, stone or other material which includes text and/or images to commemorate a person, place or an event and/or to provide interpretive text or information relevant to its location. Such a plaque is usually fixed to an object, furniture, building or pavement.

Interpretive Panels - A panel with information often found in parks, gardens and public open spaces. The panel will interpret and inform visitors about what is around them or what they are looking at. For example: a piece of permanent public art might have an interpretive panel that also acknowledges the artist, or there might be a Heritage interpretive panel that will give you historical/cultural context to the site.

National Heritage values – Those values of the City of Broken Hill which were the basis of listing the City on the National Heritage List pursuant to the *Environment Protection & Biodiversity Conservation Act 1999 (Commonwealth)*, an explanation of which were set out in the gazettal notice published in the Commonwealth of Australia Gazette dated 22 December 2014.

Exempt Development – Low-impact projects that meet specific criteria and do not require any assessment or approval under the *Environmental Planning and Assessment Act 1979*, such as a Development Application or 'DA'. For more information on Exempt Development, visit <https://www.planningportal.nsw.gov.au/>

APPENDIX 1:**GUIDELINES FOR MURAL ARTWORK**

Council aims to support artists to create contemporary art that has community benefits including graffiti prevention, community building, placemaking and regeneration across the City of Broken Hill.

It is a requirement that before painting an artwork/mural on an external surface whether it is a wall, fence, laneway or façade it is essential to contact Council's planning section to enquire about approval. Council, at its discretion, may refuse to approve any Mural.

It should be noted that there are heritage listed items and heritage conservation areas in effect across the City. This includes Local, State and National Heritage Listed buildings/places. This ensures that controls are in place to protect the heritage, amenity and suburban character across the LGA.

There may be paint controls over individual properties and therefore, murals will not always be appropriate. In some cases, exposed brick walls are heritage controlled and cannot be painted over in any circumstance. Furthermore, artworks proposed adjacent to a state or federal road may also require NSW Roads and Maritime consent.

What is a Mural?

A mural is an artwork applied directly to a large surface in a public space. As a form of street art, murals can be distinguished from graffiti-vandalism, tagging or guerrilla advertising. Murals are typically temporary in nature and can be produced in a variety of ways - for example, painted, digital, ceramic, airbrush and aerosol can.

DEVELOPMENT APPROVAL

Development Approval may be required and will be subject to Council's assessment process before an artwork/mural can be painted or installed. Aerosol art murals are treated as works of art in the public domain and assessed in the same manner as any other proposal.

The criteria for public art (as described within this policy) are sufficiently broad to equitably accommodate different styles, aesthetics and art media.

The artwork will therefore be subject to consistency with this Policy by means of the relevance and appropriateness of the artwork:

- With Council's vision for Broken Hill and addressing an expression of identity and character.
- To the context of its site (artwork in keeping with the aesthetic and social context of the location.
- Artwork does not contain tags, offensive language/material or explicit images.
- Artwork does not contain commercial branding/imagery/logos (Any Mural which can be deemed advertising (by way of colour branding, business logos or imagery related to the main service of the business)).

Consideration will also be given to:

- Consistency with current planning, heritage and environmental plans/policies and plans of management (where applicable).
- Public safety and the public's access to and use of the public domain.

- Maintenance and durability requirements of the artwork.
- Feedback from any properties that will have your artwork in their direct line of sight or may be directly impacted by a change to the space.
- Evidence of community support being sought and considered.

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. This is in addition to any documentation required for a development approval.

INFORMATION TO BE SUBMITTED

A Development Application may be required under the provisions of the *Environmental Planning and Assessment Act 1979* and/or *Broken Hill Local Environmental Plan 2013*.

Proposals must include sufficient information for the assessment to be undertaken. You will be requested to supply the following information in your Development application:

- Written permission from the property owner.
- A completed Development Application form. (Please note there may be sections in the application form that are not applicable to your project).
- Statement of Environmental Effects.
- A clear purpose: a description of why you want to create a mural, what you hope to achieve and why it is important.
- A timeline showing how long the artwork is to remain. (Murals typically last three to five years. After this time, the condition of the mural may decline, the topic or theme may become less relevant, or the owner may want to renovate the site. For these reasons, it is important to agree on the lifespan of your mural before submission).
- Photos of the building or location where the artwork will be located.
- A plan of the site which illustrates where the artwork will be located in relation to roads, buildings etc.
- Dimensions of the artwork should be provided.
- A colour design of the artwork (to scale) outlining what mediums will be used (e.g. aerosol, mosaic, acrylic paint).

ADDITIONAL LIABILITY AND SAFETY REQUIREMENTS

- If you plan to paint your artwork on boards and attach the boards to a wall, or install other objects onto a building, you must provide an explanation of how you will do this (an engineering report may be required)
- A copy of the certificate of currency for Public Liability Insurance - All artists working in the public realm are required to have public liability insurance of \$20,000,000. This is to protect you from anyone who might make a claim against you for bodily injury or property damage caused by negligent action on your part.
- There may also be a requirement to complete a Traffic Management Plan. This is to ensure that the artist/people painting the mural and passers-by/pedestrians/cyclists/motorists are safe. This may involve cordoning off a footpath or car park, or a road/lane closure, providing signage and public notices about the activity.

- If working above three metres a scaffolding system or a cherry picker/scissor lift is required.

MAINTENANCE OR DAMAGE

If the Mural cannot be satisfactorily repaired or restored, Council may request the removal of the artwork/mural at the Property Owner or lessee's expense.

APPENDIX 2:**GUIDELINES FOR TEMPORARY AND EPHEMERAL PUBLIC ART**

This Guideline has been created to manage artworks and art-based activity that can complement existing community, retail and commercial activities, and balance the needs of local residents and the public within the City. It also seeks to maintain and enhance the character, heritage, ambience and safety of the public domain, enriching both the community and visitor experience.

Temporary and ephemeral public art shares key characteristics with other works of public art, as defined by the Public Art Policy. Works of art in public spaces take many forms, including but not limited to paintings, prints, murals, photography, sculpture, and earthworks, details in streetscapes, performance art, installation, sound works, and text, audio and multimedia.

PRINCIPLES

Council's decision to approve a permit for this activity will be based on the following guiding principles. Council will refer to these principles in the decision-making process to ensure each application conforms to the Policy and is assessed fairly, consistently and appropriately. Council, at its discretion, may refuse to approve any temporary and ephemeral public artwork.

Appropriate location

- Council seeks temporary public art in an appropriate location in order to promote economic growth, cultural benefits and social integration while still appreciating the needs of local businesses, adjoining properties and other users of the public domain.
- The location should contribute positively to an area's sense of place and character.
- Temporary art can be an extension of the area's current activities and services or may align with community events, cultural and sporting celebrations, and forthcoming plans for the area.

Engaging and high quality

- Council supports original and creative temporary art that encourages community participation, is innovative or distinct, adds to the life of the place and offers a connection to our rich cultural surroundings.
- The activity should aim to engage with the surrounding public domain and people.

Safety and accessibility

- Temporary art should be delivered without compromising the safety of people or places.
- Temporary art should ensure that responsible and appropriate measures are in place to minimise risk and danger.
- Temporary art should be integrated into the public domain in a way that does not compromise existing uses, furniture, buildings, entrances, exits, disabled access and pedestrian safety.

Public amenity

- Temporary art should be designed to create a safe atmosphere for the community and never compromise public amenity.
- Temporary art should add to, rather than disrupt the community's engagement with the public domain.

- Temporary art should be integrated into the public domain in a way that does not compromise existing uses, furniture, buildings, entrances, exits, disabled access and pedestrian safety.

Management and operations

- Council will approve temporary art that demonstrates sound management practices such as timeliness, reliability and professionalism.
- Any proposed activity should consider operational matters such as but not limited to, safety, traffic, noise, waste and access before, during and after each activity.

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. (This is in addition to any documentation required for development approval).

INFORMATION TO BE SUBMITTED

Initially, the process for external public art projects will require:

- Community groups/organisations/individuals/property owners contacting Council for approval to conduct a public art project on Council land.
- Council receiving a proposal (an outline of the project that should include artwork brief, proposed location and timing, project management details, nature of participants/artists and other support material including a risk management plan, and appropriate insurances etc.)

APPENDIX 3:**GUIDELINES FOR PERMANENT PUBLIC ART**

From time to time Council is approached by individuals and groups with proposals for permanent public art that sit outside Council's own program. Public art outside of Council initiated projects will need to comply with all requirements under this Public Art Policy. Council may accept proposals by artists, schools, public institutions, community organisations and private property owners for permanent Public Art projects with demonstrated community benefit.

PRINCIPLES

Council, at its discretion, may refuse to approve any permanent public artwork. Council's decision to approve a permanent public artwork will be based on the following guiding principles. Council will refer to these principles in the decision-making process to ensure each application conforms to the Policy and is assessed fairly, consistently and appropriately. Permanent public art projects will:

- Enhance the location in which the artwork is to be sited, adding interest and enriching context.
- Be specific to its site or context, drawing from and adding to the history, heritage and environment of its location; tells a local story.
- Be appropriate and suitable to its site, in scale and impact on amenity and other uses.
- Be high quality in design, materials and finishes.
- Present innovative, fresh, creative and original ideas.
- Engage and inform, be comprehensible and encourage engagement, provide interactivity; inspire, provoke reflection, arouse curiosity; enrich and stimulate.

The assessment of permanent public art projects will also include the following technical considerations:

- Is the artwork safe, durable, practical, robust and vandal resistant?
- Is there a detailed plan for maintenance including annualised costs and responsibility?
- Is there agreement on terms and conditions for removal, re-location, de-accessioning and disposal?

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. (This is in addition to any documentation required for a development approval).

INFORMATION TO BE SUBMITTED

Development Approval maybe required, and any permanent artwork proposal will be subject to Council's approval process. Submissions must be in writing to Council and include:

- A Statement of Environmental Effects, which is required for all Development Applications. Also, a Heritage Impact Statement is also required in certain cases.
- Project proposal, (description to include expected outcomes and how the work will positively benefit the community)
- Final Design (Scale, materials and proposed location). Applicants must provide a brief outline of the proposal including dimensions, theme, style, materials and the type of artwork. The applicant

must also consider and provide notes on the proposed footings for the work, as some structural considerations may require engineering/ development approval.

- Applicants must provide specific details of the site including a simple plan and/or visual documentation showing the proposed location of the artwork and detailing whether the artwork is freestanding, on a wall, fence, etc.
- Confirmation of artists/project consultants and curriculum vitae/resume.
- Schedule for the project.
- Lifespan and Maintenance: what is the projected life of the artwork? Who will maintain the artwork in terms of public safety and aesthetics? What impact will the artwork have on the maintenance of the surrounding area? How will climatic conditions impact on the artwork?

APPENDIX 4:**GUIDELINES FOR MEMORIALS**

Council recognises that professionally designed and sited commemorative works provide an enduring reminder of events and people who have made a significant contribution to or impact on the history and evolution of the City of Broken Hill Local Government Area. The physical expression of commemorative works generally comprises plaques, memorials, gardens, trees, sculptures and statues.

Individuals and organisations periodically request that Council place monuments and memorials within buildings, parks and other public spaces owned or managed by Council. These memorial requests involve commemoration of individuals, organisations or events, and typically comprise plaques, gardens, trees, fountains, statues and/or sculptures.

Traditional memorials/monuments are not considered to be public art. However, projects that pay homage to a person, place or event must adhere to the goals of this policy and the criteria of this guideline. This guideline applies to all commemorative works and memorials within buildings, parks and other public domain under the ownership or management of Council. However, it does not apply to:

- naming of roads, buildings or parks.
- roadside memorials dedicated to victims of road fatality.
- commemorative objects in cemeteries, crematoria or burial grounds.
- signage, display boards, banners or public artworks.
- structures required primarily to provide directional or interpretive information

Design, construction or installation of any memorial on land or road owned or managed by Council may require council approval. Proposals that are consistent with the criteria and principles outlined in this guideline will proceed to Council for consideration.

Council does not guarantee the retention of any plaque or memorial in perpetuity and maintains the right to remove or relocate it should the site be redeveloped or significantly changed in character. Council also reserves the right to remove the memorial without compensation, should the memorial fall into disrepair, become vandalised or pose a risk to the public.

What is a Memorial?

Generally, a memorial can be described as an object established in memory of a person or an event. A memorial object may be a plaque, statue, sculptural work, fountain, seat or park bench, or horticultural features.

PROPOSING A NEW MEMORIAL

All formal requests are to be submitted in accordance with this guideline. New memorials may be created from time to time in recognition of people, organisations or events deemed to have made a lasting contribution which relates to the City of Broken Hill and is appropriate to be memorialised in this city. Proposals for memorials must therefore relate to a demonstrated, significant and acknowledged:

- civic-minded achievement or endeavour.
- outstanding community achievement and endeavour.
- educational or academic achievement or endeavour.

- achievement or endeavour in justice and law.
- service and sacrifice in war, or as a consequence of war, or the impact of war.
- achievement or endeavour in the visual arts or performing arts literature or literary achievement or endeavour.
- achievement or endeavour in relation to governance and community service; and
- achievement or endeavour in relation to sporting excellence.

Memorial subjects need to demonstrate the significant contribution by persons, groups, organisations or events to the Broken Hill community.

Memorials must convey the cultural and/or geographic significance to the Broken Hill community of the person, organisation or event being commemorated.

Memorials for individual/s will only be approved posthumously and a minimum of 12 months since the passing of the individual/s to be memorialised consistent with Geographical Names Board (GNB) Guidelines.

No new memorials will be considered to commemorate an individual, group, organisation or event already memorialised.

PRINCIPLES

Memorials will be assessed as to:

- The contribution that an individual, group or event proposed for commemoration has made to the development of Broken Hill. Where the contribution is more appropriately recognised at a State or National level, the individual or organisation proposing the memorial will be referred to the relevant body or authority.
- The connection or contribution of an individual, group or event has to the proposed site.
- Where the proposed site is to be located within a heritage conservation area or impacts a heritage item, such documents will inform the appropriateness of the memorial to a site.
- Whether the method of acknowledgement proposed is the most appropriate way to commemorate the person, group or event.
- The contribution the memorial will make to enhance a particular public space and use of that space.
- The appropriateness of the style, scale, materials and subject of the memorial for the place proposed.

Applicants must be prepared to enter an agreement with Council that guarantees completion of the work in the manner approved by Council. (This is in addition to any documentation required for a development approval).

INFORMATION TO BE SUBMITTED

Development Approval may be required, and any permanent artwork proposal will be subject to Council's approval process. Proposals for new memorials should address the following key points:

- The details of the proponents of the plaque, memorial or sign. If more than one group is involved, then include letters of support from these organisations.

- The type of memorial proposed, including materials and structural.
- The reason for the memorial and the connection with Broken Hill and the specific location proposed.
- The proposed siting of the memorial and the reason for choosing the site; and
- The approximate cost of the memorial if known and the funding arrangements.

Council receiving a proposal (an outline of the project that should include artwork brief, proposed location and timing, project management details, nature of participants/artists and other support material including a risk management plan, and appropriate insurances etc.)

ORDINARY MEETING OF THE COUNCIL

January 20, 2022

ITEM 8**BROKEN HILL CITY COUNCIL REPORT NO. 22/22****SUBJECT:** **INVESTMENT REPORT FOR DECEMBER 2021** **D22/2157****Recommendation**

1. That Broken Hill City Council Report No. 22/22 dated January 20, 2022, be received.

Executive Summary:

The *Local Government (General) Regulation 2005* (Part 9, Division 5, Clause 212), effective from 1 September 2005, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the *Local Government Act 1993*, as per the Minister's Amended Investment Order gazetted 11 March 2011. The Responsible Accounting Officer must also include in the report, a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policy.

As at 31 December 2021, Council's Investment Portfolio had a current market valuation of \$23,376,098 or principal value (face value) of \$23,371,840 and was compliant with policy and legislative requirements as per the below table.

Report:

Council's investments as at 31 December 2021 are detailed in Attachment 1.

Portfolio Summary		
Portfolio Performance vs. RBA Cash Rate	✓	Council's investment performance did exceed benchmark.
Investment Policy Compliance		
Legislative Requirements	✓	Compliant with policy
Portfolio Credit Rating Limit	✓	Compliant with policy
Institutional Exposure Limits	✓	Compliant with policy
Term to Maturity Limits	✓	Compliant with policy

Market Review**Global issues**

The global economy continues to recover supported by expansionary monetary and fiscal policy settings and increased vaccination coverage. Conditions are in place for a sustained expansion, although the new Omicron variant of COVID- 19 poses uncertainty for the near-term outlook. Some central banks – including those in the UK, New Zealand, South Korea and Norway – have increased their key interest rates. The Bank of England, and the Bank of Canada, are also expected to withdraw some monetary stimulus over the coming year as their labour markets tighten and their economic recoveries continue. Ongoing strength in the global demand for goods continues to exert pressure on supply chains. Capacity constraints in global goods markets has been more persistent than initially envisaged and bottlenecks

are holding back sales of some goods, especially motor vehicles. Alongside a run-up in energy prices, these capacity constraints have contributed to the upswing in inflation in major advanced economies over recent months. Global share markets benefited from the annual “Santa rally” mixed with early indications that the Omicron variant may not be as virulent as originally feared. Gains were recorded across Australia, the US, Europe, Japan, and China.

Domestic issues

Indicators suggest that economic activity, particularly household consumption, is recovering strongly from its contraction in the September quarter, especially in parts of the country where restrictions have been eased recently. The outlook for construction activity is strong with the value of work in the pipeline at a high level for both residential and non-residential building activity. In the established housing market, conditions have been mixed. Growth in housing prices has eased slightly in Sydney and Melbourne. Elsewhere, housing prices have been largely unchanged in Perth over recent months while growth in housing prices has remained strong in Brisbane, Adelaide and regional Australia. Underlying inflation has picked up to a little above 2% for the first time in six years. Inflation pressures in Australia are lower than in many other countries, owing to a range of factors, including differences in energy markets and modest wages growth in Australia. A further but only gradual pick-up in headline inflation, to 2.25% cent over 2023, is expected.

Interest rates

The RBA has ceased implying a time period it expects to raise rates but continues to note that underlying inflation is not expected to be sustainably in the 2-3% target range for “some time” and they are “prepared to be patient”. Meanwhile, the money market is pricing in a 0.25% cash rate by mid-2022 and 1.00% by the first quarter of 2023. In December, term deposit rates rose an average of 7 basis points across the curve with the biggest jump in the 3-5 month and 2 year areas, led mainly by one particularly aggressive bank.

Investment Portfolio Commentary

Council’s investment portfolio returned 2.15%pa for the month of December versus the bank bill index benchmark return of 0.04%pa. For the past 12 months, the investment portfolio has returned 1.37%pa, exceeding the bank bill index benchmark’s 0.03%pa by 1.34%pa.

Council had no maturities and made no new investments during the month. Council is taking optimal advantage of a high yielding cash account and a 90 day notice account which are providing rates in excess of most banks’ term deposits out to 6 months.

The NSW TCorpIM MT Fund had another good return in December, up 0.81% (actual). The Australian share market rebounded from a down month in November to record a gain of 2.70% in December and ended 2021 with an overall increase of nearly 18%. Utilities and the materials/mining sector led the market in December, up 8% and 6% respectively. The volatile IT sector fell nearly 6% during the month. Overseas markets recorded gains during the month as well with the US S&P 500 up 4.5% and the European S&P 350 +5.6%. In Asia, the Japanese S&P 500 gained 3.5%% while the Chinese S&P 300 was up nearly 2%.

Council has a well-diversified portfolio invested among a range of term deposits, fixed and floating rate bonds from highly rated Australian ADIs as well as growth assets via holdings in the NSW TCorp Medium Term Growth Fund. Council remains within its investment policy credit limits and term to maturity limits while generating sound returns above benchmark in the current low interest environment. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

Council's Portfolio by Source of Funds – December 2021

As at 31 December 2021, Council's Investment Portfolio had a current market valuation of \$23,376,098 or principal value (face value) of \$23,371,840 and was compliant with policy and legislative requirements as per the table above.

	Source of Funds	Principal Amount
GENERAL Fund	Operating Capital & Internal Restrictions	\$17,612,840
	Royalties Reserve	\$717,000
	Domestic Waste Management Reserve	\$1,592,000
	Grants	\$3,450,000
TOTAL PORTFOLIO		\$23,371,840

Certificate by Responsible Accounting Officer

All investments have been placed in accordance with Council's Investment Policy, Section 625 of the *Local Government Act 1993* (as amended), the Revised Ministerial Investment Order gazetted 11 February 2011, Clause 212 of the *Local Government (General) Regulations 2005* and Third-Party Investment requirements of the then Department Local Government Circular 06-70. Council continues to obtain independent financial advice on its investment portfolio in accordance with the then Department of Local Government Circular of 16 September 2008.

Community Engagement:

Nil

Strategic Direction:

Key Direction 4: Our Leadership
 Objective 4.1: Openness and Transparency in Decision Making
 Action 4.1.1 Maintain good governance and best practice methods and ensure compliance with various guidelines and legislation.

Relevant Legislation:

This report is provided for Council's consideration in compliance with the requirements of *Part 9, Division 5, Clause 212 of the Local Government (General) Regulations 2005*.

Financial Implications:

The recommendation has no financial impact.

Attachments

1. [Download](#) December 2021 Investment Report

SIMON BROWN
CHIEF FINANCIAL OFFICER

JAY NANKIVELL
GENERAL MANAGER



**Investment Summary Report
December 2021**



Broken Hill City Council

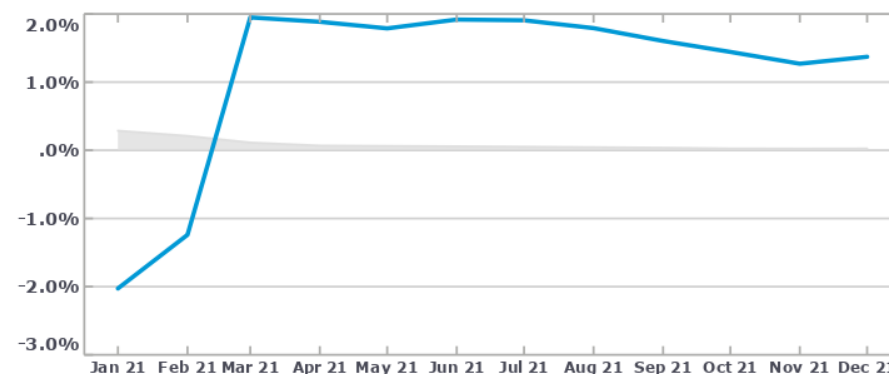
Executive Summary - December 2021



Investment Holdings

By Product	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	14,284,379.13	14,284,379.13	0.3927
Managed Funds	6,587,460.81	6,587,460.81	6.8291
Term Deposit	2,500,000.00	2,504,258.09	0.5720
	23,371,839.94	23,376,098.03	2.2260

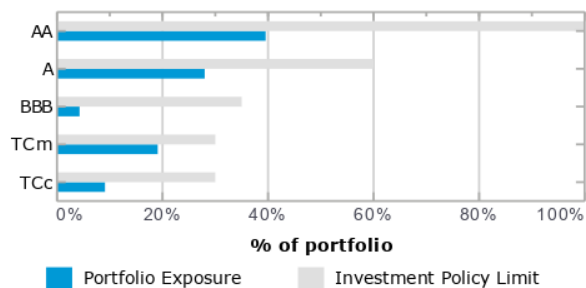
Investment Performance



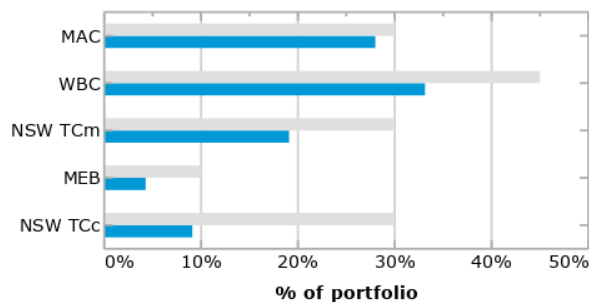
AusBond BB Index Rolling 12 month Return Portfolio Rolling 12 month Return

Investment Policy Compliance

Total Credit Exposure



Highest Individual Exposures



Term to Maturities

Maturity Profile	Face Value (\$)		Policy Max
Less than 1yr	22,371,840	96%	100%
Greater than 1yr	1,000,000	4%	60%
	23,371,840		

Broken Hill City Council Investment Holdings Report



Cash Accounts										
	Face Value (\$)	Rate (%pa)	Institution	Credit Rating		Current Value (\$)	Deal No.			Reference
	6,542,292.50	0.4000%	Macquarie Bank	A+		6,542,292.50	540354			Accelerator
	2,300,944.91	0.0000%	Westpac Group	AA-		2,300,944.91	473409			Cheque
	5,441,141.72	0.5500%	Westpac Group	AA-		5,441,141.72	535442			90d Notice
	14,284,379.13	0.3927%				14,284,379.13				

Managed Funds										
	Face Value (\$)	Monthly Return	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.			Reference
	2,126,385.53	0.0162%	NSW T-Corp (Cash)	Tcc	Cash Fund	2,126,385.53	535329			
	4,461,075.28	0.8122%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	4,461,075.28	536441			
	6,587,460.81					6,587,460.81				

Term Deposits										
Maturity Date	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency Reference
8-Jun-22	500,000.00	0.5000%	ME Bank	BBB+	500,000.00	9-Jun-21	501,410.96	541512	1,410.96	At Maturity
12-Oct-22	500,000.00	0.4100%	National Australia Bank	AA-	500,000.00	13-Oct-21	500,449.32	541988	449.32	At Maturity
16-Nov-22	500,000.00	0.7000%	ME Bank	BBB+	500,000.00	17-Nov-21	500,431.51	542099	431.51	At Maturity
16-Aug-23	500,000.00	0.6200%	National Australia Bank	AA-	500,000.00	18-Aug-21	501,155.07	541757	1,155.07	Annually
27-Sep-23	500,000.00	0.6300%	National Australia Bank	AA-	500,000.00	29-Sep-21	500,811.23	541935	811.23	At Maturity
	2,500,000.00	0.5720%			2,500,000.00		2,504,258.09		4,258.09	

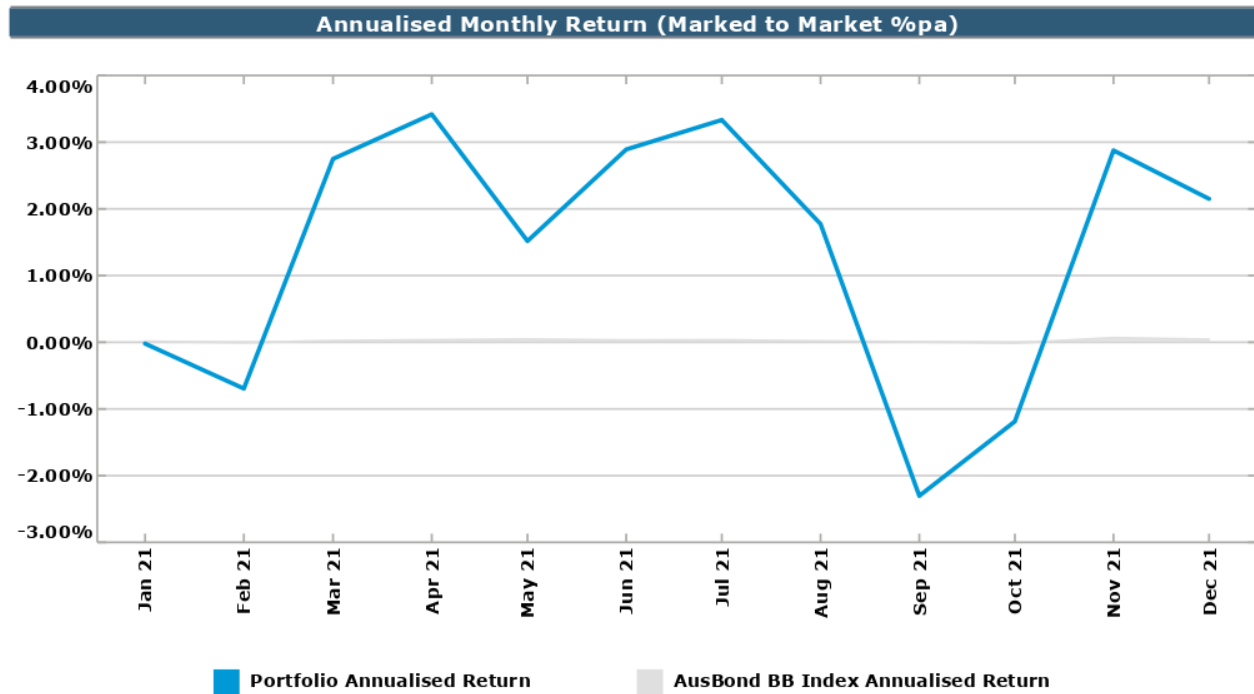
Broken Hill City Council
Accrued Interest Report - December 2021



Accrued Interest Report									
Investment	Deal No.	Ref	Face Value (\$)	Settlement Date	Maturity Date	Interest Received (\$)	Days	Interest Accrued (\$)	Percentage Return
Cash									
Westpac Group	473409	Cheque				0.00	31	0.00	.00%
Westpac Group	535442	90d Notice				2,540.49	31	2,540.49	.55%
Macquarie Bank	540354	Accelerator				2,221.81	31	2,221.81	.40%
Cash Total						4,762.31		4,762.31	.39%
Managed Funds									
Cash Fund	535329			29-May-17		0.00	31	344.61	.19%
Medium Term Growth Fund	536441			12-Feb-18		0.00	31	35,942.58	9.99%
Managed Funds Total						0.00		36,287.19	6.72%
Term Deposit									
ME Bank	541512			09-Jun-21	08-Jun-22	0.00	31	212.33	.50%
National Australia Bank	541988			13-Oct-21	12-Oct-22	0.00	31	174.11	.41%
ME Bank	542099			17-Nov-21	16-Nov-22	0.00	31	297.26	.70%
National Australia Bank	541757			18-Aug-21	16-Aug-23	0.00	31	263.29	.62%
National Australia Bank	541935			29-Sep-21	27-Sep-23	0.00	31	267.53	.63%
Term Deposit Total						0.00		1,214.52	.57%
						4,762.31		42,264.02	2.15%

Broken Hill City Council

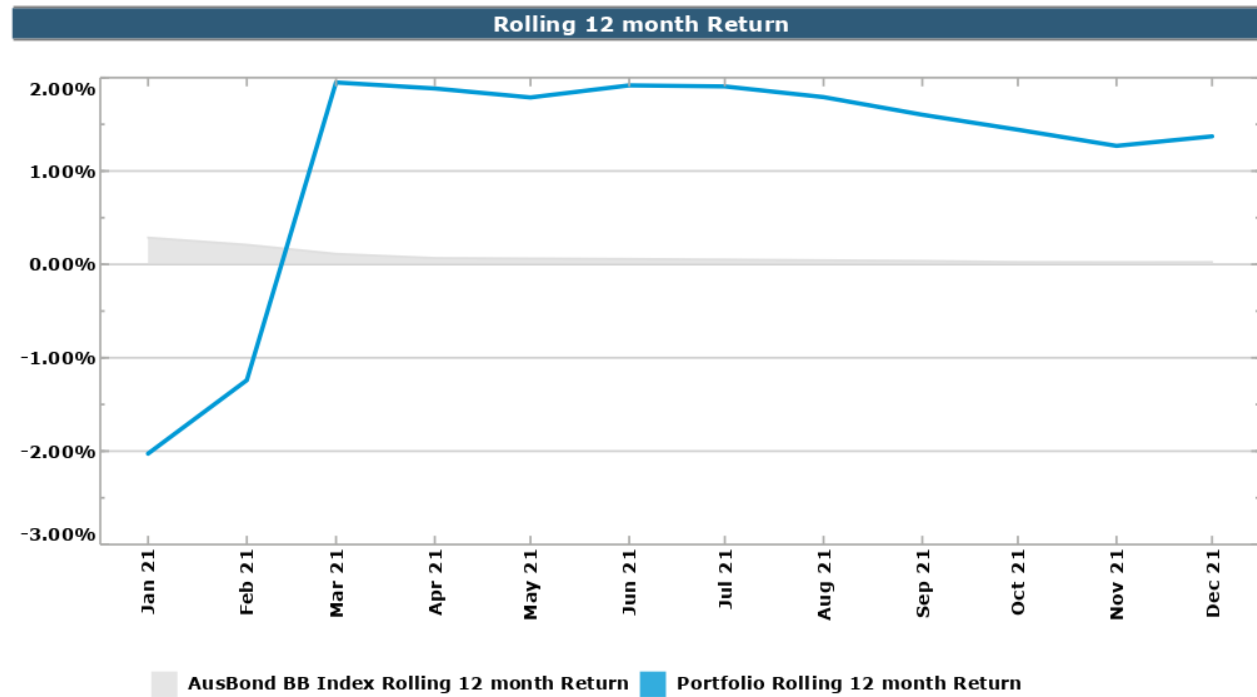
Investment Performance Report



Historical Performance Summary			
	Portfolio	AusBond BB Index	Outperformance
Dec 2021	2.15%	0.04%	2.11%
Last 3 Months	1.25%	0.03%	1.22%
Last 6 Months	1.09%	0.03%	1.06%
Financial Year to Date	1.09%	0.03%	1.06%
Last 12 months	1.37%	0.03%	1.34%

Broken Hill City Council

Investment Performance Report

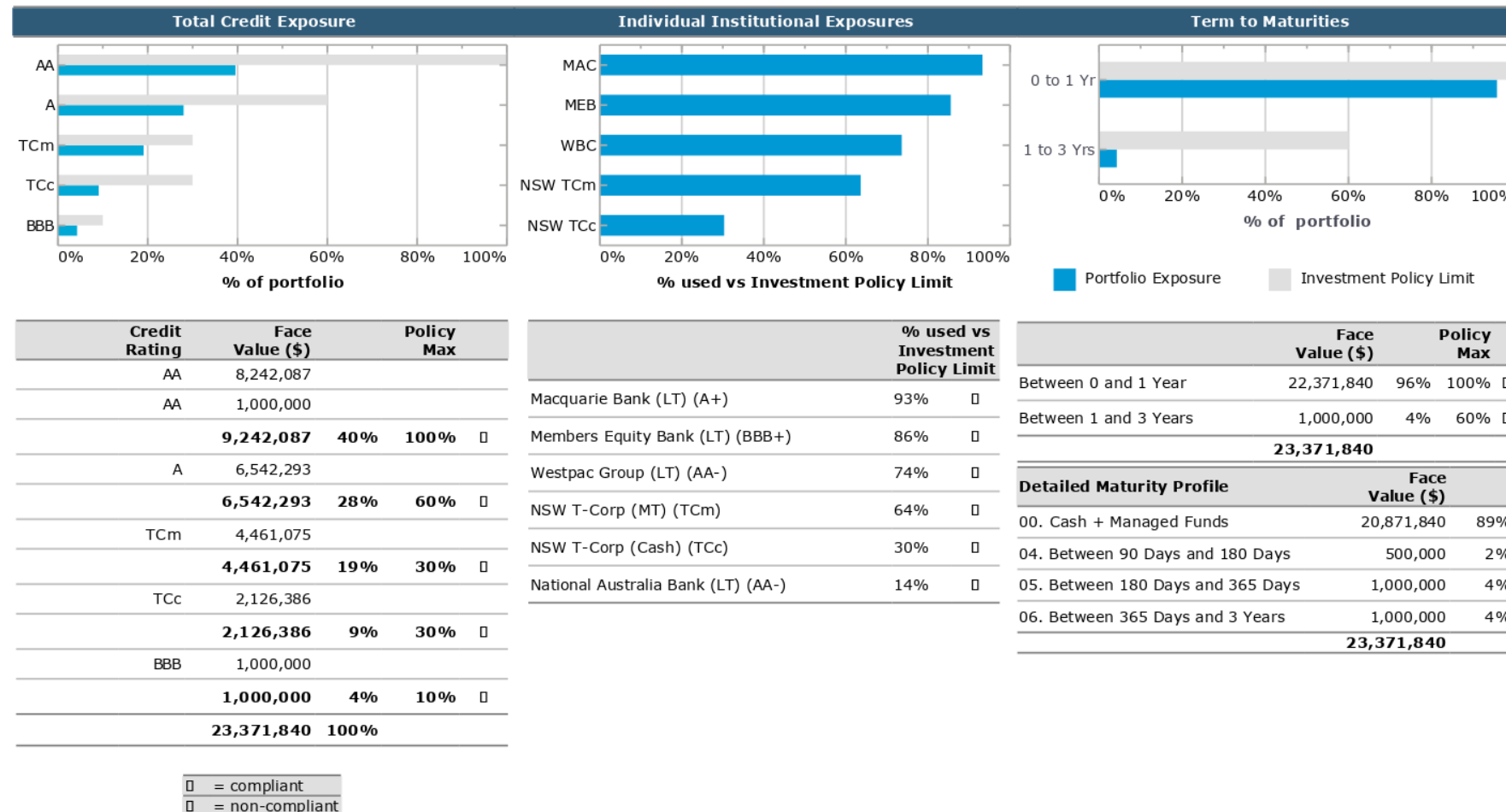


Historical Performance Summary (actual)

	Portfolio	AusBond BB Index	Outperformance
Dec 2021	0.18%	0.00%	0.18%
Last 3 Months	0.31%	0.01%	0.30%
Last 6 Months	0.55%	0.01%	0.54%
Financial Year to Date	0.55%	0.01%	0.54%
Last 12 months	1.37%	0.03%	1.34%

Broken Hill City Council

Investment Policy Compliance Report



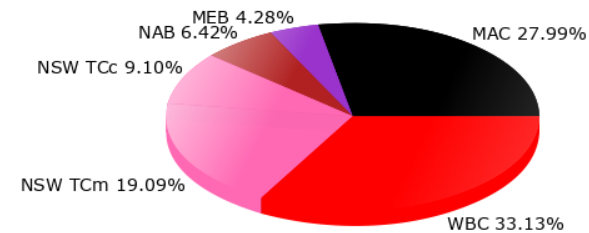
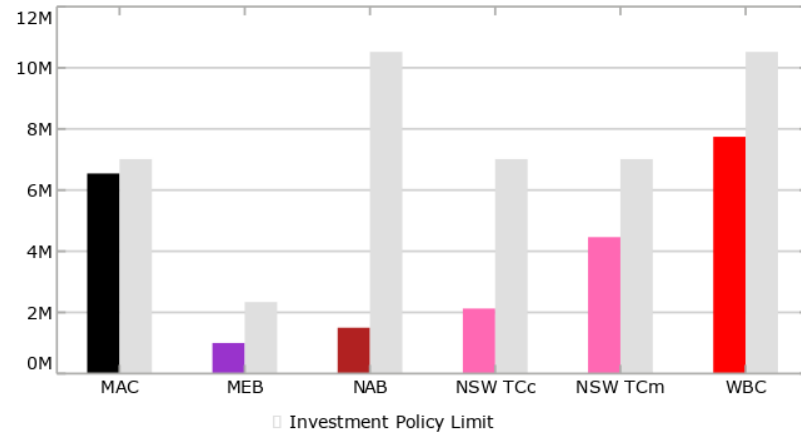
Broken Hill City Council Individual Institutional Exposures Report



Individual Institutional Exposures

	Current Exposures		Policy Limit		Capacity
Macquarie Bank (A+)	6,542,293	28%	7,011,552	30%	469,260
Members Equity Bank (BBB+)	1,000,000	4%	2,337,184	10%	1,337,184
National Australia Bank (AA-)	1,500,000	6%	10,517,328	45%	9,017,328
NSW T-Corp (TCc)	2,126,386	9%	7,011,552	30%	4,885,166
NSW T-Corp (TCm)	4,461,075	19%	7,011,552	30%	2,550,477
Westpac Group (AA-)	7,742,087	33%	10,517,328	45%	2,775,241
	23,371,840				

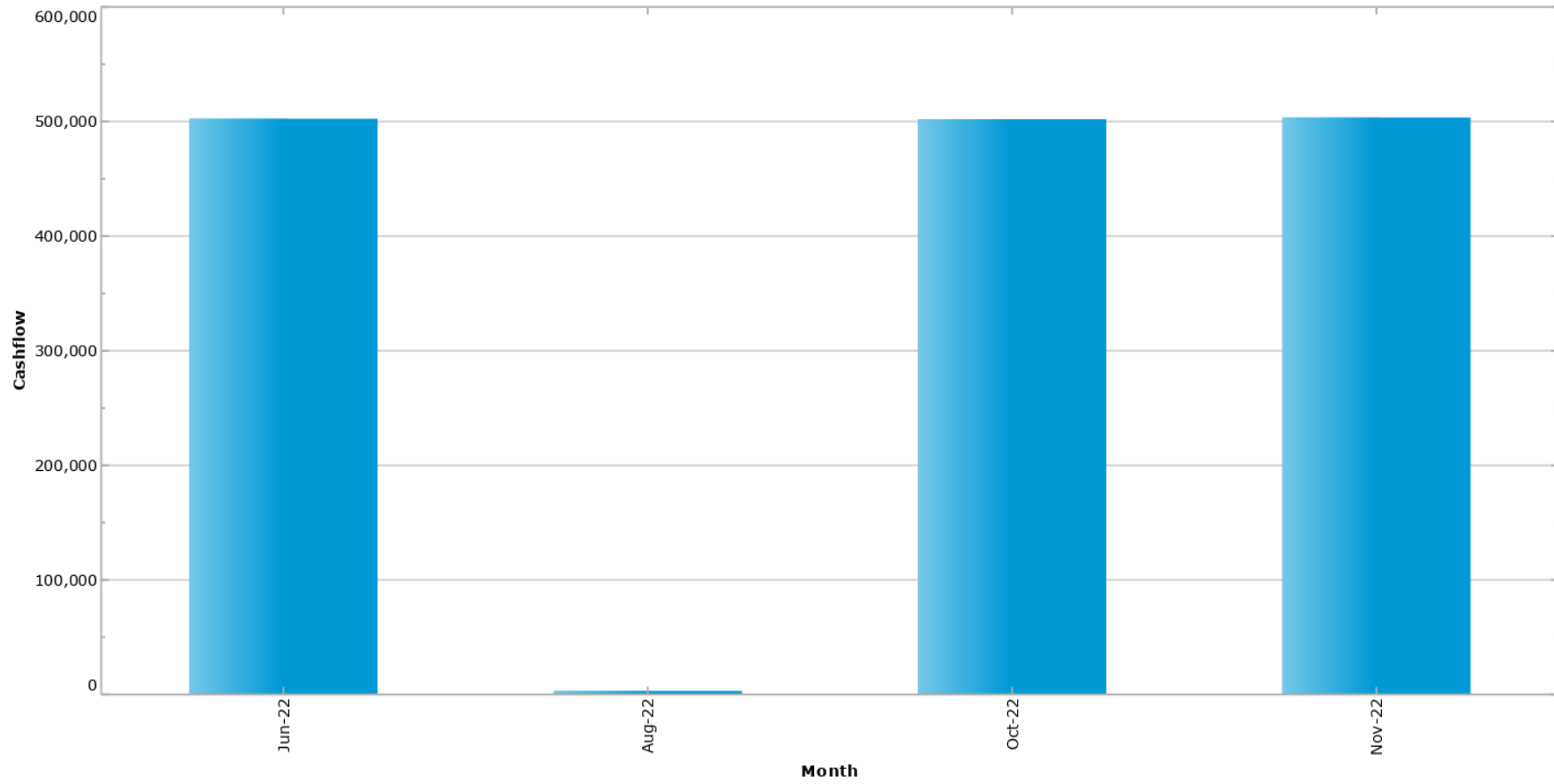
Individual Institutional Exposure Charts



Broken Hill City Council
Cash Flows Report



Current Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Received
Net Cash Movement for Period					
Next Month Cashflows					
Transaction Date	Deal No.	Cashflow Counterparty	Asset Type	Cashflow Description	Cashflow Due
Net Cash Movement for Period					

Broken Hill City Council
Cash Flows Report

ORDINARY MEETING OF THE COUNCIL

January 21, 2022

ITEM 9BROKEN HILL CITY COUNCIL REPORT NO. 23/22

SUBJECT: CITIES POWER PARTNERSHIP - LOCAL LEADERS PROGRAM
D22/2991

Recommendation

1. That Broken Hill City Council Report No. 23/22 dated January 21, 2022, be received.
2. That Councillors advise the General Manager's Office of their interest to join the Cities Power Partnership, Local Leaders Program as a Council delegate/s.

Executive Summary:

Broken Hill City Council is a partner member of the Cities Power Partnership along with over 145 Councils across Australia.

Council has received an invitation for newly elected members of Council to join the Local Leaders Program aimed to assist local Councils to advocate for opportunities to progress actions towards a zero-carbon economy.

At the Council Meeting held 12 January 2022, Council deferred Broken Hill City Council Report No 10/22 (Minute No. 46701) and requested a further report be provided to Council outlining the benefits of the Local Leaders Program to the City of Broken Hill.

ITEM 10 - BROKEN HILL CITY COUNCIL REPORT NO. 10/22 - DATED DECEMBER 21, 2021 -
CITIES POWER PARTNERSHIP - LOCAL LEADERS PROGRAM **D21/56162**

RESOLUTIONMinute No. 1

Councillor M Boland moved)
Councillor H. Jewitt seconded)

Resolved

1. That Broken Hill City Council Report No. 10/22 dated December 21, 2021, be received.
2. That the matter be deferred to the Ordinary Council Meeting to be held 27 January 2022 and a further report be provided to Council outlining the benefits of the Local Leaders Program to the City of Broken Hill.

CARRIED UNANIMOUSLY

The Broken Hill City Council was accepted into the Cities Power Partnership in 2017 committing to five key environmental actions ranging from renewable energy, energy efficiency, sustainable transport, collaboration, and advocacy. The Council's involvement with the program demonstrates that as a Council and as a community, we are committed to protecting and enhancing our environment.

The primary benefit of the Cities Power Partnership's Local Leaders Program is giving the City of Broken Hill a voice in the advocating for an emission free future. Involvement in the program will support the implementation of the Council's Renewable Energy Action Plan, reinforce the declaration of the climate change emergency, and ensure Broken Hill is in a strong position to benefit from job creation and economic diversity that renewable energy conversion can offer.

Outcomes from being involved with the Local Leaders Program includes gaining a better understanding of the impacts of climate change from a local government perspective and the opportunity to participate in developing effective strategies in response to those changes. Participation in the program will also provide the opportunity to demonstrate and promote to the community measures that the Council is taking to address the effects of climate change.

Report:

The Cities Power Partnership lobby state and federal government to address barriers to the take up of renewable energy, energy efficiency and/or sustainable transport; and support local Councils and communities to progress actions to become more sustainable.

Broken Hill City Council adopted its Sustainability Strategy 2018-2023 committing to develop a sustainable and liveable City. The Strategy identified 11 action plans for projects in the areas of energy, water, waste, transport and the built environment.

Membership of the Cities Power Partnership assists Council to deliver on the 11 action plans by providing knowledge, advocacy, technical information and networking opportunities with other Councils on the implementation of their sustainability projects.

The Cities Power Partnership Local Leaders Program is a dedicated group of influential local government mayors and councillors from around Australia who advocate for a clean energy future and its benefits like job creation and economic diversity.

The Cities Power Partnership has always worked with members to elevate their voices into Australia's clean economy conversation, through our Local Leaders group.

Participants in the Local Leaders Program will have the opportunity to engage on:

- Proactive Cities Power Partnership and Climate Council media opportunities (interviews, quotes, opinions and editorial pieces), such as a new report, event or video.
- Reactive media opportunities, for example, speaking to journalists on relevant topics concerning topics like clean energy potential and benefits in your local area.
- Joint advocacy statements calling for stronger action towards a zero-carbon economy in relation to a specific and relevant topic, for example economic recovery.

As the global economy shifts to zero-carbon, now is the time to advocate for the support and actions that the community needs to create a prosperous future.

Attached to this report is a brochure which outlines details on the program including how it works and benefits of joining.

Also attached is information on the Cities Power Partnership Organisation.

Cities Power Partnership will facilitate a media training session for newly elected members of NSW Councils in early 2022.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	3	Our Environment
Objective:	3.1	Our environmental footprint is minimised
Strategy:	3.1.2	Implement outcomes outlined in Council's Sustainability Strategy

Relevant Legislation:

Nil.

Financial Implications:

Nil fees for Councillors of member Councils to join the Local Leaders Program.

Attachments

1. [↓](#) Cities Power Partnership - Local Leaders Program Information
2. [↓](#) Information-for-Councils

CODIE HOWARD
CHIEF ASSETS AND PROJECTS OFFICER

JAY NANKIVELL
GENERAL MANAGER



Local Leaders

A dedicated coalition of local government elected officials from around Australia who advocate for a prosperous, clean energy future.

Local governments have long been leading the way on actions that reduce emissions and set communities up for a thriving future, however local voices are often left out of the media. **Local Leaders aims to catapult your trusted voices and stories of action into the national conversation.**



Image: Lake Macquarie mayor Kay Fraser with Port Stephens mayor Ryan Palmer at the Tesla electric vehicle charging station in Heatherbrae.

Local Leaders

As a Local Leader, the Cities Power Partnership media team will engage you for:

- > Proactive Cities Power Partnership and Climate Council media opportunities (interviews, quotes, op-eds etc), such as voicing your support and perspective on a [new report](#), event or video.
- > Reactive media opportunities, for example, speaking to journalists on relevant topics concerning climate and energy in your local area, or responding to an extreme weather event like a bushfire or flood.
- > Participation in [joint advocacy statements](#) calling for stronger action towards a zero carbon economy or more support in response to extreme weather like bushfires.

Program benefits

- > You'll be part of an **influential group of local government leaders** advocating for a clean energy economy to state and federal governments as well as within your community.
- > You'll receive **professional media and communications training** that is valued at thousands of dollars, but provided completely free of charge.
- > You'll be among the **first to receive special briefings** on the latest and most up-to-date information on energy and climate change issues in Australia.
- > You'll **raise your profile and be seen as a trusted voice** on the issue.
- > You'll advocate for your community and **represent your constituents on a local and national scale**.
- > You'll be supported by **world-class communications and media expertise** of the Climate Council, Australia's leading climate communications organisation.



citiespowerpartnership.org.au

What we offer

Free media support, training and media relations advice that will help raise your profile, establish you as a thought leader and maximise the impact of your advocacy efforts by:

- > Identifying and securing suitable media opportunities.
- > Providing as much notice as possible of media requests to assist with preparation.
- > Providing detailed briefings before media interviews.
- > Always securing approval prior to the distribution of media releases that contain attributed comment.
- > If desired, providing feedback on media work to assist with self-improvement.
- > When required, providing metrics on media campaigns.
- > Formal media training at a suitable time and place.

To join, [sign this letter](#).



Image: Parkes mayor Ken Keith at Cities Power Partnership launch.

Partners



Climate Council

The Climate Council is Australia's leading climate communications organisation. To date the Climate Council has produced 128 reports on climate impacts and solutions, and reaches a potential audience of 80-90 million people every quarter. This significant impact is a key incentive for cities to join the Cities Power Partnership program.

climatecouncil.org.au



Climate Media Centre

The Climate Media Centre (CMC) is a not-for-profit PR agency and spokesperson bureau for climate change. An initiative of the Climate Council of Australia, CMC specialise in connecting journalists with people who are experiencing climate change impacts first-hand, as well as all the Australians coming up with innovative solutions to tackle the greatest issue of our times.

climatemediacentre.org.au



citiespowerpartnership.org.au

Cities Power Partnership

cpp@climatecouncil.org.au
citiespowerpartnership.org.au

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CITIES POWER
PARTNERSHIP

CITIES POWER PARTNERSHIP

Information for councils



CLIMATE
COUNCIL

climatecouncil.org.au



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citiespowerpartnership.org.au

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**Australia's largest
network of
cities and towns
leading the way
to a vibrant, zero
emissions future**

Contents

1 Executive Summary	7 Power Up
2 The Climate Council	7 Power On
3 The Challenge	8 What Does Success Look Like?
3 Local Champions	9 Frequently Asked Questions
5 A Snapshot of the Cities Power Partnership	10 Appendix A
6 How the Cities Power Partnership works	13 Appendix B
6 Become a Member	15 References

Executive Summary

Australia is on the frontline of climate change and its impacts. We continue to swelter through record breaking heat, lengthening bushfire seasons, worsening coastal flooding and supercharged storms. Meanwhile, our national leaders continue to tout the unreliable and polluting fossil fuel industry as Australia's future. As climate impacts worsen and government action stagnates, the window of opportunity to limit the warming of the planet is rapidly closing.

Throughout all of these challenges, local heroes have quietly been getting on with the job. Cities and towns across Australia are surging ahead with emissions reduction plans, switching to cleaner energy and building greener, efficient and more resilient communities. The Cities Power Partnership (CPP) elevates and accelerates this action across the country. We know that transforming the way cities use and generate energy alone has the potential to deliver 70% of the total emissions reductions needed to stay on track for the 2 degrees limit set under the Paris Agreement.

The CPP engages with towns and cities, via local councils, throughout Australia and incentivises councils to increase renewable energy and energy efficiency, improve transport and engage in advocacy.

Members are also given access to a national knowledge hub and a project assesment and tracking tool. They can connect with cities across the country to knowledge share, access hundreds of resources and are and celebrated at events with other local leaders. We also showcase the incredible achievements of cities in national, local and social media to millions and share their successes with our online community of over 500,000 supporters.

"Cities and towns across Australia are surging ahead with emissions reduction plans"

80-
90mcumulative
audience per
quarter.

128

reports.

The Climate Council

The Climate Council is Australia's leading climate communications organisation. To date the Climate Council has produced 128 reports on climate impacts and solutions and is the number one organisation communicating on climate change nationally.

The Climate Council brings a unique set of skills that enable us to build and deliver the Cities Power Partnership program and ensure that it differs from existing programs for local councils. The Climate Council has significant media impact, reaching a potential 80-90 million people every quarter. This media reach is a key incentive for cities to join the program as well as working to strengthen public support across the country for climate action at the local level.

In addition, the Climate Council hosts a wealth of leading experts in climate impacts and renewable energy solutions whose technical knowledge is key to helping local councils to implement emissions reduction measures.

The Climate Council also uses its national status and the credibility of its Climate Councillors to connect councils across the country with community energy groups and local organisations who can help councils to implement energy efficiency and renewable energy measures quickly and effectively, as well as assist with accessing funding and incentives for councils to act.

The Challenge

Australians continues to swelter through record breaking heat, lengthening bushfire seasons, worsening coastal flooding and supercharged storms.

The emission of greenhouse gases from the burning of fossil fuels like coal, oil and gas, are driving these changes and need to be drastically reduced. However, the window of opportunity to limit the warming of the planet and its catastrophic impacts is rapidly closing and governments are struggling to meet this challenge at the pace required.

Local Champions

In the face of these challenges local champions have emerged.

Around the world and across Australia, towns and cities of all shapes and sizes are getting on with the job. They are surging ahead with emissions reduction plans, switching to cleaner energy and building greener, efficient and more resilient communities. From booming urban centres to small rural townships, local governments and groups of determined residents have been energy and climate trailblazers in many ways. Towns and cities can shape how land is used, investments are made and millions of dollars worth of renewable energy is rolled out. They can influence how new homes and businesses are built, determine the ways in which hundreds of thousands of residents will travel each day and band together to lobby for much needed state and federal policy change. Transforming the way cities use and generate energy alone has the potential to deliver 70% of the total emissions reductions needed to stay on track for the 2 degrees limit set under the Paris Agreement (IEA 2016).

"Local governments and groups of determined residents have been energy and climate trailblazers in many ways."

4 Cities Power Partnership



Information for Councils 5

A Snapshot of the Cities Power Partnership

The Climate Council's Cities Power Partnership (CPP) seeks to celebrate and accelerate the emission reduction and clean energy successes of Australian towns and cities to date. We are calling on Mayors, Councilors and communities to capitalise on the opportunities of a clean economy by joining the CPP.

The CPP launched mid 2017, along with a Climate Council cities report authored by some of Australia's leading experts, a brand new CPP website and a media campaign featuring the 35 trailblazing councils who joined the partnership in round 1.

By early 2019, membership jumped up to 100 local governments, making us the largest climate action program for local government in the country. In 2021, over 145 councils are members and we represent over half of the Australian population.

The CPP launch broke Climate Council media coverage records

The CPP media launch was held at the Mt Majura Solar Farm in the ACT and featured Climate Councilor Professor Tim Flannery, Climate Council CEO Amanda McKenzie, ACT Environment Minister Shane Rattenbury MLC and Lane Crockett, Head of Renewable Infrastructure, Impact Investment Group.

A record breaking coverage of 8 front pages, 250+ broadcast media items and 210+ print & online items.

Participating councils who join the partnership have 6 months to select 5 key actions from the partnership pledge ranging from renewable energy, efficiency, transport and advocacy (see Appendix A for full pledge list and Appendix B for pledge examples).

Future applications

Please contact us at cpp@climatecouncil.org.au to find out how your council can join the program

145+

Member
councils &
growing.

750+

Climate
and energy
pledges.

12m+

Australians
represented.

How the Cities Power Partnership Works

1

Become a member

Act:

Councils sign up to be a member

Knowledge:

Members get exclusive access to the extensive online knowledge hub, webinars and a free reporting tool.

Connect:

Each member can connect with other local councils across the country to knowledge share.

Profile:

Members are profiled in national and local media and to our online community of over 500,000 supporters.

2

Power Up

Act:

Members have 6 months to select 5 key actions from the partnership pledges ranging from renewable energy, efficiency, transport and advocacy. They must identify a point of contact within council who will liaise with the Climate Council and work to implement their actions. Pledges are submitted by each member and profiled online.

Knowledge:

Members will have ongoing access to the knowledge hub, reporting tool, webinars with domestic and international experts as well as communications and advocacy training where required.

Connect:

At the heart of the Cities Power Partnership is connection and sharing between participants. From nation-wide events to our online forum, councils have ample opportunity to connect and work together. Councils who are already leading will play an important knowledge sharing role with other members.

Profile:

Members and their local success stories will be profiled in the media by our dedicated CPP team Media Advisors working with Council communications teams. Climate Councillors will travel to a range of communities across Australia to engage in community events and talk to councils.

3

Power On

Act:

Members report on progress against key actions in a mandatory annual survey, following the submission of their 5 pledge items.

Knowledge:

Members access local and international knowledge and inspiration at various Roundtables.

Connect:

Members are brought together to celebrate the high achieving towns and cities of the Cities Power Partnership National Summit and annual awards ceremony.

Profile:

Success stories are continually celebrated in the media. The CPP annual awards, recognise & celebrate best practice project outcomes, collaborations and individual contributions. Climate Councillors travel to a range of Australian communities, as more towns and cities become members and lead the switch to non-polluting energy across the country.

8 Cities Power Partnership

What Does Success Look Like?

By 2025, 50% of all councils in Australia have joined the Cities Power Partnership and strong climate action becomes business as usual for councils across Australia.



Frequently Asked Questions

When did the Cities Power Partnership launch?

It launched in July 2017. This launch included the launch of the CPP website, the Local Government Action research report, a media and stakeholder launch which showcased the 35 towns and cities who had already pledged and a national media campaign.

Can the broader community nominate their town or city to be part of the Cities Power Partnership?

Yes. Nominations can easily be made through the website at citiespowerpartnership.org.au/nominate/. This will allow you to email your council directly, informing them about the program.

How do community energy organisations get involved?

We are actively reaching out to community energy organisations across the country to get involved. The Cities Power Partnership wants to profile and connect community energy groups with councils involved in the partnership. There is an action pledge under "Work Together and Influence" for councils to strive to "support community energy groups with their community energy initiatives". This connection is vital to help councils achieve success as community energy groups and the community more broadly can provide on the ground support, including workshops and modelling, to help councils achieve their energy and sustainability commitments.

What if a town or city is already leading in renewable energy and sustainability, what does their city get out of joining the partnership?

Cities leading the way play an essential role in the partnership. They share their knowledge with other cities, their successes are celebrated to an audience of millions to inspire others and they will have access to resources and incentives to help them to continue to lead.

Many trailblazing cities who are already leading will have some of their existing initiatives counted towards their power partnership pledge.

Appendix

Appendix A: The Partnership Action Pledges

Participating councils who join the partnership will have 6 months to select 5 key actions from the options below.

Renewable Energy

-  1. Develop supportive planning laws to encourage residents and industry to adopt renewable energy.
-  2. Use council resources to support the uptake of renewable energy.
-  3. Install renewable energy (solar PV and battery storage) on council buildings.
-  4. Support community facilities to access renewable energy through incentives, support or grants.
-  5. Power council operations by renewable energy, and set targets to increase the level of renewable power for council operations over time.
-  6. Provide incentives and/or remove barriers to encourage local businesses to take up solar power and battery storage.
-  7. Support local community renewable energy projects, and encourage investment in community energy.

Energy Efficiency

-  1. Set minimum energy efficiency benchmarks for all planning applications.
-  2. Adopt best practice energy efficiency measures across all council buildings, and support community facilities to adopt these measures.
-  3. Roll out energy efficient lighting across the municipality.
-  4. Provide incentives for energy efficient developments and upgrades to existing buildings.
-  5. Incentivise use of energy efficient heating and cooling technologies.
-  6. Create a green revolving energy fund to finance energy efficiency projects.
-  8. Opening up unused council managed land for renewable energy.
-  9. Facilitate large energy users collectively tendering and purchasing renewable energy at a low cost.
-  10. Set minimum renewable energy benchmarks for new developments.
-  11. Electrify public transport systems and fleet vehicles and power these by 100% renewable energy.
-  12. Lobby electricity providers and state government to address barriers to local renewable energy uptake.
-  13. Identify opportunities to turn organic waste into electricity.
-  14. Implement landfill gas methane flaring or capture for electricity generation.
-  15. Create a revolving green energy fund to finance renewable energy projects.

Sustainable Transport

1. Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
2. Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.
3. Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.
4. Ensure that new developments are designed to maximize public and active transport use, and support electric vehicle uptake.
5. Support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities.
6. Reduce or remove minimum car parking requirements for new housing and commercial developments where suitable public transport alternatives exist.
7. Lobby state and federal governments to increase sustainable transport options.
8. Create disincentives for driving high emitting vehicles.
9. Convert council waste collection fleet to hydrogen or electric power.

Work Together and Influence

1. Set city-level renewable energy or emissions reduction targets.
2. Lobby state and federal government to address barriers to the take up of renewable energy, energy efficiency and/or sustainable transport.
3. Set up meetings and attend events to work with other cities on tackling climate change.
4. Develop education and behaviour-change programs to support local residents and businesses to tackle climate change through clean energy, energy efficiency and sustainable transport.
5. Lobby for state and federal support for a just transition away from coal-driven industry for local workers and the community.
6. Develop procurement policy to ensure that the practices of contractors and financiers align with council's renewable energy, energy efficiency and sustainable transport goals.
7. Support the local community to develop capacity and skills to tackle climate change.
8. Support local community energy groups with their community energy initiatives.
9. Achieve 100% divestment from fossil fuel aligned investments at the earliest possible date.

Appendix

Appendix B: Pledge Examples

Renewable energy

Action	Examples	Link
Install renewable energy (solar PV and battery storage) on council buildings	Bathurst Council installed solar systems across nine council buildings	https://www.bathurst.nsw.gov.au/environment/energy-sustainability/solar-power-on-council-buildings.html
Facilitate large energy users collectively tendering and purchasing renewable energy at a low cost.	The Melbourne Renewable Energy Project involves bringing together a number of large energy users to collectively tender for renewable energy.	https://www.melbourne.vic.gov.au/business/sustainable-business/mrep/Pages/melbourne-renewable-energy-project.aspx

Energy efficiency

Action	Examples	Link
Roll out energy efficient lighting across the municipality.	Wingecarribee Shire Council - participation in Lighting the Way Streetlighting upgrade	http://media.wsc.nsw.gov.au/council-and-endavour-energy-roll-out-street-light-upgrade/
Create a green revolving energy fund to finance energy efficiency projects	Penrith City Council Sustainability Revolving fund has supported 42 projects to the value of more than \$1.5 million. Combined these projects result in savings of almost \$600,000 each year, along with abatement of more than 3,100 tonnes of CO ₂ e.	https://www.penrithcity.nsw.gov.au/Documents/Waste-and-Environment/Sustainability-Revolving-Fund-Guidelines/

Sources: IEA 2016; IRENA 2016

Sustainable transport

Action	Examples	Link
Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.	Charge Together Initiative	https://www.chargetogether.com/about-the-program
Provide fast-charging infrastructure throughout the city at key locations for electric vehicles.	Regional 3 Council Program Waverley, Woollahra & Randwick Councils	http://www.waverley.nsw.gov.au/top_link_pages/news_and_media/council_news/news/a_nsw_first_for_electric_vehicle_owners

Work together and influence

Action	Examples	Link
Set city-level renewable energy or emissions reduction targets.	Darebin has set a target of zero net carbon emissions across Darebin by 2020 and released the first ever Climate Emergency Plan.	https://www.bathurst.nsw.gov.au/environment/energy-sustainability/solar-power-on-council-buildings.html
Support the local community to develop capacity and skills to tackle climate change	Hepburn Shire and ZNet Hepburn Shire created the 10 year Community Transition Plan	https://z-net.org.au/hepburn/

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ORDINARY MEETING OF THE COUNCIL

January 21, 2022

ITEM 10BROKEN HILL CITY COUNCIL REPORT NO. 24/22SUBJECT: ACTION LIST REPORTD22/3148**Recommendation**

1. That Broken Hill City Council Report No. 24/22 dated January 21, 2022, be received.

Executive Summary:

The purpose of this report is to ensure that Council and the community are informed on the status of actions required by previous Council resolutions.

Report:

A new format Action List was presented to the June 2017 Council Meeting to provide Councillors with a clearer way of reporting on the progress of outstanding Council resolutions. As per Minute No. 45570, the Action List has been produced in the new colour coded format and shows the progress of Council' outstanding decisions (Green – completed, Yellow – in progress and Red – not yet commenced).

The Action List attached to this report covers decisions at Ordinary Council Meetings, is for information only and will be provided to Council on a monthly basis.

Discussions have been held with staff regarding the long outstanding items on the Action List, most of which are leasing/licencing matters. Staff will be working to finalise these items as a priority and/or request Council to rescind resolutions where circumstances have changed.

Community Engagement:

Nil.

Strategic Direction:

Key Direction:	4	Our Leadership
Objective:	4.1	Openness and transparency in decision making
Strategy:	4.1.1	Support the organisation to operate its legal framework

Relevant Legislation:

Local Government Act 1993

Financial Implications:

Nil

Attachments

1. [↓](#) Action List Report

LEISA BARTLETT
EXECUTIVE OFFICER

JAY NANKIVELL
GENERAL MANAGER

For Action

Division:

Committee:

Officer:

Further Report Required:

Date From:

Date To:

Printed:

Ordinary Council

1/04/2018

21/01/2022

Friday, 21 January 2022 6:35:44 PM

Action Sheets Report

Including Further Reports

Meeting	Officer/Director	Section	Subject
Ordinary Council 26/04/2018	VanDerBerg, Francois Nankivell, Jay	Reports	COMPULSORY ACQUISITION OF WARNOCK GOSSAN STREET ROAD RESERVE

Resolved:

1. That Broken Hill City Council Report No. 59/18 dated April 6, 2018, be received.

2. That Council make an application to the Minister and Governor for approval to acquire the sections of Warnock and Gossan Street traversing Crown Land in Lot 7469 in Deposited Plan 1182254, under Section 177 of the *Roads Act 1993* and Section 186 of the *Local Government Act 1993*.

3. That the acquisition be undertaken in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.

4. That upon acquisition, Council to undertake required actions to open the subject road by registration of a plan in accordance with Section 7 of the *Roads Act 1993*.

16 May 2018 9:45am Bartlett, Leisa

In progress.

15 Aug 2018 3:32pm Bartlett, Leisa

MPDC advised - OLG advised that the land is subject to a Native Title Claim and that compulsory acquisition cannot go ahead at this stage. Council is waiting for further advice from OLG.

11 Sep 2018 4:40pm Bartlett, Leisa

No change, awaiting advice from OLG.

09 Oct 2018 5:08pm Bartlett, Leisa

Awaiting OLG advice

13 Nov 2018 9:26am Bartlett, Leisa

Awaiting OLG advice due to Native Title.

06 Feb 2019 1:51pm Bartlett, Leisa

In discussions with Crown Lands regarding Native Title.

07 Mar 2019 1:55pm Bartlett, Leisa

No change, awaiting response from Crown Lands.

15 May 2019 10:41am Falkner, Georgina

Crown Lands have advised they have no objection to receiving Proposed Acquisition Notices. Investigating budget and Native Title prior to making application to OLG.

14 Jun 2019 3:27pm Bartlett, Leisa

no change in status

04 Jul 2019 1:51pm Bartlett, Leisa

no change in status

20 Aug 2019 3:39pm Misagh, Anthony

Acquisition is on hold and most likely will not be going ahead at this point. It holds native title and it is getting somewhat expensive.

17 Oct 2019 9:54am Bartlett, Leisa

Discussions being held with month with the Department of Crown Lands.

14 Nov 2019 4:35pm Bartlett, Leisa

Seeking legal advice from Council's Solicitors

12 Feb 2020 12:12pm Bartlett, Leisa

Legal advice received. Matter in progress.

For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Friday, 21 January 2022 6:35:44 PM

07 Apr 2020 10:14am Bartlett, Leisa 11/03/2020 - Matter in progress.
08 Apr 2020 11:16am Bartlett, Leisa In progress.
08 May 2020 11:58am Bartlett, Leisa Matter in progress.
10 Jun 2020 2:35pm Bartlett, Leisa Matter in progress.
15 Jul 2020 1:45pm Bartlett, Leisa Matter in progress.
12 Aug 2020 9:41am Bartlett, Leisa Matter in progress.
17 Sep 2020 3:05pm Bartlett, Leisa Matter on hold until the Federation Way Acquisition is complete.
16 Oct 2020 8:42am Bartlett, Leisa Matter on hold.
10 Nov 2020 4:11pm Bartlett, Leisa Matter on hold.
30 Nov 2020 2:06pm Bartlett, Leisa Matter on hold.
12 Feb 2021 10:00am Bartlett, Leisa Matter on hold until Federation Way Acquisition is complete
18 Mar 2021 4:38pm Bartlett, Leisa In progress.
16 Apr 2021 10:41am Bartlett, Leisa In progress.
12 May 2021 12:10pm Bartlett, Leisa On hold until Federation Way acquisition is complete.
15 Jul 2021 12:13pm Bartlett, Leisa On hold until Federation Way acquisition is complete.
12 Aug 2021 3:03pm Bartlett, Leisa On hold.
16 Dec 2021 11:49am Bartlett, Leisa On hold.
18 Jan 2022 2:54pm Butcher, Lacey On hold

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LEASE OF PART LOT 7421 DP 1183597 TO AXICOM PTY LIMITED
Resolved			
1. That Broken Hill City Council Report No. 104/20 dated June 23, 2020, be received.			

For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
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<p>2. That the Willyama Common Trust lease Part Lot 7421 DP 1183597 (being a telecommunications compound on the Line of Lode) to Axicom Pty Limited for a period of 20 years for telecommunications purposes.</p> <p>3. That the annual rent be \$12,000.00 per annum with an annual 2.5% increase.</p> <p>4. That the Mayor and General Manager be authorised to sign and execute the lease documents under the Common Seal of Council, in the absence of a Trust Seal.</p>	CARRIED UNANIMOUSLY
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<p>12 Aug 2020 10:00am Bartlett, Leisa Solicitors are drawing up the lease agreement.</p> <p>17 Sep 2020 3:09pm Bartlett, Leisa Draft lease being finalised.</p> <p>16 Oct 2020 9:20am Bartlett, Leisa Draft lease with Solicitors.</p> <p>10 Nov 2020 4:23pm Bartlett, Leisa Solicitors have finalised the draft lease and the lease is being sent to Axicom Pty Ltd for signature.</p> <p>30 Nov 2020 2:09pm Bartlett, Leisa Solicitors liaising with Axicom re execution of lease.</p> <p>12 Feb 2021 10:03am Bartlett, Leisa Solicitors liaising with Axicom.</p> <p>18 Mar 2021 4:39pm Bartlett, Leisa Draft lease being finalised.</p> <p>16 Apr 2021 10:42am Bartlett, Leisa Lease with Axicom for execution.</p> <p>12 May 2021 12:13pm Bartlett, Leisa Lease with Axicom for execution.</p> <p>17 Jun 2021 4:55pm Bartlett, Leisa Awaiting return of signed lease from Axicom.</p> <p>15 Jul 2021 12:14pm Bartlett, Leisa Axicom P/L have requested minor changes which are in progress.</p> <p>12 Aug 2021 3:03pm Bartlett, Leisa Signing of lease in progress.</p> <p>15 Sep 2021 9:05am Bartlett, Leisa In progress, delayed due to lockdown.</p> <p>14 Oct 2021 4:11pm Bartlett, Leisa Lease signed by Council and now in the process of gaining Ministerial consent.</p> <p>11 Nov 2021 9:01am Bartlett, Leisa Lease with Crown Lands for Ministerial consent.</p> <p>16 Dec 2021 11:50am Bartlett, Leisa Lease with Crown Lands for Ministerial consent.</p>	
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For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
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18 Jan 2022 2:54pm Butcher, Lacey
Lease with Crown Lands for Ministerial consent

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/07/2020	Andrews, Anne Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE OF PART LOT 7315 DP 1183447 TO BROKEN HILL SPEEDWAY CLUB
Resolved			
1. That Broken Hill City Council Report No. 105/20 dated July 1, 2020, be received.			
2. That Council (as Trust Manager for the Willyama Common Trust) lease Part Lot 7315 in Deposited Plan 1183447 to the Broken Hill Speedway Club for the purpose of a motocross track extension and associated access.			
3. That the lease term be 25 years and the annual rental be the minimum Crown Lands rental.			
4. That the Mayor and General Manager be authorised to sign and execute any documents under the Common Seal of Council, the absence of a Trust Seal.			
			CARRIED UNANIMOUSLY
12 Aug 2020 10:00am Bartlett, Leisa Solicitors are drawing up the licence agreement.			
17 Sep 2020 3:09pm Bartlett, Leisa Draft lease being finalised.			
16 Oct 2020 9:20am Bartlett, Leisa Draft lease with Solicitors.			
10 Nov 2020 4:26pm Bartlett, Leisa Licence is with the Broken Hill Speedway Club for signature.			
30 Nov 2020 2:11pm Bartlett, Leisa Licence with Speedway Club for signature.			
12 Feb 2021 10:04am Bartlett, Leisa Licence signed by all parties and is now with the Minister for approval.			
18 Mar 2021 4:40pm Bartlett, Leisa In progress.			
16 Apr 2021 10:42am Bartlett, Leisa In progress.			
12 May 2021 12:14pm Bartlett, Leisa In progress.			
17 Jun 2021 4:55pm Bartlett, Leisa Waiting on response from Local Aboriginal Land Council.			
15 Jul 2021 12:15pm Bartlett, Leisa			

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Solicitor is awaiting a response from the Local Aboriginal Land Council.

12 Aug 2021 3:04pm Bartlett, Leisa
Council's Solicitor is awaiting a response from the Local Aboriginal Land Council.

15 Sep 2021 9:06am Bartlett, Leisa
Council staff following up with Local Aboriginal Land Council.

14 Oct 2021 4:12pm Bartlett, Leisa
Awaiting response from Local Aboriginal Land Council.

11 Nov 2021 9:02am Bartlett, Leisa
Awaiting response from the Local Aboriginal Land Council.

16 Dec 2021 11:51am Bartlett, Leisa
Awaiting response from Local Aboriginal Land Council.

18 Jan 2022 2:55pm Butcher, Lacey
Awaiting response from Aboriginal Land Council

Meeting	Officer/Director	Section	Subject
Ordinary Council 9/12/2020	Andrews, Anne Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST LICENCE TO NEXTGEN NETWORKS PTY LTD
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 175/20 dated November 24, 2020, be received. That the Willyama Common Trust amend the existing licence to Nextgen Networks Pty Ltd in accordance with the attached plan, being part Lot 7302 DP 1181129. That the Willyama Common Trust renew the amended licence for a further period of 10 years (in accordance with the existing renewal option) and rent be set at \$2500 per annum. That the Mayor and General Manager be authorised to sign and execute any relevant documents under the Common Seal of Council, in the absence of a Trust Seal. 			
CARRIED UNANIMOUSLY			
<p>12 Feb 2021 10:12am Bartlett, Leisa Processes have commence to issue licence.</p> <p>18 Mar 2021 4:41pm Bartlett, Leisa Nextgen progressing draft licence.</p> <p>16 Apr 2021 10:47am Bartlett, Leisa Draft deed is with the Solicitor.</p> <p>12 May 2021 12:17pm Bartlett, Leisa Draft deed with Solicitors - in progress.</p> <p>17 Jun 2021 5:24pm Bartlett, Leisa Draft deed with the Solicitors.</p> <p>15 Jul 2021 12:19pm Bartlett, Leisa</p>			

For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
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In progress.
12 Aug 2021 3:06pm Bartlett, Leisa
In progress.
15 Sep 2021 9:09am Bartlett, Leisa
In progress.
14 Oct 2021 4:15pm Bartlett, Leisa
Awaiting information from applicant to be able to progress further.
11 Nov 2021 9:02am Bartlett, Leisa
Potential amendments being discussed.
16 Dec 2021 11:51am Bartlett, Leisa
Amendments being discussed.
18 Jan 2022 2:56pm Butcher, Lacey
Amendments being discussed

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/03/2021	Howard, Codie Nankivell, Jay	Notice of Motion	COMMUNITY GARDEN FOR FORMER ALMA POOL SITE
Resolved			
1. That Motions of Which Notice has been Given No. 7/21 dated March 19, 2021, be received.			
2. That Broken Hill City Council prepares a report about establishing a community operated gardens at the former Alma pool site.			
CARRIED UNANIMOUSLY			
16 Apr 2021 10:52am Bartlett, Leisa			
Plan being developed.			
18 Jun 2021 12:12pm Bartlett, Leisa			
Plan being developed.			
15 Jul 2021 12:20pm Bartlett, Leisa			
Development of plan ongoing.			
12 Aug 2021 3:07pm Bartlett, Leisa			
Development of plan ongoing.			
08 Sep 2021 12:56pm Bartlett, Leisa			
Development of plan ongoing.			
12 Oct 2021 11:08am Bartlett, Leisa			
Development of plan ongoing.			
11 Nov 2021 9:03am Bartlett, Leisa			
Ongoing.			
16 Dec 2021 11:52am Bartlett, Leisa			
Development of the plan is ongoing.			
18 Jan 2022 2:57pm Butcher, Lacey			
Development of the plan is ongoing			

For Action	Division: Ordinary Council	Date From: 1/04/2018
	Committee:	Date To: 21/01/2022
	Officer:	
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Friday, 21 January 2022 6:35:44 PM

Meeting	Officer/Director	Section	Subject
Ordinary Council 31/03/2021	Howard, Codie Nankivell, Jay	Notice of Motion	STREET LIGHTING
Resolved			
<ol style="list-style-type: none"> That Motions of Which Notice has been Given No. 8/21 dated March 19, 2021, be received. That Broken Hill City Council prepares a report to be tabled at the May 2021 Council Meeting regarding the installation of street lighting on Holten Drive, McGillivray Drive and Federation Way. That at the end of the roll-out of the Southern Lights project, an assessment be undertaken of any further need for street lighting including the lighting to the roads mentioned in part 2 (Holten Drive, McGillivray Drive and Federation Way). 			
CARRIED			
<p>16 Apr 2021 10:53am Bartlett, Leisa Report being prepared for the May Council Meeting.</p> <p>12 May 2021 4:35pm Bartlett, Leisa Awaiting advice on public lighting code requirements, prior to report being finalised.</p> <p>20 Jul 2021 1:45pm Bartlett, Leisa Report still being completed. Meeting with Essential Energy delayed due to COVID-19.</p> <p>12 Aug 2021 3:07pm Bartlett, Leisa Meeting with Essential Energy delayed due to COVID-19.</p> <p>14 Sep 2021 4:36pm Bartlett, Leisa Meeting with Essential Energy delayed due to COVID-19.</p> <p>12 Oct 2021 11:09am Bartlett, Leisa Meeting with Essential Energy delayed due to COVID-19.</p> <p>11 Nov 2021 9:03am Bartlett, Leisa Discussions being held with Southern Lights Group around long term ownership of street lights and installation of new poles.</p> <p>16 Dec 2021 11:52am Bartlett, Leisa Discussions ongoing.</p> <p>18 Jan 2022 2:57pm Butcher, Lacey Discussions ongoing</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 28/04/2021	Bawden, Paul Nankivell, Jay	Confidential Matters	WILLYAMA COMMON TRUST PROPOSED LICENCE AND EASEMENT TO AGL ENERGY LIMITED
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 63/21 dated April 14, 2021, be received. 			

For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
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<p>2. That the Willyama Common Trust licence Part Lot 7302 DP 1181129 to AGL Energy Limited for a period of two years, for the purposes of construction of a transmission line.</p> <p>3. That the Willyama Common Trust consent to AGL Energy Limited registering an easement across Lot 7302 DP 1181129 for the overheard transmission line, once construction is finalised.</p> <p>4. That the annual rent for the licence agreement be set at \$1,600 per annum plus GST, and AGL reimburse Council for any legal fees associated with the licence and easement.</p> <p>5. That Council as the Willyama Common Trust provide landowner's consent for the lodgement of a Development Application for the proposed Battery Energy Storage System, due to part of the project area being on the Willyama Common.</p> <p>6. That the Mayor and General Manager be authorised to signed and execute any related documents under the Common Seal of Council, in the absence of a Trust Seal.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p> <p>12 May 2021 12:24pm Bartlett, Leisa Licence drafting is in progress.</p> <p>18 Jun 2021 12:15pm Bartlett, Leisa Draft licence received and will be reviewed by Council's solicitors.</p> <p>15 Jul 2021 12:20pm Bartlett, Leisa Licence with Solicitor for minor requested changes. In progress.</p> <p>12 Aug 2021 3:08pm Bartlett, Leisa Draft Licence back with Council's Soliditor for review of minor changes.</p> <p>15 Sep 2021 9:09am Bartlett, Leisa Amendments being discussed with AGL.</p> <p>14 Oct 2021 4:16pm Bartlett, Leisa Matter in progress, minor changes being made to licence agreement.</p> <p>11 Nov 2021 9:04am Bartlett, Leisa Licence documents finalised, execution arranged.</p> <p>16 Dec 2021 11:56am Bartlett, Leisa Licence is with AGL for execution.</p> <p>18 Jan 2022 2:58pm Butcher, Lacey Documentation received. Documentation to be reviewed and signed</p>
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Meeting	Officer/Director	Section	Subject
Ordinary Council 26/05/2021	Falkner, Georgina Nankivell, Jay	Reports	UPDATE ON PROPOSED ACQUISITION OF FEDERATION WAY
Resolved			

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	Officer:	
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1. That Broken Hill City Council Report No. 75/21 dated April 27, 2021, be received.
2. That Council note the progress update on the proposed acquisition of Federation Way.
3. That Council seek to negotiate an Indigenous Land Use Agreement (ILUA) with the Barkandji Corporation, to allow Council to acquire the Crown Land while preserving the Barkandji's Native Title rights and interests.
4. That the Mayor and General Manager be authorised to negotiate the terms and conditions of the proposed Indigenous Land Use Agreement (ILUA) with the Barkandji Corporation; and that at the finalisation of negotiations, a report be provided to Council advising the outcome of the negotiations for Council's approval to enter an ILUA with the Barkandji Corporation.

CARRIED UNANIMOUSLY

18 Jun 2021 3:31pm Bartlett, Leisa

All parties agreed to extension of acquisition timeline. Native Title negotiations to commence in July.

15 Jul 2021 12:23pm Bartlett, Leisa

In progress - Solicitors working out date for negotiations.

12 Aug 2021 3:09pm Bartlett, Leisa

Meeting re negotiations delayed due to COVID-19.

26 Aug 2021 3:27pm Falkner, Georgina - Completion

Action completed by Bartlett, Leisa

15 Sep 2021 9:10am Bartlett, Leisa

Meeting likely to be organised remotely due to COVID-19. Solicitors are currently trying to organise potential dates.

14 Oct 2021 4:16pm Bartlett, Leisa

Meeting proposed for early November 2021.

11 Nov 2021 9:05am Bartlett, Leisa

Initial meeting held, further negotiations to continue.

16 Dec 2021 11:57am Bartlett, Leisa

Further negotiations continuing.

18 Jan 2022 2:59pm Butcher, Lacey

Further negotiations continuing

Meeting	Officer/Director	Section	Subject
Ordinary Council 25/08/2021	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 416 HELD TUESDAY, 3 AUGUST 2021
Resolved			
1. That Broken Hill City Council Report No. 145/21 dated August 12, 2021, be received.			

For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
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2. That the minutes from the Local Traffic Committee - Meeting No. 416 held, Tuesday, 3 August 2021 be received.
 3. That Item No. 406.6.1 – That a 'Loading Zone' be installed in Crystal Lane on the Astra side of the lane.

The loading zone will be 8 meters long and 2.4 meters wide and positioned 6.7 meters from 'Give Way' sign at the intersection of the lane and an offset of 2.5 meter from the gate way to the Astra carpark.
 4. That Item No. 414.8.6 – That three additional parking spaces to be line marked where the unused driveway is located adjacent to the Hearing Centre in Sulphide Street.
- CARRIED UNANIMOUSLY

08 Sep 2021 12:57pm Bartlett, Leisa

Resolutions have been workflowed to operational team for completion.

12 Oct 2021 11:14am Bartlett, Leisa

Resolutions with operational team to complete.

11 Nov 2021 3:27pm Bartlett, Leisa

With operational team for completion.

17 Dec 2021 11:02am Bartlett, Leisa

Item 3 - Loading Zone in Crystal Lane - complete., Item 4 - Line-marking with operational team for completion.

18 Jan 2022 3:04pm Butcher, Lacey

Item 4 Line-marking with the operational team for completion

Meeting	Officer/Director	Section	Subject
Ordinary Council 29/09/2021	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 417 HELD TUESDAY, 7 SEPTEMBER 2021
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 163/21 dated September 17, 2021, be received. 2. That the minutes from the Local Traffic Committee – Meeting No. 417 held, Tuesday, 7 September 2021 be received. 3. That the bus zone sign in Garnet Street (front of Broken Hill High School) be moved in a southerly direction to allow for an extra two 5-minute timed parking spaces to be installed between the existing drop-off parking space and the bus zone to allow for children to be dropped off at the front of the Broken Hill High School. <p style="text-align: right;">CARRIED UNANIMOUSLY</p>			

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12 Oct 2021 11:18am Bartlett, Leisa
Resolution has been workflowed to operational team for completion.
11 Nov 2021 3:28pm Bartlett, Leisa
With operational team for completion.
18 Jan 2022 3:05pm Butcher, Lacey
With operational team for completion

Meeting	Officer/Director	Section	Subject
Ordinary Council 24/11/2021	Howard, Codie Nankivell, Jay	Reports	MINUTES OF THE LOCAL TRAFFIC COMMITTEE - MEETING NO. 419 HELD ON THURSDAY, 28 OCTOBER 2021
Resolved			
<p>1. That Broken Hill City Council Report No. 187/21 dated November 11, 2021, be received.</p> <p>2. That the minutes from the Local Traffic Committee – Meeting 419 held on Thursday, 28 October 2021</p> <p>3. Item No. 416.6.1 - That the parking signs in Union Street be covered for a trial period of three months to identify what impacts are caused without the timed parking spaces adjacent the Morgan Street Primary School in Union Street.</p> <p>That the triad period be for three months and the covers removed after this time at the end of the first school term.</p> <p>Further consultation will be arranged with the Principal of the Morgan Street Primary School and the residents in the area before a determination can be decided.</p> <p>Based on satisfaction results from the trail period the zone will be reinstated permanently – streamline from trial to permit.</p> <p>4. Item No. 417.6.1 – That a 15-minute timed parking space be installed at the front of Live better, located at 475 Argent Street to allow for the parking of the transport bus.</p> <p>Council to arrange further consultation with Live Better and arrange for the placement of the parking sign.</p> <p>5. Item No. 419.6.1 - That the Local Traffic Committee have no objection for the proposed road closures for the Council Christmas Pageant.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>			
<p>15 Dec 2021 4:57pm Bartlett, Leisa Resolution with operational team for completion. 18 Jan 2022 3:08pm Butcher, Lacey</p>			

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Resolution with the operations team for completion

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	ELECTION OF DEPUTY MAYOR
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 1/22 dated December 7, 2021, be received. That Council elect the Deputy Mayor at this meeting. That the Deputy Mayor be elected for the period from this Council Meeting until the September 2022 Council Meeting. That voting for the Deputy Mayor be open voting, i.e. "show of hands". That the result of the election of Deputy Mayor be forwarded to the Office of Local Government and to Local Government NSW. 			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:21pm Bartlett, Leisa OLG and LGNSW advised of election result., COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Nankivell, Jay Nankivell, Jay	Council Resolution	Council Resolution
Resolved			
Resolved:			
<ol style="list-style-type: none"> That Mayoral Minute No. 1/22 dated 12 January 2022 be received. That all relevant extant policies and practices be rescinded or amended so as to facilitate the following: That the Mayor be afforded dedicated full time secretarial assistance with requisite office equipment, including letterhead. That the Mayor's office be responsible for all ceremonial activities. 			

For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
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<p>5. That the Mayor and Councillors be afforded priority use of the level 2 Administrative Centre Meeting Room, and that councillors be afforded access to the administrative centre; and that the level 2 Administrative Centre Meeting Room be turned back into a Councillor Meeting Room/Common Area for the use of Councillors as required.</p> <p>6. That Cr Jim Hickey be appointed Deputy Mayor 2022.</p> <p>7. That standing committees, viz: Works, Health and Building, Policy and General be formed such that meetings at 5.30 be held on Monday, Tuesday and Wednesday of the week preceding scheduled monthly council meetings; and that the work of the existing Key Direction Working Groups will be amalgamated with the new the Standing Committees.</p> <p>8. That "Works" include consideration of all matters relating to garbage services, parks and gardens, animal control and any other function the council delegates.</p> <p>9. That "Health and Building include consideration of all matters relating to cultural activities, Library, Art Gallery, Geocentre and any other function the council delegates.</p> <p>10. That "Policy and General" include consideration of all matters relating to corporate services, heritage, tourism and any other function the council delegates.</p> <p>11. That the General Manager be invited to ensure that senior staff, the authors of reports are present at the relevant standing committee meetings.</p> <p>12. That the standing committees be chaired by Cr Michael Boland "Works", Cr Jim Hickey "Building and Health, Cr Bob Algate "Policy and General</p> <p>13. That the first standing committee be held in February 2022.</p> <p>14. That the composition of the standing committees, other than the Mayor be: "Works" Cr Michael Boland, Cr Bob Algate, Cr Alan Chandler, Cr Ron Page. "Health and Building" Cr Jim Hickey, Cr Alan Chandler, Cr Hayley Jewitt, Cr Dave Gallagher. "Policy and General" Cr Bob Algate, Cr Michael Boland, Cr Marion Brown, Hayley Jewitt, Jim Hickey.</p> <p>15. That the Mayor, Deputy Mayor, Cr Algate and Cr Boland be appointed to the audit committee.</p> <p>16. That councillors be invited to indicate to the Mayor's office their preferences for membership of section 355 committees and any other committees/working groups with Councillor representation, and appointment of Councillor Delegates to same be made at the February 2022 Council Meeting.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p> <p>21 Jan 2022 5:16pm Bartlett, Leisa</p>		

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2. - Code of Meeting Practice Policy to be amended and Councillor Support Policy reviewed.,
3. - Budget adjustment to be presented as part of the December Quarterly Budget Review Report for presentation at the February Council Meeting. Position description to be developed during February in consultation with the Mayor and General Manager, for recruitment to commence.,
4. - Position description to be developed during February in consultation with the Mayor and General Manager.,
5. - Councillors have access to Council buildings as per Section 8.26-8.28 of Council's Code of Conduct. Security cards/fob keys are being organised for individual Councillors.,
6. - COMPLETE,
- 7-11 & 13. - Operational for February 2022,
- 12, 14-16. - Will be included in Report to be tabled at the February Council Meeting regarding Council Delegates on Committees.

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Nankivell, Jay Nankivell, Jay	Council Resolution	Council Resolution
<u>Resolved</u>			
1. That the Mayoral Minute 2/22 dated the 12/01/22 be received.			
2. That an Ordinary Council Meeting be held on the 27/01/2022 at 6.30pm.			
3. That a workshop be held on Wednesday 19/01/2022 at 5.30pm to organise amendments to Council's Code of Meeting Practice, so that the public forum will be part of Councils Ordinary and Extraordinary Meetings. Other amendments to the Code of Meeting Practice will also be made, that the amendments discussed will be put in a draft form for adoption at the January Council Meeting on Thursday 27/01/2022.			
4. That Council immediately advertises for community groups interested in hosting public meetings to discuss Council matters. The public meetings will be held monthly and business forums bi-monthly; that a report will be presented to the February 2022 meeting of Council about potential arrangements for public meetings.			
5. That at the February 2022 meeting of Council, Councillors are to be presented with the required policies, with amendments included, that will allow for cash payments to be accepted at all Council operated facilities.			
6. That a workshop will be held to discuss amendments to the following policies, The Code of Conduct, Compliance and Enforcement Policy, Debt Recovery Policy, Local Orders Policy, Media Relations Policy, Social Media Policy and Tree Management Policy.			
7. That all expenditure, plans and actions related to the development of the Council's Library hub be abandoned and that the General Manager be invited to present a report to the Council Meeting on 27/1/2022 outlining the use of federal grant money for a purpose built archive that is located in the proposed position of the Library hub. The report will include staffing requirements.			

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8. That the General Manager be invited to advertise for expressions of interest for a community group to facilitate the removal and replacement of the gateway signage, that Councillors are presented with a report at the February 2022 Council Meeting detailing the cost of replacing one of the gateway signs with a sign chosen by Deanna Spicer from her designs.
9. That the General Manager be invited to provide a report to Council with options on how to manage a complaints committee that is operated locally, the committee will deal with disputed fines and disputed orders.
10. That the General Manager be invited to provide a report to March 2022 Ordinary Council Meeting that details the structure and operations of the former 355 committee known as "The Regional Tourism Association" with a view to re-establish the committee. The goal of the committee will be to market tourism and encourage migration to the city.
11. That the General Manager be invited to provide a report to Council detailing the requirements for dedicated full time Council employed staff to maintain footpaths and nature strips.
12. That the over \$6M collected from waste disposal from the Wentworth to Broken Hill pipeline is removed from the Library hub project reserve and placed into a general projects reserve.
13. That Council forms a 355 committee that deals with all matters that affect our senior citizens and that the formation of the committee is to be advertised to the community for membership and expressions of interest.
14. That Council forms a 355 committee that has the role to bring projects and services to the city that benefit young children, teenage children and young adults and that the formation of the committee will be advertised and expressions sought.
15. That the General Manager be invited to provide a report to Council detailing what amendments need to be made to the constitutions of all Council 355 committees as to provide more autonomy to the committees to operate and manage Council facilities.
16. That the Mayor be invited to organise a meeting with the Local Member Roy Butler and Essential Water as early as possible to significantly accelerate the process to open the Imperial Lake. That a site visit is organised with Essential Energy for Councillors to view the Imperial Lake. That the General Manager be invited to obtain an independent engineers report into the safety of the dam wall. Expressions of interest are advertised immediately for community representation on a working group to

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facilitate volunteers and the opening of the Lake and that Landcare and RANA are contacted to gauge interest.

17. That options to increase street lighting be referred to the Policy and General committee.
18. That the General Manager be invited to immediately advertise for expression of interest from the community to form a working party to provide Council with advice on projects that Council undertakes, with a view to reduce the Council's reliance on consultants.
19. That the General Manager be invited to hold a workshop to explain to Councillors how line budgets will be implemented for the 2022/23 budget.
20. That the Mayor be invited to host a meeting with the Local State Member Roy Butler and the Local Federal Member Mark Coulton and that John Lynch, and a representative from the RFDS are invited to discuss proposals and options for an airport upgrade and options.
21. That options to increase childcare be referred to the Policy and General committee.
22. That the Works committee discuss and provide options for the removal of residential waste gate charges, this will also apply to commercial businesses that are disposing of residential rubbish, the committee will also discuss greenwaste and other recycling options. Any findings will be discussed at a number of public meetings.
23. That the General Manager be invited to provide the Council with a report detailing the legal expenditure to defend against the Ombudsman's report into the Occupation Certificate and Civic Centre usage. The report will detail any decision to expend funds to mount such defence. This report will be provided to the February 2022 meeting.
24. That the General Manager be invited to hold a workshop on 24/01/2022 at 5.30 pm to provide Councillors with all reports and information pertaining to the Civic Centre litigation.
25. That the Policy and General committee consider proposals to reduce commercial and industrial rates and to make residential rates more equitable.
26. That the General Manager be invited to advertise for expressions of interest to paint murals and provide other street art and that a report be provided at the January 27th 2022 meeting explaining why the proposed mural in Argent Street from the Country Women's Association was rejected and options to invite them to resubmit

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their application.

27. That the Policy and General committee investigate the cost for Council to provide more focus on applying for grant funding and the opportunity to apply for grants for local organisations as a fee for service.
28. That the Mayor be invited to send correspondence to the Local State Member Roy Butler asking that he make representations to the State Government on behalf of the Broken Hill community to have a permanent Wentworth pipeline subsidy implemented. That the State Member be asked to facilitate a meeting with the appropriate Minister to meet with himself and the Mayor to discuss the subsidy.
29. That the General Manager be invited to provide Council with a report at the on the progress of the Netball, Norm Fox redevelopment and a tour is organised for Councillors to see all Council parks, ovals and sporting facilities.
30. That the General Manager be invited to organise a meeting with IPART and Essential Energy to discuss options to increase water usage at a lower cost so that the city can be greened.
31. That the Mayor be invited to send correspondence to the Local Member Roy Butler to ask him to organise a meeting with the appropriate Ministers to discuss the management of the Menindee Lakes and the Darling River.
32. That General Manager be invited to immediately advertise for expressions of interest from the community to remove dead trees.
33. That the Works committee investigate options to plant different tree species that are asset friendly and fast growing.
34. That the General Manager be invited to provide Councillors with a report on options to address the issues of roaming dogs and cats. That a meeting be organised of the committee that was formed to address this issue and the findings referred to the Policy and General committee.
35. That the General Manager be invited to provide a report about the process to get funding for a mining, truck, car and motorbike museums. The report will include previous reports on the matters and the offer made by Perilya a number of years ago about mining assets.
36. That the General Manager advertise for expressions of interest to form a working group to address the homeless issue, drug and alcohol use and suicide prevention.

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37. That the General Manager be invited to provide a report to Council detailing options to facilitate a truck wash and truck stop.
38. That the General Manager be invited to provide a report to the January meeting about any positions in the employee structure that remain unfilled and the expense to date for wages compared to the budgeted amount. Also the expected wage amount to year end with only the current positions filled.
39. That the General Manager be invited to contact the appropriate Aboriginal organisations to facilitate communication for the purpose of establishing a green space at the rear of Creedon Street.
40. That the General Manager provides a report to the January 27 2022 Ordinary Council Meeting outlining timelines for the implementation of the resolutions of Mayoral Minute No. 2/22.

CARRIED

21 Jan 2022 5:25pm Bartlett, Leisa

2. - COMPLETE.
3. - COMPLETE: Draft for public exhibition presented to the January Council Meeting.,
4. - Report to be presented to the February Council Meeting.,
5. - Report to be presented to the February Ordinary Council Meeting.,
6. - Workshops to be scheduled during February to enable consideration of amended policies at the March Committee meetings.,
7. - Report presented to the January Council Meeting.,
8. - Report to be presented to the February Council Meeting.,
9. - Report to be presented to the March Policy & General Committee Meeting.,
10. - Report to be presented to the March Ordinary Council Meeting.,
11. - Workshops to be held with Council through the development of the 2022/23 Operational Plan and Resourcing Strategy, with a report provided to the April 2022 Policy & General Committee.,
12. - Internal transfer of reserves has been completed. An updated internal reserve table will be presented as part of the December Quarterly Review Report.,
13. - A workshop will be held with Councillors in March to formulate a TOR for presentation to the March Committee Meetings.,
14. - A workshop will be held with Councillors in March to formulate a TOR for presentation to the March Committee Meetings.,
15. - Report to be presented to the March Works Committee meeting.,
16. - Site visit being arranged with Essential Water for the week commencing 31 January 2022.,
17. - Options to be presented at the April Works Committee meeting.,
18. - Projects Steering Group Terms of Reference to be formulated and presented to the February Ordinary Council Meeting.,
19. - Workshops to be held during March 2022 as part of the 2022/23 budget process.,
20. - Meeting to be scheduled for February 2022.,
21. - Further consultation with Foundation Broken Hill is recommended during February 2022 with options for Council support to be presented to the March Health and Building Committee Meeting.,
22. - to occur during March 2022 as part of the 2022/23 budget process.,
23. - Report to be presented to the February Council Meeting.,
24. - Workshop held on 24 January 2022.,
25. - to occur during March 2022 as part of the 2022/23 budget process.,
26. - Report presented at this Council Meeting. EOI for murals and street art in accordance with Council's Public Art Policy to be advertised in February 2022.,
27. - This will be workshopped with Council through the development of the 2022/23 Operational Plan and Resourcing Strategy, with a report provided to the April Policy and General Committee meeting.,

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28. - Letter being drafted.,
29. - Report presented to January Council Meeting with site visits and further workshops scheduled for February.,
30. - Meeting to be organised for February 2022.,
31. - Letter being drafted.,
32. - EOI to be advertised during February 2022 following the results of the tree audit to identify high priority areas of removal in the first instance.,
33. - Tree Management Policy and Tree Management Plan to be workshopped with Councillors during February 2022 for presentation to the March Works Committee Meeting.,
34. - Report will be provided to Councillors in March 2022, following the commencement of Council's recently appointed Executive Manager Planning and Community Safety.,
35. - Priority projects and funding to be discussed and workshopped as part of the development of the 2022/23 Operational Plan and Resourcing Strategy.,
36. - Working Groups Terms of Reference to be developed in consultation with the appropriate stakeholders and presented to the April Health and Building Committee Meeting.,
37. - Report to be presented to the February Council Meeting for further consideration to occur as part of the 2022/23 budget process.,
38. - Report presented to the January Council Meeting - COMPLETE,
39. - Contact and further investigation to occur during February 2022 when appropriate Officers return from leave.,
40. - Report presented to January Council Meeting - COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Confirmation of Minutes	Ordinary Meeting of the Council - 12/01/2022
Resolved			
That the Minutes of the Ordinary Meeting of the Council of the City of Broken Hill held November 24, 2021 be confirmed.			
That the open minutes of the Extraordinary Council Meeting held 11 November 2021 be amended to include the resolution of Item 1 – Broken Hill City Council Report No. 179/21 dated November 10 2021 – Proposed Transport Options – Confidential.			
That the amended open minutes of the Extraordinary Council Meeting held 11 November 2021 be represented to the Ordinary Council Meeting held 27 January 2022 for confirmation.			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:14pm Bartlett, Leisa Report presented to the January Council Meeting. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	CASUAL VACANCIES IN THE OFFICE OF COUNCILLOR WITHIN 18 MONTHS OF THE 4 DECEMBER 2021 LOCAL GOVERNMENT ELECTION
The Item was LOST			
21 Jan 2022 6:22pm Bartlett, Leisa Letter being drafted to the NSW Electoral Commission to advise that a bi-election is to be held if there is a casual vacancy in elected members.			

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Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	DELEGATION OF FUNCTIONS
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 4/22 dated September 9, 2021, be received. That the matter be deferred to the February 2022 Ordinary Council Meeting. That a Councillor Workshop regarding the Delegations be held prior to the February Council Meeting. 			
CARRIED			
21 Jan 2022 6:24pm Bartlett, Leisa A Councillor Workshop will be arranged for February. The report will be re-presented to the February Council Meeting.			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Brown, Simon Nankivell, Jay	Reports	ANNUAL FEES - MAYOR AND COUNCILLORS
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 5/22 dated December 9, 2021, be received. That the current annual fees payable to the Mayor and Councillors remain unchanged for the remainder of the financial year. That allocation of a fee for the newly elected Deputy Mayor when acting in the role as Mayor, being the daily fee based on the annual additional Mayoral fee; with the fee so payable deducted from the Mayor's fee, be reaffirmed. 			
CARRIED			
21 Jan 2022 6:26pm Bartlett, Leisa Council's Finance Department has been advised. COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	LOCAL GOVERNMENT REMUNERATION TRIBUNAL -ANNUAL REVIEW FOR 2022
Resolved			

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1. That Broken Hill City Council Report No. 6/22 dated December 9, 2021, be received.
 2. That Council notes that the Broken Hill City Council is categorised as a "Regional Rural" Council for the purpose of determining the Mayoral and Councillor Fees; and that Council makes a submission to the NSW Local Government Remuneration Tribunal in support of the categorisation.
- CARRIED UNANIMOUSLY
- 21 Jan 2022 6:28pm Bartlett, Leisa**
Letter being drafted.

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	APPOINTMENT OF DELEGATES TO COMMITTEES - DECEMBER 2021 TO SEPTEMBER 2022
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 7/22 dated December 9, 2021, be received. 2. That the matter be deferred as per the resolution of the Mayoral Minute No.1. <p style="text-align: right;">CARRIED UNANIMOUSLY</p> <p>21 Jan 2022 6:29pm Bartlett, Leisa Report deferred to February Council Meeting and Councillors will be requested to provide preferences to the Mayor's Office.</p>			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	ADOPTION OF COUNCILLOR SUPPORT POLICY
Resolved			
<ol style="list-style-type: none"> 1. That Broken Hill City Council Report No. 8/22 dated September 17, 2021, be received. 2. That the following amendments be made to the Councillor Support Policy: <ul style="list-style-type: none"> a) amend Item 4.13 d) to allow Council orders for accommodation to include meals, drinks, laundry, telephone and other costs incurred at a hotel/motel, to alleviate the inconvenience of paying separately for these charges when checking-out of a hotel/motel. b) amend the policy to update the reference of iPads. 			

For Action	Division: Committee: Ordinary Council Officer:	Date From: 1/04/2018 Date To: 21/01/2022
Action Sheets Report	Further Report Required: Including Further Reports	Printed: Friday, 21 January 2022 6:35:44 PM

3. That the amended Councillor Support Policy be re-presented to the February Council Meeting.

CARRIED UNANIMOUSLY

21 Jan 2022 6:30pm Bartlett, Leisa

Policy will be amended and re-presented to the February Council Meeting.

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	COUNCILLOR ATTENDANCE AND MOTIONS TO THE LOCAL GOVERNMENT NSW SPEICAL CONFERENCE HELD IN SYDNEY 28 FEBRUARY - 2 MARCH 2022
Resolved			
<p>1. That Broken Hill City Council Report No. 9/22 dated December 7, 2021, be received.</p> <p>2. That Council notes the LGNSW Special Conference, including debate and resolution of motions from member councils setting LGNSW's advocacy agenda for 2022, will be held in-person in Sydney from 28 February to 2 March 2022.</p> <p>3. That Councillor Boland and Councillor Chandler attend the LGNSW Special Conference (in-person) in Sydney from Monday 28 February to Wednesday 2 March 2022.</p> <p>4. That Councillor Boland and Councillor Chandler be Council's two voting delegates to the LGNSW Special Conference and Council advises Local Government NSW by 17 February 2022.</p> <p>5. That Council notes the following motion (from the 28 July 2021 Council Meeting, Minute Number 46598), and the motion suggested during the Public Forum Session at this meeting:</p> <p>a) That Local Government NSW lobbies the Minister for Transport and Transport NSW to re-introduce reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres.</p> <p>b) That the suggestion during the Public Forum Session prior to this Council Meeting for a further motion to be submitted to the Local Government NSW Conference regarding encouraging refugees/immigrants to settle in Broken Hill, be formulated by the General Manager's Office into a conference motion to be presented to the Council Meeting held on 27 January 2022 for adoption for submission to the Local Government NSW Conference.</p> <p>6. That motions along with the accompanying Council Resolutions be submitted to LGNSW prior to the closing date of 30 January 2022.</p>			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:30pm Bartlett, Leisa			

For Action	Division:	Ordinary Council	Date From:	1/04/2018
	Committee:		Date To:	21/01/2022
	Officer:			
Action Sheets Report	Further Report Required:	Including Further Reports	Printed:	Friday, 21 January 2022 6:35:44 PM

Councillor registration and travel arranged. Further conference motion presented to the January Council Meeting. , COMPLETE

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Bartlett, Leisa Nankivell, Jay	Reports	CITIES POWER PARTNERSHIP - LOCAL LEADERS PROGRAM
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 10/22 dated December 21, 2021, be received. That the matter be deferred to the Ordinary Council Meeting to be held 27 January 2022 and a further report be provided to Council outlining the benefits of the Local Leaders Program to the City of Broken Hill. 			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:31pm Bartlett, Leisa Report re-presented to the January Council Meeting., COMPLETE			

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Howard, Codie Nankivell, Jay	Reports	MINTUES OF THE LOCAL TRAFFIC COMMITTEE MEETING NO. 420, HELD TUESDAY 7 DECEMBER 2021
Resolved			
<ol style="list-style-type: none"> That Broken Hill City Council Report No. 13/22 dated December 22, 2021, be received. That the minutes of the Local Traffic Committee – Meeting No.420, held on Tuesday, 7 December 2021 be received. Item No. 415.6.1 - That Council installs signage and line marking for one (1) disability parking bay adjacent to the ramp on the north side of Crystal Street adjacent to the Country University Centre (CUC) and for three to four 4-hour parking spaces (pending measurement allowance) be installed on the south side of Crystal Street between the two driveways for use by the general community. 			
CARRIED UNANIMOUSLY			
21 Jan 2022 6:33pm Bartlett, Leisa Added to Council's Works schedule.			

For Action	Division:	Ordinary Council	Date From:	1/04/2018
Action Sheets Report	Committee:		Date To:	21/01/2022
	Officer:		Printed: Friday, 21 January 2022 6:35:44 PM	
	Further Report Required:	Including Further Reports		

Meeting	Officer/Director	Section	Subject
Ordinary Council 12/01/2022	Butcher, Lacey Nankivell, Jay	Council Resolution	Council Resolution
<p><u>Resolved</u></p> <p>That Council writes to the relevant State Agency regarding the urgent nature of fruit fly in Broken Hill and region and Council requests advice on what action is or can be taken to address the issue.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p> <p>21 Jan 2022 6:35pm Bartlett, Leisa Letter being drafted.</p>			

CONFIDENTIAL MATTERS

1. BROKEN HILL CITY COUNCIL REPORT NO. 25/22 - DATED JANUARY 21, 2022 - PROPOSED TRANSPORT OPTIONS - **CONFIDENTIAL**

(General Manager's Note: This report considers Proposed Transport Options and is deemed confidential under Section 10A(2) (c) (d) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which provides for 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).

2. BROKEN HILL CITY COUNCIL REPORT NO. 26/22 - DATED JANUARY 19, 2022 - PUBLIC REPORTING OF CONFIDENTIAL MINUTES OF THE EXTRAORDINARY COUNCIL MEETING HELD 11 NOVEMBER 2021 - **CONFIDENTIAL**

(General Manager's Note: This report considers the confidential minutes of the Extraordinary Council Meeting held 11 November 2021 and is deemed confidential under Section 10A(2) (c) (d) of the Local Government Act, 1993 which provides for information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND which provides for 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).