

ATTACHMENT BOOKLET

ORDINARY COUNCIL MEETING
21 MAY 2025

BOOK 2

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DRAFT CODE OF MEETING PRACTICE

Adopted: XXX

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1 INTRODUCTION

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

The Model Meeting Code provides a uniform set of meeting rules for councils across the State to help ensure more accessible, orderly, effective and efficient meetings. The 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.

The Model Meeting Code comprises of mandatory and non-mandatory provisions. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code no later than 12 months after each ordinary council elections. Councils are required to consult with their communities prior to adopting a code of meeting practice.

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 N/A

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

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

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

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

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

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

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

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a Notice of Motion (NoM). To be included on the agenda of the meeting, the NoM must be in writing and must be submitted by close of business nine (9) business days (not including the day of the meeting) before the meeting is to be held. Where a NoM is received after the nine 9 day cut-off date, the NoM will be put forward to the next ordinary meeting.
- 3.11 A councillor may, in writing to the CEO, request the withdrawal of a NoM 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 CEO considers that a NoM 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 CEO may prepare a report in relation to the NoM for inclusion with the business papers for the meeting at which the NoM is to be considered by the council.
- 3.13 A NoM 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 NoM. If the NoM does not identify a funding source, the CEO 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 NoM 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 NoM 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 CEO about the performance or operations of the council.

If the Question with Notice (QWN) is not submitted in accordance with clause 3.10, the QWN will be put forward to the next ordinary meeting.

- 3.15 A councillor is not permitted to ask a QWN under clause 3.14 that comprises a complaint against the CEO or a member of staff of the council, or a question that implies wrongdoing by the CEO or a member of staff of the council.
- 3.16 The CEO or their nominee may respond to a QWN 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.

Where a QWN cannot be addressed at the forthcoming meeting, the QWN will be addressed at the next ordinary meeting.

Agenda and business papers for ordinary meetings

- 3.17 The CEO 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 CEO 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 Mayor 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 CEO 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 CEO, the business is, or the implementation of the business would be, unlawful. The CEO 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 CEO, is likely to take place when the meeting is closed to the public, the CEO 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 CEO must ensure that the details of any item of business which, in the opinion of the CEO, 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.

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 CEO 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 CEO 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 CEO 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 CEO or a member of staff nominated by the CEO is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.38 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum **at** 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.

- 4.1B 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 which means that the public forum will be broadcast via livestream on council's webpage and included in the subsequent audio-visual recording of this meeting.
- 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 council by **12pm, two (2) business days** before the Council meeting date and must identify the item of business on the agenda and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than **two (2) items** of business on the agenda of any council meeting.
- 4.6 Legal representation acting on behalf of others are not permitted to speak at the public forum unless they identify their status as a legal representation when applying to speak at the public forum.
- 4.7 The CEO or their delegate may refuse an application to speak at a public forum. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 Only **one (1)** speaker is 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, council may request the speaker/s to nominate the person/s who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate, council 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, Council, in consultation with 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 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 by **12pm, two (2) business days** before the public forum. Council may refuse to allow such material to be presented.
- 4.12 Council is to determine the order of speakers at the public forum.

- 4.13 Each speaker will be allowed **three (3) minutes** to address the council. This time is strictly enforced by the chairperson.
- 4.13A The Chairperson of the meeting, may resolve to grant an extension of time to the speaker. A **maximum of three (3) minute** extension of time may be granted.
- 4.13B In applying to address a public forum speakers provide their consent for their representation at the public forum to be broadcast.
- 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 **two (2) minutes**.
- 4.17 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 4.18 The CEO or their nominee may, with the concurrence of the chairperson, address the council for up to **two (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.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the CEO 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.

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 N/A
- 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 CEO 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.

- 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 CEO.
- 5.13 The CEO 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 CEO 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 CEO 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 CEO 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 CEO 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 via 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 CEO 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-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: Clause 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.

Clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting.

Clause 15.14 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*.

Attendance of the CEO and other staff at meetings

- 5.40 The CEO 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 CEO 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 CEO 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 CEO or the terms of employment of the CEO.

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 CEO.
- 5.44 The CEO 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 CEO.

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

- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

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

7 MODES OF ADDRESS

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

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 N/A

8.2 The general order of business for an ordinary meeting of the council shall be:

01 Opening meeting

(a) Webcasting announcement

(b) General recording of meeting announcement

02 Acknowledgement

03 Prayer of Council

06 Australian National Anthem

07 Apologies and applications for a leave of absence or attendance by audio-visual link by councillors

08 Confirmation of minutes (previous meeting)

09 Declarations of interests

10 Public forum

11 Petitions

12 Mayoral minute(s)

13 Notices of motion/Questions with notice

14 Rescission motions

15 Reports to council

16 Reports of committees

18 Confidential matters

19 Conclusion of the meeting

Note: Council must use either clause 8.1 or 8.2.

8.3 The order of business under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

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

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

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a Mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral minutes

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

- 9.7 A Mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral minute put by the Mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A Mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 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 CEO 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 CEO, 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 CEO at the direction of the CEO.
- 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.
- 9.20 Where the question will utilise more than four hours of staff time or incur in **excess of \$500 in external costs**, as determined by the relevant area Director, the Councillor will be invited to submit the matter to Council for determination, in the form of a notice of motion. The Councillor is to be advised if such a question falls within these categories as soon as practicable after the meeting, to allow them the opportunity to submit a Notice of Motion on the matter to the next meeting should they wish.

The exception to this is if the question relates to an item that Council subsequently resolves to defer and that question taken on notice directly will assist Council forming a view or determination when that item is re-considered.

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 NoM under clause 3.10 is to move the motion the subject of the NoM at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a NoM 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 NoM 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 CEO 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.

- 11.4 N/A

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 CEO 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 CEO 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 deputy Mayor is to be by secret ballot.
- 11.11 N/A

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 CEO 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.

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 CEO or, in the absence of the CEO, an employee of the council designated by the CEO, 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 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 **12.00pm two (2) business days** preceding the meeting at which the matter is to be considered.
- 14.12 The CEO (or their delegate) may refuse an application made under clause 14.11. The CEO or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **two (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 CEO 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 CEO or their delegate is to determine who will make representations to the council.

- 14.15 The CEO (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 two (2) speakers, one for and one against**, to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed **three (3) minutes** to make representations, and this time limit is to be strictly enforced by the chairperson. An extension may be permitted by the Mayor for an **additional three (3) minutes**. 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:
- (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.

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 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 other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.15 N/A
- 15.16 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.
- 15.17 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.

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 3.10.

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

- 17.4 If a NoM 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.

If a rescission motion is not submitted in accordance with clause 3.10, the rescission motion will be dealt with at the next Council meeting after it is lodged.

- 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 NoM to alter or rescind a resolution, and a NoM 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 NoM submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the NoM.
- 17.10 A NoM to alter or rescind a resolution relating to a development application must be submitted to the CEO no later than **5 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 NoM 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 **11.00pm without an extension on any one (1) day**. Meetings are to be a maximum duration of **five (5) hours**.
- 18.2 N/A
- 18.3 If the business of the meeting is unfinished after **five (5) hours** since its commencement, 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 prior to the meeting being declared closed.
- 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 CEO 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 CEO 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, (including any foreshadowed motions),
- (c) the names of the mover and seconder of the motion or amendment, (or foreshadowed motion),
- (d) whether the motion or amendment was passed or lost, (and whether the foreshadowed motion was voted on, and if so, if it 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 CEO 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 CEO 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 N/A

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.
- 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.

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

23 REQUEST TO ADDRESS A COUNCIL MEETING FORM

TRIM 016107.2014

HOW TO SUBMIT YOUR REQUEST

Request to Address a Council Meeting Form to be submitted to Council by **12 pm, two (2) business days** prior to the Council meeting.

WHO CAN SPEAK AT A COUNCIL MEETING?

Members of the public are invited to attend Council meetings and may seek permission to speak on matters that are included in the agenda of the meeting.

Each speaker must provide their name and can speak for 3 minutes. Council will allow a maximum of **five (5)** Public Forums at each Council Meeting.

Council will accept only **one 'for' and one 'against'** on any item of business. If several speakers are registered to speak on the same topic, speakers may be approached by Council to consider a combined submission.

Public Forum submissions that have been raised previously within the last 12 months will not be accepted unless there is new information to present.

In accordance with Part 4 of Council's Code of Meeting Practice, the public forum portion of the Council meeting will be broadcast via livestream on Council's webpage and included in the subsequent audio-visual recording of this matter. In addressing a Council meeting, speakers provide their consent for their representation at the meeting to be broadcast. Speaker names will also be recorded in the Council Meeting minutes.

HOW SHOULD A SPEAKER ADDRESS A COUNCIL MEETING?

Speakers are required to comply with Council's *Code of Meeting Practice* made under *Local Government Act 1993* and in accordance with the *Local Government (General) Regulation 2021*.

The *Code of Meeting Practice* is available at www.liverpool.nsw.gov.au and available to view at Council's Customer Service Centres.

Council Meeting Date: _____

Complete the fields below if you wish to address Council on an item listed on the Council Agenda:

Item Number on Agenda: _____

Item Name/ Subject: _____

Are you speaking for or against the recommendation? ☐ FOR ☐ AGAINST

Have you addressed Council previously in relation to this matter? ☐ YES ☐ NO

Speaker's Name (*please print*): _____

Address (Please provide residential address, suburb and postcode):

Phone: _____

Email: _____

If I am permitted to speak at a Council meeting, I acknowledge Public Forums are live streamed and speaker name/s will be recorded in the minutes of that meeting. I agree I must comply with Council's *Code of Meeting Practice*.

(Signature)

(Date of this Request)

PRIVACY NOTE: Council will collect and hold the personal information contained in this form for the purpose of considering your request. The intended recipients of the personal information are officers within Council. The supply of personal information by you is voluntary, however if you cannot provide, or do not wish to provide the information sought, Council may be unable to process your application. You may make an application for access or amendments to your personal information held by Council under the Privacy and Personal Information Protection Act 1998 (PPIP Act) or the Government Information (Public Access) Act 2009 (GIPA Act). You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIP Act

NOTICE OF LIVE STREAMING: In the interests of transparency and open government, Liverpool City Council will live stream all Council meetings. Live streaming allows the community to view proceedings via the Council website, without the need to physically attend Council meetings. This gives the community greater access to Council decisions and debate and eliminates geographic barriers preventing the public from attending meetings. Members of the public speaking at a Council meetings agree to be recorded and must ensure their address to the Council is respectful and appropriate. A person who uses defamatory, discriminatory or offensive language may be exposed to liability for which Council takes no responsibility. Any part of the meeting that is held in closed session will not be recorded.

Information provided to Council in correspondence, submissions or requests, including your personal information, may be made publicly available, including on Council's website, under the GIPA Act. Please notify us if you object to the disclosure of your personal information.





TABLE OF AMENDMENTS

Date	Version	Key Changes	Approved by:
27 October 1993	1		Council
8 August 1994	2	Following amendments to the <i>Local Government Act & Regulations</i> on 1 July 1994	Council
22 January 1996	3	Following amendments to the <i>Local Government Act and Regulations</i> on 10 November 1995	Council
10 March 1997	4	Following amendment to the <i>Local (Meetings) Regulation</i> on 6 December 1996	Council
13 December 1997	5	Following a review of the Code, and in anticipation of the <i>Local Government (Open Meetings) Act</i> 1998	Council
14 September 1998	6	Following a review of the Code and in line with amendments to the <i>Local Government (Open Meetings) Act</i> 1998 and <i>Local Government (Meetings) Regulation</i> 1993	Council
16 November 2000	7	Following a review of the entire Code	Council
12 February 2001	8	Question without Notice by Councillor Waller	Council
9 April 2001	9	<i>Local Government Amendment Act</i> 2000	Council
9 September 2002	10	In accordance with the <i>Local Government (Miscellaneous) Act</i> No 40	Council
25 August 2003	11	Following a review of the Code	Council
26 September 2005	12	Following a review of the Code	Council
16 July 2007	13	Following a review of the Code	Council
07 October 2008	14	Following a review of the Code	Council
23 February 2009	15	Specifically to Clause 26 (2)(b) to reflect the increases to the notice period for making representations on Council agenda items by one hour; and to confirm the starting times and dates for Council meetings for the remainder of the 2009 calendar year	Council
14 September 2009	16	To reflect a Council decision to remove reference to WSROC and WESTPOOL from Clause 69	Council
15 February 2010	17	Following a review of the Code in accordance with Meetings Practice Note No 16 issued by the Division of Local Government in August 2009	Council
27 June 2011	18	Following a review of the Code	Council
19 December 2011	19	Reflecting a Council decision to extend time limits for speakers in the Public Forum of Council	Council
28 November 2012	20	Following a review of the Code	Council
6 February 2013	21	Following a review of the Code	Council
7 May 2013	22	The CEO pursuant to clause 75 of the Code regarding Division of Local Government Circular, The Closure of Council Meetings to the Public, April 2013	CEO
29 May 2013	23	Following a review of the Code	Council
9 July 2013	24	Chief Executive Officer pursuant to clause 75 of the Code to reflect changes in Council's organisational structure	Chief Executive Officer
31 July 2013	25	Following a review of the Code	Council
12 March 2014	26	Reflecting a Council decision on 26 February 2014 to clarify notice periods within the Code and	Council & Group Manager



		to note minor changes in administrative procedures for handling speaker requests and in the definitions provided in the Code	Governance as delegated by the Chief Executive Officer
20 June 2014	27	Following a review of the Code and a minor amendment to Clause 21.7 by Council resolution	Council
26 May 2015	28	Following a review of the Code and a minor amendment to Clause 5.2 by Council resolution	Council
25 November 2015	29	Minor amendment – note added to clause 5.2	Council
29 June 2016	30	Amendments to clause 18 - Mayoral minutes	Council
23 November 2016	31	Minor amendment to clause 20 – Order of Business	Council
27 September 2017	32	Minor amendment to clause 20- Order of Business	Council
30 May 2018	33	Minor amendment – addition of clause 77	Council
29 May 2019	34	Following a review of the entire Code	Council
25 September 2019	35	Amendment made following a NoM which was adopted, regarding webcasting of Council meetings being made available on Council's website for one year.	Council
25 May 2022	36	Following a review of the Code.	Council
26 October 2022	37	Minor amendments – Clause 9.20 added and a note added to the end of Clause 19.2	Council
November 2024	38	Review as per Council Resolution October 2024, including external review for compliance.	Council
May 2025	39	<i>TBC Endorsement</i>	Council



Hire of Playing Surface Policy 2025 (Sporting Fields and Recreation Spaces)

TRIM xxxxxxxxxxx.2024

1. PURPOSE/OBJECTIVES

This policy sets out the terms and conditions of hiring Council's sporting fields, playing surfaces and other outdoor recreation spaces defined in this document.

The aims and objectives of this Policy is to create a transparent, equitable and sustainable framework to maximise use of Council's sporting facilities.

Council aims to maximise use of sports fields and passive parks to increase opportunities for active recreation and organised sport. This will be achieved through the following Guiding Principles:

- Equitable and inclusive access;
- Sustainably maximising usage;
- Transparent and consistent processes; and
- Sustained Community focus.

This Policy aims to:

- Establish guidelines for the use and hire of sports fields and passive recreation spaces throughout the LGA;
- Provide a framework for the allocation of sports fields and passive parks;
- Provide a framework for the Terms and Conditions of Hire for Council owned and managed sports fields and passive parks;
- Define specific facilities that are included in this policy; and
- Define specific facilities not included within this policy.

2. SCOPE

This policy applies to all sports fields, playing surfaces, sports courts (whether indoor or outdoor including netball and basketball courts) passive parks used by sports clubs, schools, community groups, fitness trainers or private sports providers within the boundaries of the Liverpool Local Government Area.

A list of sports venues is included in Appendix A of this policy.

This Policy includes use of sports fields and/or passive parks under the following arrangements:

- Short Term Hire;
- Licencing Agreements; and
- Leasing Agreements.

3. LEGISLATIVE REQUIREMENTS

- Local Government Act 1993
- Crown Lands Management Act 2016
- Liverpool City Council Generic Plan of Management Sportsfields
- Liverpool City Council Generic Plan of Management Parks
- Individual Plans of Management for Sportsfields

4. DEFINITIONS

For the purpose of identifying the hiring of Community Venues, the following definitions will be used:

The following terms are used throughout this policy:

Casual hirer: a club, group or individual that hires a playing field on a short-term hire basis.

Cloudmaster: The floodlighting and irrigation control system installed at Council sporting facilities

Club: a group of people organised into a recognisable not-for-profit body to administer the playing of sport or other recreation activities. The term Clubs refers to not-for-profit Sporting Clubs and Associations, Community Groups including local and state associations. Note: Does not include fitness trainers, or other for-profit providers.

Commercial Entity: A hirer that delivers sport, fitness, recreation, coaching or other such services as a Person Conducting a Business or Undertaking and operates on a for-profit basis.

Council: Liverpool City Council and its staff.

District Level Facility: A sports ground that has the capacity to accommodate to accommodate a small sports club of up to 600 participants but insufficiently equipped to attract clubs with a membership that exceeds 600.

Existing Hirer: A seasonal hirer who used the playing surface in the previous corresponding season or year.

Fitness trainer: any person or people involved in administering a business involving the instruction of physical activity and/or coaching services to individuals and/or groups. Includes group exercise leaders, personal trainers, professional coaches.

Hirer: (includes new hirers): a club, group, private sports provider or other entity that accesses a playing surface on a Lease, Seasonal Licence or Short-term Hire basis.

Hire Agreement: An agreement between Council and the Hirer, whether by lease, seasonal licence or short-term hire that defines the terms and conditions of use of a passive park or playing surface.

Lease Agreement: Consistent with Section 46, Part 2, Division 2 of the Local Government Act, Council may enter into a lease of community land. A lease agreement will allow exclusive use of a sporting field under a specific agreement. The agreement will allow the lessee to enter into sub-leasing agreements, make payment for all outgoings including electricity, gas and water, undertake all maintenance and upkeep for the leased area. Lease Agreements may also allow for infrastructure development to be undertaken by the lessee.

Not-for-Profit Sporting Organisation: any sport services provider holding a "Certificate of Incorporation" under the Associations Incorporation Regulation 2022 regulated by NSW Fair Trading.

Passive recreation areas: areas of public reserve where there are no facilities for sport to be played (changed to reflect the provision for organized sport which reflects Council's intention for the use of the space rather than current activity) or where Council has developed facilities for other leisure opportunities

Permissible Use: Programs services or activities that the Hirer is permitted to undertake within the Hire Agreement. Permissible Use will be defined in the Hire Agreement. Activities not defined as permissible use may require the Hirer to pay an additional Fee to Council.

Playing Surfaces: areas of public reserves where organised sports are played on facilities designed for sporting use

Private Sports Provider: any sport services provider not holding a "Certificate of Incorporation" under the Associations Incorporation Regulation 2022 regulated by NSW Fair Trading.

Regional Sports Facility: a sports facility that has are equipped to accommodate the needs of sports clubs that have a large membership. Regional Sports facilities have the ability to host sporting competitions and carnivals that attract larger player and spectator numbers and draw participation from a regional catchment.

Season: the sporting seasons described in Item 5 of this Policy.

Seasonal Licence Agreement: Consistent with Section 46, Part 2 Division 2 of the Local Government Act, Licence Agreements will provide non-exclusive (shared) seasonal use of a sporting field described in Appendix 1. Licence Agreements will define ongoing use of sporting fields, at a specific day and time for a defined period. Access outside of the licenced periods is not permitted without permission from Council. Licence agreements will not permit the Hirer enter into a sub-lease agreement with a third party.

Short-term Hire: The Local Government Act 1993 of New South Wales allows for the casual hire of community land for short-term purposes known as a Short-term Hire. Short Term Hire applies to the use of community land on a one-off basis, for less than 21 consecutive days or intermittently for 52 days throughout a twelve-month period.

Special event: any activity that involves people from organisations, clubs, competitions and/or associations from a larger catchment or higher level of competition and that is likely to generate a demand for facilities/services (e.g. noise attenuation, toilet facilities, waste collection, lighting, car parking and traffic, field preparation etc.) above that provided for weekly competition and training.

Sports Club: A Hirer holding not-for-profit status that delivers community sports programs and is registered or recognised by the Australian Sports Commission through a state sporting organisation.

Subleasing: Includes any activity where a Hirer operating under a lease agreement enters into an agreement with a third party to deliver sport or recreation based activities on a fee for service basis.

5. PERMISSIBLE USE OF SPORTING FIELDS

Activities intended to be undertaken by the Hirer should be consistent with Council's relevant Plan(s) of Management, land zoning and other legislation. Permissible Use will be defined in the Hire Agreement. Permissible use will include:

- Pre-season registration;
- Gala days where entry or participation fees are not payable by participants or spectators;
- Sporting Events and activities including team coaching, training (including conditioning), matches/games where entry fees are not payable by spectators or participants;

- Operations of canteens, kiosks or BBQs including the charging of fees as appropriate;

Hirers may charge participant fees limited to;

- Payment of Registration Fee and insurances if required by a State Sporting Organisation;
- Fees associated with the purchase of food items from canteens, kiosks, BBQ's or other food outlets;
- Purchase of uniforms and/or Club emblazoned merchandise;

Hirers are not permitted to undertake the following activities without specific approvals from Council:

- Charging entrance fees for persons or vehicles including fees associated with coaching services, academy programs or other player development activities;
- Entering into subleasing agreements with third parties including coaching programs, sports academy, player development programs, or food truck operators;
- Erection of advertisements and signage including signs erected to fences, Council buildings or other property or free-standing signs on Council land;
- Sale of alcohol, or tobacco;
- Use of loudspeakers or amplified music;
- Amusement devices including rides, inflatables, jumping castles or similar items;
- Fireworks;
- Erection of temporary structures including buildings, shelters, marquees, mobile food vending vehicles or other such structures;
- Portable toilet structures;
- Staging or performance platforms;
- Petting Zoos;
- Activities or events attracting greater than 250 persons at any given time;
- Activities commencing prior to 8.00am or continuing beyond 10.00pm.

Where the Hirer proposes to enter into a sub-lease agreement with a third party for activities, services or other programs not prescribed as permissible use, the hirer must seek permission from Council's nominated delegate prior to executing the proposed arrangement. The Hirer must disclose the commercial arrangement and may be required to pay an additional fee suitable negotiated between Council and the Hirer on a case by case basis.

6. SEASON DETERMINATION

The Hire Agreement will specify the appropriate access times for each hirer.

Where the Hirer enters into a seasonal licence agreement, the season will be defined as:

- Summer Playing Season 1 October to 28 February.
- Summer finals Season 1 to 31 March.
- Winter Playing Season 1 April to 31 August.
- Winter Finals Season 1 September to 30 September.

The Hirer will have priority of access to the Playing Surface during the following finals season where:

- The nominated Playing surface is required to host finals games by the Hirer, or by the State or National sporting organisation for which the Hirer is affiliated, during the final's seasons; and/or
- The Hirer requires the Playing Surface for training for finals preparations.

Where the nominated Playing Surface is not required by the Season Hirer for the finals season, Council may, at its discretion, allocate use of the Playing surface to an alternate party for the duration of the finals season.

7. APPLICATION PROCESS

Lease Agreements

Council will call for expressions of interest from not-for-profit sporting organisations to enter into lease and/or licence agreements periodically where permitted by a Plan of Management.

Not all facilities will be available for lease.

Expressions of Interest will:

- Be advertised through Councils Website, Social Media Pages and circulated to all local sporting groups where appropriate;
- Be open for a minimum period of 28 Days';
- Require interested applicants to submit applications through Council's nominated online portal.

Applications must respond to all requested criteria including, but not limited to:

- Demonstration of Not-for-profit status;
- Certificate of Currency of Public liability Insurance;
- Previous Years' financial accounts;
- Proposed use of fields;
- Proof of membership;
- Proposed Capital Upgrades / Infrastructure development plans;
- Proposed rent payable to Council.

Expressions of Interest will be considered by a panel of no less than three (3) persons nominated by Council.

A recommendation to enter into lease or licence agreement for up to five (5) years will be presented to Council's Governance Committee for endorsement.

Endorsed submissions will be placed on public exhibition, consistent with the definitions of 47 and 47a of Local Government Act 1993.

Council will only consider Expressions of Interest to enter into a Lease or Licence Agreements received prior to the nominated closing date. Late applications may be considered after all applications received within the defined time frames have been considered.

Applications for Seasonal Licence Agreements will only be considered from Sporting Clubs, Associations or other entities that meet the Eligibility Criteria defined at Clause 8.

Seasonal Licence Agreement

Council will seek applications for seasonal hire for its sporting fields and passive parks, except those occupied under a lease agreement, every 5 years;

A Public call for Seasonal Licence Agreement for all nominated playing surfaces will be distributed via email to all hirers, known sports club and other entities, and posted on Councils website via the Public Exhibitions page at least twenty-four (24) weeks prior to the commencement of the licence period.

Applications for Seasonal Licence Agreements must be received by Council's Community Recreation team through the nominated process prior to the nominated closing date on the specific Seasonal Licence Application.

Council will only consider applications for Seasonal Licence Agreements received prior to the nominated closing date. Late applications may be considered after all applications received within the defined time frames have been considered.

Applications for Seasonal Licence Agreements must be completed in full. All supporting material defined on the application form must be provided at the time of submission.

Incomplete applications may be considered after all applications received within the defined time frames have been distributed.

Applications for Seasonal Licence Agreement only be considered from Sporting Clubs, Associations or other entities that meet the Eligibility Criteria defined at Clause 8).

Short-term Hire

Council will consider applications for the use of all sports fields and passive parks on a short-term hire basis, except where facilities that are occupied under a lease agreement allows subleasing.

Short-term Hire will be considered for booking requests of less than 21 consecutive days, or for less than 52 days in a calendar year.

Applications for Short-term hire must be submitted on the nominated application form in full. All supporting material defined on the application form must be provided at the time of submission.

Applications must be received within 14 days of the proposed date of hire.

In the case of short-term hire agreements by hirers other than approved debtors, all payable fees associated with the hire of spaces nominated within this policy must be paid no less than seven (7) days in advance of the date of proposed use.

Hirers that are defined as approved debtors, will be required to pay all amount owing within 30days of the issue of a tax invoice.

Short-term Hire Applications that are received that includes activities that are not permissible as defined in Clause 4 will require consultation with Council's delegated Officer to determine required consent, and may be approved on submission of a Public Events Application.

Council may at its absolute discretion reject applications for such activities or events received within this time period.

Where an application is rejected by Council, the prospective hirer shall be notified, in writing, with an explanation for the rejection.

8 ELIGIBILITY

Council will only consider leasing or licencing applications from:

Sporting Clubs and Associations, including governing bodies, Community Groups, not for profit organisations, and Schools or other entities that:

- Are Incorporated community based, not for profit entities that are located within the Liverpool LGA; and
- Draw the majority of its membership from people residing within the Liverpool LGA; and
- Use the facility for the purpose of activities contained within Clause 6 of this Policy; and
- Can demonstrate current coverage of all insurances contained at Clause 22 of this Policy; and
- Do not have any outstanding monies payable to Council for venue hire or any other such reason; and
- Fulfill the application obligations contained within Clause 7 of this Policy.

Commercial organisations, companies or other for-profit entities that:

- Are located within this Liverpool Local Government Area; and
- Draw the majority of its user/customer base from people arising within the Liverpool LGA; and
- Use the facility for the purpose of activities contained within Clause 4 of this Policy; and
- Can demonstrate current coverage of insurances contained at Clause 19 of this Policy; and
- Do not have any outstanding monies payable to Council for field hire or any other such reason; and
- Fulfill the application obligations contained within Clause 7 of this Policy; and

Where Council receives applications from one or more eligible Hirers it will consider the following criteria to assess Priority of Use:

- The applicants' corporate structure where organisations defined as Sporting Club will receive the first right of refusal.
- Organisations described as a Commercial Entity will be allocated access to sporting venues and passive parks only when community organisations have been presented the first right of refusal.

Where two (2) or more applications from the same organisation type are received, priority of use will consider:

- The Hirers completion of all relevant Application processes outlined in Clause 7;
- Best alignment with Council's strategic outcomes;
- The number of residents benefitting from the proposed activities relative to the requested allocation of field space. Favourable consideration will be given to organisations that can demonstrate participation rates from Liverpool residents;
- The length of time a Hirer has consistently delivered services and activities on the site;
- The suitability of alternate sites to accommodate proposed activities and the potential impact of relocation of activities;
- The ability to demonstrate programs that support local resident's experiencing disadvantage, who are living with a disability or from diverse populations such as supporting women and girls, first nations people, people with a disability, people experiencing financial disadvantage, CALD communities or other marginalised community groups;
- The organisation or Clubs financial standing with Council.

9 NON-EXCLUSIVITY

Where possible, only one Hirer will be allocated to each playing surface. Council may however allocate more than one (1) club the rights to utilise a sporting venue under this Policy.

Except where permitted by Council via a Lease Agreement or other such instrument, use of playing surfaces by the Hirer is restricted to the days and times set out in the Hire Agreement.

It is the responsibility of hirers to co-exist amicably at a site. Should a situation arise where there is conflict between hirers, Council will offer to mediate at a meeting where both parties will be invited in an attempt to resolve the situation. Should a situation where hirers can share a site be deemed unachievable by Council, each hirer will receive a written warning that its hire agreement will be terminated should the conflict continue. Termination of hire agreements for one or both hirers may occur should an amicable arrangement be unobtainable. In completing a seasonal hire application form, the hirer acknowledges this fact and indemnifies Council against any legal action.

Where specified in the Hire Agreement, the hirer will have exclusive access to storage and canteen facilities.

Changeroom facilities and playing surfaces are not exclusive to a hirer unless specified in a Hire agreement.

Changerooms are not permitted to be used as storage facilities unless approved in writing by Council.

10 AMENDMENTS TO BOOKINGS

Upon signing the Hire Agreement, Hirers are committed to utilise the Venue on the dates and times as specified in their Agreement.

Council requires written notification of any proposed changes to the Hire Agreement that will occur on an ongoing basis, including but not limited to the following:

- an additional day of usage;
- cancellation of day or days of usage;
- changes to start and or finish times;
- change of venue.

This notification is required 14 business days prior to the commencement of the proposed change.

Council will assess each request and, subject to availability, will send confirmation via email.

If a Hirer does not access the Venue on the days and times as stated in their Hire Agreement, fees remain due and payable.

If less than 14 business days' written notice is received, the Hirer shall forfeit the hire fee for the cancellation of a date and/or dates.

The one-off extension to hours of use or an additional day of use will be classified as a Short-term booking and will be charged separately. All other Short-term terms and conditions will apply. This will not be considered a change to the Hire Agreement.

Any extension of hours or additional day of use must relate to the programs of the Hirer as stated in their Expression of Interest application. Any social events (birthdays, weddings, parties, etc.) do not fall under this category and must be booked as a separate, Short-term booking through the Online Booking portal.

11 TERMINATION

Council reserves the right to terminate its agreement with a hirer without notice, if Council has determined that the hirer has:

- Failed to comply with the reasonable direction of Council staff;
- Breached industry standards stipulated by a governing body, including but not limited to Fitness Australia (refer to 4.21), state sporting organisations or other such entity;
- Failed to comply with its obligations contained under Child Protection legislation including The Children's Guardian Act 2019 and any relevant amendments (refer below);
- Failed to fulfill its obligations contained within this Policy or the Conditions of Hire.

A hirer whose permit has been terminated or application refused can appeal in writing to Council.

12 CLOSURE OF PLAYING SURFACES

Council may, where necessary to ensure the safety of users or preserve the playing surface, determine to close a playing surface. Where such closures are expected to extend for a period exceeding five (5) days, Council will seek to identify an alternate playing surface for use, under the same Conditions of Hire.

The closure of playing fields is at the absolute discretion of Council.

Where closure of a playing surface is required, and such closure is not a result of the mistreatment of the playing surface, a variation to fees and charges shall be applied as follows:

- Where 75% of the Playing season is forfeited, a full waiver seasonal fees will be applied.
- Where 50-74% of the Playing season is forfeited, a fee reduction, equal to 50% of the agreed fees defined in the Hire Agreement shall be payable.
- Where <50% of the Playing season is forfeited, no fee reduction shall be applied.

13 WET WEATHER

In order to ensure safety of users and to protect playing surfaces from damage, excessive wet weather may necessitate the closure of playing surfaces from time to time.

The closure of playing fields is at the absolute discretion of Council.

Council will advise of playing surface closure at 3pm daily. Where Council has deemed it appropriate to do so, no use (playing or training) is allowed by any hirer without prior permission by Council.

A hirer that uses playing fields which have been closed will be liable for the full cost of repairs and may forfeit its hirer status.

Exemptions from Council's wet weather closure of playing surfaces will be made for hirers of synthetic "all weather" surfaces including synthetic grass surfaces, netball courts and dog club activities.

Council may, from time to time, allow Hirers to assess their allocated playing surface for suitability of use. Where such delegation is provided, it is the Hirers responsibility to consider the suitability of the surface for the intended use and adopt a risk-based approach to its use. Where the Hirer determines suitable use that results in damage to the playing surface, the Hirer will be liable for the full cost of repairs.

14 FEES AND CHARGES

Fees and charges for the hire of playing surfaces defined in the is Policy will be adopted annually through Council's Statement of Revenue Policy.

Charges for the hire of playing fields will be on a seasonal basis unless a lease or licence agreement, formalised between Council and the hirer states otherwise.

Full sized fields that are being used for a single mini field will be charged for the hire of the full-sized field.

Dates requested by hirers outside of the defined seasonal period will incur a day hire fee.

A distinction will be made between fees and charges for Not-for-Profit incorporated bodies and private sports providers. Where the status of a sporting organisation is disputed, the Australian Sports Commission recognition process will be used.

Late payment may result in temporary or permanent exclusion from use of the nominated playing surface.

15 FLOODLIGHTING

A utilities charge (as per Council's Statement of Revenue Policy) will be invoiced to hirers and will cover the use of utilities at playing fields and their amenities, unless otherwise stated in a Licence agreement or lease.

The hirer must turn off all floodlights on playing fields by 10pm. All users, players, spectators and officials must vacate the playing surfaces and surrounds by 10pm without causing disturbance to surrounding residents. Should a facility be required beyond these hours, prior permission must be requested in writing from the Council.

The hirer is required to be mindful of electricity conservation when turning floodlighting on and off, and in the scheduling of training to efficiently use floodlighting.

All hirers, including hirers using a field concurrently with another hirer, will be charged utility costs as per Council's Fees and Charges Policy should the floodlights be required.

16 PLAYING SURFACE SAFETY

It is the responsibility of the hirer to inspect the playing field and facilities, including buildings, car parks and surrounds, prior to each use. Training must also be undertaken to ensure the safety of all patrons. The hirer must also take all reasonable steps to ensure that the playing field is clear of obstacles and to satisfy themselves that there is no reasonable risk of injury from the playing field to any person participating in the hirer's activities.

The hirer hereby agrees to indemnify Council against all injury sustained as a result of the hirer failing to carry out its aforementioned responsibility, and where the hirer takes a decision to utilise the facility despite there being a risk to participants or spectators.

Any damage, to the playing surface and/or the adjoining facilities either deliberate or accidental, should be reported to Council within 48 hours of the incident occurring, outlining full details of the incident and the damage. Reports should be made by calling Council's Customer Contact Centre on 1300 36 2170. (A request number must be obtained and recorded for future reference for each advice.)

A hirer whose participants are found to have caused damage to a playing field and/or adjoining facility, either through misuse or lack of maintenance, will be required to pay for such damage. This misuse includes overuse. Failure to pay will result in the hirer forfeiting their hire rights to all Council controlled playing fields as well as remaining liable for the repair/replacement cost.

Council reserves the right to close a sporting facility without notice should there be community safety concerns. Council will make every effort to relocate the hirer if this is to occur.

17 CLEANSING AND WASTE

Council will provide the Hirer sufficient waste bins to support the activities of the hirer, except for activities that are not permissible as defined in Clause 5.

Hirers must ensure all rubbish and litter must be placed in the Council bins provided. Grounds and amenities should be cleaned after use and participants and spectators encouraged by the hirer to correctly dispose of litter, including strapping tape, fruit peelings, food wrappings etc.

Where possible, all garbage bins should be stored in the bin enclosures provided. In cases where bin enclosures are not installed, bins should be stored in locations away from amenity buildings or in other locations as agreed by Liverpool City Council.

Glass bottles of any description are not allowed within the playing fields or adjoining facilities area, including any car park.

Council will provide scheduled cleaning of toilets and amenities, including the provision of consumables.

18 TRAFFIC MANAGEMENT AND PARKING

All Hirers should provide a traffic management plan on approval of its annual Application for Hire (where requested by Council).

All vehicles should be parked within areas provided and, where there are no parking provisions, parking must not damage grassed areas. The hirer's officials must control parking to ensure no incidents occur that may lead to damage of Council or personal property or injury to pedestrians.

The hirer's officials are responsible for compliance with traffic management plans.

19 SUBLEASING OF FACILITIES

No hirer except where permitted by a lease agreement, can give permission to use a playing field or amenities to third party. For the avoidance of doubt, the Hirer, is not permitted to sub-let the playing surface to another club, group or other entity unless permission in writing is provided by Council, or unless permitted by a lease agreement.

Hirers entering into sub-letting arrangements, including the hiring of playing surfaces, either in full or part, without the prior approval from Council, will be in breach of the Hire Agreement that may result in termination of the Agreement.

A Hirer operating under a lease agreement must allow access to the leased area to community groups and other sporting entities where such use can be accommodated.

Where a permitted Hirer enters into a sub-leasing agreement with a third party, the Hirer holds responsibility for ensuring that the nominated area is safe for the proposed use. The Hirer and the sublessee indemnifies Council from any liability that may arise from injury or damage resulting from use of the licenced area by sublessee.

The Lessee must only apply fees and charges that are endorsed by Council and stated in Councils Statement of revenue policy. The Lessee may submit applications for fees and charges to be included in the Statement of Revenue Policy annually prior to 1 March each year.

20 MAINTENANCE AND MINOR IMPROVEMENTS

Council will support the delivery of sports club activities by providing, where possible, a minimum standard of service to each facility, outlined in the table below.

	Local-level Venue (under hire agreement)	District-level (under licence)	Regional-level (under licence or lease)
Subleasing	Not permitted	Not permitted	Permitted
Utilities	Provided by Council	Provided by Council	Provided by Club
Service Agreement (indicative)			
Mowing (Playing Surface)	Weekly	Weekly	By Club*
Mowing (outer areas)	Every 3-4 weeks	Every 3 weeks	Every 3 Weeks
Line Marking	By Council	By Council	By Club*
Top Soiling	As required	As required	By Club*
Aeration	As required	As required	By Club*
Weed Spray	Annually	Annually	By Club *
Pest Spray	3 times per year	3 times per year	By Club *
Ground Repair	As required	As required	As required
Waste Collection	Weekly	Weekly	Weekly
Amenities Clean	Once weekly	Twice per week	By Club *
Flood Light Globes	Council	Council	Club *
Repairs and Maintenance	Council	Council	Club/Council
Club may charge grounds entry fee	No	No	Yes

Shared Use facility	Yes	Yes	No
Shared/Exclusive Use	Shared	Shared	Exclusive
Sponsor Signage	No	Yes	Yes
Example Sites	Dwyer Oval Peter Miller Oval Bringelly Reserve Powell Park Clinches Pond Reserve Durrant Oval Freeman Oval Amalfi Oval Paciullo Oval Blamfield Oval Ron Darcy Oval Childs Park Jardine Park	Ireland Park Woodward Park South Park Riverside Park Greenway Park Winnall Reserve Jacqui Osmond Reserve Hammondville Oval Stanwell Oval Edwin Wheeler Reserve Larry Grant Oval Browns Farm Reserve Hoxton Park Reserve Kokoda Oval Scott Memorial Bill Anderson Reserve Ash Rd Sporting complex	Aubrey Keech Reserve Ernie Smith Reserve - Hockey Ernie Smith Reserve - Soccer Hammondville Rugby League Cirillo Oval Helles Park Archery Hillier Oval Barefoot Waterski Club Remote Control Car Club

* Council may perform these functions on a fee for service basis. Fees will be published in Councils Annual Statement of Revenue Policy

Where wet weather, equipment failure of other such circumstances impacts on Councils ability to deliver on the minimal service standard, it reserves the right to amend the service schedule accordingly and without consent of the Hirer.

Council will seek to provide additional services at the request of the Hirer on a fee-for-service basis. These additional fees will be published in Councils Annual Statement of Revenue policy.

The hirer must ensure that all buildings and grounds are presented in a clean and tidy condition after use. Inspection by Council officers will be made throughout the season and at the conclusion of each season to ensure amenities are kept and left in a proper condition.

Council has the right to carry out maintenance to playing fields and facilities, as and when required, provided hirers are given reasonable notice of any major work that may close the playing field for hirer use.

Hirers may request Council to undertake works above and beyond the minimum standards provided from time to time. Where possible, Council will seek to accommodate such requests on a fee for service basis. All fees and charges will be defined in the statement of revenue policy.

A hirer wishing to carry out seasonal maintenance should seek the approval of Council prior to the commencement of work.

If electrical work is found to have been carried out by, or on behalf of, a hirer, it will be removed or repaired by Council at the hirer's expense. Failure to pay will lead to the hirer forfeiting its hiring rights to all Council controlled playing fields as well as remaining liable for the payment of applicable infringement notices and repair and replacement costs.

21 HIRER INITIATED CAPITAL IMPROVEMENTS PROPOSALS

A Lessee may seek to upgrade sporting and recreation infrastructure.

Lessees must first seek Council approval via a request for landowners' consent for any proposed capital works. Council may support such applications where the proposed works are in the best interest of the Liverpool community.

All requests for capital improvements to playing fields and adjoining facilities must be provided as a written Expression of Interest. The initial submission should include:

- Project Scope
- Site Plan
- Concept Drawing
- Cost Estimates (supported by a Quantity Surveyors Report) or quotations
- Ongoing upkeep requirements

All improvements or alterations to playing fields or adjoining facilities will become and remain the property of Council and cannot be removed by the hirer (irrespective of the hirer's financial contribution). Council is not required to compensate the hirer (or any other contributor) for the cost of such improvements or alterations.

Where approval is provided to undertake capital works, an MOU between Council and the Hirer shall be developed that outlines the mutual responsibility of each party involved in the capital works project.

22 INSURANCES

All hirers, users, or applicants for the use of Council's playing fields or sporting facilities must have a Public Liability Insurance Policy suitable to cover their exposures in the jurisdiction of New South Wales. This Public Liability Insurance Policy with an insurer, approved by Council for a minimum of ten million dollars (\$10,000,000) per claim, must be endorsed to indemnify Council against all actions, suits, claims, demands, proceedings, losses, damages, compensation, costs (including solicitor and client costs) charges and any expense whatsoever in respect of any personal injury caused or contributed to by the negligent acts or omissions of the hirer, its servants, members, invitees or agents or damage to the equipment or any other property of the Council or any other person or corporate body or of any infringement, disturbance or destruction of any rights of any person or corporate body arising out of or incidental to the use of the premises, property or equipment by the hirer and caused by the hirer, its servants, members, invitees or agents. A product liability extension must be held where food or drink is to be sold by any hirer.

The hirer must produce evidence of cover for the period of hire. If any policy of insurance does expire during the hire or use period, it is the hirer's responsibility to ensure continuity of cover and provide Council with a certificate of currency for the new period of insurance cover within seven days of the policy renewal date. Use of the playing surface will be suspended until a copy of the insurance is received.

Proof of insurance must be presented to Council at the commencement of every season. The policy must be endorsed to specifically acknowledge the use of Liverpool City Council playing fields and facilities. The policy shall be kept current at all times, for the period of this agreement, and shall also be kept current and applicable, for any use of Council facilities which may for any reason fall outside the normal period of seasonal use as may be specified.

The insurance cover referred to in point 9.1 hereof is additional to any player or participant insurance that the hirer may affect to specifically cover sporting or other injuries. It is recommended that hirers investigate and obtain the appropriate cover for participant injury.

Council must be advised of all incidents or circumstances that may give rise to personal injury or property damage claim. Accident report forms are available from Council's Booking and Activation Officers. It is essential that the hirer complete a full investigation as soon as possible following any accident on Council's playing fields (during training or competition). Dependent on the nature and cause of the injury, photographs of the location should be taken. The form should be returned to Council within one week of the accident.

Private Sports Providers are required to provide to Council evidence of Public Liability Insurance, Personal Accident Insurance for participants, and Worker's Compensation Insurance for the program operators. Commercial Hire rates will apply.

The hirer is responsible for all damage caused to vehicles, property, person, by any ball, equipment etc. used within the facility for any purpose.

The hirer agrees to indemnify Council, its officers, servants and agents from and against all damages, costs, charges, expenses, actions, claims and demands which may be sustained, suffered, recovered or made by any person for any injury such person may sustain when using or entering or near any portion of the subject playing fields, car parks or sporting facilities (whether such injury be to the person or to property) where such injury arises or has arisen as a result of the negligence of or as a result of the creation of some

dangerous thing or state of affairs by the applicant or by any member agent or employee of any unincorporated club or association named in this application or by the applicants failure to observe the applicants obligations. The applicant's liability shall be reduced by the portion that any act of Council, its officers, servants or agents may have contributed to the injury or loss.

The hirer is encouraged to provide its insurers with a copy of this document to ensure that the insurer is properly indemnifying Council and the hirer and providing cover under the Policy of Insurance in place with the respect to all applicable clauses contained in this document. (Failure to do so may render the hirer directly liable for certain costs and matters, which may not be covered by the hirer's insurers.)

"Hold Harmless Agreements" will only be accepted for hirers that are not affiliated with a registered club and when all other insurance avenues have been explored. It is up to the discretion of Council to accept the Hold Harmless Agreement and a new agreement must be signed each season of hiring.

23 RISK MANAGEMENT

In accordance with the provisions of the Civil Liability Act, all hirers and users of property of all and any type vested in any way to Council, must undertake appropriate inspection of facilities to be used to ensure that they are safe for their intended use, including that all made and unmade ground surfaces are level and free from defects, and with respect to made surfaces that they are compatible with the footwear of all users and do not pose any slip hazard.

The hirer or user is responsible for all slips, trips and falls and the consequences and costs, and all injuries arising in way from the use and activities undertaken.

Organisers' liability: Hirers of facilities have a duty of care to their invitees and users. Accordingly, if an incident or injury occurs while they are using any Council owned facility, whether it is a building, park or informal area, they as the user may have a legal liability for any incident, injury or damage that may occur. Accordingly, it is required that all hirers or users have in place appropriate public liability insurance cover.

Short-term hirers: Short-term hirers are not covered by Council or its insurers for any injury or damage that may occur or arise from the use of Council's facilities, which in any way arises from the negligence or actions of the hirer, users or any attendee. Accordingly, organisations hiring on a Short-term basis are required to have their own Public Liability Insurance cover and it is recommended that other hirers take out their own Public Liability Insurance cover.

Notification of incident or injury: All hire agreements require notification of all and any incident, injury or damage to Council, regardless of the circumstances giving rise to any incident. The notification must be completed as soon as practical after the incident and can be made by phoning Council's Customer Contact Centre on 1300 36 2170.

24 PAYMENTS

Hirers are required to pay hire fees as set out in Council's adopted Statement of Revenue annually.

Council's fees and charges are subject to change as of 1 July each financial year.

Short-term Hirers will receive a monthly invoice payable within 30 days of the date of issue.

Seasonal Hirers will receive a seasonal invoice payable within 30 days of the date of issue.

Lease Holders will receive a monthly invoice payable within 30 days of the date of issue.

Invoices are sent by email to the Hirer's nominated email address. Should this address change, it is the Hirer's responsibility to inform Council in writing.

To ensure that payments are allocated correctly, Council requests all Hirers to quote the invoice number with their payment. Payments can be made as follows:

- By logging into the [Online Bookings System](#) and following the instructions to make a credit card payment.
- Through BPay - Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account. You will need to quote the Biller Code and Reference found on your invoice.

All credit card transactions are subject to a surcharge of 0.5%.

If payment of fees is not received after 90 days, the following action/s will occur:

All bookings will be suspended effective immediately until payment is received.

If payment is not received within 10 working days after suspension of bookings, Council will cancel the Hire Agreement. The overdue account is noted by the Debt Recovery Department and accordingly Council's Debt Recovery Officer will issue an Overdue Account notification.

Failure to respond within the required period will ensure a Notice of Demand being issued.

If the account remains unpaid, a Statement of Claim will be issued by Council's debt collectors. Legal costs and fees associated with debt recovery will be charged to the debtor and accordingly a notice to vacate will be issued.

Failure to respond to the Statement of Claim may result in a Court judgment obtained against the debtor and will not be overturned until all costs (including outstanding amount, associated legal and administrative) are paid. Credit rating will be affected by this judgment.

25 ACTS AND REGULATIONS

The Hirer shall conform to the requirements of the following acts and regulations: [Public Health Act 2010](#) (including any Public Health Order), [Fire and Rescue NSW Act 1989](#), [State Emergency and Rescue Management Act 1989](#), [Work Health and Safety Act 2011](#), [Local Government Act 1993](#), and shall be liable for any breaches.

All other statutory rules, provisions and regulations of the Commonwealth of Australia or State of New South Wales must be complied with by the Regular Hirer and the notices given to the proper officers.

Council must also conform to the requirements of all Acts, Regulations, orders and directions from statutory authorities affecting its operations and functions including but not limited to Public Health Orders that may impact on the Regular Hirer's use and occupation of the Venue (e.g. forced closures, social distancing measures, change in occupancy limits). The Regular Hirer must not make any claim against Council for any loss or damage arising or incurred because of Council's compliance with such statutory laws and requirements and must cooperate with the directions of Council.

26 REFUSAL TO GRANT HIRE

At the discretion of Councils delegated Officer, Council may refuse to grant hire may occur.

27 SCHEDULED MAINTENANCE AND PROGRAMMED WORKS

Council undertakes scheduled maintenance and programmed works on sports fields periodically throughout the year. Council will give the Hirer adequate notice in the event this maintenance should affect any booking dates.

In the event that a Community Venue is closed for any works, Council may offer an alternative Venue (subject to availability), or full refund of any fees paid. No other compensation will be given.

In the interest of health and safety, access to a Community Venue is prohibited during the closure period.

28 HIRERS CONDUCT AND RESPONSIBILITIES

The Hirer shall be responsible for the full observance of these conditions and for the maintenance and preservation of good order the playing surface throughout the whole duration of the period of use.

The Hirer is responsible for the conduct of all patrons/guests during their booking and must ensure that no disorderly or unlawful behaviour is permitted in connection with the use of the Venue, in or around the Venue, parking bays and surrounding areas.

The Hirer, while at the nominated sporting ground, shall abide by any directives given by Council, and its representatives.

No obscene or insulting language, disorderly behaviour or damage to property shall be permitted in any part of the Venue.

The Hirer must comply with all relevant legislation and/or direction from Council and Police regarding nearby residential properties, vehicle car parking and wandering of guests onto private land. The Hirer will be responsible for any damage or inconvenience caused to any residents during their booking and/or when vacating the Venue and will be charged accordingly.

Use of PA systems is permitted for announcement purposed only during the following times:

- 8am to 10pm Monday to Sunday.
- Amplified music is not permitted.

The Hirer shall not use the address of the Venue as their mailing address.

No pets, animals, insects (including native and/or other) are allowed in or around the facility with the exception of assistance animals as defined by section 9 of the Disability Discrimination Act 1992 or where approved by Council.

The Hirer must undertake a full assessment of the venue prior to commencement of activities each day to ensure that the venue is fit for intended purpose.

29 FIRE SAFETY REGULATIONS/ EVACUATION PLAN

The Hirer is responsible for the safety of guests attending their hired event/function and implementing the below procedure. The Environmental Planning and Assessment Regulation 2000 must be enforced. The Hirer is responsible for/but not limited to, the following:

Must read and abide by the Emergency Evacuation Plan located on the wall within the Venue hired.

Knowledge of the location of all fire exits of the Venue and be capable of directing guests to these fire exits as required.

Knowledge of the location of prescribed fire safety installations/equipment provided in the Venue: (instructions for use are detailed on all fire extinguishers)

Ensure doors to an evacuation route are not locked and can be opened; and to check that there are clear paths of evacuation from all occupied areas in the Venue at all times.

30 CANTEEN EQUIPMENT

A Council officer must approve all equipment brought into Council owned canteen facilities.

The Hirer is responsible for ensuring that a licensed electrician must tag all electrical equipment brought into the canteen.

Any equipment found by a Council officer that has not been approved for use must be removed. Failure to remove these unapproved items could lead to the hire agreement being cancelled.

31 FIRST AID

It is the responsibility of the Hirer to provide adequate first aid requirements relative to the activity being undertaken.

32 SIGNAGE AND MARKETING

No notice, sign or advertisement of any kind shall be erected on the building or attached or affixed to the walls, doors or any other portion of the building, fittings or furniture, without prior consent of the Coordinator Recreation and Community or their administrative team.

No banners, or other marketing material advertising, are permitted without Council consent.

Signs may not be displayed by Hirers except on noticeboards where provided. Any non-complying signs or notices may be removed by Council.

The Hirer must ensure that any marketing or promotional material that contains the name of the Venue and/or Council's name is printed and distributed in a responsible manner, and any information contained in said material is consistent with these conditions. The Hirer is to seek special approval before using the Council name and logos in any form of marketing.

33 ELECTRICAL EQUIPMENT

All electrical equipment brought in for use at the hired Venue must be in good condition and must have a current Electrical Test Tag (AS 3760).

Power outlets are 10amp and any appliance or combination of appliances must not exceed the rating of the outlet.

Double adaptors, multi plug in power boards and heating appliances are not permitted.

The Hirer is responsible for turning off any electrical requirements in the Venue at the end of their booking, with the exception of the refrigerators.

No connection of or interference with the electrical installation, lighting effects or other properties and for the use of any apparatus for broadcasting or otherwise is allowed without prior approval from Council.

34 PARKING

It is the responsibility of the Regular Hirer to ensure vehicles belonging to themselves or the attendees of their booking(s) do not obstruct access to driveways or restrict parking in the street. If the Community Venue has a car park available, this must be used.

Parking of vehicles is not permitted on footpaths or on grassed areas surrounding the Venue. The Hirer will be responsible for any damage or inconvenience caused vacating the Venue and will be charged accordingly.

The Venue and car park must be cleared as soon as the booking is finished. If there is a gate it must be closed and locked at the end of the booking.

35 SMOKING

No smoking is permitted within any Venue as specified under the Smoke-free Environment Act 2000. It is the responsibility of the Hirer to ensure this condition is strictly enforced. Any cigarette butts in the surrounds of the Venue are to be collected and placed in the garbage bins provided.

36 PROGRAMS INVOLVING CHILDREN

Where Hirers operate programs that involve children and young people, the Regular Hirer must comply with all obligations under Children and Young Persons (Care and Protection) Act 1998 and the Child Protection (Working with Children) Act 2012 and ensure that these legislations guide their operating processes.

37 DISPUTES

In the event of any dispute or difference arising during the hire period, or as to the interpretation of these conditions, or of any matter or thing contained therein, the decisions regarding disputes will be made by the Internal Ombudsman (or delegate) and are final and conclusive.

Disputes must be referred to Council in writing to: Liverpool City Council, Locked Bag 7064, Liverpool BC NSW 1871 or to emailed to communityrecreation@liverpool.nsw.gov.au.

38 RISK MANAGEMENT

All Hirers must undertake a thorough assessment of the risks associated with the use of nominated player surface, and identify and implement appropriate actions for mitigation. An annual risk assessment must be submitted by all Hirers:

Annually for Lease holders

- Prior to the commencement of each season for Season Licence Holders
- Within 7 days of their hire for short term hirers

39 VARIATIONS

Council may vary these conditions at any time in its absolute discretion, with or without notice to current or prospective Hirers.

40 FORCE MAJEURE

Neither Council nor the Hirer shall be liable for any failure to carry out an obligation under these conditions or Hire Agreement if the failure was caused by circumstances beyond its reasonable control including but

not limited to acts of God, inclement weather, fire, tempest, flood, tsunami, accident, interruptions to energy supplied, strike, riot, civil commotion or war, whether declared or not, viral events such as outbreaks, epidemics and pandemics (e.g. COVID-19) and the effects thereof (including but not limited to supply chain disruption, government sanctioned shutdown and restrictions, government imposed or recommended lockdowns or social distancing measures, disruption to working days and hours and disruption to or shortages of labour resources) (Force Majeure Event).

Each party shall do all things reasonably necessary to mitigate the effect of the Force Majeure Event on the performance of its obligations under these conditions or the Hire Agreement.

Notwithstanding any other provision in these conditions or the Hire Agreement, the obligations of Council or the Hirer are suspended so long as the Force Majeure Event continues to affect such obligation or obligations. For the avoidance of doubt, unless otherwise agreed by Council, all other obligations continue in full force and effect.

If a Force Majeure Event affecting a party is likely to or does continue for a period of 90 days or more, Council may terminate the Hire Agreement with immediate or later effect by giving notice to the Regular Hirer.

41 GOVERNING LAW AND JURISDICTION

These terms are governed by and is to be construed in accordance with the laws in force in the State of New South Wales.

REFERENCES

[Our Home Liverpool 2027 – Community Strategic Plan](#)

[Community Facilities Strategy – A Blueprint for a Modern Network of Community Facilities](#)

AUTHORISED BY

Chief Executive Office

EFFECTIVE FROM

xxxxxxx

DEPARTMENT RESPONSIBLE

Community Recreation

REVIEW DATE

xxxxxxx

THIS PROCEDURE HAS BEEN DEVELOPED IN CONSULTATION WITH
Community Lifestyle business units

DRAFT

VERSIONS

Version	Amended by	Changes made	Date	TRIM Number
1	Council General Manager	Amended	28 October 2011	084654.2011
2	Council (Chief Executive Officer)	Complete Review	14 July 2015	240296.2015
3	Director, Community and Lifestyle	Complete Review	7 May 2025	XXXXXX.2025

APPENDIX A – List of Facilities Covered by this Policy

Park Name	Suburb
Amalfi Memorial Park	Lurnea
Ash Road Sporting Complex	Prestons
Australis Park	Wattle Grove
Bigge Park	Liverpool
Bill Anderson Reserve	Kemps Creek
Bringelly Reserve	Bringelly
Browns Farm Reserve	Hoxton Park
Cirillo Reserve	Middleton Grange
Childs Park	Chipping Norton
Craik Park	Austral
Durak Park	Casula
Durrant Oval	Warwick Farm
Dwyer Oval	Warwick Farm
Edwin Wheeler Reserve	Sadleir
Ernie Smith Reserve	Moorebank
Freeman Oval	Warwick Farm
Greenway Park	West Hoxton
Hammondville Park - Baseball	Hammondville
Hammondville Park - Cricket	Hammondville
Hammondville Park - Netball	Hammondville
Hammondville Park - Rugby League	Hammondville
Hammondville Park - Soccer	Hammondville
Helles Park	Moorebank
Hillier Oval	Liverpool
Hoxton Park Reserve	Hinchinbrook
Ireland Park	Liverpool
Jacqui Osmond Reserve	Warwick Farm
Jardine Park	Casula
Kokoda Oval	Holsworthy
Larry Grant Oval	Ashcroft
McGirr Park	Cartwright
Paciullo Park	Liverpool
Peter Miller Reserve	Casula
Phillips Park	Lurnea
Powell Park	Cartwright
Riverside Park	Chipping Norton
Ron Darcy Oval	Miller

Rosedale Oval	Warwick Farm
Schell Park	Liverpool
Scott Memorial Park	Austral
South Park	Chipping Norton
Stanwell Oval	Ashcroft
Wheat Park	Sadleir
Whitlam Park 1	Heckenberg
Whitlam Park 2	Heckenberg
Whitlam Park 3	Busby
Whitlam Park 4	Busby
Winnal Reserve	Green Valley
Woodward Park	Liverpool



CODE OF CONDUCT PROCEDURES

Adopted:

TRIM XXXX.2025



CODE OF CONDUCT PROCEDURES

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CODE OF CONDUCT PROCEDURES

PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2021* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “CEO”.

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the CEO.

Note: In adopting these Model Code Procedures, Liverpool City Council is applying its provisions, as relevant and required, to council contractors, council volunteers and members of council advisory committees. The provisions of this code relating to members of council committees, unless otherwise stated, also apply to members of council’s wholly advisory committees.

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PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
CEO	the Chief Executive Officer of council who performs the functions of the general manager under the LGA
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the CEO under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the CEO
council	refers to Liverpool City Council
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of councils audit, risk and improvement committee

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councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council, advisory committee members, council volunteers, council contractors and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2021</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

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PART 3 ADMINISTRATIVE FRAMEWORKThe establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 2022*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.

CODE OF CONDUCT PROCEDURES

- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The CEO must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a

CODE OF CONDUCT PROCEDURES

member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

- 3.18 The CEO may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The CEO must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 2022*.
- 3.21 The role of the complaints coordinator is to:
 - a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office, and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
 - a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of

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the standards of conduct prescribed under the council's code of conduct.

- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the CEO or their delegate, or, in the case of a complaint about the CEO, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the CEO be made?

- 4.6 All code of conduct complaints other than those relating to the CEO are to be made to the CEO in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the CEO cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The CEO or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the CEO becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the CEO be made?

- 4.11 Code of conduct complaints about the CEO are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the CEO to an external agency.

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- 4.12 Where a code of conduct complaint about the CEO cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the CEO, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the CEO, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by the CEO and the mayor of their functions under this Part

- 5.1 The CEO or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the CEO or mayor are also to be taken to be references to their delegates.

Consideration of complaints by the CEO and mayor

- 5.2 In exercising their functions under this Part, the CEO and the mayor may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the CEO or, in the case of a complaint about the CEO, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

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How are code of conduct complaints about staff (other than the CEO) to be dealt with?

- 5.4 The CEO is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The CEO must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The CEO may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the CEO decides to take no action in relation to a code of conduct complaint about a member of staff of council, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The CEO is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The CEO must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The CEO may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member

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other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

- 5.13 Where the CEO decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the CEO must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the CEO resolves a code of conduct complaint under clause 5.14 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the CEO
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the CEO or any person making enquiries on behalf of the CEO must comply with the requirements of procedural fairness. In particular:
 - a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the CEO must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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How are code of conduct complaints about administrators to be dealt with?

- 5.18 The CEO must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The CEO must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The CEO must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the CEO refers a complaint to the Office under clause 5.20, the CEO must notify the complainant of the referral in writing.
- 5.22 The CEO may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the CEO decides to take no action in relation to a code of conduct complaint about a councillor, the CEO must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the CEO considers it to be practicable and appropriate to do so, the CEO may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the CEO resolves a code of conduct complaint under clause 5.24 to the CEO's satisfaction, the CEO must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the

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complaint and this shall finalise the consideration of the matter under these procedures.

- 5.26 The CEO must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the CEO to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the CEO to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the CEO, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the CEO, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the CEO, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

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- 5.33 The mayor must refer all code of conduct complaints about the CEO, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the CEO and the mayor to be dealt with?

- 5.34 Where the CEO or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the CEO and the mayor, the CEO or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the CEO where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The CEO, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The CEO, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the CEO, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.

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- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the CEO.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the CEO, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The CEO or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the CEO or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 2022*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the CEO as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the CEO or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 57 of the *Public Interest Disclosures Act 2022*.

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Special complaints management arrangements

- 5.48 The CEO may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the CEO, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

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PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CEO BY CONDUCT REVIEWERSReferral of code of conduct complaints about councillors or the CEO to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the CEO that have not been referred to an external agency or declined or resolved by the CEO, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the CEO or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).

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- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the CEO by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

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- c) to refer the matter back to the CEO or, in the case of a complaint about the CEO, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:

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- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant, the formal censure of a councillor under section 440G of the LGA or disciplinary action against the CEO under their contract of employment if it were to be proven, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the CEO or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the CEO or to the mayor to be resolved by alternative and appropriate means, they must write to the CEO or, in the case of a complaint about the CEO, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the CEO or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The CEO or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), the CEO or, in the case of a complaint about the

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CEO, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

- 6.30 Where the conduct reviewer refers a matter back to the CEO or mayor under clause 6.13(c), the CEO, or, in the case of a complaint about the CEO, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for the council
 - n) how much time has passed since the alleged conduct occurred
 - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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**PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS
ABOUT COUNCILLORS OR THE CEO**What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the CEO, or, in the case of alleged conduct on the part of the CEO, to the mayor.
- 7.3 The CEO or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.

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- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the CEO, or in the case of a complaint about the CEO, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

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How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:
- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the CEO, or, in the case of a complaint about the CEO, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.
- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints

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coordinator and the CEO, or in the case of a complaint about the CEO, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

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Final investigation reports

- 7.33 Where an investigator issues a notice of investigation, they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:
- a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440 G of the LGA, or
 - c) in the case of a breach by a councillor, that the council resolves as follows:

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- i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practises or procedures.
- 7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:
 - a) that the council revise any of its policies, practises or procedures
 - b) that a person or persons undertake any training or other education.
- 7.41 The investigator must provide a copy of the report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
 - a) the investigator's finding in relation to the facts of the matter and the reasons for the findings
 - b) the investigator's determination and the reason for the determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the CEO or, where the report relates to the CEO's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the four weeks prior to an ordinary local government election, in which case

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the report must be reported to the first ordinary council meeting following the election.

- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to council under clause 7.44.

Consideration of the final investigation report by council

- 7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.
- 7.47 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.48 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.50 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.51 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.52 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.53 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.54 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

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- 7.55 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.56 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.57 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.58 A council may by resolution impose one of the following sanctions on a respondent:
- a) in the case of a breach by the CEO, that disciplinary action be taken under the CEO's contract of employment for the breach, or
 - b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
 - c) In the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/ or such other grounds that the council considers may be relevant or appropriate.
- 7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigators recommendations, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.
- 7.61 Where the council resolves not to adopt the investigators recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEWThe Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or

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misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The CEO or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The CEO must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The CEO must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:

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- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the four weeks prior to any ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

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~~8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.~~

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CEO

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the CEO under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

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- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the CEO during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the CEO or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the CEO or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within 14 days specified by the CEO or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the CEO or their delegate.
- 12.5 The CEO or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the CEO or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the

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subject of a determination made by the CEO or their delegate under clause 12.2.

- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 2022* in relation to a complaint they have made.

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AUTHORISED BY

Council resolution

EFFECTIVE FROM

30 September 2020

DEPARTMENT RESPONSIBLE

Governance

REVIEW DATE

Within 12 months of each ordinary election.

VERSIONS

Versions	Amended by	Changes made	Date	TRIM Number
1	Council Resolution	Adopted by Council	6 February 2013	024909.2013
2	Council Resolution	Minor changes	23 December 2013	301476.2013
3	Council Resolution	Minor changes	29 July 2015	143802.2015
4	Council Resolution	Adoption of Model Procedures issued by the OLG	6 February 2019	006916.2019
5	Council Resolution	Adoption of Model Code of Conduct Procedures issued by the OLG	30 September 2020	228139.2020
6	Council Resolution	Minor changes		

REFERENCES

Liverpool City Council: Code of Conduct
 Liverpool City Council: Ethical Conduct: Conflicts of Interest Policy
 Liverpool City Council: Ethical Conduct: Gifts and Benefits Policy
 Liverpool City Council: Ethical Conduct: Secondary Employment Policy
 Liverpool City Council: Fraud and Corruption Prevention Policy



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Adopted:

TRIM: XXXX.2025



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PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2021* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “CEO”.

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Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

Note: In adopting this Model Code of Conduct, Liverpool City Council is applying its provisions, as relevant and required, to Council contractors, Council volunteers and members of council advisory committees. The provisions of this Code relating to members of council committees, unless otherwise stated, also apply to members of council's wholly advisory committees.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
CEO	the Chief Executive Officer of council who performs the functions of the general manager under the LGA
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	refers to Liverpool City Council
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to, and the Council's Audit, Risk and Improvement Committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of Council's Audit, Risk and Improvement Committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council, advisory committee members, council volunteers, council contractors and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of

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county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

conduct**includes acts and omissions**

delegate of council a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

designated person a person referred to in clause 4.8

election campaign includes council, state and federal election campaigns

environmental planning instrument has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*

joint organisation a joint organisation established under section 400O of the LGA

local planning panel a local planning panel constituted under the *Environmental Planning and Assessment Act 1979*

mayor includes the chairperson of a county council or a joint organisation

members of staff of a council includes members of staff of county councils and joint organisations

the Office Office of Local Government

personal information information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion

the Procedures the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation

the Regulation the Local Government (General) Regulation 2021

voting representative a voting representative of the board of a joint organisation

wholly advisory committee a council committee that the council has not delegated any functions to

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PART 3 GENERAL CONDUCT OBLIGATIONSGeneral conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

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Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or ‘initiation ceremonies’
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the CEO or such other staff member nominated by the CEO, and take part in any incident investigations

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- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

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- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

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PART 4 PECUNIARY INTERESTSWhat is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is

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offered to the public generally, or to a section of the public that includes persons who are not subject to this code

- (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

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- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the CEO
- (b) other senior staff of the council for the purposes of section 332 of the LGA
- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the CEO (or if the person is the CEO, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to their other conditions of employment.

4.12 The CEO must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

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- 4.13 A disclosure by the CEO must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the CEO the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the CEO must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the CEO a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

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- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The CEO must keep a register of returns required to be made and lodged with the CEO.
- 4.25 Returns required to be lodged with the CEO under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the CEO under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.
- [Disclosure of pecuniary interests at meetings](#)
- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the CEO in writing by a councillor or a council committee member to the effect that the councillor or council committee member,

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or the councillor's or council committee member's spouse, de facto partner or relative, is:

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

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
 - (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
 - (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

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- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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PART 5 NON-PECUNIARY CONFLICTS OF INTERESTWhat is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the CEO, such a disclosure is to be made to the staff member's manager. In the case of the CEO, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly

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close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the CEO, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the CEO, the decision on which option should be taken to manage a non-

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pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary

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conflict of interest in the matter is permitted to participate in consideration of the matter if:

- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
- c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

5.23 The CEO must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the CEO in writing of the employment, work or business and the CEO has given their written approval for the staff member to engage in the employment, work or business.

5.25 The CEO may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.

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- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the *Electoral Funding Act 2018*
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the Council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9

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- e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the CEO in writing. The recipient, manager, or CEO must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of **\$50**. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed **\$50**
 - b) gifts of alcohol that do not exceed a value of **\$50**
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed **\$50** in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that **exceed \$50 in value** are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds **\$50**, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person

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associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, cryptocurrency or prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

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PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALSObligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the CEO by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the CEO
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the CEO includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

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Inappropriate interactions

7.6 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's CEO or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

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PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCESCouncillor and administrator access to information

- 8.1 The CEO is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The CEO and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The CEO must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the CEO or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The CEO or public officer must state the reasons for the decision if access is refused.

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Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

- 8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

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- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

[Internet access](#)

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

[Council record keeping](#)

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of

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whether the original intention was to create the information for personal purposes.

- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the CEO.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the CEO (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

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PART 9 AINTAINING THE INTEGRITY OF THIS CODEComplaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral

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submission invited under the Procedures will not constitute a breach of this clause.

- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

[Disclosure of information about the consideration of a matter under the Procedures](#)

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 2022*.

[Complaints alleging a breach of this Part](#)

- 9.14 Complaints alleging a breach of this Part by a councillor, the CEO or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the CEO in accordance with the Procedures.

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**SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN
WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21**Part 1: PreliminaryDefinitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or

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- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods

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or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

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Part 2: Pecuniary interests to be disclosed in returnsReal property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and

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- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:

- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

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18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

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Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- in relation to income from an occupation of the person:
 - a description of the occupation, and
 - if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - in relation to income from a trust, the name and address of the settlor and the trustee, or
 - in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
 - at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

CODE OF CONDUCT

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- (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
- (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
- b) the person was liable to pay the debt to a relative, or
- c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
- d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

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SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the CEO after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the CEO and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the CEO, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the CEO and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

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The information collected on this form will be kept by the CEO in a register of returns. The CEO is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]
[date]

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

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3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest (if interest or held a position at the return date/at any time since 30 June)	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

CODE OF CONDUCT

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I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

DRAFT

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SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's CEO and included in full in the minutes of the meeting]

CODE OF CONDUCT

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AUTHORISED BY

Council

EFFECTIVE FROM**DIRECTORATE RESPONSIBLE**

Governance

REVIEW DATE**VERSIONS**

Versions (since 2001)	Amended by	Changes made	Date	TRIM Number
1	Council Resolution	Complete review	August 2001	92020.2006
2	Council Resolution	Complete review	18 July 2005	91993.2006
3	Council Resolution	Complete review	28 July 2008	218003.2008
4	Council Resolution	Complete review	16 March 2009	042723.2009
5	Council Resolution	Complete review	18 April 2011	047749.2011
6	Council Resolution	Complete review	6 February 2013	024909.2013
7	Council Resolution	Minor changes	23 December 2013	301550.2013
8	Council Resolution	Minor changes	29 July 2015	143093.2015
9	Council Resolution	Adoption of Model Code of Conduct issued by the OLG	6 February 2019	005359.2019
10	CEO	Minor Changes based on update by OLG	30 September 2020	231088.2020
11	Council Resolution	Adoption of Code of Conduct after Council Election	31 August 2022	27665.2022
12	Council Resolution	Adoption of Code of Conduct after Council Election including minor amendments		XXXX.2025

CODE OF CONDUCT

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REFERENCES

Liverpool City Council: Code of Conduct Procedures
Liverpool City Council: Ethical Conduct: Conflicts of Interest Policy
Liverpool City Council: Ethical Conduct: Gifts and Benefits Policy
Liverpool City Council: Ethical Conduct: Secondary Employment Policy
Liverpool City Council: Fraud and Corruption Prevention Policy

DRAFT

LOCAL TRAFFIC COMMITTEE AGENDA

LIVERPOOL LOCAL TRAFFIC COMMITTEE
MEETING

19 March 2025

LIVERPOOL
CITY
COUNCIL



ORDER OF BUSINESS

PAGE

Liverpool Local Traffic Committee
 Local Traffic Committee Meeting
 19 March 2025
 Liverpool City Council – MS Team
 9:30 AM

AGENDA

	Page
1. WELCOME	Chairperson
2. PRESENT / APOLOGIES	Chairperson
3. CONFIRMATION OF THE PREVIOUS MINUTES	
Ordinary Liverpool Local Traffic Committee Meeting held on 29 January 2025	3
4 AGENDA ITEMS	
AI 01 215 Badgerys Creek Road, Bradfield - Stage 2A - Signage and Line Marking Plan	5
AI 02 Proposed extension of median island - Sergeant Street and General Boulevard, Edmondson Park	10
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AI 04 Devonshire Road, Kemps Creek/Rossmore and King Street, Rossmore - Edge Line and Curve Improvements	29
AI 05 Items Approved Under Delegated Authority	49
5 GENERAL BUSINESS ITEMS	
GBI 01 WSIGP (Western Sydney Infrastructure Grants Program) Streetscape Projects Progress Update	51

Liverpool Local Traffic Committee Meeting held on 29 January 2025 - Online - 9:30 AM

Committee Members Present:

Dan Riley	Chairperson, Liverpool City Council (LCC)
Ethan Tesoriero	Sergeant, Liverpool City Police Area Command
Kevin Alawadhi	Transport for NSW (TfNSW)
Wayne Prior	Representative for the Member for Macquarie Fields
Zeli Munjiza	Representative for the Member for Leppington
Liam Thorne	Representative for the Member for Liverpool
Peter Harle	Deputy Mayor, Liverpool City Council
Dr Betty Green	Councillor, Liverpool City Council

Technical Advisors & Informal Members

James Duguid	Transit Systems
Harry Muker	Acting Coordinator Traffic and Transport, LCC
Amit Chowdhury	Traffic & Transport Engineer, LCC

Council Staff

Rachel Palermo	Road Safety Officer, LCC
Parth Tiwari	Assistant Transport Engineer, LCC
Belinda Navas	Coordinator Regulatory Services

1. WELCOME / OPENING

The Chairperson welcomed attendees and opened the meeting at 9.33am.

2. PRESENT / APOLOGIES

3. CONFIRMATION OF PREVIOUS MINUTES

That the minutes of the Liverpool Local Traffic Committee Meeting held on 29 January 2025 be confirmed as a true record of that meeting. Endorsed by Council on 26 February 2025.

4. BUSINESS ARISING

5. AGENDA ITEMS

8 CLOSE

The Chairperson closed the meeting at XX:XXam.

9 NEXT MEETING

Wednesday, 21 May 2025, Online, 9:30 am – 12:30 pm

AI 01	215 Badgerys Creek Road, Bradfield - Stage 2A - Signage and Line Marking Plan
--------------	--

**REPORTING
OFFICER**

Transport Engineer

TRIM FILE REF

019502.2025

ELECTORATE

Badgerys Creek

REPORT BACKGROUND

The Council has received an application from the Western Sydney Parkland Authority, Bradfield seeking approval of their proposed traffic facilities as part of the Stage 2A development.

As a part of the development, transport infrastructures such as proposed new roads with associated intersections, cycleways, parking lanes, bus zones, roundabouts in stage 2A development in the Lot 3101/ DP 1282964. The proposed development will occur west of Sydney Metro precincts.

LOCATION

Figure showing Location Plan

ASSESSMENT

The road layouts for Stage 2A development are consistent with the requirements and were approved as per Master Plan for the Bradfield City Centre. The plan is related to mixed-use development, future road networks and areas identified for open space and parkland within the city centre.

PROPOSAL

Council Traffic Staff have reviewed the proposed road infrastructure and traffic facilities plan as detailed in the attached drawing reference no 30013454.2A.IFC.801/2/3/F.

PEDESTRIAN AND CYCLING IMPACT STATEMENT

The proposal provides raised crossings to enable safe pedestrian and cycling movements.

BUS ROUTE IMPACT STATEMENT

The proposal has considered Bus Zones.

CONSULTATION

No consultation undertaken as the proposal does not currently service residential lots.

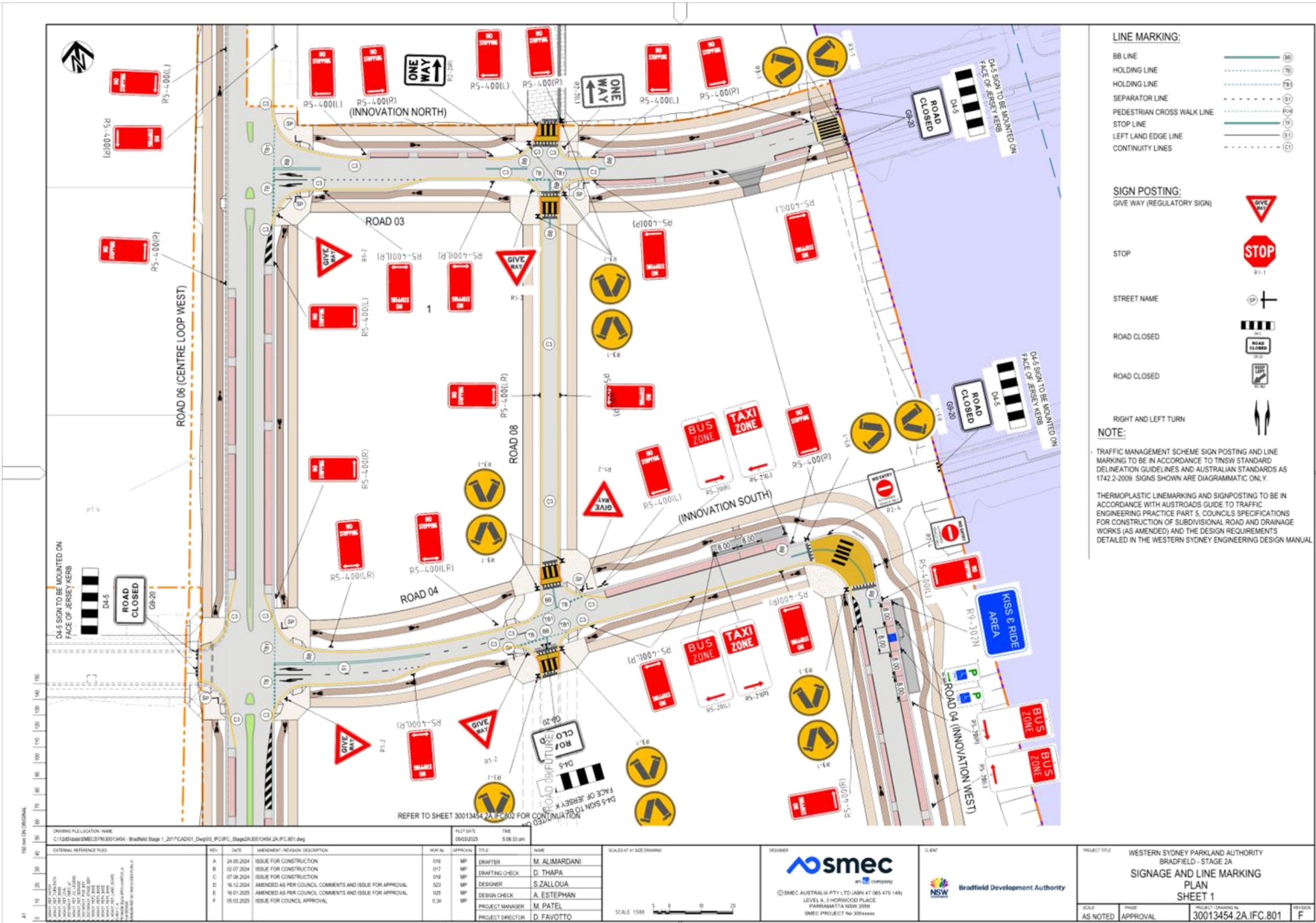
RECOMMENDATION TO TRAFFIC COMMITTEE

That the Committee supports:

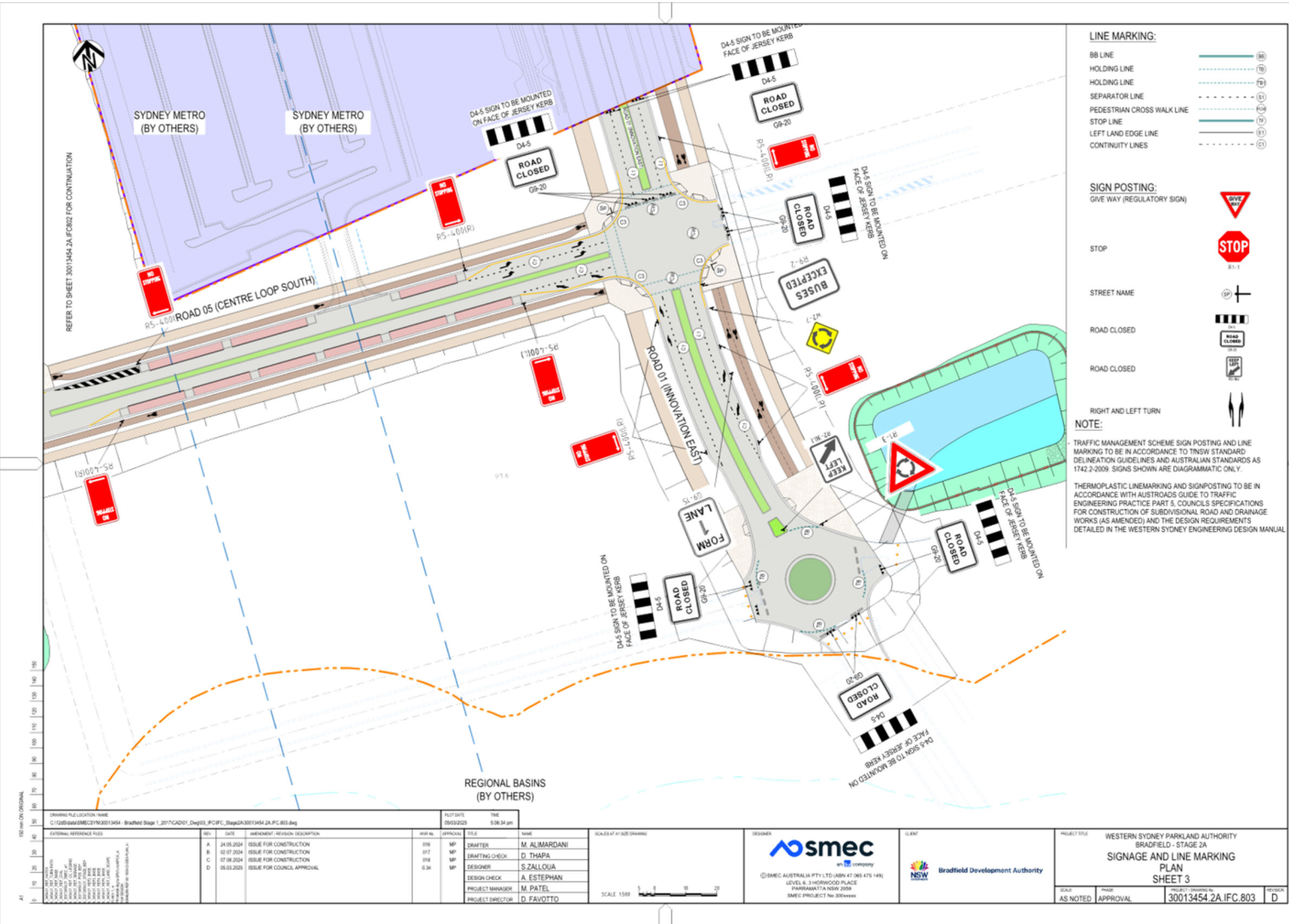
1. signage and line marking plan for 215 Badgerys Creek Road, Bradfield; Stage 2A – Signage and Line marking plans as indicated in Attachment 1.

ATTACHMENTS

1. Signage and line marking plan - 215 Badgerys Creek Road Bradfield







AI 02 Proposed extension of median island - Sergeant Street and General Boulevard, Edmondson Park**REPORTING
OFFICER**

Transport Engineer

TRIM FILE REF

056123.2025

ELECTORATE

Macquarie Fields

REPORT BACKGROUND

Council has received representations regarding broken bollards at the intersection of Sergeant Street and General Boulevard, Edmondson Park. Left turning vehicles from Soldiers Parade into General Boulevard make illegal right turn to travel into Sergeant Street retails and businesses. Some vehicles also tend to make illegal U turns at the General Boulevard and Sergeant Street intersection to enter a residential car park, located at Property No.1 General Boulevard.

While undertaking such turns, vehicles have been damaging the steel bollards, placed on the median island at the subject intersection.

Council proposes the extension of the concrete median island and removal of the existing bollard at the intersection. This would prevent illegal turns at the subject intersection.

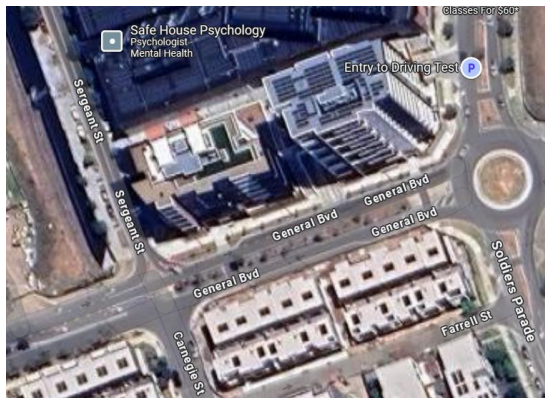
LOCATION

Fig. 1: Showing location of subject intersection to be upgraded

ASSESSMENT

- Road Classification: Both Sergeant Street and General Boulevard are local roads.
- Road Width: General Boulevard and Sergeant Street are 15m and 12m, respectively.
- General Layout: Bidirectional with kerb side parking.
- Crash Data: N/A
- Volume Data: General Boulevard AADT 2666, 85th percentile speed 50km/h (approx)
Sergeant Street AADT 1764 and 85th speed 30km/h (approx.)
- Intersecting Roads: Sergeant Street and General Boulevard
- Bus Routes: N/A
- Parking Restrictions: Both streets have parking restrictions

ISSUES

Left turning vehicles from Soldiers Parade to General Boulevard are known to make illegal right turn maneuvers into Sergeant Street with some vehicles making illegal U-turns at the General Boulevard and Sergeant Street intersection to enter the residential car park, located at Property No.1 General Boulevard. To discourage unsafe turns, extending the concrete median island and removal of the existing bollards are proposed at the intersection.

PROPOSAL

To extend the concrete median island and removal of existing bollards at the intersection of Sergeant Street and General Boulevard.

PEDESTRIAN AND CYCLING IMPACT STATEMENT

This proposal will have no impact on pedestrians and bicycle riders.

BUS ROUTE IMPACT STATEMENT

The proposal will have no impact on Bus Routes

CONSULTATION

Not required



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**LIVERPOOL LOCAL TRAFFIC COMMITTEE MEETING
19 MARCH 2025
AGENDA ITEMS**

RECOMMENDATION TO TRAFFIC COMMITTEE

That the Traffic Committee supports the:

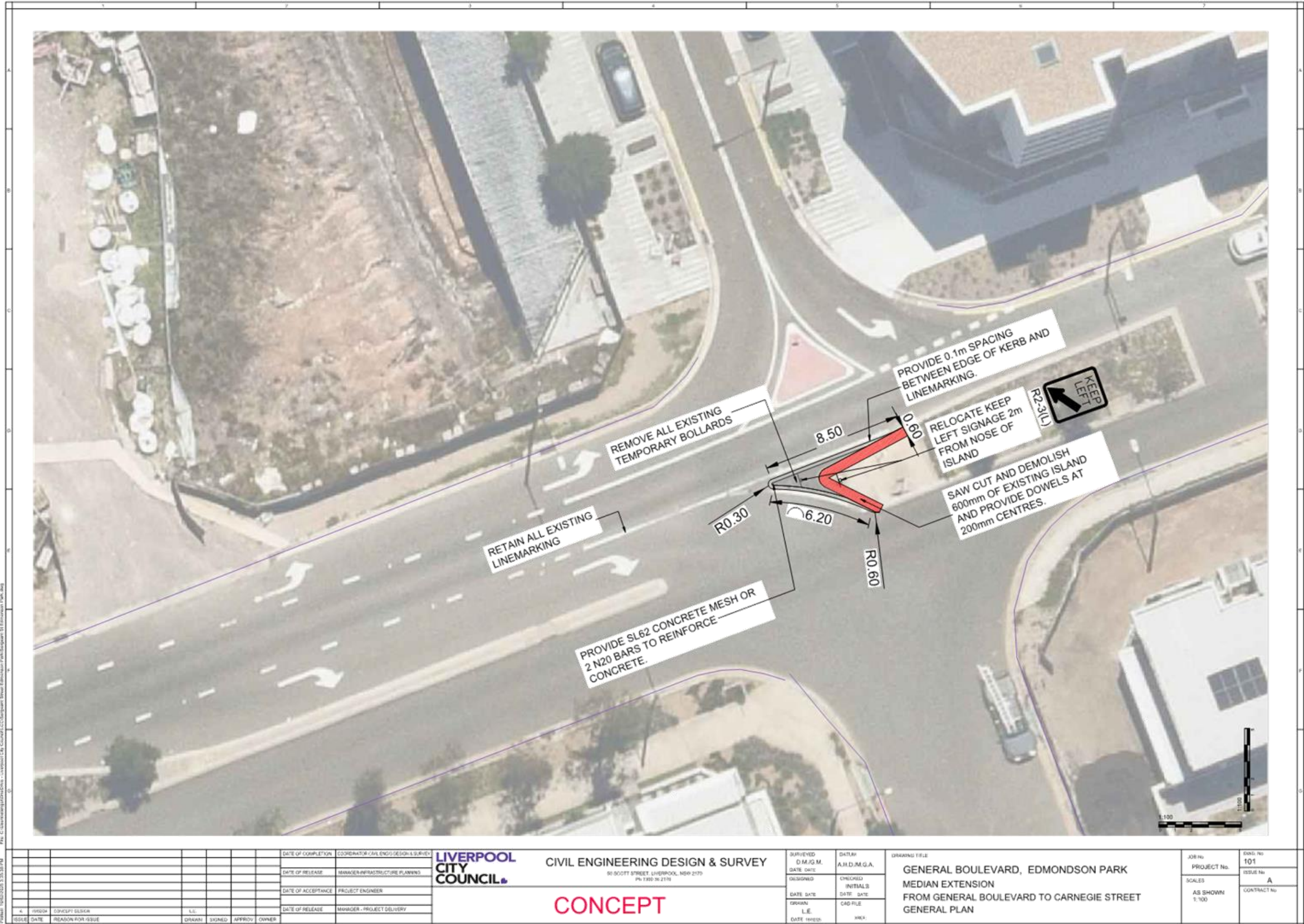
1. extension of concrete median island and removal of existing bollards at the intersection of Sergeant Street and General Boulevard, Edmondson Park as indicated in Attachment 2.
2. the detailed design drawings including line marking and signage plan to be issued to Transport for NSW for review, prior to the installation of proposed changes.

ATTACHMENTS

1. Proposed extension of median island at the intersection of Sergeant Street and General Boulevard

AI 02
Attachment 1

13
Proposed extension of median island - Sergeant Street and General Boulevard, Edmondson Park
Proposed extension of median island at the intersection of Sergeant Street and General Boulevard



AI 03	Roundabout Modification - Buchan Avenue and Jardine Drive, Edmondson Park
--------------	--

REPORTING OFFICER	Transport Engineer
TRIM FILE REF	063300.2025
ELECTORATE	Macquarie Fields

REPORT BACKGROUND

Concerns have been raised by the local residents about speeding of vehicles along Buchan Avenue and Jardine Drive at the subject roundabout. Instead of slowing down, vehicles are used to speed at this location which creates safety hazards to the nearby childcare center, located just at the northwest corner of the intersection. Speed control measures at the approaches along with reduction of deflection are proposed to improve safer traffic movements at this roundabout.

LOCATION

Fig. 1: Showing location of existing roundabout to be upgraded

ASSESSMENT

- Road Classification: Buchan Avenue (Local Road) and Jardine Drive (Collector Road).
- Road Width: Buchan Avenue approximately 15m wide and Jardine Drive approximately 10.3m wide
- General Layout: Buchan Avenue and Jardine Drive are both two-way roads.
- Crash Data: Transport for New South Wales (TfNSW) supplied crash data indicates there have been more than 3 crashes at this location during the last 5-year period ending 2023
- Speed Data: Applicable speed limit of 50km/h. Jardine Drive 85th percentile speed is nearly 60km/h, Buchan Ave does not have speed data collected.
- Intersecting Roads: Buchan Avenue and Jardine Drive.
- Bus Routes: N/A
- Parking Restrictions: kerbside parking restrictions apply.

ISSUES

The 85th percentile speed along Jardine Drive is reaching close to 60km/h. Buchan Avenue is a local / collector road with high traffic volumes and connects to Camden Valley Way via Soldiers Parade and Bernera Road. There are two schools located along Buchan Avenue.

TfNSW crash data indicates there have been more than 3 crashes at this location during the last 5-year period ending 2023. The existing configuration of the roundabout fails to stop the speeding along Buchan Ave. and Jardine Drive. Speed reduction by way of raised thresholds, kerb extension would be able to reduce the speeding at this roundabout.

PROPOSAL

Council Traffic Staff propose to install raised platform / thresholds at all approaches of the roundabout at Buchan Avenue and Jardine Drive intersection, including installation of blisters and modification of central island.

PEDESTRIAN AND CYCLING IMPACT STATEMENT

This proposal will have no impact on pedestrians and bicycle riders.

BUS ROUTE IMPACT STATEMENT

The proposal will have no impact on Bus Routes.

CONSULTATION

Not required

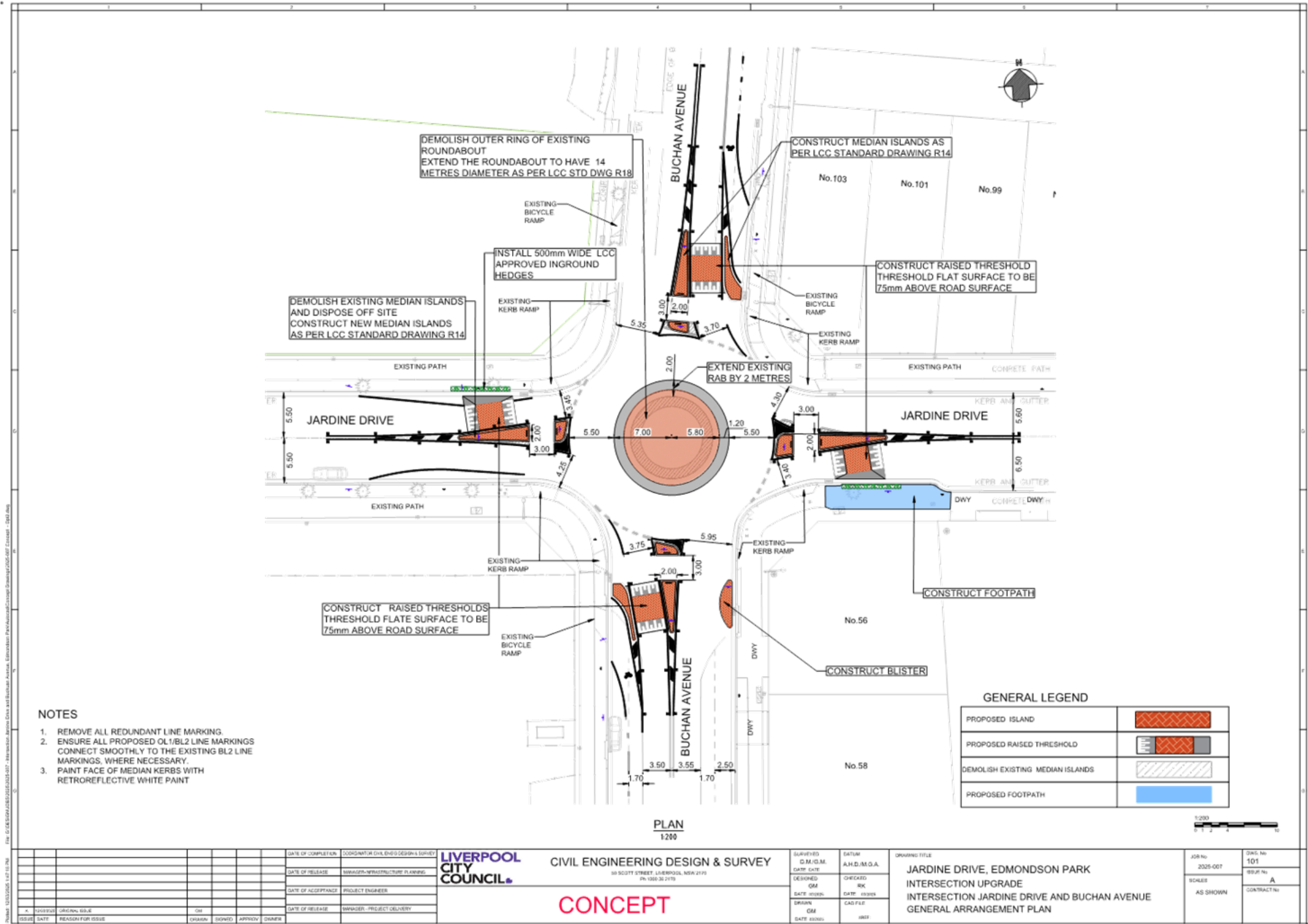
RECOMMENDATION TO TRAFFIC COMMITTEE

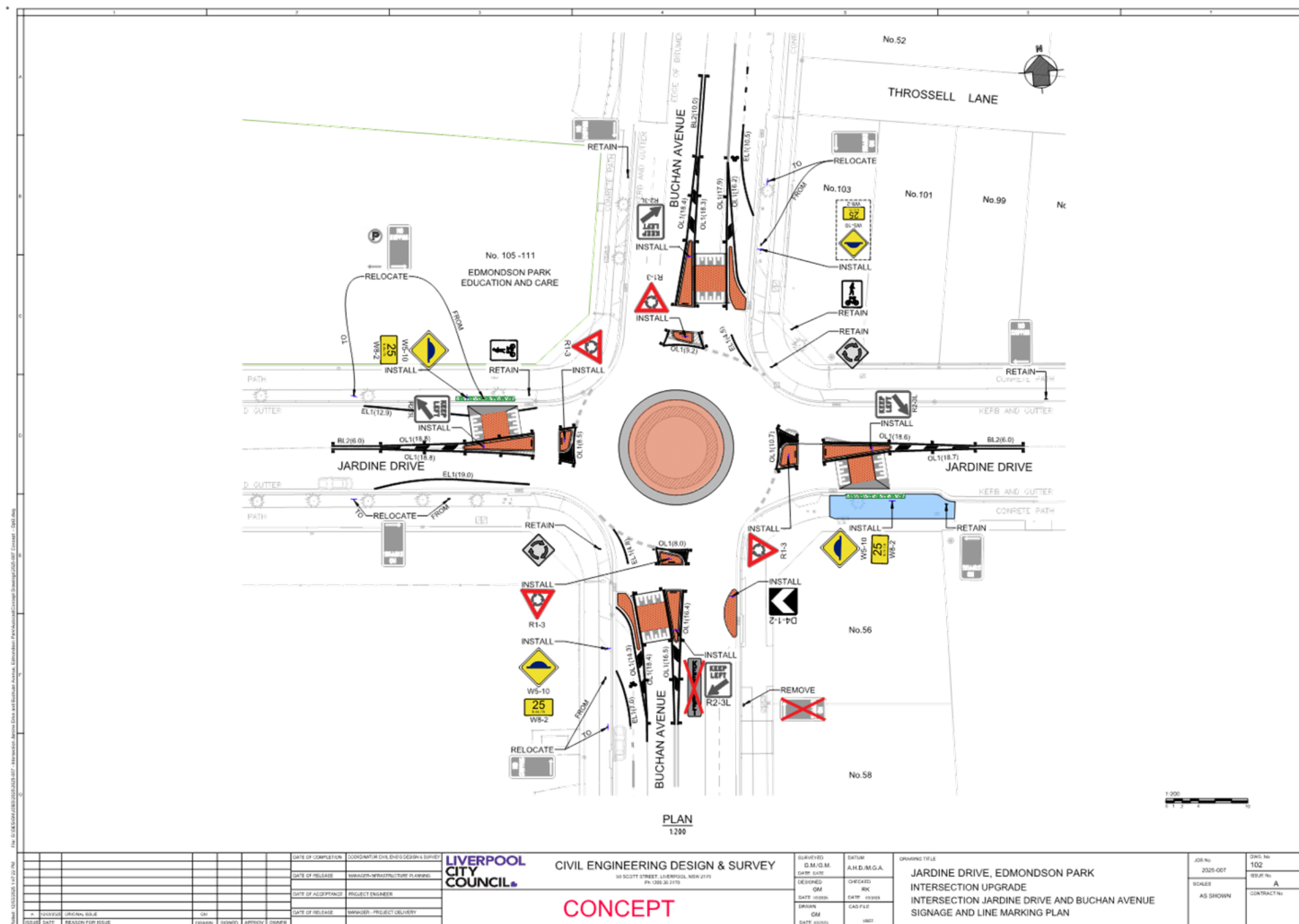
That the Traffic Committee supports the:

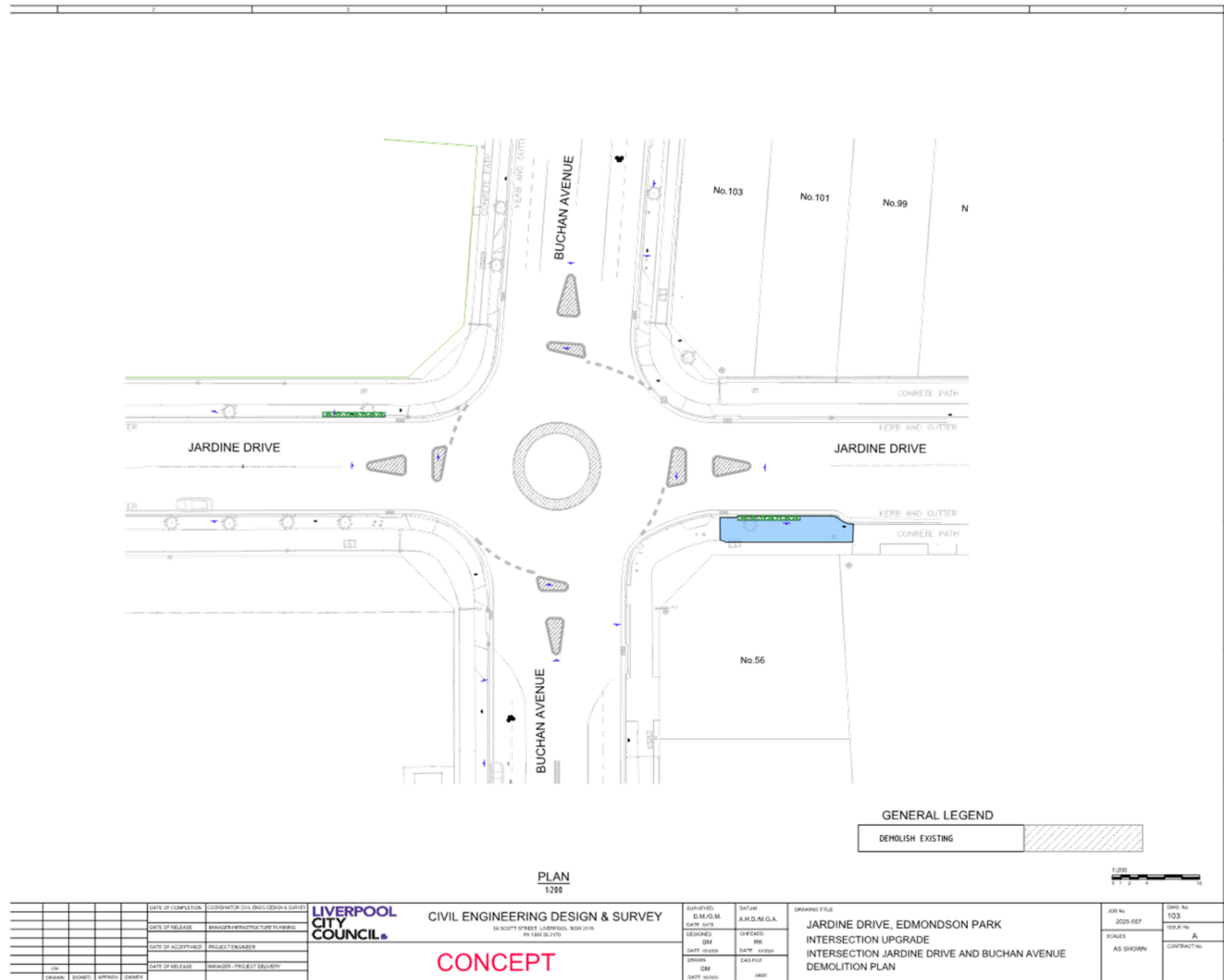
1. installation of raised platform / thresholds at all approaches of the roundabout at Buchan Avenue and Jardine Drive intersection including installation of blisters and modification of central island as indicated in the Attachment 3.
2. the detailed design drawings including line marking and signage plan to be issued to Transport for NSW for review, prior to the installation of proposed modifications.

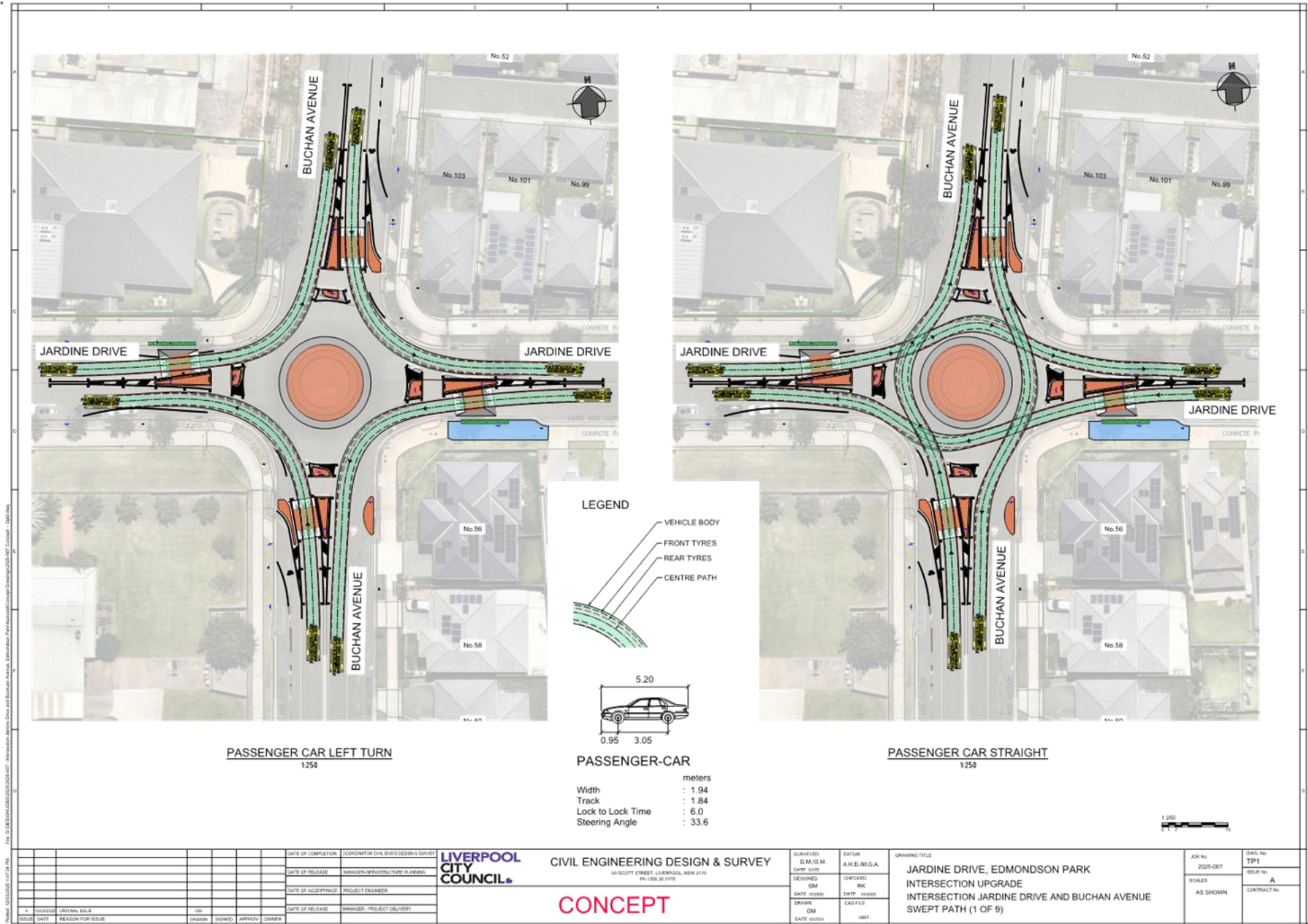
ATTACHMENTS

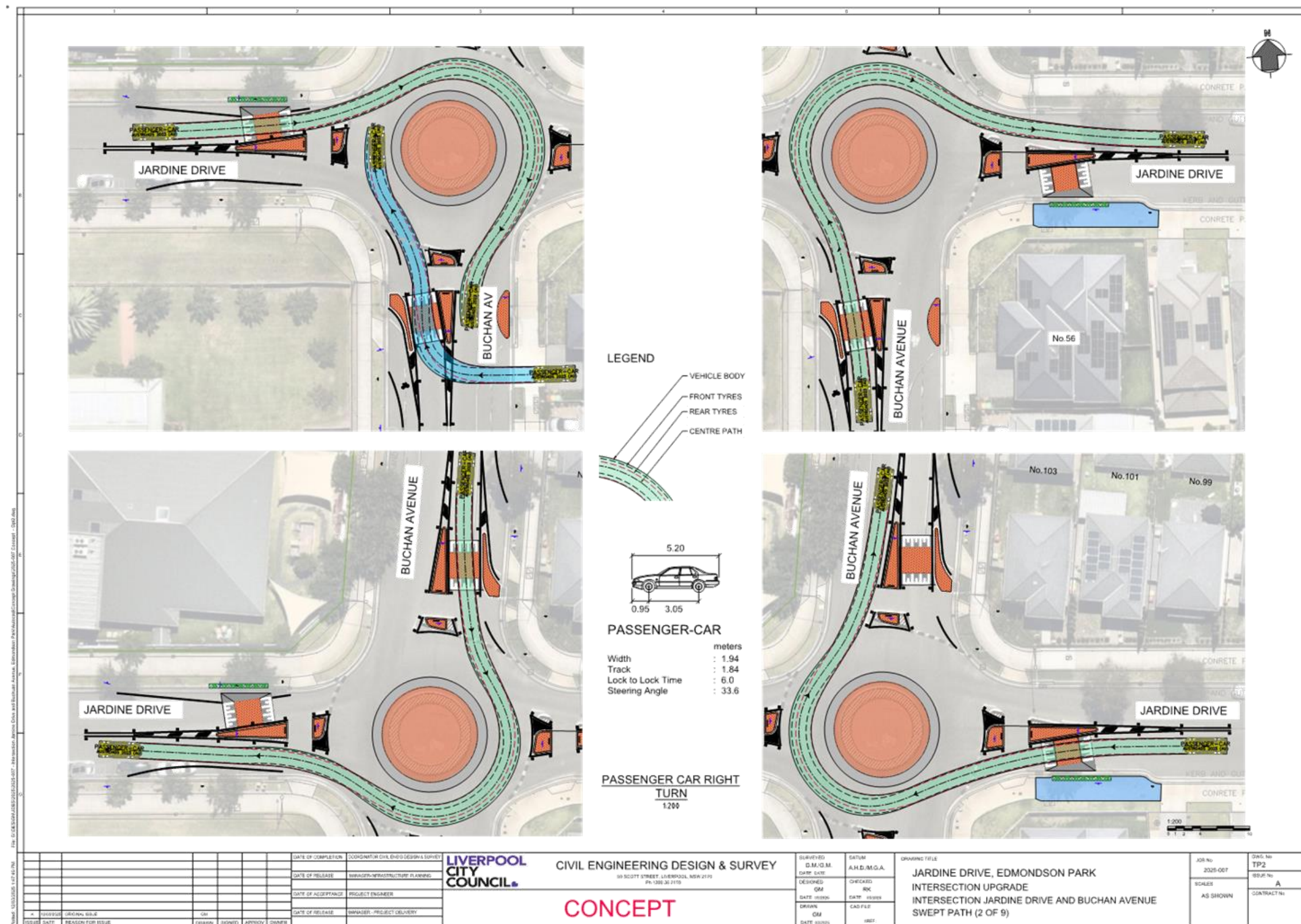
1. Intersection Jardine Drive and Buchan Avenue, Edmondson Park - Roundabout Modification.pdf

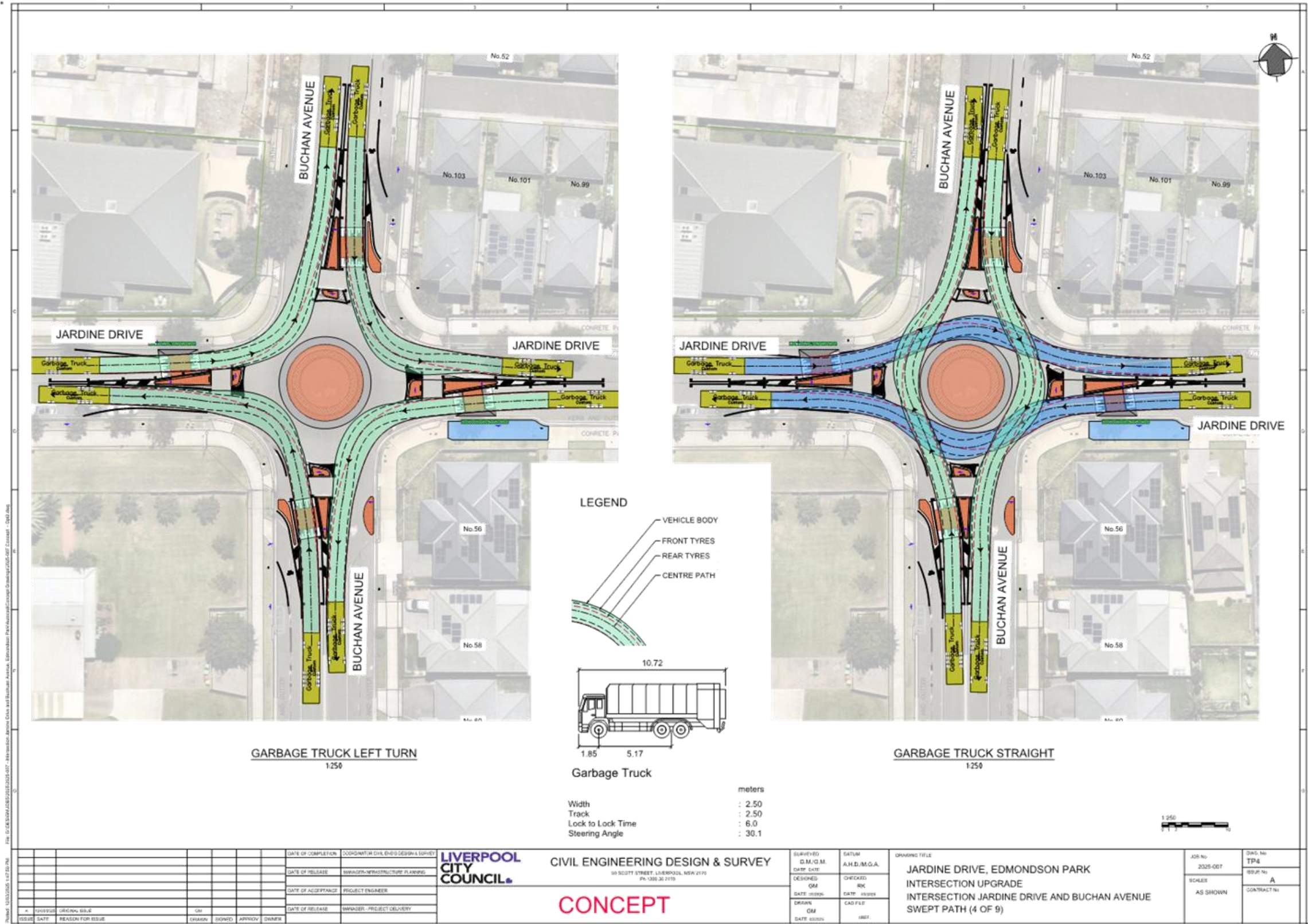


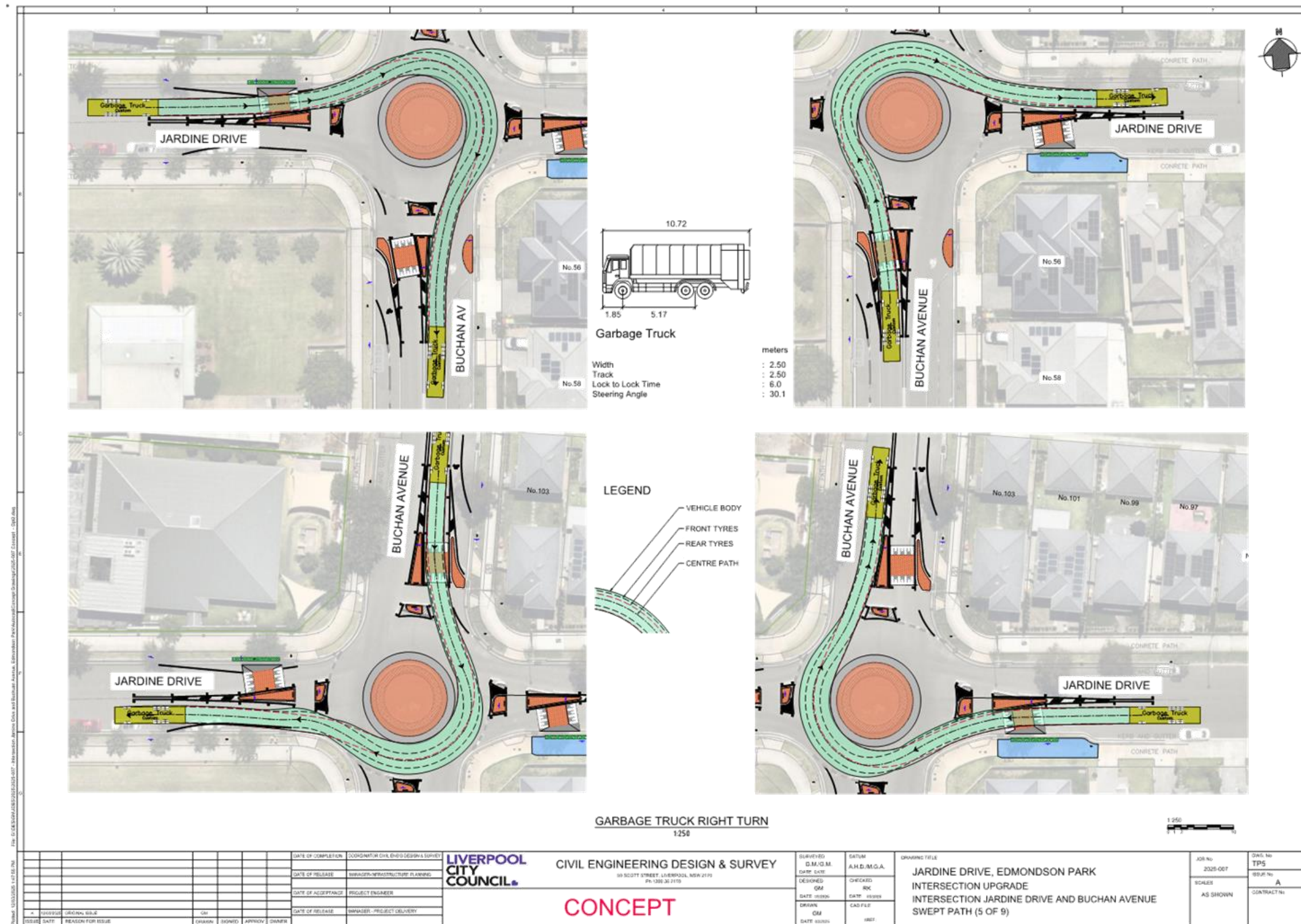


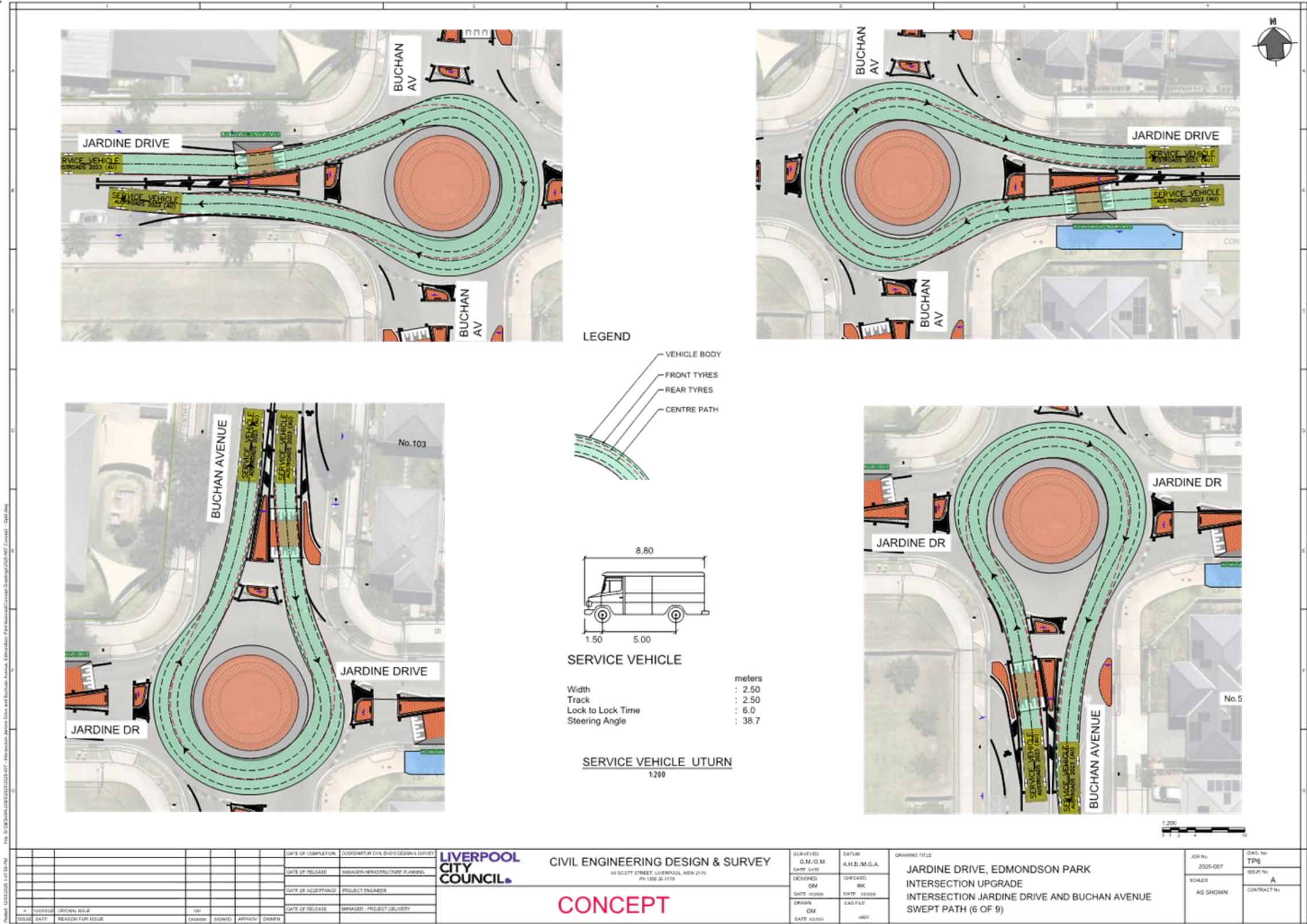


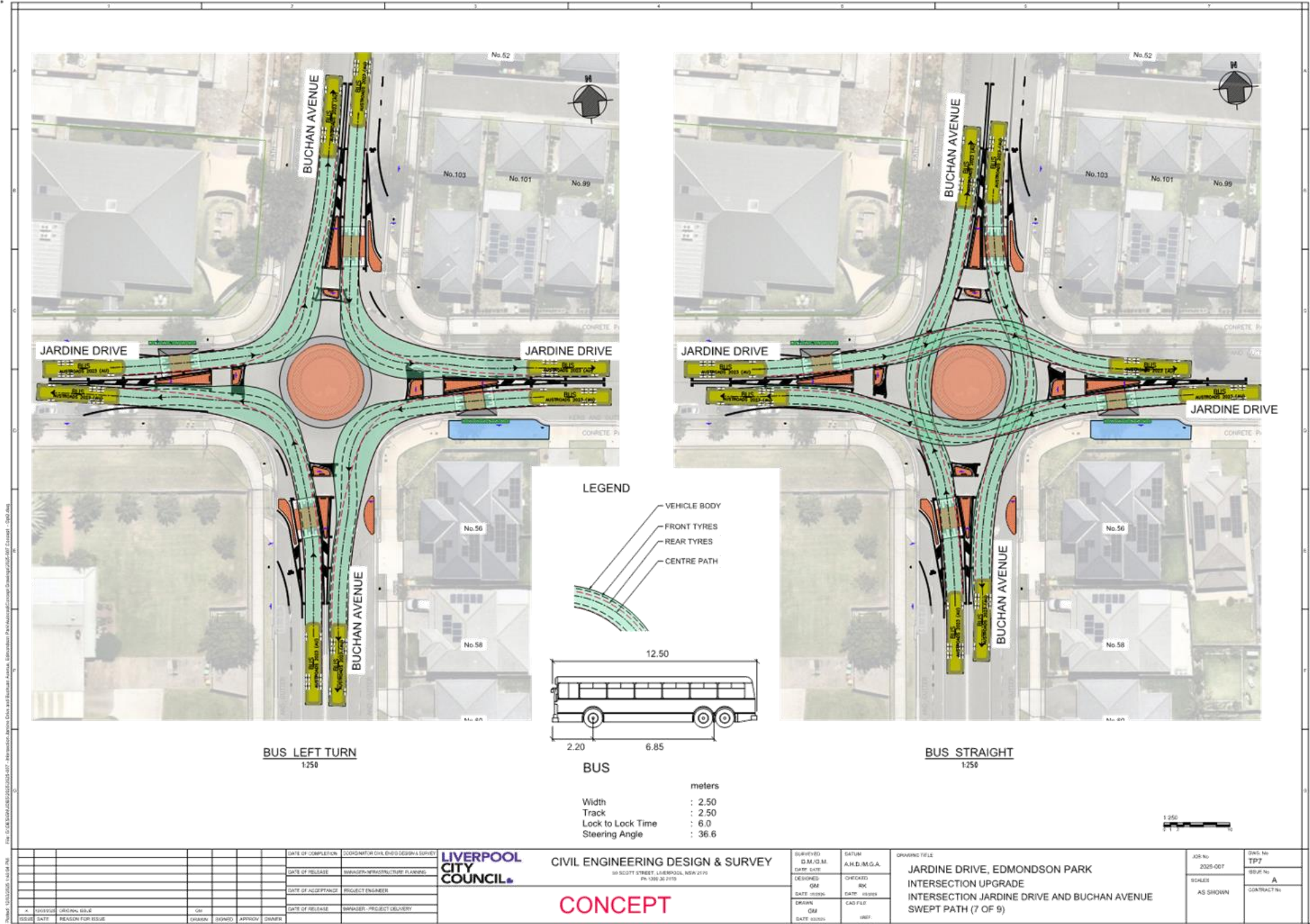


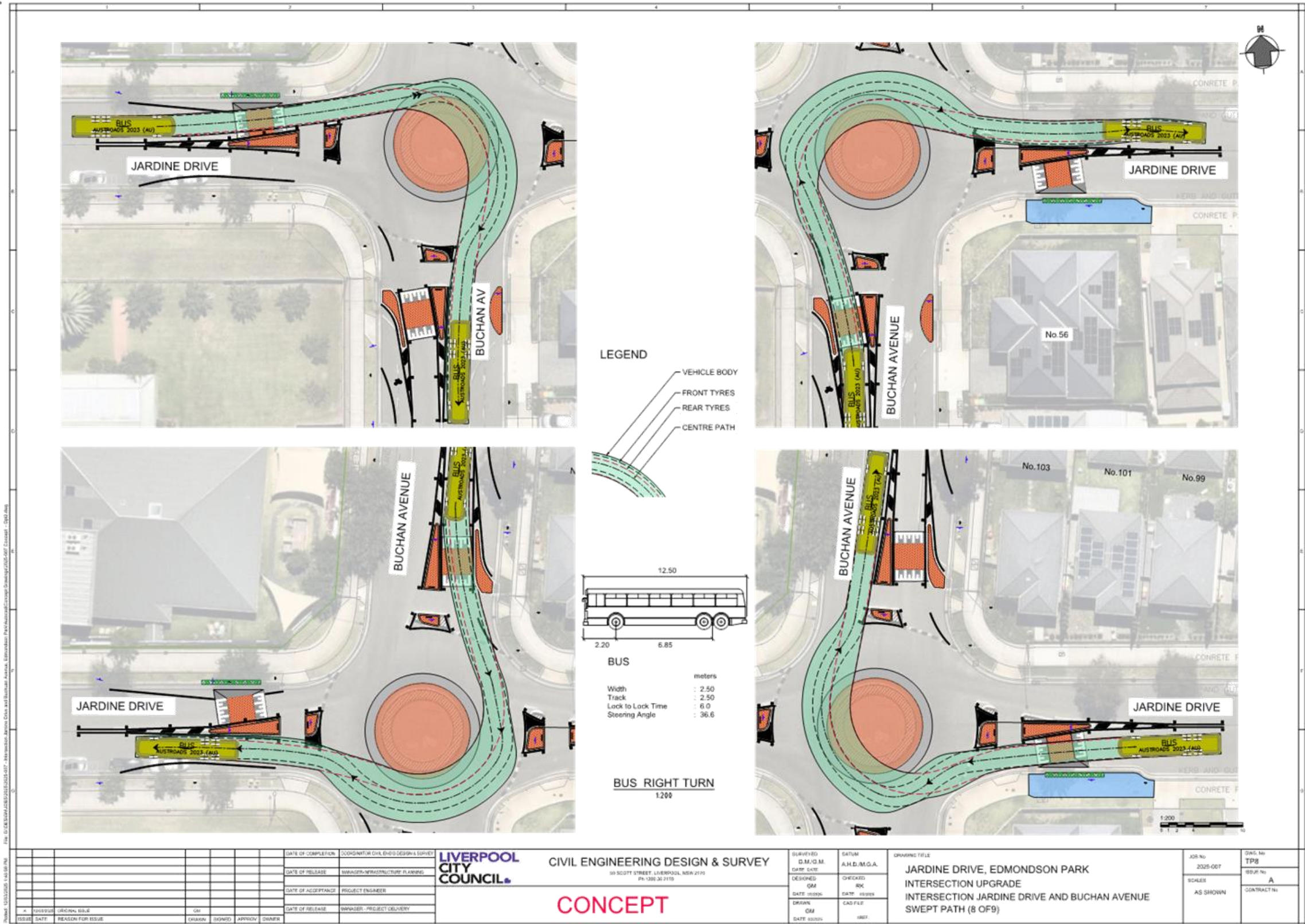


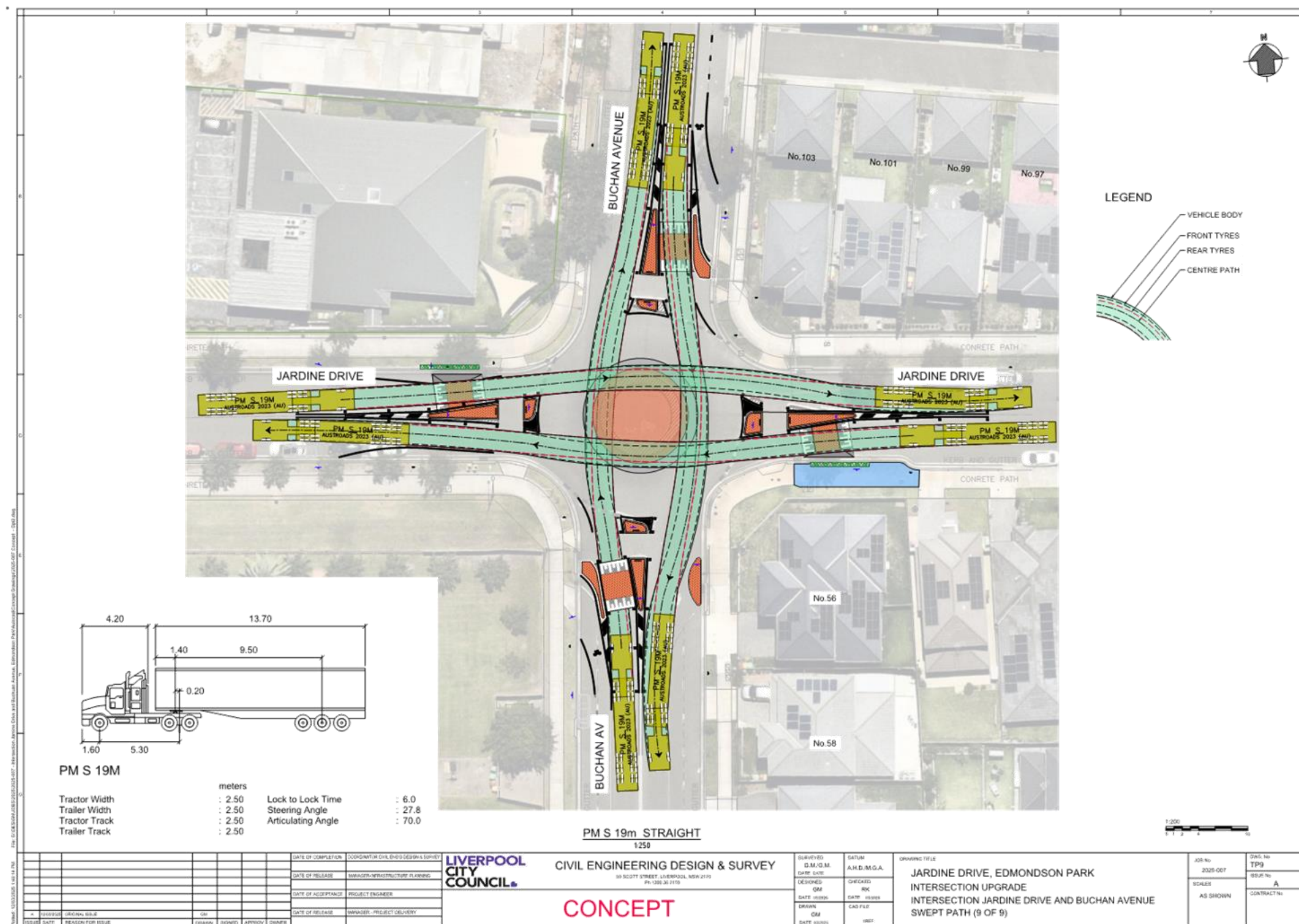












AI 04	Devonshire Road, Kemps Creek/Rossmore and King Street, Rossmore - Edge Line and Curve Improvements
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REPORTING OFFICER	Transport Engineer
TRIM FILE REF	063461.2025
ELECTORATE	Leppington

REPORT BACKGROUND

Council has received representations from local residents to improve road safety along Devonshire Road and King Street, in the Kemps Creeks and Rossmore precincts.

To improve road safety, Council is proposing to install edge line markings and curve improvement measures along this road. These works are funded by the Australian Government Blackspot Program.

LOCATION

Fig 1 showing Devonshire Road and King Street

ASSESSMENT

Devonshire Road and King Street are north-south collector rural roads approximately 7.82km long and connect two State Roads, Elizabeth Drive to the north and Bringelly Road to the south.

The road width of both roads is approximately 7.6m wide. Beyond the edge of the carriageway, both roads have unformed road shoulders, a single traffic lane in each direction with unrestricted parking on both sides. There are several 'T' and cross intersections between Elizabeth Drive and Bringelly Road. The intersection with Bringelly Road has traffic signals and a roundabout at the Fifteenth Avenue intersection. All other intersecting streets have Give-Way control which prioritise traffic movements along Devonshire Road and King Street. The posted speed limit is 70 km/hr.

Transport for New South Wales (TfNSW) supplied crash data indicates there have been 21 casualty crashes in the five-year period ending June 2022. The higher proportion of casualty crashes occurred along the curved sections of the roadway which included motorcyclists (x2) and one bicycle rider.

PROPOSAL

The signage and line marking plan for Devonshire Road and King Street proposes audio tactile edge line marking, installation of curve alignment markers, and improved road shoulder conditions.

PEDESTRIAN AND CYCLING IMPACT STATEMENT

This proposal will improve conditions for pedestrians and bicycle riders.

BUS ROUTE IMPACT STATEMENT

The proposal does not have no impact on Bus Routes.

CONSULTATION

Consultation by way of construction advice would be provided to the affected residents on either side of Devonshire Road before the installation of the proposed works.



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**LIVERPOOL LOCAL TRAFFIC COMMITTEE MEETING
19 MARCH 2025
AGENDA ITEMS**

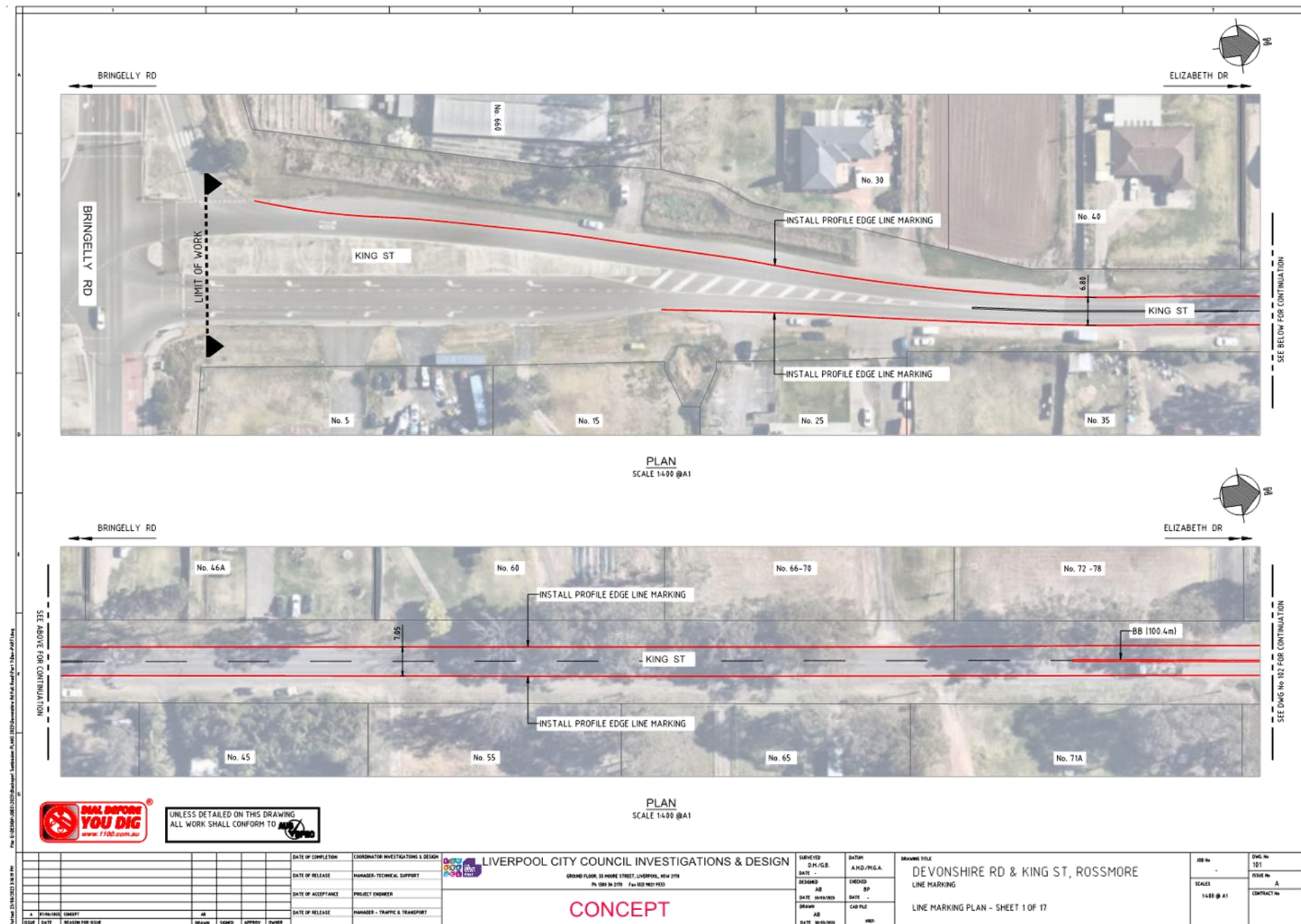
RECOMMENDATION TO TRAFFIC COMMITTEE

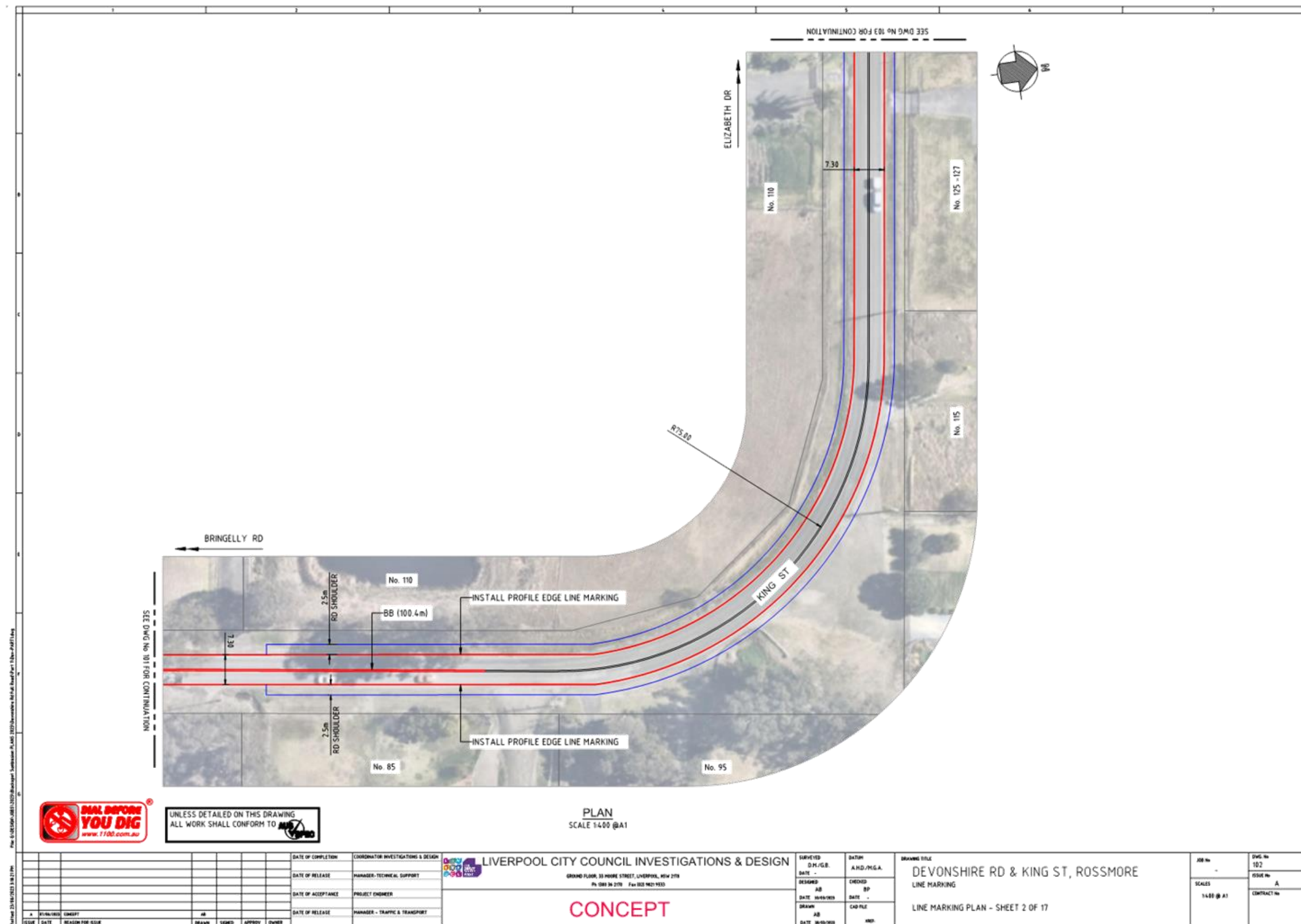
That the Traffic Committee supports the:

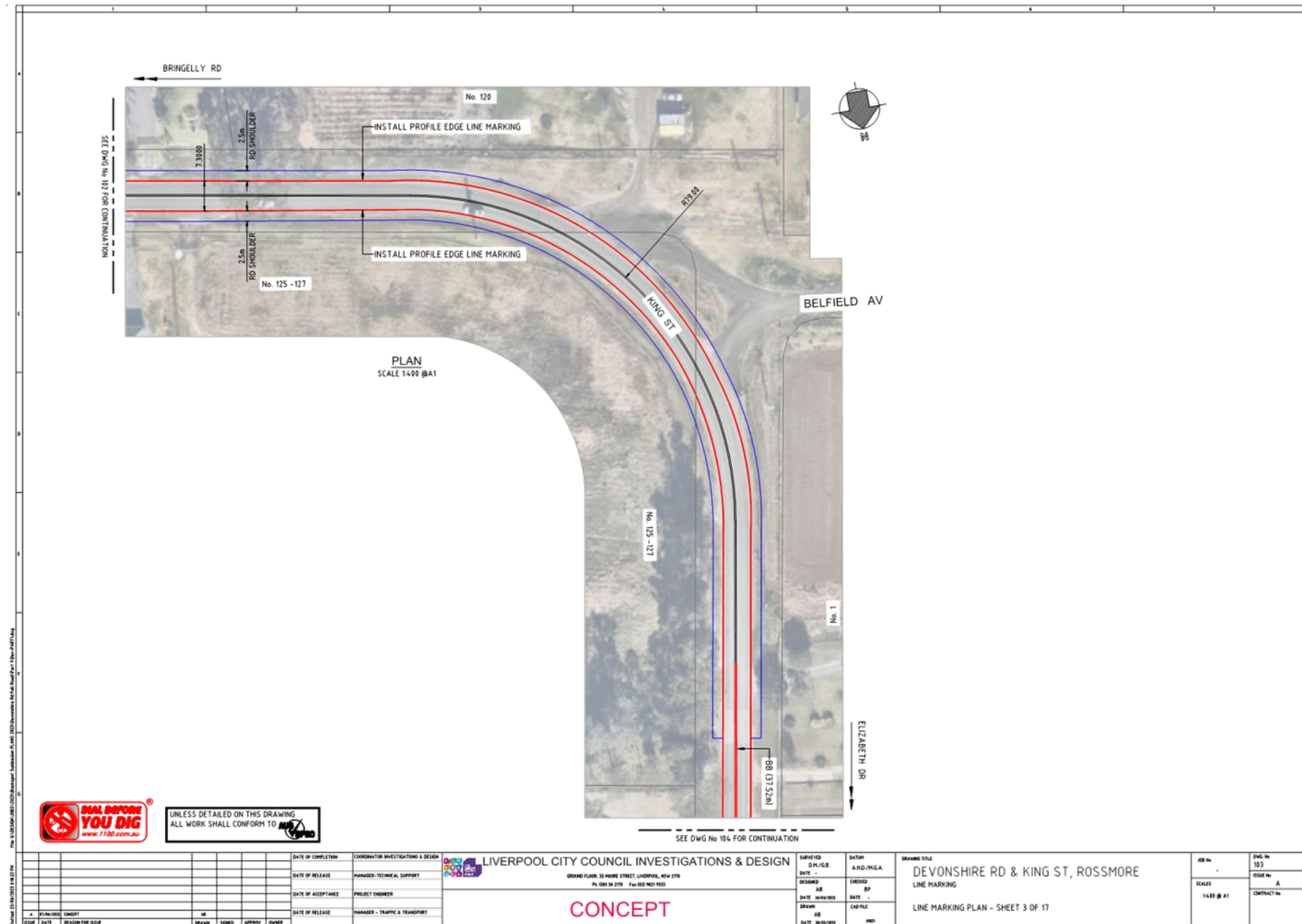
1. line marking and signage plan for proposed audio tactile edge line marking, installation of curve alignment markers, and improving road shoulder conditions at the existing curves along Devonshire Road and King Street as indicated in the Attachment 4.
2. detail design to be submitted to TfNSW for approval prior to installation.

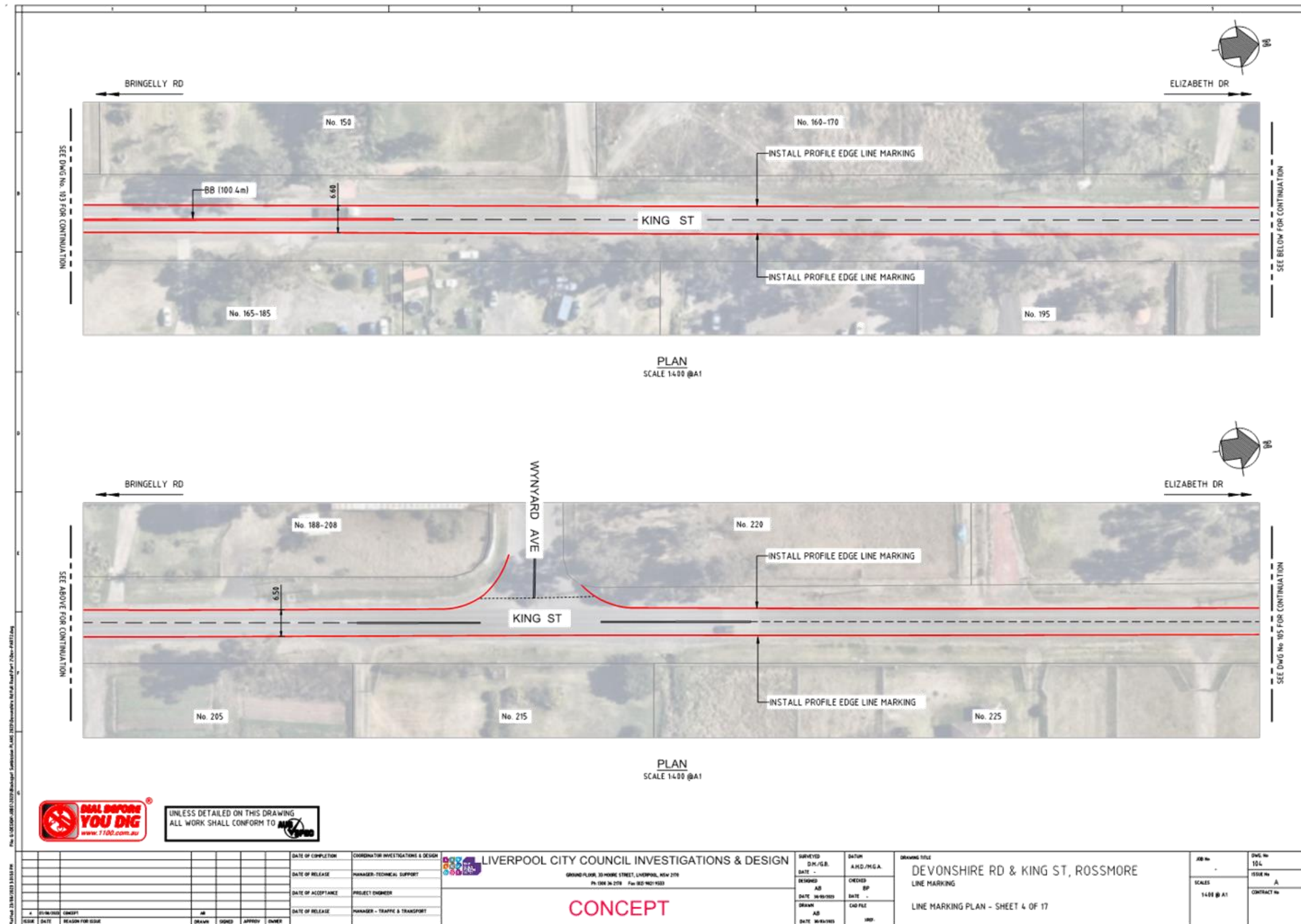
ATTACHMENTS

1. Devonshire Road

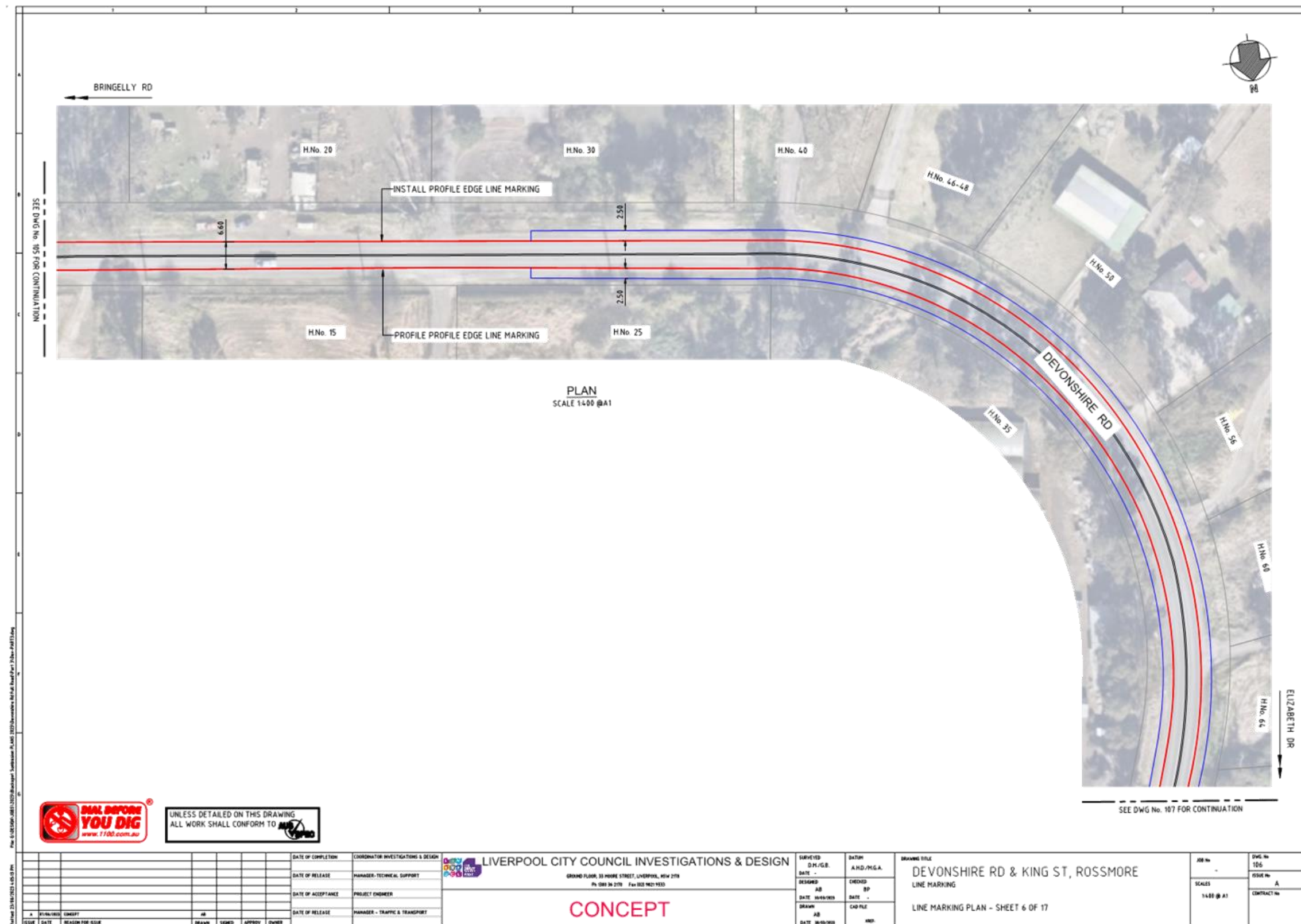


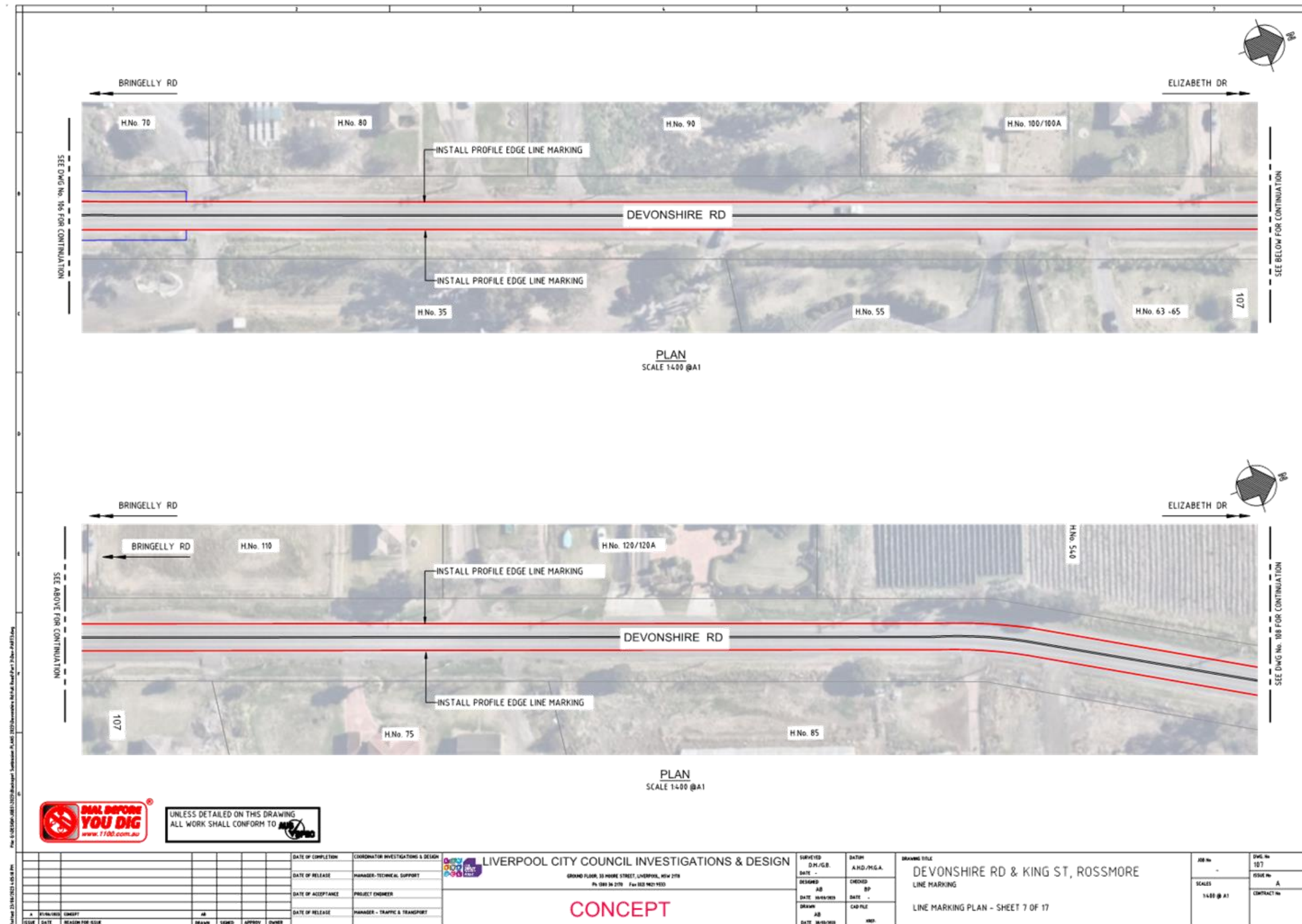




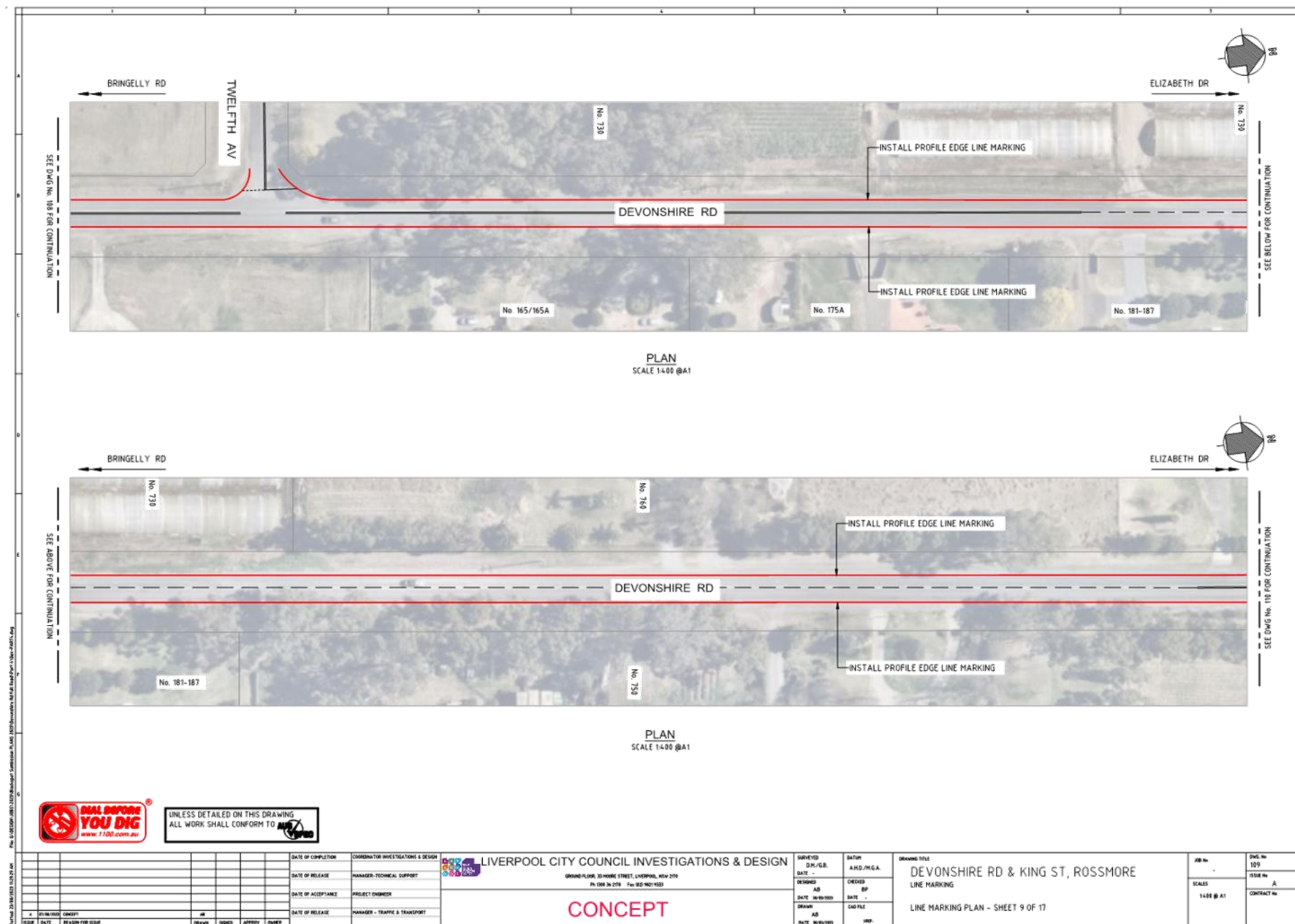


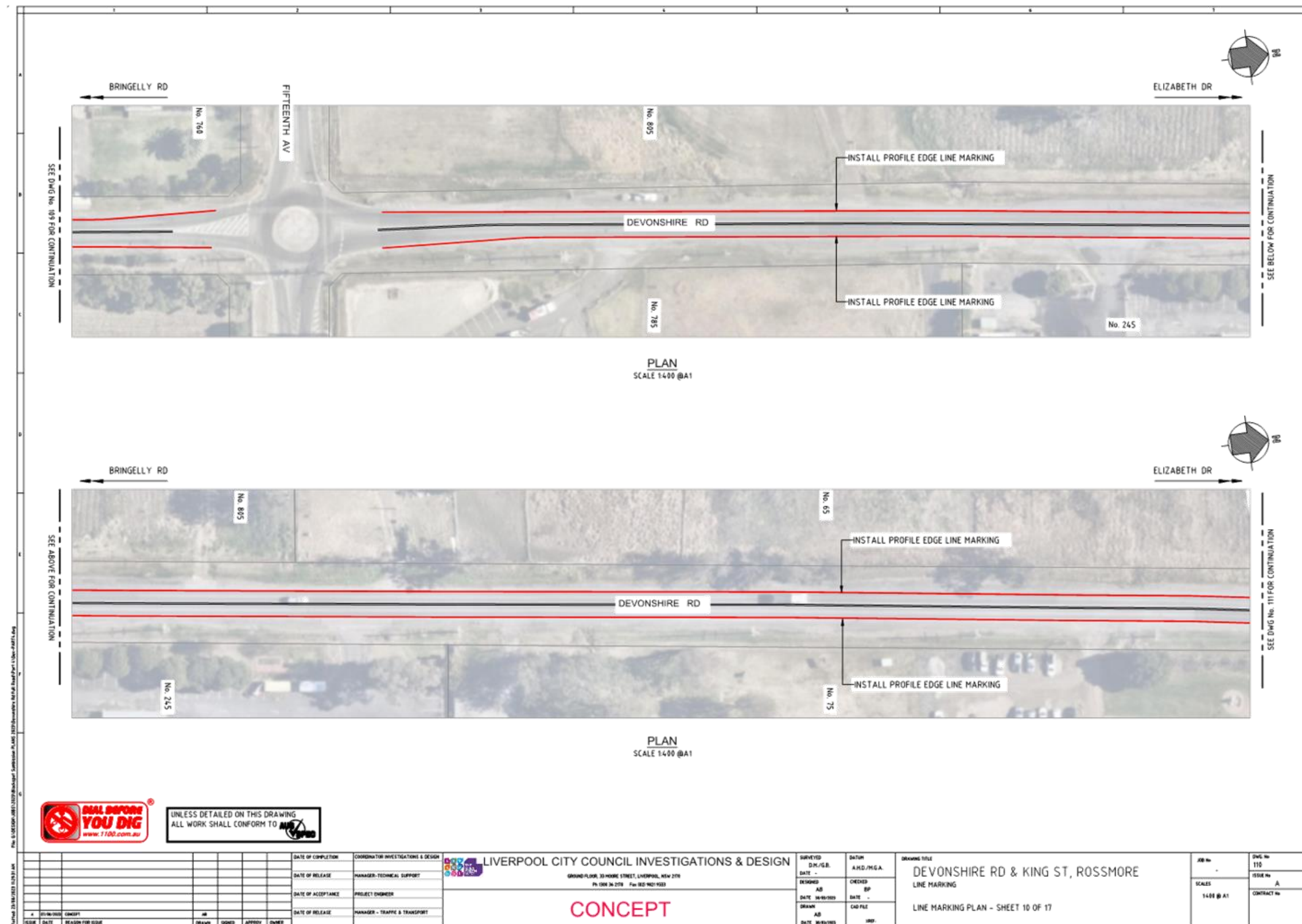


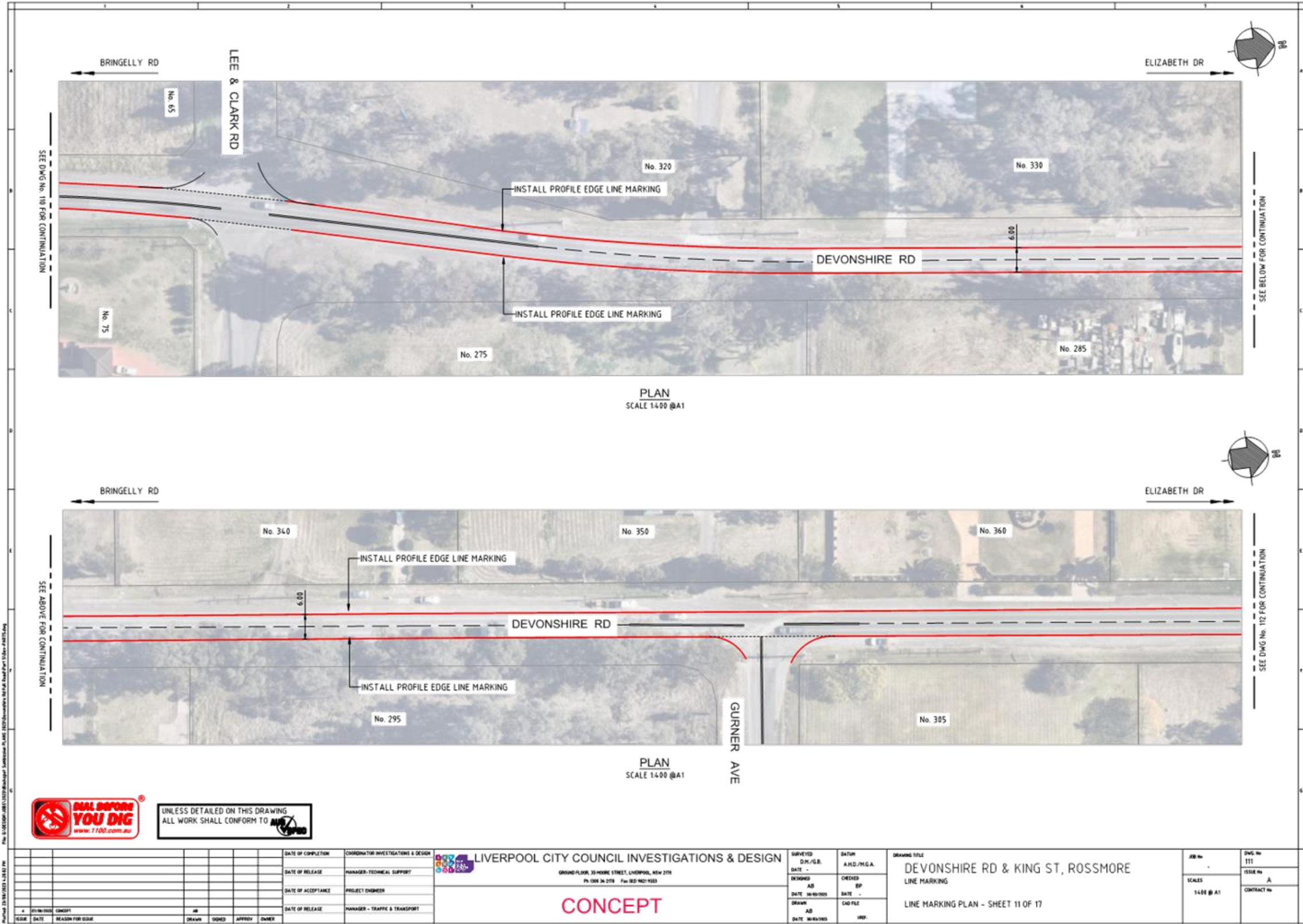


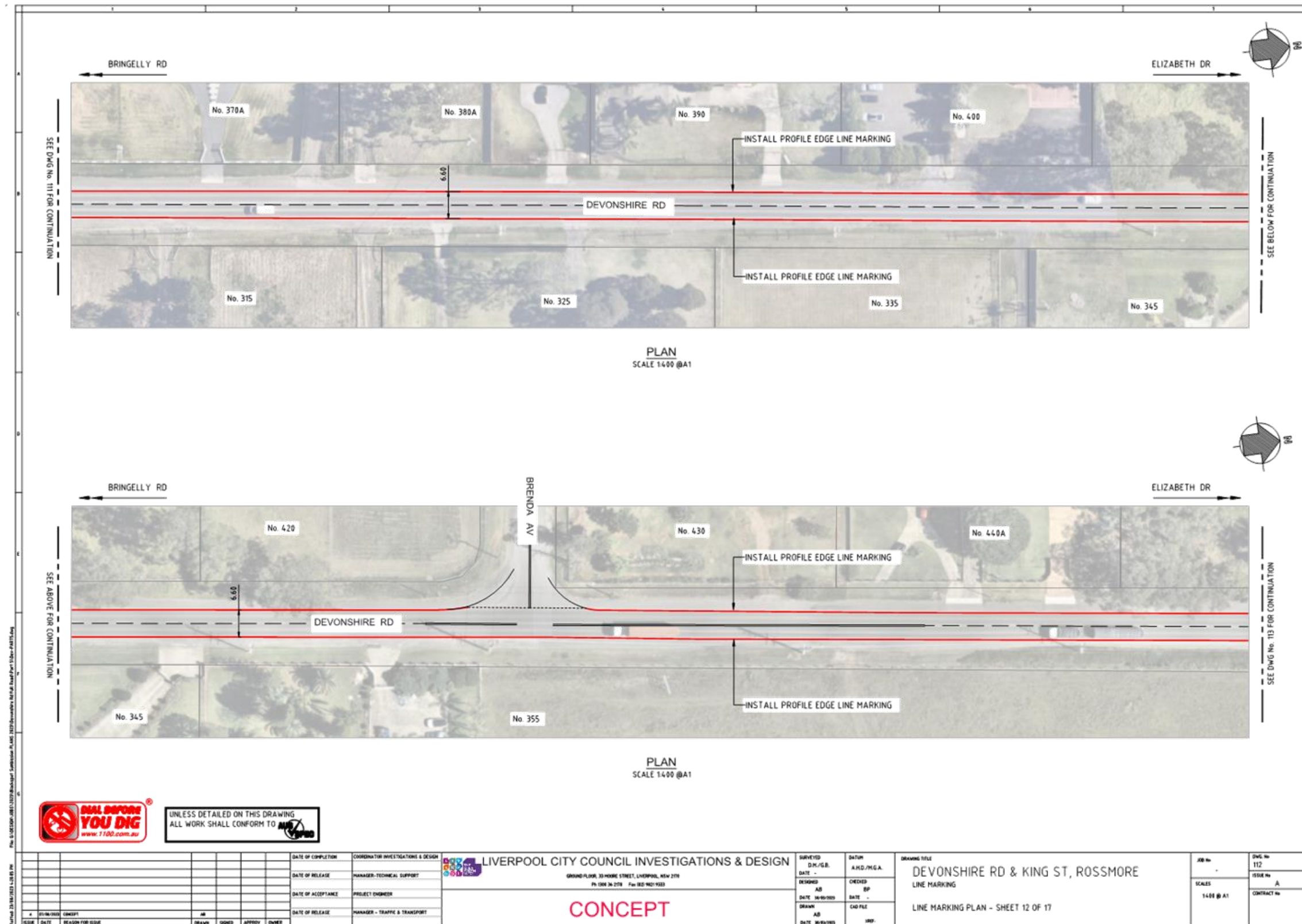


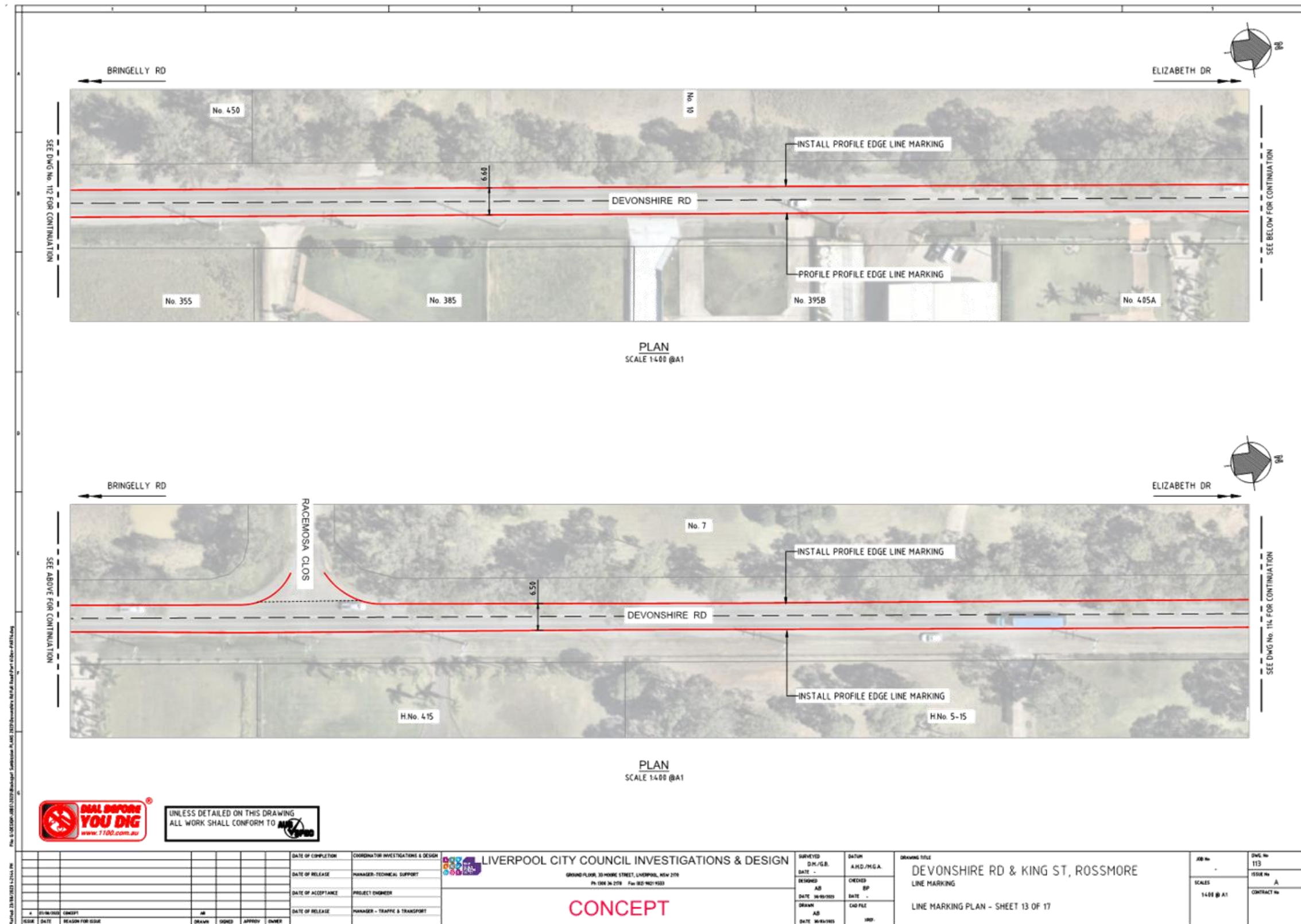


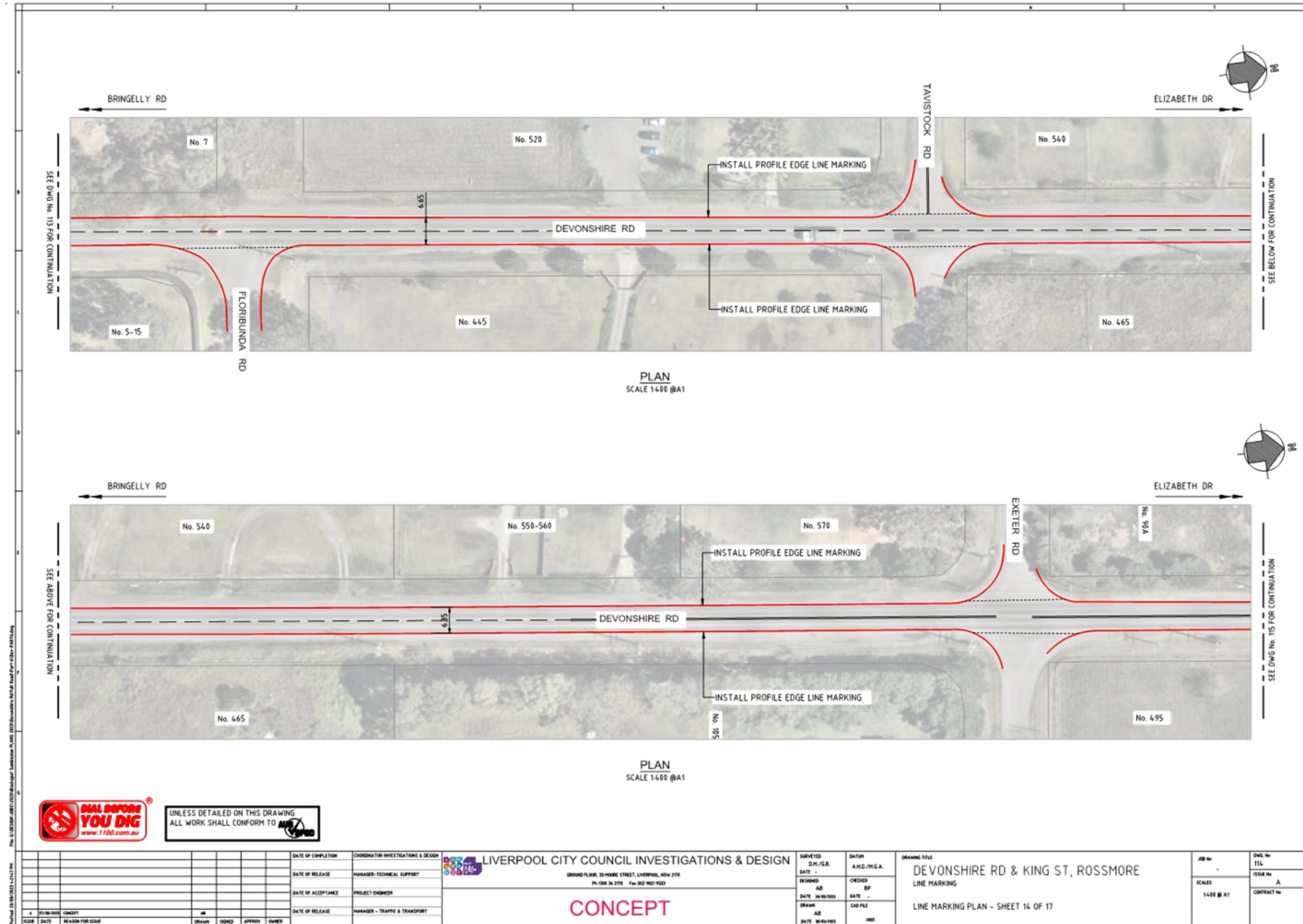


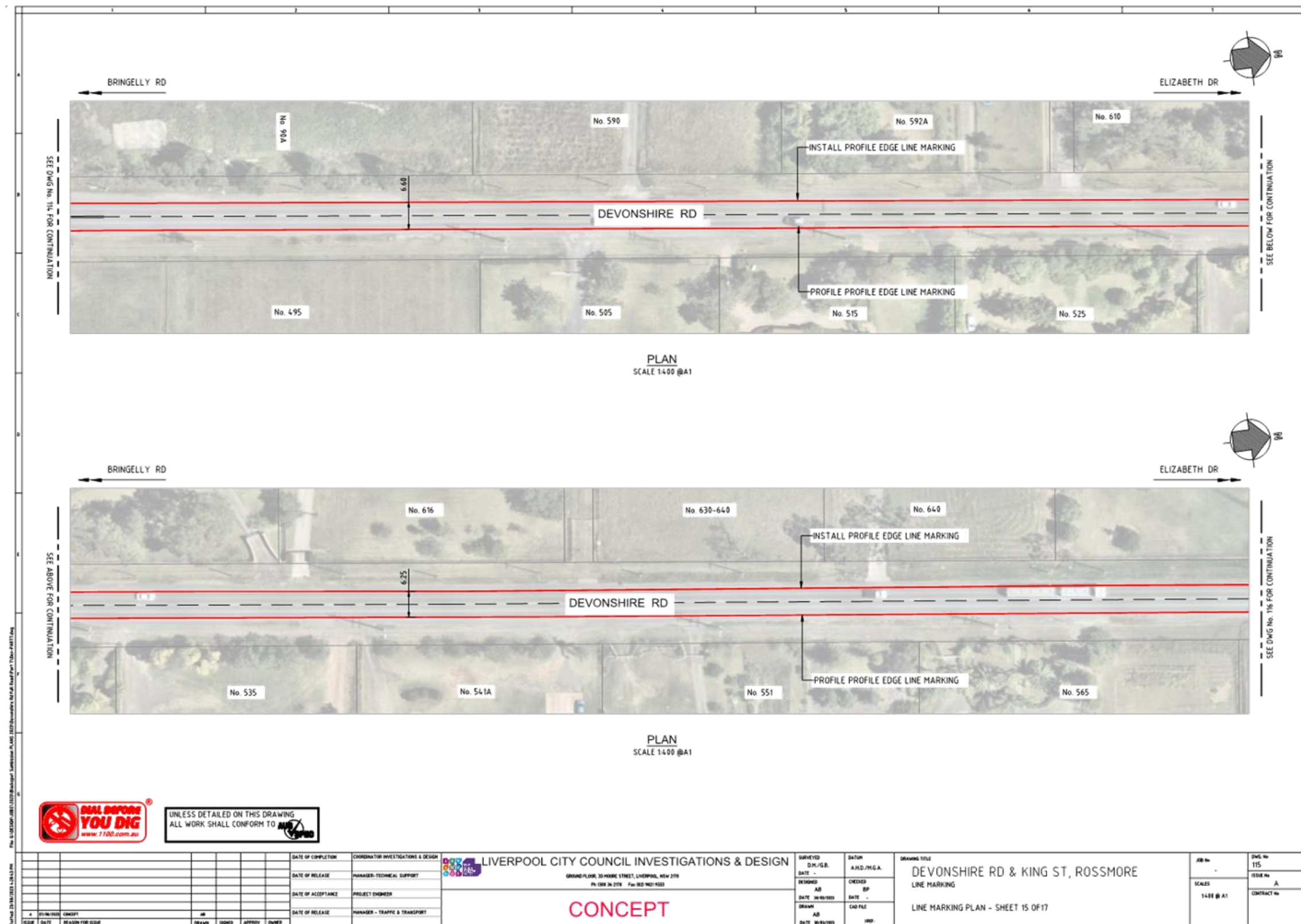


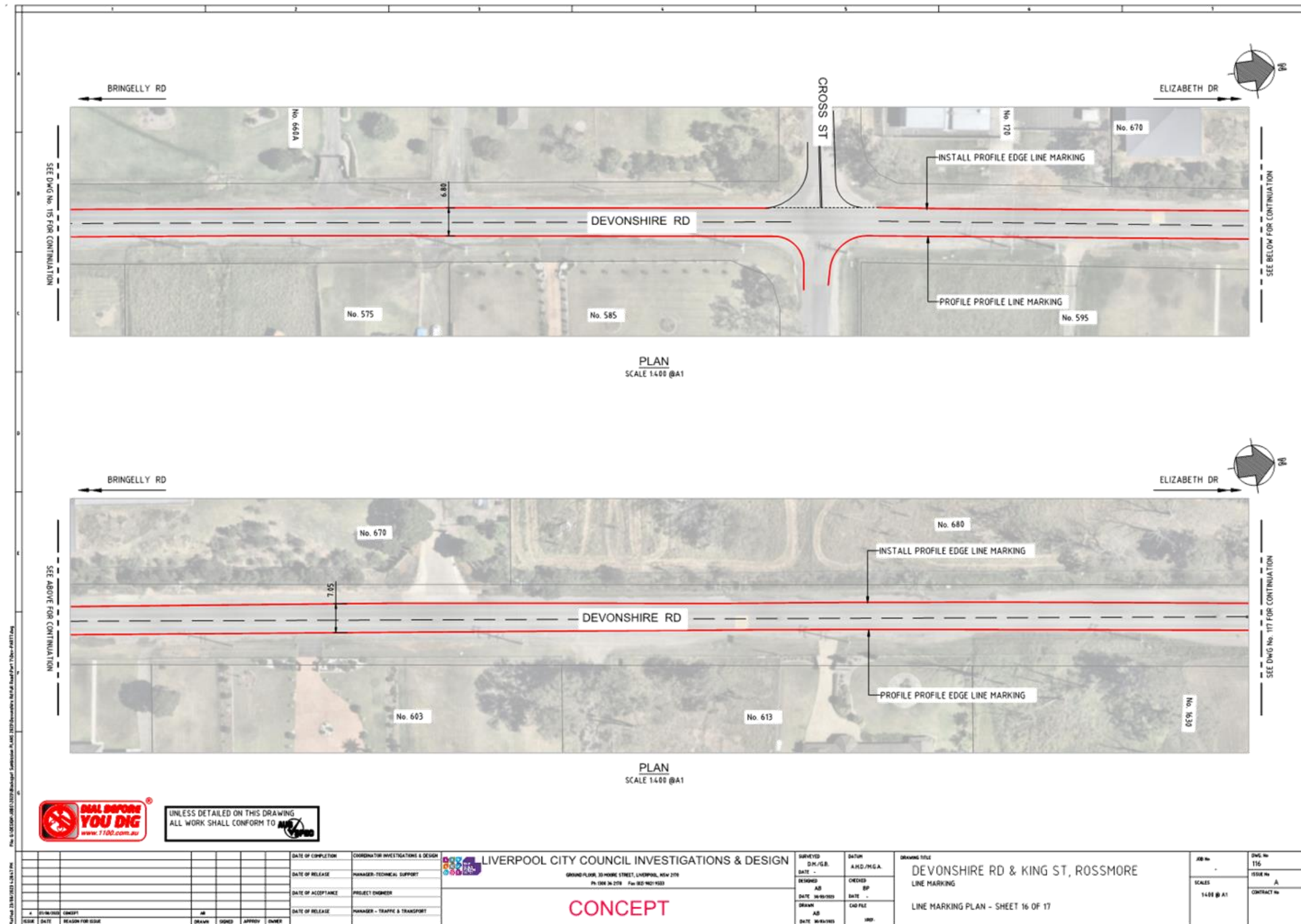


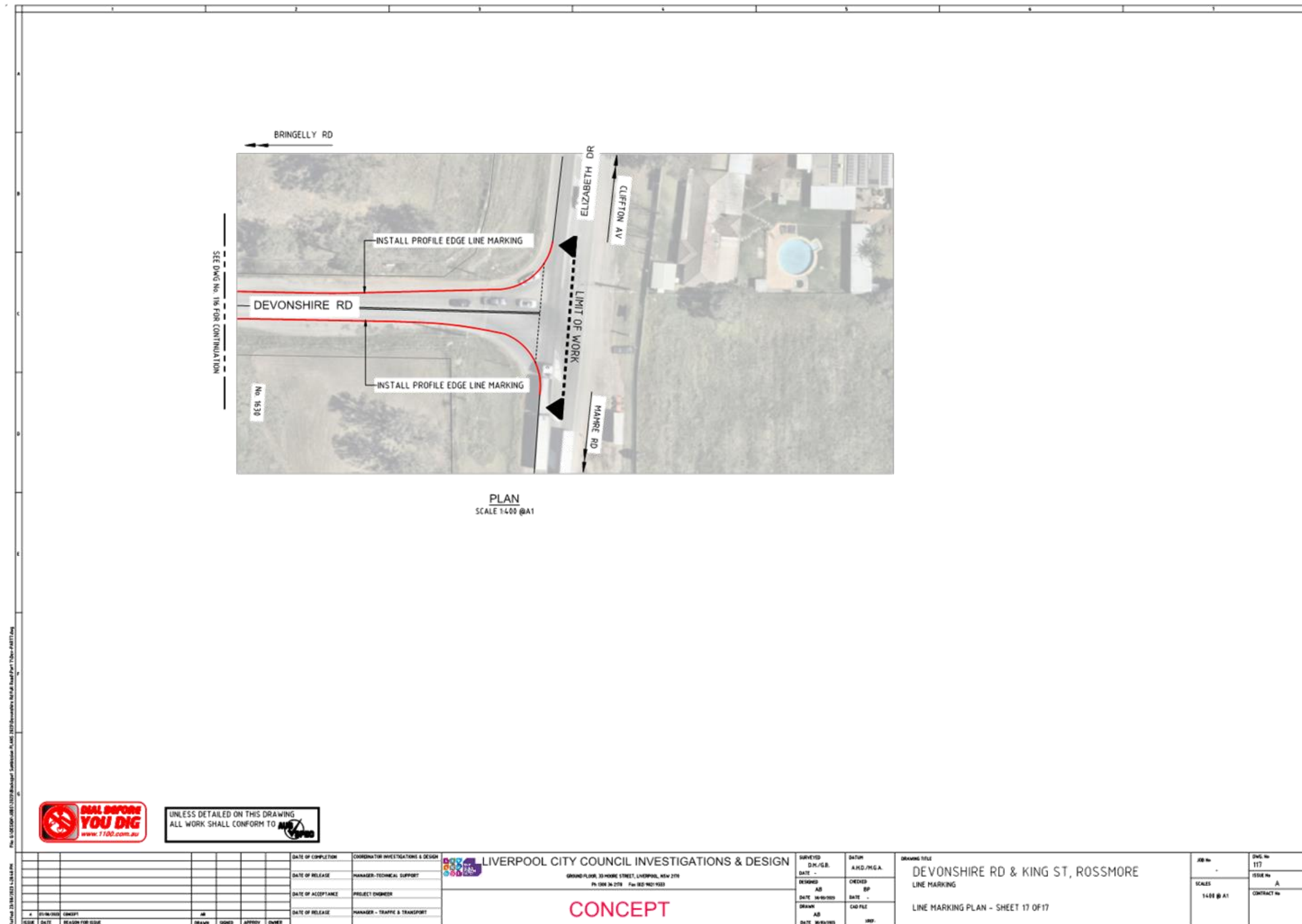












AI 05 Items Approved Under Delegated Authority

REPORTING OFFICER	Assistant Transport Engineer
TRIM FILE REF	078731.2025
ELECTORATE	Multiple

REPORT BACKGROUND

This item provides a summary of minor traffic facilities that have been approved under the 'TfNSW Instrument of Delegation and Authorisation - Traffic Management and Pedestrian Works - Temporary Delegated Authority (No.2)' by Council staff over the two-month period, between January 2025 and March 2025.

Delegated Authority No.	Location	Description of Proposal
2025.005	245-255 Thirteenth Avenue, Austral	Subdivision (TF-17/2024)
2025.006	420 Fifteenth Avenue, Austral	Subdivision (TF-63/2024)
2025.007	Marsh Parade, Casula	No Stopping signs and line marking
2025.008	505-535 Fifteenth Avenue, Austral	Subdivision (TF-61/2024)
2025.009	120 Ninth Avenue, Austral	Subdivision (TF-45/2024)
2025.010	185 Eleventh Avenue, Austral	Subdivision (TF-60/2024)
2025.011	316-320 Twelfth Avenue, Austral	Subdivision (TF-68/2024)
2025.012	63 Pacific Palms Circuit, Hoxton Park	Work Zone (WZ-11/2024)
2025.013	Brickmakers Drive and Promontory Way intersection, Moorebank	Installation of No Stopping Lines and Signs
2025.014	50 Eighth Avenue, Austral	Subdivision (TF-67/2024)
2025.015	3 Bredbo Street, Prestons	Installation of No Stopping Line Marking
2025.016	Rudd Close, Casula	Installation of No Stopping Line Marking
2025.017	Flynn Avenue, Middleton Grange	Installation of Timed Bus Zone

RECOMMENDATION TO TRAFFIC COMMITTEE

The Committee notes the above Delegated Authority applications approved by Council staff under the TfNSW 'Instrument of Delegation and Authorisation' over the two-month period between January and March 2025.

ATTACHMENTS

Nil

GBI 01	WSIGP (Western Sydney Infrastructure Grants Program) Streetscape Projects Progress Update
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REPORTING OFFICER	Transport Engineer
TRIM FILE REF	068786.2025
ELECTORATE	Liverpool

REPORT BACKGROUND

Liverpool Council's Urban Design lead team on behalf of WSIG program would like to update the Committee regarding the progress of Council's Streetscape Project. This is a follow-up update of November 2024 Traffic Committee presentation by the Council's WSIG team.

ATTACHMENTS

Nil

Liverpool Local Traffic Committee Meeting held on 19 March 2025 - Online - 9:30 AM

Committee Members Present:

Harry Muker	Acting Chairperson, Liverpool City Council (LCC)
Ethan Tesoriero	Liverpool City Police Area Command
Scott Turner	Liverpool City Police Area Command
Kevin Alawadhi	Transport for NSW (TfNSW)
Wayne Prior	Representative for the Member for Macquarie Fields
Zeli Munjiza	Representative for the Member for Leppington
Liam Thorne	Representative for the Member for Liverpool
Dr Betty Green	Councillor, LCC

Technical Advisors & Informal Members

James Duguid	Transit Systems
Patrick Bastawrous	Coordinator Traffic and Transport, LCC
Amit Chowdhury	Traffic & Transport Engineer, LCC

Council Staff

Rachel Palermo	Road Safety Officer, LCC
Toula Athanasiou	Road Safety Officer, LCC
Parth Tiwari	Assistant Transport Engineer, LCC
Belinda Navas	Coordinator Regulatory Services
Hayden Sterling	Urban Design Lead WSIG Program
Minh Ho	Acting Civil Design Lead WSIG Program

1. WELCOME / OPENING

The Chairperson welcomed attendees and opened the meeting at 9:30am.

2. APOLOGIES

Dan Riley	Chairperson, LCC
Patrick Bastawrous	Coordinator Traffic and Transport, LCC

3. CONFIRMATION OF PREVIOUS MINUTES

That the minutes of the Liverpool Local Traffic Committee Meeting held on 29 January 2025 be confirmed as a true record of that meeting.

4. BUSINESS ARISING

Nil

5. AGENDA ITEMS

AGENDA ITEMS

ITEM NO: AI 01

FILE NO: 019502.2025

SUBJECT: 215 Badgerys Creek Road, Bradfield - Stage 2A - Signage and Line Marking Plan

That the Committee supports:

1. Signage and line marking plan for 215 Badgerys Creek Road, Bradfield; Stage 2A – Signage and Line marking plans as indicated in Attachment 1.

TRAFFIC COMMITTEE RECOMMENDATION TO COUNCIL

That Council approves the signage and line marking plan for 215 Badgerys Creek Road, Bradfield; Stage 2A – Signage and Line marking plans as indicated in Attachment 1.

ITEM NO: AI 02

FILE NO: 056123.2025

SUBJECT: Proposed extension of median island - Sergeant Street and General Boulevard, Edmondson Park

RECOMMENDATION TO TRAFFIC COMMITTEE

That the Traffic Committee supports the:

1. extension of concrete median island and removal of existing bollards at the intersection of Sergeant Street and General Boulevard, Edmondson Park.
2. the detailed design drawings including line marking and signage plan to be issued to Transport for NSW for review, prior to the installation of proposed changes.

TRAFFIC COMMITTEE RECOMMENDATION TO COUNCIL

That Council approves the extension of the existing concrete median island and removal of existing bollards at the intersection of Sergeant Street and General Boulevard, Edmondson Park.

3

ITEM NO: AI 03
FILE NO: 063300.2025
SUBJECT: Roundabout Modification - Buchan Avenue and Jardine Drive, Edmondson Park

RECOMMENDATION TO TRAFFIC COMMITTEE

That the Traffic Committee supports the:

1. installation of raised platform / thresholds at all approaches of the roundabout at Buchan Avenue and Jardine Drive intersection including installation of blisters and modification of central island as indicated in the Attachment 4.
2. the detailed design drawings including line marking and signage plan to be issued to Transport for NSW for review, prior to the installation of proposed modifications.

TRAFFIC COMMITTEE RECOMMENDATION TO COUNCIL

That Council approves the installation of raised platform / thresholds at all approaches of the roundabout at Buchan Avenue and Jardine Drive intersection including installation of blisters and modification of central island as indicated in Attachment 4.

ITEM NO: AI 04
FILE NO: 063461.2025
SUBJECT: Devonshire Road, Kemps Creek/Rossmore and King Street, Rossmore - Edge Line and Curve Improvements

RECOMMENDATION TO TRAFFIC COMMITTEE

That the Traffic Committee supports the:

1. line marking and signage plan for proposed audio tactile edge line marking, installation of curve alignment markers, and improving road shoulder conditions at the existing curves along Devonshire Road and King Street as indicated in the Attachment 5.
2. detail design to be submitted to TfNSW for approval prior to installation.

TRAFFIC COMMITTEE RECOMMENDATION TO COUNCIL

That Council approves the line marking and signage plans, including proposed audio tactile edge line marking, installation of curve alignment markers, and improving road shoulder conditions at the existing curves along Devonshire Road and King Street, as indicated in Attachment 5.

4

ITEM NO: AI 05
FILE NO: 078731.2025
SUBJECT: Items Approved Under Delegated Authority

RECOMMENDATION TO TRAFFIC COMMITTEE

The Committee notes the above Delegated Authority applications approved by Council staff under the TfNSW 'Instrument of Delegation and Authorisation' over the two-month period between January and March 2025.

DISCUSSION

The Representative for the Member for Macquarie Fields, advised that residents have raised concerns of sight distance issues particularly for left turn movements out of Niland Way into Mackellar Street. The representative requested if Council could investigate parking restrictions along this street of the road.

TRAFFIC COMMITTEE RECOMMENDATION TO COUNCIL

That Council notes:

1. Delegated Authority applications approved by Council staff under the TfNSW 'Instrument of Delegation and Authorisation' over the two-month period between January and March 2025.
2. Council to investigate the installation of parking restrictions to improve road safety for left turn movements out of Niland Way into Mackellar Street, Casula.

7. GENERAL BUSINESS ITEMS

GENERAL BUSINESS ITEMS

ITEM NO: GBI 01
FILE NO: 068786.2025
SUBJECT: WSIGP (Western Sydney Infrastructure Grants Program) Streetscape Projects Progress Update

RECOMMENDATION TO TRAFFIC COMMITTEE

The Committee notes the presentation and updated information package regarding the WSIG Project.

TRAFFIC COMMITTEE RECOMMENDATION TO COUNCIL

5

That Council notes the Liverpool Traffic Committee has reviewed the presentation and provided comments and feedback as appropriate.

ITEM NO: GBI 02

FILE NO:

SUBJECT: Maryvale Avenue, Lurnea – Proposed Left Turn restriction into Hoxton Park Road

DISCUSSION

Clr Green requested for a status update regarding the implementation of left turn restriction from Hoxton Park Road into Maryvale Avenue, as presented to a previous LTC Meeting.

TRAFFIC COMMITTEE RECOMMENDATION TO COUNCIL

That Council provides an update of the implementation of the left turn restriction from Hoxton Park Road into Maryvale Avenue, to the next LTC Meeting.

8 CLOSE

The Chairperson closed the meeting at 10:14am.

9 NEXT MEETING

Wednesday, 21 May 2025, Online, 9:30 am – 12:30 pm



Ref No.: RZ-6/2015
 Contact: Mark Hannan
 Ph: 8711 7819
 Date: 11 April 2025

Ms Tina Chappell
 Director Local Planning Central West and South
 Department of Planning, Housing and Infrastructure
 Locked Bag 5022
 PARRAMATTA NSW 2124

Email: tina.chappell@dpie.nsw.gov.au

Dear Ms Chappell,

Re: Moore Point Planning Proposal – Liverpool City Council Post Exhibition Submission

Liverpool City Council ("Council") welcomes the opportunity to provide a formal submission on the Moore Point Planning Proposal – a Planning Proposal of state significance in terms of both scale and complexity, with the potential to considerably contribute to the NSW Government's commitment under National Housing Accord.

In both November 2020 and April 2022, Council resolved to support "in principle" the Planning Proposal to rezone Moore Point as a multi-use high-density Precinct.

In October 2024, the Planning Proposal was placed on public exhibition for a total of 42 days between Monday 16 October and Monday 25 November 2024. The exhibition period was extended beyond the required 28-day period due to the significance and scale of the Proposal.

As part of the exhibition, Council sent letters to all owners and occupiers within a 1.2km radius of the Precinct, seeking community feedback. A flyer with information on the Moore Point Planning Proposal public exhibition was also included in the October 2024 rates notice.

On 6 December 2024, Council received correspondence from the Department of Planning, Housing and Infrastructure (DPHI) that the Moore Point Planning Proposal would be progressed as a state-assessed rezoning proposal in accordance with the NSW Government's State Significant Rezoning Policy. In short, this change meant that the DPHI will now lead assessment of both the Moore Point Planning Proposal rather than Council.

As part of the transition, the DPHI has provided Council with an opportunity to provide a formal submission on the Moore Point Planning Proposal to be considered along with all submissions received during the public exhibition and formal submissions from relevant NSW Government Agencies. This letter aims to provide a succinct, high-level summary of the outstanding matters and concerns from a Council perspective on the Moore Point Planning Proposal.

Council stresses that several aspects of the Proposal are yet to be fully resolved. These are detailed further in **Attachment A**. In addition, Council has also included copies of previous

correspondence sent to the Joint Landowner Group (JLG) on 27 September 2023 (**Attachment B**) and 26 October 2023 (**Attachment C**) for further context.

It is also acknowledged that further work remains to occur in relation to infrastructure provision, accessibility – particularly pedestrian access across the Georges River, local infrastructure contributions, flooding, open space, built form, urban design and community infrastructure space. Council will continue to work with DPHI and the JLG on resolving these matters moving forward.

Should you require any further information on this matter, please do not hesitate to contact Mark Hannan, Manager City Planning on 02 8711 7819 or via email at hannanm@liverpool.nsw.gov.au

Yours sincerely



Lina Kakish
Director Planning and Compliance

Attachments

Attachment A – Liverpool City Council – Detailed Post-Exhibition Submission

Attachment B – JLG Correspondence – Moore Point Planning Proposal – September 2023

Attachment C – JLG Correspondence – Moore Point Planning Proposal – October 2023

Attachment D – DPHI Correspondence – Moore Point Planning Proposal – August 2024

Attachment A – Detailed Post-Exhibition Comments

Liverpool City Council ("Council") has previously provided formal feedback to the Proponent on the Moore Point Planning Proposal in September 2023 and October 2023. Copies of these submissions are provided in **Attachment B** and **Attachment C**. A number of issues raised in these submissions still remain unresolved.

Although Council received updated documentation from the Proponent last year on the Planning Proposal, these were predominantly to address the Pre-Exhibition Gateway Conditions and enable public exhibition on the Planning Proposal to occur.

The issues presented in *Table 1* are in addition to the issues listed in **Attachments B, C and D**.

Table 1 – Detailed Post-Exhibition Comments on the Moore Point Planning Proposal

Gateway Determination	<p>On 2 August 2024, Council wrote to DPHI stating that the Gateway Determination issued by DPHI on 3 April 2023, listed a total of 20 Conditions to be met by the Proponent, with 11 of those required to be resolved prior to public exhibition commencement.</p> <p>Council believes the Proposal has adequately addressed the 11 pre-exhibition Gateway Conditions for the purposes of public exhibition <u>exclusively</u>. Councils' full adequacy assessment is included in Attachment D.</p> <p>It should be noted that the previous adequacy assessment excluded determination of Gateway Conditions 1(f)iii, 2a-e,3(b), 3(d)ii-iv and 6(f), noting these conditions required expert analysis, including specified peer reviews.</p>
Built Form	<p>Council notes our repeated concerns about the bulk and scale of the Planning Proposal are still unresolved, in particular:</p> <ul style="list-style-type: none"> • Minimal podium setbacks; • Bulk and scale; • ADG Compliance; • Large podiums which do not present a reasonable human scale when viewed from the public domain or from internal through site links which would only achieve separation of 8m in most circumstances; • The test scheme breaches the identified height planes; and • Urban form likely to generate significant wind impacts on the internal connections / roads.

Open Space	<p>Council is concerned the Planning Proposal does not deliver an adequate amount of open space. This issue has been raised previously with the Proponent and continues to remain unresolved, in particular:</p> <ul style="list-style-type: none"> • The only significant open space provided within the Precinct is proposed to be shared with the school. This is considered a sub-optimal approach given the density proposed within the Precinct; • A large proportion of the proposed open space is small and highly overshadowed; • The Proposal does not consider broader benchmarking analysis against population size and the likely needs of future residents. The assumptions included in the Planning Proposal have not considered the likelihood of children in units, and larger household sizes and should be reassessed; and • Tree canopy across the Precinct (including public and private lots) is 30%. Greener Places Guide provides a minimum of 45% for RE1, 40% for R4 and site-specific targets for B4.
Infrastructure	<p>The infrastructure aspects of the Proposal are still unresolved. Council reiterates our position that given the scale of the renewal project, the infrastructure will have to be delivered concurrently with the project. This includes:</p> <ul style="list-style-type: none"> • Road and transport connections, intersections and upgrades • Open space and recreation facilities • Pedestrian and cycling infrastructure • Schools • Stormwater and utilities • Social and community facilities <p>The transport aspects of the Proposal are still unresolved and are being addressed through the Transport Working Group, which includes members from the DPHI, Transport for NSW, the JLG and Council.</p> <p>Specifically, the Infrastructure Delivery Plan references a revitalised Haigh Park, but this is not addressed in detail.</p> <p>Council requires an itemised list of what is needed to support the Moore Point Planning Proposal, as compared to what provides regional benefit.</p> <p>Greater clarification is also required to identify what infrastructure is required to facilitate development of the Precinct and as such, should be the full responsibility of the Proponent – Council is concerned that a number of necessary infrastructure items where the nexus is clearly the</p>

	result of the proposed development and thereby should be the responsibility of the Proponent will be positioned as representing "public benefit".
Land Use	<p>Council has some concerns with the proposed volume and type of land uses proposed, in particular:</p> <ul style="list-style-type: none"> • The Proposal includes a large amount of short-term accommodation (approx. 84,000m²). The likely demand for this type of land use is currently unclear, and the majority of these spaces are being provided in the podiums of future buildings. <p>These are the poorest performing spaces in terms of amenity (e.g. solar, access and cross ventilation). From the submitted documentation it is unclear whether these spaces will be capable of achieving compliance with the minimum separation requirements of SEPP 65 and the Apartment Design Guide, limiting the adaptability of these spaces to residential in the future;</p> <ul style="list-style-type: none"> • The Proposal seeks to introduce a minimum lot size of 1,000m². This is not considered warranted given that the Proposal seeks urban renewal of large lots with only two landowners. A better and simpler set of controls around Key Sites would suffice and could also relate to GFA; • The Proposal includes approximately 346,000m² of commercial floor space including: <ul style="list-style-type: none"> – Approx. 160,000m² of new commercial office floor space, equivalent to approximately 50% of the existing floor space within the Liverpool CBD; and – Approx. 167,000m² of new retail floor space (shops, hospitality, supermarkets and events/showrooms). This is approximately twice the floor space of the existing Westfield Shopping Centre in Liverpool. <p>Council is concerned this amount of commercial floor space will result in an unintentional extension of the Liverpool CBD.</p> <p>Furthermore, Council is also concerned about how feasible this amount of commercial floor space is, particularly given how much commercial floor space already exists within the Liverpool CBD.</p>

Staging	<p>Limited information has been provided to date detailing how the Precinct will be developed and delivered over time. Noting the phased delivery of the precinct over an extensive period, the Urban Design Report must consider how the Precinct will function as it is developed, as well as which critical infrastructure – roads, open space, footpaths, cycleways, community facilities, schools, etc. – must be provided to support each respective development phase of the project.</p> <p>Council reinstates our position that the two (2) proposed pedestrian bridges over the Georges River should be delivered in the first stage to improve pedestrian connectivity and provide direct pedestrian connections to the Health and Innovation Precinct and the Liverpool Transport Interchange.</p>
Local Infrastructure Contributions	<p>The approach and mechanism for the collections of contributions to support delivery of local infrastructure has not been agreed upon between Council and the JLG. However, the infrastructure provided as part of the Planning Proposal must go beyond what is needed to support the development and include public benefit as detailed above.</p> <p>Additionally, the local infrastructure approach must be transparent and clear to ensure it responds appropriately to the proposed development staging, and accommodates the potential for future land on-selling and/or subdivision.</p>
Social and Community Infrastructure	<p>The current Proposal only incorporates the following community facilities:</p> <ul style="list-style-type: none"> • 2,400m² community and cultural hub; • 3,000m² indoor recreation centre; and • 1,000 capacity primary school. <p>Given the size of Precinct population, this is significantly less than any other large scale urban renewal projects of comparable scale. Any future proposal must identify the needs of the development and include updated demographic analysis (detailed below). Key types of social infrastructure to be considered include:</p> <ul style="list-style-type: none"> • Community Floor Space • Multi-purpose Community Hubs • Libraries • Performing Arts / Cultural Centres
Demographics and Dwelling Occupancy	<p>The Planning Proposal and Appendix 6 provide a high level analysis on a variety of Precincts however none are located within Western Sydney.</p> <p>The Proposal assumes two people per dwelling, however, Council is of the opinion that 2.55 people per dwelling would be more appropriate (Source: Profile ID).</p>

	This assumption potentially results in a different demographic outcome which needs to be considered in regards to social, educational and recreational needs.
Unit Mix	<p>The Proposal has assumed a split of units where 90% of the total units would be studio, 1 bed and 2 bed, with only 10% of the total being 3-bedroom units.</p> <p>As per the above, Liverpool has larger household sizes than the Greater Sydney average, and the Liverpool Development Control Plan (Part 4 Liverpool City Centre), requires residential unit developments to have 20% of the total unit mix to be 3 bedrooms or greater.</p>
Flooding	<p>It is noted that flooding and in particular, evacuation capabilities of the Precinct during a flooding event, will form a key part of the post exhibition assessment. It is critical to understand how flooding has informed the Master Plan.</p> <p>Council notes that flooding work is currently being undertaken by experts, and Council is keen to continue to be involved in the flood review panel and to provide expertise when required.</p>
Heritage	<p>Council is keen to continue working with the DPHI on Heritage.</p> <p>Council is supportive of heritage being retained and adaptively reused however notes some concerns in relation to:</p> <ul style="list-style-type: none"> • All high significant heritage elements should be retained in their entirety. Council will generally not support facadism of these Heritage buildings; • Clear sight lines are to be retained between the Administration Building and Newbridge Road; and • Adequate separation should be provided between any heritage buildings being retained and any new development which is of greater height and scale.
Car Parking	As per Council's comments on 26 October 2023 (Attachment C), further justification in relation to on-site car parking provision is required.
Land Dedication	<p>The Proposal includes significant amounts of privately owned land being publicly accessible. This will likely be located on strata title and Council is concerned with the long-term maintenance and function of these public / private spaces.</p> <p>Additionally, Council will have to further assess what land is dedicated to Council.</p> <p>Long term maintenance, and function of these quasi-public/private spaces is likely to be problematic in the longer term.</p>

	Council will not accept the dedication of any land without maintenance agreements in place.
Design Excellence Panel	<p>The Proposal was sent to the Design Excellence Panel (DEP) on 30 January 2024. The minutes have previously been shared with the DPHI.</p> <p>The DEP is generally supportive of the Proposal however noted that given the size and complexity of the Proposal, the Proposal should return to the DEP. Council concurs with this approach, especially given the built form may change as a result of the post exhibition assessment.</p>
Site Specific DCP	Council has not yet received a site-specific Development Control Plan (DCP) to support the Proposal and <u>strongly</u> recommends one being prepared to ensure the development outcomes of the site are adequately controlled and facilitated, particularly given the length of time for delivery.
Case Studies	The Proposal would benefit from conducting case studies on open space, community facilities, density and apartment mix for similar urban renewal projects within Western Sydney. The case studies should include what worked well in the Precinct, and what could have been done better.



Ref No.: 327931.2023
Contact: Luke Oste
Ph: 0457 111 831
Date: 27 September 2023

Jordan Faeghi
Mecone
jfaeghi@mecone.com.au

Dear Mr Faeghi

Re: Moore Point – Planning Proposal – 2022-1602

I write in response to your memo dated 18 September 2023 in relation to the Moore Point Planning Proposal and the Joint Landowner Group presentations on the 21 September 2023.

Whilst I note that the Department and Council have received several presentations and briefings from the Joint Landowner Group through the Project Collaboration Group, limited details of the proposed amendments to the Planning Proposal have been provided to address the Gateway conditions.

Whilst the Department and Council have commenced a series of workshops to progress the planning proposal, it is critical to ensure that sufficient information is provided to both Council and the Department to allow both parties to provide comment and feedback. This is to ensure that the Planning Proposal is appropriately amended and/or updated to address the Gateway Conditions. It must be noted that the workshop process and feedback provided by the Department and Council is crucial in ensuring a great outcome for this city-shaping project is delivered by the proposal.

At this stage, it is unclear about the extent of investigation or how far progressed the Master Plan is. The Revised PP Structure Plans appear well progressed and developed, but the information presented to date has provided limited detail on the proposed built form outcomes, benchmark metrics, and total amount of open space.

To this end, provided at **Attachment A** is a request for additional information which must be provided in advance of the next scheduled workshop on 10 October 2023. Ideally this information should have been provided in advance of the workshop. Given the time constraints, a second workshop will need to be convened on or after 24 October 2023.

I note your concerns regarding the suggested Design Excellence Panel (DEP). However, given the scale of the proposal and the range of Gateway conditions that must be addressed prior to exhibition, a DEP review of a revised Master Plan is the appropriate mechanism to help understand what Gateway conditions have been satisfied. This will assist Council in referring the revised Planning Proposal package to the Department.

This process has been discussed with the Department who support referral to the DEP, with the Department noting they can consider the Panel's advice as part of their review of the revised package. Further, the Department will ensure the DEP meeting is attended by representative/s from their Urban Design team to ensure continuity of the discussions. The intention of both Council and the Department is to expedite exhibition of the planning proposal once Gateway conditions have been addressed and the DEP process will be carefully managed to achieve this outcome. Council has tentatively booked a DEP meeting for the 9 November, with a later meeting possible for the 14 December. It's important to note that both Council and the Department are seeking to



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170

All correspondence to Locked Bag 7064 Liverpool BC NSW 1871

Call Centre 1300 36 2170 **Email** lcc@liverpool.nsw.gov.au

Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471

ensure that any key issues with the updated planning package are identified and resolved prior to exhibition as any significant amendments to the proposal post exhibition may trigger re-exhibition.

Additionally, it is important to note that any Development Control Plan to support the renewal of the site will need to be reviewed by the DEP pursuant to clause 15 of the Environmental Planning and Assessment Regulations 2021. Accordingly, both Council and the Department agree it would result in a better outcome for the site if the DEP were involved earlier in the process instead of later. As you can appreciate there are natural interdependencies between the Development Control Plan and the Master Plan which underpins the Planning Proposal.

I wish to reiterate Council's support for the planning proposal and our desire to continue to work with the JLG to further progress the proposal towards exhibition. However, we request that the various reports, plans and justification is provided promptly noting the conditions of the Gateway Determination are extensive and require significant work and consultation.

Should you require any further information on this matter, please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Oste', written over a horizontal line.

Luke Oste
A/Manager City Planning

Attachment A – Required additional information

Table 1 - Response to JLGs letter	
Site Analysis	<p>Further detail showing key environmental considerations to be provided. This should be included in a consolidated set of maps with annotations illustrating (but not be limited to):</p> <ul style="list-style-type: none"> • Flooding; • Riparian Corridors; • Significant trees / vegetation / known threatened or endangered species habitats; • Contamination; • Items of heritage significance; • Open Space context – surrounding open space with overview of function and use; and • Existing transport networks – vehicles, public transport, active transport.
Connecting with Country	<p>This was briefly discussed in the workshop but it is not clear how this has informed the Master Plan. Additional information is to be provided detailing:</p> <ul style="list-style-type: none"> • How country has informed the master plan? • What are the key design moves occurring to embed country? • The site has been identified as “natural marsh lands, on a tidal system that has a natural compression at that point of the river”. Taking a connecting with country approach the site has reflected the marsh lands uses and typologies pre settlement and post settlement. Post settlement as industrial lands on flat flood effected land, with no permanent settlement. How has this situation changed to support residential uses? Or how has the design broadened its ability to use the site in a different way so that residential can occur on marshlands, and is this contradicting a connection to country approach?
Built Form	<p>To support understanding of how the proposal addresses Gateway conditions Condition 3(a), 3(b) and 3(d), the following additional information is required:</p> <ul style="list-style-type: none"> • Limited information was presented on the types of land uses proposed, location and how this has informed the master plan – how do the proposed land uses related to surrounding development / future planning for Liverpool? • What is the anticipated amount of non-residential GFA and impact on Liverpool CBD? • What is the height strategy and what has informed location of taller buildings? • Where are the towers located and what heights are proposed (RLs and Metres)? • What are the proposed tower setbacks?

	<ul style="list-style-type: none"> • In determining proposed FSR / GFA, what are the assumptions made? i.e. efficiencies, tower footprints; • The workshop presentation included building typologies but only provided example images, land use and location. Additional information detailing massing, scale, etc are required. • Limited information has been presented showing podium heights, setbacks to street, setbacks of towers above podium edges; • Limited sections provided. Provide typical sections through building envelopes showing relationship of buildings to public domain, proposed location of communal open space etc. • What are the amenity benchmarks proposed for public domain / open space areas? • How will the proposal respond to the Apartment Design Guideline? Testing is to include Solar and natural ventilation assessment for typical building typology including 6 storey podium.
Public domain / Social Infrastructure	<p>To support understanding of how the proposal addresses conditions 3(a)(iv) and 3(d), the following additional information is required:</p> <ul style="list-style-type: none"> • Dimensioned street sections showing setbacks, footpath width, street width, whether there is street parking, landscaped areas etc. • Clear break down of open space / public domain areas including breakdown of % of space into open space, how much will be active / passive recreation. • Overview of proposed uses / character of each open space. • Ownership / management of open space / public domain needs to be identified. • Has there been any engagement with SINSW on the demand and design specifications for a school in the precinct? Note that a primary school has been proposed but has this been discussed? • Has there been any consideration of other additional social infrastructure to be provided and where this would be located? I.e. libraries, community facilities, multi-purpose hubs etc. • Are there other social service requirements for the precinct (Police, Fire, Ambulance)? • What are the amenity benchmarks proposed for public domain / open space areas? This should consider wind and solar access. • What is the targeted Deep Soil Zone / Tree canopy metrics? How is this being achieved? This should include provision/location of deep soil on development lots. How is tree canopy assessed? Specific targets for each land use/landscape type? (open space, streets, Residential lots, mixed use lots, community, ...etc.) (Greener neighbourhoods provides a guide) • Principle 2 and the strategic drivers speak to housing diversity, how does this present in the master plan? • How are privacy concerns around the central primary school and associated open space addressed? What will these interfaces look like if the open space becomes private (school use only)? High fences in the centre of the precinct?

Open Space	<p>To support understanding of how the proposal addresses conditions 6 and 18, the following additional information is required:</p> <ul style="list-style-type: none"> • What is the total amount of active / passive open space being delivered? • What is the total amount and what percentage of open space being delivered that is located on flood prone land (1/5, 1/20 and 1/100 AEP) • How well are the open space / recreation needs of the existing population in Liverpool CBD met? Is the master plan seeking to address the existing shortfall in surrounding areas or does it only consider new community within the precinct? • What are the open space benchmarks being applied? • What existing open spaces and existing population are being considered in the application of open space benchmarks? • What is the anticipated grade of public open space in sloped areas (eg sloped lawn at northern boundary of precinct) • The Workshop presentation provided some metrics for the size of these spaces, but it does not include any detail on the indicative design of these spaces, how much of them are contributing to meeting recreational / open space needs vs consisting of building forecourts, active travels paths etc.
Connection and Movement	<p>To support understanding of how the proposal addresses condition 3, the following additional information is required:</p> <ul style="list-style-type: none"> • What is the current status of the proposed bridges over Georges River? What is the timing of these bridges in relation to development staging? • What are the key obstacles to delivery of the bridges? • How critical are the bridges for the flood evacuation strategy? • What are the key active transport connections within the broader area that the precinct is connecting to? • Is there a hierarchy for pedestrian movement and active transport and is this reflected in the street sections? This will need to include consideration of (shared paths, wider footpaths, greater planting verges, seating etc.) • What is the targeted mode share split? • What are the proposed parking rates?
Flooding	<p>Noting that this will be subject to ongoing discussions, including the peer review process being established by DPE, at this stage it is critical to understand how flooding has informed the master plan. Detail around flood management is to be provided to support the understanding of how condition 3(b) is being addressed. This should include:</p> <ul style="list-style-type: none"> • Overview of the flooding response and proposed mitigation measures. I.e. design interventions, strategies to manage impacts etc. • How much of the site will continue to be flood affected?

	<ul style="list-style-type: none"> Flood levels to be shown on all sections to understand how built form outcomes have been informed by flooding. This includes riparian areas, buildings, and public domain. How has Flood Evacuation Strategy informed the master plan?
Riparian	<p>To support understanding of how the proposal addresses condition 4, the following additional information is required:</p> <ul style="list-style-type: none"> Plan showing areas of riparian corridor – active, passive, areas of departure from <i>Controlled activities – Guidelines for riparian corridors on waterfront land</i> or areas that achieve compliance.
Heritage	<p>Additional workshop is to be arranged to discuss the proposed approach to heritage for the project, noting concerns raised by Council's heritage officer on the 21st September 2023.</p>



Ref No.: 356219.2023
Contact: Nancy-Leigh Norris
Ph: 8711 7794
Date: 26 October 2023

Jordan Faeghi
Mecone
jfaeghi@mecone.com.au

Dear Mr Faeghi

Re: Moore Point – Response to Gateway Determination – PP – 2022-1602

I write to provide the Joint Landowner Group (JLG) feedback on their presentation on the Moore Point Planning Proposal on 10 October 2023. Following your presentation, Council have reviewed the provided documentation and have discussed the proposal with the Department of Planning and Environment. Separate advice from the Department of Planning and Environment is provided at **Attachment A**.

I wish to reiterate Council's support for the planning proposal and our desire to continue to work with the JLG to further progress the proposal towards exhibition. I note that the conditions of the Gateway Determination are extensive. A detailed consideration of the proposal is provided at **Attachment B**. Whilst I note that many of the matters raised may seem detailed, an appropriate response to each of these matters is likely to have an impact on the overall yield achievable on the site and must be considered at Planning Proposal stage.

Key areas of concern for Council at this stage are:

- Built Form – Additional information is required to demonstrate that the proposed built form outcome is acceptable. Key areas of concern are that it is not certain that the reference scheme will be able to achieve the proposed Floor Space Ratios whilst resulting in a high quality built form. In particular, the proposal relies on building envelope to gross floor area efficiencies which depart from industry standards. Additionally, it is unclear that the podiums will be able to deliver the significant amount of short-term accommodation and commercial floor space proposed. Sufficient evidence demonstrating the need and market demand for these uses must be provided. Whilst the significant potential of the precinct is recognised, the renewal of Moore Point must not jeopardise the future of Liverpool City Centre.
- Open Space – From the submitted information it does not appear as though the proposal is providing adequate open space to meet the needs of future residents. A key concern is that it is unclear how the active recreation needs of future residents will be serviced, noting that there are limited opportunities for active recreation spaces within the proposal. The proposal includes some augmentation and upgrading of Haigh Park but the funding mechanism for this and certainty around delivery is unclear.

It is requested that the above advice is provided noting that discussions regarding heritage, flooding and infrastructure funding and delivery can continue in the meantime. As previously advised, the forthcoming Planning Proposal will need to be presented to Council's Design Excellence Panel (DEP) for consideration, prior to exhibition of the Planning Proposal.



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I also note that the Department has advised that the planning proposal will need to be updated to respond to all conditions 1-10 prior to lodgement for review. Once the JLG has been able to review the matters raised by the Department and Council, I look forward to identifying an appropriate timeframe and program to support progressing this exciting planning proposal.

Through the support of the Department and the governance framework established by the Planning Delivery Unit, I am confident that we can continue to work together in a collaborative manner to ensure the resolution of the matters raised above and attached.

Should you require any further information on this matter, please do not hesitate to contact Nancy-Leigh Norris, Executive Planner on 8711 7794.

Yours sincerely,



Lina Kakish

Director Planning and Compliance

Attachments:

- A. Advice from Department of Planning & Environment
- B. Advice from Liverpool City Council

Attachment A – Advice from Department of Planning and Environment

Attachment B – Advice from Council

The below table provides an overview of the matters identified by Council in reviewing the information presented during the workshop on 10 October 2023. Noting the high level of the information presented at the workshop, other matters may arise as Council reviews the proposal in further detail.

Response to Workshop Presentation	
Gateway Conditions	<p>Council has written to the JLG on 27 September 2023 providing a list of additional information which is to be provided to support any future Planning Proposal to Council. It is not clear how the planning proposal will effectively address the conditions of the Gateway Determination. Below is an overview of the key areas to be addressed:</p> <ul style="list-style-type: none"> • Condition 2 – Flooding – It is noted that the Department is still in the process of engaging a Peer Reviewer on flooding. • Condition 3 – Master Plan and Urban Design Report - As detailed in the below 'Built Form and Massing' and 'Open Space, Active Recreation and Landscaping' sections, it is not certain that the proposal will be sufficiently updated to ensure that the requirements of this section will be appropriately addressed. • Condition 4 – Riparian Strategy – It is noted that ongoing work is required to address this condition and that this is being undertaken by the JLG. • Condition 5 – Biodiversity Assessment - It is unclear how the proposal is adequately addressing the requirements of this condition. • Condition 6 – Open Space Needs Assessment - From the submitted information, it is not certain that an acceptable Open Space Needs Assessment which adequately address the requirements of this condition will be provided. This is detailed in the 'Open Space, Active Recreation and Landscaping' section below. In particular, it is noted that the current configuration of open space does not appear to address the active and passive recreation needs of future residents or that open space meeting the requirements of Condition 6(d) and (e) will be provided. • Condition 7 – Heritage - As identified in the 'Heritage' section below, Council's Heritage Officer has identified concerns about the proposal's response to heritage. • Condition 8 – Economic Impact Assessment – As detailed in 'Land Use' section below, notwithstanding the potential strategic importance of the proposal, it is not clear that the proposals overall scale and size will not undermine the future of the Liverpool City Centre. Any future planning proposal will need to ensure that the primacy of Liverpool City Centre is not compromised. • Condition 9 – Public Domain Strategy - To date, there have been no discussions around what the ownership arrangements will be for the site

	<p>and what the strategy for delivery, ownership and ongoing maintenance of the public domain will be.</p> <ul style="list-style-type: none"> Condition 10 – Affordable Housing - There have been no discussions around the provision of affordable housing and how this will be funded and delivered within the precinct.
Built Form and Massing	<p>The revised master plan will need to be further considered by DPE and Council once sufficient detail is provided. The following key areas will need to be further explored in discussion with Council and DPE to enable a full and proper assessment:</p> <ul style="list-style-type: none"> Building Heights – The maximum building heights for the precinct appear to exceed the maximum building heights within the Liverpool City Centre. The submitted information identifies a building height of up to RL 136, with notations that this is equivalent to 125m. The current mapped maximum heights within the Liverpool City Centre is 100m. Council is concerned that the proposed heights may result in future renewal of the precinct challenging the primacy of the Liverpool City Centre. This is especially critical noting the extent of development proposed and the amount of total floor space that will be achieved in the precinct. Compliance with SEPP 65 and the Apartment Design Guide (ADGs) – Any future renewal of the precinct will need to demonstrate compliance with the requirements of SEPP 65 and the Apartment Design Guide. The extensive amounts of solar access testing is commented, however the planning proposal must demonstrate: <ul style="list-style-type: none"> Solar insolation at a masterplan level Identification of worst performing locations for detailed floor plate testing Typical floorplate testing at worst locations for future tower layouts Solar access will need to be demonstrated between 9am-3pm as required by the ADGs. A key concern of Council is that the proposal is seeking flexibility in the application of land uses, but proposing built form which may not be capable of achieving compliance with the minimum building separation requirements. Any areas of the proposed development which may be proposed as residential flat buildings will need to demonstrate compliance with the requirements of the ADGs, including cross flow, communal open space locations, and deep soil. Building efficiencies – Efficiencies more in line with industry standards are to be applied to convert GBA to GFA. The reliance on higher efficiency rates assuming design excellence is not appropriate for a planning proposal. This creates the risk of establishing planning controls which simply cannot be achieved, creating longer term feasibility issues for the precinct. A key difference between Reference Scheme A and B is a significant reduction in towers and the removal of sleeved parking in podia which

	<p>has been replaced with basement parking. It appears as though the removal of towers has resulted in an increase in the amount of GFA within the podiums. The function and form of the podiums is questionable, with the proposed use of these podiums as commercial and short term accommodation of key concern. However, it appears that much of this removed GFA is now concentrated in the podiums, with car parking now located below ground.</p> <ul style="list-style-type: none"> • Wind Impacts – This was raised during the session and sufficient justification for the proposed building setbacks and podium setbacks must be submitted as part of the Planning Proposal.
Land Use	<p>The proposal seeks to deliver a mixed use precinct with a wide range of land uses. At this stage, limited information has been provided detailing the proposed planning controls and how this will be managed in the delivery of the broader precinct.</p> <p>The provided documentation references Moore Point being an extension of the City Centre, but how the future delivery of both these key precincts will be managed is unclear. In particular it is noted that the provided Reference Scheme B proposes:</p> <ul style="list-style-type: none"> • 135,189m² GFA of short term accommodation, but the demand for such a significant amount of short term accommodation is unclear. It is noted that the majority of these spaces are provided in the podiums of future buildings and which are also the poorest performing spaces in terms of amenity (i.e. solar access and cross ventilation). From the submitted documentation it is unclear whether these spaces will be capable of achieving compliance with the minimum separation requirements of SEPP 65 and the Apartment Design Guide, limiting the adaptability of these spaces to residential in the future. • 308,119m² GFA of commercial uses, however other than being located in the retained warehouse buildings and a singular tower, the majority of this is located within podiums. The functionality of these podium commercial spaces is unclear given the limited access to natural light and amenity. As such it is unclear what uses and tenants would be located in these areas. Council is concerned that the amount of Commercial GFA proposed risks competing with and cannibalising the future Liverpool City Centre. Further detail on the likely split of land uses across the broader category of commercial uses is to be provided (i.e. retail, business, supermarket, office, etc). • 794,859m² of residential uses. At this stage, Council is not in a position to confirm whether this is an appropriate or achievable amount of residential floor space. • 17,118m² of other GFA. It is unclear what this includes other than the school. Given that the future population of such a significant

	<p>redevelopment would need other supporting social infrastructure, it must be clarified whether this is included in the proposal.</p> <p>Noting the range of land uses proposed and the likely long term delivery of the precinct, the built form should allow flexibility in a range of land uses being delivered in the precinct. From the initial review of the submitted information, the concept scheme which will inform the development of the planning controls may face significant challenges should changes to land uses be proposed. I.e. should short term accommodation shift to residential, it may not be able to achieve compliance with the requirements of SEPP 65 and the ADGs, resulting in refusal of future DAs.</p>
Open Space, Active Recreation and Landscaping	<p>At this stage, Council is concerned about the Planning Proposals ability to demonstrate that an appropriate amount of open space is being achieved within the precinct. Following a review of the provided information it is noted that:</p> <ul style="list-style-type: none"> • The submitted information identifies a total of 11.24ha (35.8% of the planning proposal area). However it is noted that this includes linear connections and pedestrian laneways. The character of these spaces is not yet fully understood and as such it is unclear as whether these areas should be included in the total open space calculation. This also is relevant to the Vegetated Riparian Zone. Whilst these spaces serve important functions for the precinct, it's not clear that they will be provided as open space or included in total calculations. It is also noted that the Department has provided clarity around the design and location of the open space. The Department also notes that the location of open space areas within flood affected lands will need further consideration. • Limited detail has been provided regarding the active recreation facilities to be provided within the precinct. At this stage it appears as though the majority of the active recreation needs will be addressed through the upgrading and redevelopment of Haigh Park. It has not been adequately demonstrated that the active recreation needs of the precinct have been suitably addressed. Council's Recreation, <i>Open Space and Sports Strategy 2018-2028</i> identifies a range of benchmarks for the provision of open space facilities which are not being delivered by the proposal. Whilst the use of benchmarks needs to be balanced with principles and site specific responses, these establish a good starting point in demonstrating how the needs of the community will be met. Reference to a large suite of case studies was made by the JLG during the workshop session. Any such case study / investigations will need to accompany the planning proposal. Provision and location of open space areas must demonstrate compliance with the draft Greener Places Design Guide. It is also noted that the Department has provided some guidance on provision of recreation spaces outside the subject site. It is noted that this may not be suitable in all circumstances, especially noting that the <i>Recreation, Open</i>

	<p><i>Space and Sports Strategy</i> 2018-2028 identifies significant shortfalls across the Liverpool LGA.</p> <ul style="list-style-type: none"> During the workshop, reference was made to the precinct also servicing recreation needs of the broader Liverpool CBD. Should this be the case connection to the Liverpool CBD and consideration of the open space demands for the centre should be demonstrated. Any future Needs Assessment will also need to consider the needs of the existing community that Haigh Park and other existing open spaces may be servicing. The central open space adjacent to the school is to be shared with the school. This potentially creates a risk of over use of the open space, resulting in its rapid degradation which is a poor outcome for the community. The Planning Proposal needs to identify the allocation of deep soil across the site, including how each development allotment can provide deep soil in accordance with the ADG. In considering provision of open space areas, it must be demonstrated that sufficient open space areas are not flood affected to continue to serve the open space needs of the community following flood events. During flood events it is highly likely that the open space areas will be significantly affected and may not be useable for active recreation and other uses for a significant period of time.
Staging and Delivery	At this stage limited information has been provided detailing how the precinct will be developed and delivered over time. Noting the phased delivery of the precinct over an extensive period, the Urban Design Report must consider how the precinct will function as it is developed. This must include consideration of road networks, provision of open space, provision of community facilities, and other relevant considerations.
Social Infrastructure	<p>Any future proposal must identify the social infrastructure needs of the future development and how these have been addressed. This will need to include a clear delivery mechanism and ownership arrangement. Key types of social infrastructure to be considered include but are not limited to:</p> <ul style="list-style-type: none"> Community Floor Space; Multipurpose Community Hubs; Youth Centres; Libraries; Performing Arts / Cultural Centres;

Heritage	<p>Whilst it is noted that Heritage will be subject to further discussion with the JLG, Council's initial advice on the proposals response to heritage is as follows:</p> <ul style="list-style-type: none"> • Heritage consideration needs to be at the forefront of the precinct. This creates a significant opportunity in creating a unique sense of place for the precinct. • At this stage, Conservation Management Plan (CMP) or Conservation Management Strategy (CMS) has been prepared for the site. A CMP or CMS is a critical tool to inform the appropriate response for development to heritage. Previous discussions between Council's Heritage Officer and the JLG confirmed that an overarching conservation management strategy should be prepared for the site which focuses on the assessment of heritage significance across the site and dealing with development within the proximity of the specific heritage precinct. A more detailed conservation management plan would then be prepared for the heritage precinct consisting of the two factories and the administration building. At this stage, it appears as though this item is still outstanding and needs to be completed. • The current approach to the heritage significant items appears as though a facadism approach is being taken, which is not supported. The heritage buildings identified as being of high or exceptional significance should be retained in their entirety and then surrounding development should be designed to respond to the bulk, scale and height of the heritage items. They do not need to replicate or be consistent but should provide a transition between the various heights and scales of the development. • Impacts of future development on the heritage significant components of the site will need to include consideration of overshadowing the heritage items as well as the protection of sight lines and reinforcing the position of the items within the streetscape and public domain.
Movement and Connection	<p>The proposal should identify how it has responded to the Movement and Place Framework, and use terminology for streets and movement corridors in accordance with the framework. Noting the high level of information provided during the session on movement networks, below is some initial feedback on the submitted information:</p> <ul style="list-style-type: none"> • Bridge Connections over Georges River – These bridges are vital to the delivery of the precinct but at this stage it is unclear on the mechanism and timing of delivery. These bridges are likely to be critical for Evacuation Plan and must be considered accordingly. • Active Transport – The proposal should prioritise pedestrian and cycling over vehicle trips. This will require a comprehensive strategy for active transport circulation across the site, including consideration of separated cycleways through the precinct. Further detail will need to be provided demonstrating how the proposal connects to and improves the LGAs existing and planned active transport network.

	<ul style="list-style-type: none"> • Primary, Entry / Exit and Secondary Street sections - The Active Transport plan indicates various street typologies all accommodating cycling movement (in some form), however the corresponding street sections fail to demonstrate adequate space allocation for these uses. As above, use of shared paths and shared zones within dense urban areas is not recommended. In particular it is noted that many of the sections identify a footpath area for pedestrians, cyclists and planting. How these uses will interact with one another in a confined space is unclear. • Main Street West (28m) section - 5.4m of space allocated for the eastern side of Main Street West seems disproportionately small when compared to the western side of the same street. There are concerns that 5.4m will become problematic when accommodating street trees, furniture, various street infrastructure, pedestrian movement area and outdoor dining.
Parking	<p>It is noted that the presentation provided proposed parking rates and noted that parking is to be provided on-street, within basements and within podia sleeved with other uses. Justification for the proposed rates are to be provided. It is noted that the land furthest from the station and bus routes have the lowest rates, whilst the majority of the land furthest within the precinct and likely to be closest to future bus routes, Liverpool Station and within easy access to the future bridges over the city centre have the highest rates of parking.</p> <p>Additionally, it is noted that the precinct's vehicle connections are limited and supporting documentation including a current Traffic and Transport Impact Assessment demonstrating suitability of the proposed rates and impact on surrounding network are to be provided with any forthcoming Planning Proposal.</p>
Infrastructure	<p>The proposed is a large scale urban renewal project, that will need to be delivered concurrently with significant supporting amounts of infrastructure including but not limited:</p> <ul style="list-style-type: none"> • Road and transport connection, intersections and upgrades; • Open space and recreation facilities; • Pedestrian and cycling infrastructure; • Schools; • Stormwater and utilities; and • Social and community facilities. <p>A clear pathway for the delivery of these vital parts of infrastructure must be provided. It is the proponents responsibility to ensure that State and Local Government has a high level certainty that this supporting infrastructure can and will be delivered alongside the renewal of the precinct.</p> <p>At this stage no clear pathway has been established but it is noted that this will be an ongoing area of discussion between the JLG and Council.</p>



Ref No.: RZ-6/2015
Contact: Luke Oste
Ph: 0457 111 831
Date: 2 August 2024

Monica Gibson
Deputy Secretary – Planning, Land Use Strategy, Housing and Infrastructure (DPHI)
Department of Planning, Housing and Infrastructure
PARRAMATTA NSW 2124

Email: monica.gibson@dpie.nsw.gov.au

Dear Monica,

Re: Moore Point Planning Proposal – Gateway Adequacy for Exhibition

I write in relation to the Planning Proposal for Moore Point, Liverpool – a Planning Proposal of State significance in terms of both scale and complexity, and with the potential to considerably contribute to the NSW Government's commitment under the National Housing Accord.

In both November 2020 and April 2022, Council resolved to support a Planning Proposal to rezone Moore Point as multi-use-high density precinct. Copies of both Council Resolutions are provided in **Attachment 2** and **Attachment 3** for your information.

The Gateway determination issued by the former Department of Planning and Environment (DPE) on 3 April 2023, listed a total of 20 Conditions to be met by the Proponent, with 11 of those required to be updated prior to public exhibition. Since the Gateway determination was issued, Liverpool City Council ("Council") and the former Planning Delivery Unit (PDU) has been active in creating and administering the post-Gateway Working Group to work through the complexities of the Proposal.

Council has subsequently assessed the updated Proposal received from the Joint Landowners Group (JLG) against the 11 Gateway Conditions relevant to the public exhibition. As a result of this assessment, Council believes the updated Proposal has adequately addressed the 11 Gateway Conditions for the purposes of public exhibition. A copy of our adequacy assessment is provided in **Attachment 1**.

It should be noted however that the adequacy assessment does exclude determination of Gateway Conditions 1.i.iii, 2a-e, 2g, 3b, 3dii-iv, 3dxi, and 6f – these Conditions require expert analysis from either the DPHI-appointed flooding peer reviewer, or the Government Architect NSW (GANSW). As such, Council defers to the DPHI the determination of whether these Conditions have been met by the Proponent for the purposes of public exhibition.

As Council is not authorised to exercise the functions of the Local Plan-making Authority, we are seeking concurrence from the DPHI confirming that the 11 Gateway Conditions (Conditions 1-11) have been satisfactorily addressed for the purpose of public exhibition.

Council stresses that there are several aspects of the Proposal that are yet to be fully resolved. These are detailed within previous correspondence sent to the Joint Landowner Group (JLG) on 27 September 2023 (**Attachment 4**) and 26 October 2023 (**Attachment 5**) as well as the feedback provided by the Design Excellence Panel (DEP) earlier this year.

Furthermore, significant work remains to occur in the infrastructure provision and contributions funding space at both a local and state level. Council is committed to working with the Proponent, the DPHI and relevant NSW Government Agencies to resolve these issues.

As previously reiterated in correspondence to the DPHI Secretary, Kiersten Fishburn, on 23 May 2024 (**Attachment 6**), Council strongly believes the success of the Moore Point Precinct will be largely dependent on NSW Government infrastructure investment and expert input from various NSW Government Agencies including the DPHI, Transport for NSW, Schools Infrastructure (SINSW), NSW Health, and the NSW State Emergency Service (SES).

As a result, we still strongly suggest that the project would be better managed via a NSW Government-led rezoning pathway, with Council providing technical support. Again, we would welcome the opportunity to meet and discuss this matter further.

Should you require any further information on this matter, please do not hesitate to contact Luke Oste, Coordinator Strategic Planning on 0457 11 831 or via email at ostel@liverpool.nsw.gov.au.

Yours sincerely



Lina Kakish
Director of Planning and Compliance

Attachments

Attachment 1 – Compliance with Gateway Determination Conditions (1-11)

Attachment 2 – Council Resolution 25 November 2020

Attachment 3 – Council Resolution 27 April 2022

Attachment 4 – Letter to JLG – 27 September 2023

Attachment 5 – Letter to JLG – 26 October 2023

Attachment 6 – Letter to DPHI Secretary – Moore Point Planning Proposal – 23 May 2024

Attachment 1 – Compliance with Gateway Determination Conditions (1-11)

Gateway Condition	Proponent Response	Consideration
The planning proposal reports and studies are to be updated to:		
<i>a. include the whole Moore Point precinct (as defined in the planning proposal);</i>	<i>As agreed with DPHI and Council at the meeting 4 May 2023, the PP has always intended to relate to land owned by the JLG. While Council endorsed the Structure Plan to guide future PPs, the land subject of this PP relates to JLG landholdings.</i>	Adequate information provided to enable public exhibition.
<i>b. have consistent dwelling and job numbers;</i>	<i>All technical reports have consistent dwelling and job numbers, being: 21,484 people, and 23,503 jobs. In supporting reports, some of these figures have been simplified given the iterative nature of the PP package (i.e. approx. 23,500 jobs).</i>	Adequate information provided to enable public exhibition.
<i>c. refer to the same Master Plan;</i>	<i>All reports refer to the same Structure Plan, which supports the PP.</i>	Adequate information provided to enable public exhibition.
<i>d. remove references to the Metro station;</i>	<i>References to the Metro Station have been removed.</i>	Adequate information provided to enable public exhibition.
<i>e. reflect the Employment Zone Reform terminology for Business zones;</i>	<i>Updated LEP provisions and supporting reports refer to the latest ERZ terminology.</i>	Adequate information provided to enable public exhibition.
<i>f. update mapping to;</i>		
<i>i. Amend the Height of Buildings Map to show building heights in meters;</i>	<i>Mecone will prepare a height of buildings map in metres for public exhibition in addition to the submitted map. Request this forms part of ongoing discussions prior to finalisation of the LEP.</i>	Adequate information provided to enable public exhibition.

Gateway Condition	Proponent Response	Consideration
ii. Amend the FSR map in accordance with the findings of the Urban Design study referred to below;	An updated FSR map depicting a control of 4:1 is provided. Following discussions with Council and DPHI, it is proposed that this is read in tandem with a new provision in the LEP that splits the aggregate 4:1 FSR into GFA across development blocks. Refer to Appendix 1.	Adequate information provided to enable public exhibition.
iii. Amend the zoning map to show the RE1 applicable to riparian zones to be at least 40m wide, and other open spaces as appropriate zones;	Satisfied for exhibition - further discussions required post exhibition The zoning map has been amended to provide a 40m wide riparian zone, which is zoned RE1 Public Recreation. The project team have briefed DPHI and Council on several occasions regarding contributions planning and dedication (with our presentations issued for feedback). Council has yet to advise a position on this. The most recent briefing was on 5 March 2024. Request this be discussed further during and post exhibition following feedback from Council asset team and the proposed contributions framework. The JLG has no opposition to dedicating additional open space to Council however we note that from previous discussions with Council the burden of maintaining large amounts of open space was raised and requested to be minimised.	Riparian zone identified as RE1, however the rest of the site is shown as MU1 Mixed Use. The central open space and other open spaces not shown as RE1 or other appropriate zone. It is noted that the height and zoning map do acknowledge some of the open space areas proposed and include lowered height limits. DPHI and GANSW to review and confirm appropriateness for the purposes of exhibition.
iv. Propose any amendments to the heritage map;	The amended PP proposes the refinement of the heritage mapping and description for local item Former MM Cables Factory and Cable Makers Australia Factory Pty Ltd Group, including inter-war administration building, factory and interiors (I76), based on the advice provided by GBA Heritage. Refer to Appendix 1.	Adequate information provided to enable public exhibition.
v. Propose a key sites map showing the location of any school sites.	The Structure Plan depicts the location of the proposed primary school, consistent with discussions with SINSW. An indicative location for a potential second school has also been nominated.	Adequate information provided to enable public exhibition.

Gateway Condition	Proponent Response	Consideration
<i>2. To Satisfy section 9.1 Direction 4.3 Flood Prone Land, the recommendations of the 2022 NSW Flood Inquiry, and recommendations made by the Flood Planning Advice Panel the following must be undertaken, and the planning proposal updated as necessary to reflect the outcomes of:</i>		
<i>a. Further modelling and hazard mapping for the 1 in 100, 1 in 5000 and PMF events which must consider climate change impacts and be calibrated with the most recent flood events.</i>	<p><i>The additional information requested by this condition of the Determination has been provided in an updated FIA. In that regard, the updated FIA report documents the results of modelling of the 1 in 5000 AEP event and a climate change scenario for a revised development layout that includes the following changes.</i></p> <ul style="list-style-type: none"> <i>• All developable areas and internal roads have been raised to be above the predicted peak 1 in 500 AEP flood level. This increases the flood immunity of the development and allows evacuation to occur by vehicle to Newbridge Road and by foot over two footbridges during floods up to and including the 1 in 500 AEP event.</i> <i>• Modification of the mitigation strategy to replace the proposed flood mitigation levee with an overland flow path. As discussed in Section 4.2 of the 2024 FIA report, the overland flow route is proposed to be located between Newbridge Road and Lake Moore to allow floodwaters approaching from the south-west to escape to Lake Moore.</i> <p><i>Refer to Appendix 8.</i></p>	DPHI (and peer reviewer) to confirm appropriateness of submitted documentation.
<i>i. the modelling must support an updated Urban Design Report and revised master plan for the site, including the proposed location of any public space and the evacuation plan discussed below.</i>	<p><i>The proposed flood modelling has informed the amended PP and supporting UDR including the refinements to the location of roads, bridges, open space and development pads.</i></p> <p><i>Refer to Appendix 3.</i></p>	DPHI (and peer reviewer) to confirm appropriateness of submitted documentation.
<i>b. Provide an amended Evacuation Plan. The Evacuation Plan is to identify critical infrastructure upgrades required for evacuation purposes, and provide a detailed staging and delivery plan, including dwelling thresholds for the delivery of infrastructure. At least one</i>	<p><i>As discussed in the FERP, two Pedestrian Footbridges P1 and P2 are proposed to be constructed as part of the Moore Point Precinct. Both footbridges will be constructed to be upwardly grading towards the Liverpool CBD and with minimum bridge landing elevations set to be above the 1 in 500 AEP flood level.</i></p>	DPHI (and peer reviewer) to confirm appropriateness of submitted documentation.

Gateway Condition	Proponent Response	Consideration
<i>pedestrian bridge and the levee are to form part of Stage 1.</i>	<p>Accordingly, both Pedestrian Footbridge P1 and P2 will be accessible from within the Precinct for evacuation during floods up to and including the 1 in 500 AEP event.</p> <p>Refer to Appendix 8.</p> <p>An Infrastructure Delivery Plan (IDP) has been prepared by Mecone that outlines the staging of development and the necessary infrastructure proposed to be delivered in each stage, including a pedestrian bridge in Stage 1.</p> <p>Refer to Appendix 21.</p>	
<i>i. the Evacuation Plan, must determine (in consultation with the Department and agencies) the flood level for the three pedestrian bridges and demonstrate how the residents will evacuate, and the site be accessed where required in a 1 in 100 event, 1 in 5000 event and in a PMF event.</i>	<p>Two Pedestrian Footbridges P1 and P2 are proposed to be constructed as part of the Moore Point Precinct. Both footbridges will be constructed to be upwardly grading towards the Liverpool CBD and with minimum bridge landing elevations set to be above the 1 in 500 AEP flood level.</p> <p>Accordingly, both Pedestrian Footbridge P1 and P2 will be accessible from within the Precinct for evacuation during floods up to and including the 1 in 500 AEP event.</p> <p>Once flooding at the site exceeds a 1 in 500 AEP event, the footbridges will no longer be accessible and shelter in place will be required for anyone remaining on site.</p> <p>For those remaining, residents will be able to shelter above the level of the Probable Maximum Flood (PMF) either within their apartments or at dedicated communal areas within the apartment complexes. Visitors to the site will also be able to shelter within buildings at the designated communal areas.</p> <p>We note the FERP was submitted to DPHI and WMA Water in advance of the PP submission to inform the flood scope. Refer to Appendix 8.</p>	DPHI (and peer reviewer) to confirm appropriateness of submitted documentation
<i>ii. The Evacuation Plan must provide a strategy for emergency vehicle access to at least one of the proposed bridges.</i>	<i>The proposal has been updated to include a new vehicular connection to Newbridge Road that is above the predicted peak 1 in 500 AEP flood level. Vehicular Connection V4 joins Newbridge Road to the east of Haigh Avenue. Note that emergency services could still</i>	DPHI (and peer reviewer) to confirm appropriateness of submitted documentation

Gateway Condition	Proponent Response	Consideration
	<p>access the Precinct via the footbridges by alternate means such as by foot, bike and/or cart.</p> <p>Refer to Appendix 8.</p>	
<p>iii. Evidence that the proposed pedestrian bridges required for the purpose of evacuation can be secured at the appropriate stage of development, the funding and delivery strategy, including the identification the owners of land where the bridges are located and in principle support from those landowners.</p>	<p>The JLG has engaged with both TfNSW and South Western Sydney Local Health District (SWSLHD) for in-principle support of the future bridges. Written support from TfNSW is provided as an attachment.</p> <p>The JLG have conducted several meetings with HINSW to further discuss the future location and requirements for a bridge, which will be refined and developed post exhibition.</p>	<p>Not yet met.</p> <p>In order for the project to proceed to public exhibition, this could be resolved through detailed NSW Government Agency consultation at the exhibition stage.</p>
<p>c. Provide further detail how critical infrastructure will be provided above the PMF for all residents (including if wider network upgrades are required);</p>	<p>The Servicing Infrastructure Report outlines how critical infrastructure will be provided above the PMF. This is also captured in the FERP and includes:</p> <ul style="list-style-type: none"> • Back up infrastructure to be provided in areas above the predicted peak flood levels for a PMF event to enable residents to 'shelter in place' for the duration of the flood event. • Communal and gathering areas to be provided within buildings above the level of a major flood event. • 'Shelter in place' provisions will ensure residents have access to power, water and sewage services. • Buildings be designed to accommodate potential flood and debris loading so floodwaters do not contribute to structural failure. • Provision of multi-lingual PA system to all floors of medium and high-density residential buildings to ensure announcements/warnings are conveyed to the entire community during. <p>Refer to Appendix 19.</p>	<p>The appropriateness of this response to be confirmed by DPHI (and peer reviewer).</p>
<p>d. Provide further detail on the proposed levee including:</p>		

Gateway Condition	Proponent Response	Consideration
<i>i. a plan showing its exact location,</i>	<p>As discussed above in response to Condition b) and outlined in the FIA, the mitigation strategy for the development has been changed to no longer require the flood mitigation levee. Modelling documented in the 2024 FIA report confirms that a similar, if not better flooding outcome, can be achieved by incorporating an overland flow path within the development for the carriage of flows that overtop the eastern bank of the Georges River upstream of the Newbridge Road crossing.</p> <p>As discussed in the 2024 FIA report, the overland flow route is proposed to be located between Newbridge Road and Lake Moore to allow floodwaters approaching from the south-west to escape to Lake Moore and not impact on the development</p>	Levee is no longer proposed. The appropriateness of this response to be confirmed by DPHI (and peer reviewer).
<i>ii. size,</i>	As above.	Levee is no longer proposed. The appropriateness of this response to be confirmed by DPHI (and peer reviewer).
<i>iii. material,</i>	As above.	Levee is no longer proposed. The appropriateness of this response to be confirmed by DPHI (and peer reviewer).
<i>iv. mechanism of delivery,</i>	As above.	Levee is no longer proposed. The appropriateness of this response to be confirmed by DPHI (and peer reviewer).
<i>v. evidence of Council's support and consent for the levee (as owners of the proposed site),</i>	As above.	Levee is no longer proposed. The appropriateness of this response to be confirmed by DPHI (and peer reviewer).
<i>vi. a maintenance plan and</i>	As above.	Levee is no longer proposed. The appropriateness of this response to

Gateway Condition	Proponent Response	Consideration
		be confirmed by DPHI (and peer reviewer).
<i>vii. how safety will be addressed;</i>	<i>As above.</i>	Levee is no longer proposed. The appropriateness of this response to be confirmed by DPHI (and peer reviewer).
<i>e. Provide a bulk earthworks/cut and fill plan and a fill strategy to demonstrate the elevation of all building pads will be above the 1 in 100 level plus 0.5m freeboard. The internal roads must be above the 1 in 100 level with rising egress to the evacuation routes;</i>	<p><i>A Cut and Fill Strategy has been prepared by Northrop, which demonstrates the proposed level of the building pads to achieve a 1 in 500 level.</i></p> <p><i>The proposed redevelopment of the site involves filling to raise those areas of the precinct proposed for residential land uses and internal road network to the flood planning level (1% AEP plus 0.5 m) which is at least 0.1 m above the predicted peak level of the 1 in 500 AEP flood. This will ensure that the majority of the proposed development will remain "flood free" during floods up to and including the 1 in 500 AEP event.</i></p> <p><i>This has informed all design drawings for the PP.</i></p> <p><i>Refer to Appendix 14.</i></p>	Although a Cut and fill Strategy has been provided, some parts of the internal road network are not located above the 1 in 100 level. The appropriateness of this response to be confirmed by DPHI (and peer reviewer).
<i>f. Sections at various locations along the river to show levels (current and proposed) and relationships between river, embankment and future buildings; and</i>	<p><i>The Public Domain and Landscape Report prepared by Turf contains sections at various segments of the Georges River and Lake Moore to show the relationship of future revetment works, public domain and levels.</i></p> <p><i>Refer to Appendix 5.</i></p>	Adequate information provided to enable public exhibition.
<i>g. The modelling and evacuation strategy must submitted to the Department to enable an independent peer reviewed.</i>	<p><i>The FIA and FERP have been submitted to WMA Water for feedback prior to submission</i></p> <p><i>Refer to Appendix 7.</i></p>	DPHI (and peer reviewer) to confirm appropriateness of submitted documentation
<i>3. An updated Master Plan and an Urban Design Report must be prepared, for endorsement by the Department prior to exhibition, to address the following:</i>		

Gateway Condition	Proponent Response	Consideration
<i>a. The Master Plan must include,</i>		
<i>i. Ground and building levels in RLs and height in metres</i>	<i>Ground and building levels (RLs and metres) are provided in the layout plan, envelope diagram and sections contained within the Urban Design Study (UDR). RLs are depicted on several drawings (example, P.106, P.135, P.143) that addresses this issue - refer to page and diagram reference that addresses this.</i>	Adequate information provided to enable public exhibition.
<i>ii. New ground levels, and levels on adjoining land</i>	<i>New ground levels and ground levels on adjoining land are provided in the layout plan and supporting diagrams in the UDR. Page 106 of the UDR shows ground levels of adjoining land owners to the South of Moore Point.</i>	Adequate information provided to enable public exhibition.
<i>iii. Development envelopes / massing and building heights in metres and storeys</i>	<i>Building envelopes and massing has been provided with heights in metres and storeys in the UDR. Refer to Appendix 3.</i>	Adequate information provided to enable public exhibition.
<i>iv. Open space and public domain</i>	<i>Open space and public domain structure plan is provided in the UDR, which demonstrates over 34.5% of the site as publicly accessible open space. Refer to Appendix 3. In addition, a detailed Public Domain and Landscape Report has been prepared by Turf, which provides a strategy and design quality for the public domain and foreshore. Refer to Appendix 5.</i>	Adequate information provided to enable public exhibition.
<i>v. Street layout with block measurements</i>	<i>Street sections and block measurements are provided in the UDR. Refer to Appendix 3.</i>	Adequate information provided to enable public exhibition.
<i>vi. Land use, including indicative car parking entry, design and levels</i>	<i>The Test Scheme contains potential points of access and entry designs, as well as a potential land use mix for the ultimate redevelopment of the site.</i>	Adequate information provided to enable public exhibition.

Gateway Condition	Proponent Response	Consideration
	<p><i>P.145 of the UDR to be updated to provide loading dock, servicing areas to satisfy this issue - updated (including update to heading).</i></p> <p><i>Intent on P.145 is to be waste and servicing however, we will provide additional detail and should be in conjunction the future DCP framework.</i></p> <p><i>Furthermore, consideration of ramp entrances, vertical clearances and turning paths is a DA matter.</i></p> <p><i>Refer to Appendix 3.</i></p>	
<i>vii. An accompanying GFA schedule by building and stage, that shows dwelling numbers, and includes assumptions for the calculation of GFA dwelling size and mix.</i>	<p><i>A GFA schedule by building and stage, based on the specific land use outcomes of the Test Scheme, is provided in the UDR.</i></p> <p><i>Refer to Appendix 3.</i></p>	Adequate information provided to enable public exhibition.
<i>b. The Master Plan must demonstrate that:</i>		
<i>i. Residential floors be above PMF level and all other uses to be above 1% AEP (plus 0.5m freeboard)</i>	<p><i>The Test Scheme has been designed based on the recommendations and analysis from the FIA to ensure all residential floors are above the PMF level and all other uses above 1% AEP plus 0.5m freeboard. There are no residential uses at ground level.</i></p> <p><i>Refer to Appendix 3.</i></p>	<p>All new floor levels are proposed to satisfy this condition.</p> <p>The retained heritage items are below the 1% AEP.</p> <p>DPHI (and peer reviewer) to confirm if this sufficiently satisfies this condition.</p>
<i>ii. All streets to be at least above the 1% AEP.</i>	<p><i>The Structure Plan and Test Scheme has been designed in response to raising the development pads to a 1:500 flood level.</i></p> <p><i>Refer to Appendix 3.</i></p>	<p>All new streets are proposed at a level to satisfy this condition.</p> <p>Streets in the southern portion of the precinct and at the southern end of Bridge Road are within the 1%AEP.</p>

Gateway Condition	Proponent Response	Consideration
		DPHI (and peer reviewer) to confirm if this sufficiently satisfies this condition.
<i>iii. Bridges, streets, building, and car parking is consistent with the recommendations of the updated Evacuation Plan.</i>	<p><i>Bridges - Proposed bridge landing levels are at 1 in 500 flood event level (refer to UDR). Justification for pedestrian evacuation over bridges within required evacuation time have been demonstrated through pedestrian modelling within the FERP.</i></p> <p><i>Streets - Streets are above the 1% AEP (Refer to UDR and Cut and Fill Strategy).</i></p> <p><i>Buildings - Backup services will be provided above PMF level if residents choose to shelter in place (refer to Servicing Infrastructure Plan).</i></p> <p><i>Parking- Parking and vehicle quantities per stage reflect and align with evacuation timing (refer to UDR and Summary of Regional and Local Transport Impact).</i></p>	DPHI (and peer reviewer) to confirm appropriateness of submitted documentation
<i>c. The Urban Design Report is to address the requirements of the Local Environmental Plan Making Guideline September 2022 – Attachment C for Urban Design - Urban setting /urban renewal sites/ infill site – Complex.</i>	<p><i>The UDR addresses all the requirements for complex PPs set out in Attachment C of the Guideline (August 2023).</i></p> <p><i>Refer to Appendix 3.</i></p>	Adequate information provided to enable public exhibition.
<i>d. The Urban Design Report is also to include:</i>		
<i>i. Justification for proposed height and FSR.</i>	<p><i>The UDR provides extensive analysis that frames the proposed height and FSR, including strategic objectives of the site. A built form place strategy has been developed to consider the site's urban response to Liverpool CBD.</i></p> <p><i>Refer to Appendix 3.</i></p>	<p>The proposal provides adequate evidence and justification for the proposed heights and FSRs to enable exhibition of the Planning Proposal.</p> <p>However, as detailed in previous correspondence, Council continues to have significant concerns with the extent of density proposed,</p>

Gateway Condition	Proponent Response	Consideration
		<p>built form testing and resulting GFA and FSR. These matters will be subject to further assessment by Council during the assessment of the proposal.</p> <p>It is also noted that DPHI is undertaking an assessment of these matters and will also be consulted on Urban Design matters.</p>
<p>ii. Propose a transition of FSR/height controls to minimise impact on heritage items, Georges River, Moore Lake and existing and proposed open spaces.</p>	<p><i>The PP adopts lower heights within the refined heritage curtilage of Factory 1 and where the future primary school site is proposed to be located.</i></p> <p><i>The Structure Plan has been reviewed by GBA Heritage, who provide support for the proposed PP and subsequent refinements to the heritage mapping.</i></p> <p><i>LEP provisions have been included which restrict overshadowing to the Georges River Foreshore.</i></p> <p><i>The proposed height strategy needs to be read in context of the LEP mapping in tandem with the Framework Plans that will form part of the DCP. The DCP will articulate additional strategies and objectives for ensuring interfaces are appropriately managed.</i></p>	<p>The proposal has lower heights within the heritage precinct and within the school site. However, no transition in height is proposed to open space areas, the Georges River or Moore Lake (126m and 99m buildings adjoining these open spaces).</p> <p>DPHI and GANSW to review and confirm appropriateness for the purposes of exhibition.</p>
<p>iii. A public domain strategy, with levels, areas, use, and that is consistent with the Evacuation Plan (refer to Condition 2(b) above and Open Space Needs Assessment (referred to in Condition 6 below).</p>	<p><i>A comprehensive Public Domain and Landscape Plan has been prepared by Turf, which outlines a public domain masterplan for the site based on levels informed by the FIA.</i></p> <p><i>Refer to Appendix 5.</i></p>	<p>DPHI (and peer reviewer) to confirm appropriateness of submitted documentation</p>

Gateway Condition	Proponent Response	Consideration
<p><i>iv. Ability to comply with SEPP 65 and the ADG, particularly, solar access.</i></p>	<p><i>A detailed ADG and Housing SEPP (former SEPP 65) has been provided in the UDR. This has been demonstrated in the Test Scheme analysis, which considers deep soil, communal open space, solar access, shadows and other metrics.</i></p> <p><i>Reference needs to be made to the overall test scheme strategy and how this has been developed.</i></p> <p><i>The planning proposal is not seeking approval for a pre-determined master plan but to allow the capacity for flexibility and different uses to be explored at DA stage.</i></p> <p><i>The evidence-based analysis confirms towers can comply with building separation and relevant ADG controls beyond the requirements of a conventional planning proposal.</i></p>	<p>It is noted that extensive testing of the approach is provided in the planning proposal.</p> <p>Notwithstanding, the planning proposal includes a significant portion of the proposed development as 'short term accommodation'. This is not a defined term under the LLEP 2008, but the planning proposal identifies that this will include the following uses: hotels, Build to rent and student accommodation.</p> <p>Under SEPP Housing 2021, Build To Rent and Student Accommodation (assumed to be co-living) still must demonstrate compliance with parts of the Apartment Design Guide. It is not clear from the submitted information that the short-term accommodation components of the development will be able to comply with the requirements of the ADG.</p> <p>Given Council's inability to test ADG compliance for a precinct of this scale, DPHI and GANSW to confirm if this condition has been satisfied for the purposes of public exhibition.</p>
<p><i>v. Detailed shadow diagrams are to be provided which demonstrate the impact on existing parks and waterway as well</i></p>	<p><i>Detailed shadow diagrams are provided to determine solar amenity to parks, schools and buildings within the site. Solar insolation testing has also been provided to open space areas. Solar impacts</i></p>	<p>Adequate information provided to enable public exhibition.</p>

Gateway Condition	Proponent Response	Consideration
<i>as proposed parks, schools and residential units;</i>	<i>have also been considered to aquatic areas within the Aquatic Ecology Assessment.</i> <i>Refer to Appendix 3.</i>	
<i>vi. A bulk earthworks/cut and fill plan, that demonstrates compliance with the Evacuation Plan</i>	<i>A Cut and Fill plan has been prepared by Northrop to align with the FIA and Evacuation Plan. The Cut and Fill Plan has informed the levels and designs of the Structure Plan and public domain areas.</i> <i>Refer to Appendix 14.</i>	Adequate information provided to enable public exhibition.
<i>vii. Section plans, including sections at various locations along the river to show levels (current and proposed) and relationships between river, embankment and future buildings.</i>	<i>Sections are provided with the UDR and Public Domain and Landscape Report, which demonstrates the levels and relationship of the waters edge to future revetment works, public domain and buildings.</i> <i>Refer to Appendix 3.</i>	Adequate information provided to enable public exhibition.
<i>viii. Recommendations for detailed design controls required to be included in the DCP.</i>	<i>The UDR contains a dedicated chapter for the future built form controls to inform a site-specific DCP. This includes street walls, above podium setbacks and frontages. Additional diagrams within the UDR will inform the site-specific DCP with respect to vision and objectives for the public domain.</i> <i>The design controls are sufficient for the purposes of exhibition - it is noted the Gateway requires a DCP to be prepared post-exhibition. To do any further work would in-effect be meeting the post-exhibition condition.</i> <i>Chapter 5 is the 'introduction' to the supporting framework plans under 06 to 11.</i>	Adequate information provided to enable public exhibition. Chapter 5 of Appendix 3 states that the framework plans will be used for a site specific DCP.
<i>ix. High level Crime Prevention Through Environmental Design analysis</i>	<i>A high level Crime Prevention Through Environmental Design (CPTED) analysis has been prepared in the UDR and reviewed by Mecone who are CPTED accredited.</i> <i>Refer to Appendix 3.</i>	Adequate information provided to enable public exhibition.

Gateway Condition	Proponent Response	Consideration
<p><i>x. High level waste and servicing strategy</i></p>	<p><i>A high level waste and servicing strategy is provided in the UDR. It considers the role of various frontages for loading and activation within the site.</i></p> <p><i>Detail on passive, active and loading frontages has been articulated in the proposed DCP framework and would be developed in the site-specific DCP. Nonetheless, it is anticipated all basements will need to comply with relevant AS and DCP requirements at DA stages.</i></p> <p><i>SJB will provide additional text in the UDR to describe the servicing strategy. However, this is also described in 10.4 Frontage Strategy of the UDR.</i></p>	<p>Adequate information provided to enable public exhibition.</p>
<p><i>xi. Provide further information regarding the design of car parking to ensure it is flood proof and can withstand flood and debris loading to avoid structural failure. Car parking, along with street activation, needs to be designed in a way that does not compromise public amenity.</i></p>	<p><i>Future basement design will take into consideration the number of basement levels and ground water levels, consequent to detailed geotechnical studies, to determine the required mitigation methods for flood prevention. Examples of these are basement tanking, shoring with membranes, hydrostatic slab on ground etc.</i></p> <p><i>The UDR contains an active frontage strategy and principles to ensure car parking is minimised along active edges. This will form the basis of a future DCP framework for the site.</i></p> <p><i>The test scheme, as described throughout, reflects one of many scenarios over 20-30 years with regards to parking strategy. It would be a cost-prohibitive and exhaustive exercise to provide different variations of the test scheme at this stage to document podium parking.</i></p> <p><i>The focus on the condition has been addressed via the UDR report on public amenity - and is evident by the various sections and street plans provided. Additional detail on podium parking will be investigated in the DCP.</i></p> <p><i>Technical analysis on this issue has been provided in the FERP under Section 4.9 - the provision of building design to accommodate flood debris loading.</i></p> <p><i>The reference to mobility hubs infers that the precinct has opportunity to support varied transport infrastructure to support future</i></p>	<p>DPHI (and peer reviewer) to confirm appropriateness of submitted documentation.</p>

Gateway Condition	Proponent Response	Consideration
	<i>needs (at a principle level). No further detail on this is explicitly warranted.</i>	
4. Amend the Riparian Strategy to address the following:		
<i>a. Demonstrate compliance with the Water Management Act 2000; and</i>	<i>An amended Riparian Assessment has been prepared by Northrop, which demonstrates compliance with the Water Management Act 2000. Refer to Appendix 13. The Riparian Assessment is supported by a River Foreshore and Vision Strategy. The role of this document is to establish the framework for placemaking objectives and requirements for future DAs.</i>	Adequate information provided to enable public exhibition.
<i>b. Include plans showing inner and outer riparian corridors and all structures that encroach into this area. Certain buildings or structures may be proposed to be located on a riparian corridor consistent with relevant guidelines.</i>	<i>The Riparian Assessment provides plans depicting the inner and outer Vegetated Riparian Zones (VRZs). Refer to Appendix 13.</i>	Adequate information provided to enable public exhibition.
5. The Biodiversity Assessment must be updated to:		
<i>a. Identify land comprising coastal protections, and the attributes and sensitivities of this site</i>	<i>An updated Biodiversity Development Assessment Report (BDAR) and Aquatic Ecology Assessment (AEA) has been prepared by Eco Logical Australia. These reports outline land comprising coastal protection and ecological sensitives. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.
<i>b. Address the impacts on the water quality, river flows, bushland and sensitive environments such as wetlands, freshwater and estuarine ecosystems;</i>	<i>The BDAR provides an assessment of Prescribed Impacts to include a review of hydrological reports. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.

Gateway Condition	Proponent Response	Consideration
	<i>Additional information regarding aquatic matters has been provided in the Aquatic Ecology Assessment prepared by Eco Logical Australia at Appendix 12.</i>	
<i>c. Reflect all current legislation, guidelines and assessment criteria;</i>	<i>The BDAR has been assessed against current legislation and policies. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.
<i>d. Identify which order stream the Georges River is and update the report accordingly;</i>	<i>The BDAR has been updated to note the Georges River is a 7th order drainage line and is reflected in mapping. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.
<i>e. Ensure all species references and credit species references are correct;</i>	<i>The BDAR has reviewed species and ecosystem credits to ensure all species have been included in the assessment. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.
<i>f. Identify the biodiversity values and consider the impact of the proposed development on the land identified to be zoned RE1 within the Precinct, including any indirect impacts to Haigh Park, The Georges River and Lake Moore. This should also include consideration of the impacts of any development proposed within these areas such as upgrades to Haigh Park, the installation of pathways, lighting and overshadowing;</i>	<i>The BDAR includes an assessment of additional indirect impacts of the planning proposal and recommended mitigation measures. This includes consideration of new development, waste, water flows, overshadowing of buildings, alteration to vegetation and fauna species traversing the site due to increase lighting. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.
<i>g. Adequately justify any impact to threatened ecological communities;</i>	<i>The BDAR provides justification regarding the design of the PP. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.
<i>h. Update the Biodiversity Assessment Report to include a discussion on how the existing biodiversity values informed</i>	<i>The BDAR discusses how the project design has been changed to avoid impacts of wetlands and retaining vegetation within Haigh Park. Additional considerations have been made to retaining parts of the eastern portion of the site for native vegetation.</i>	Adequate information provided to enable public exhibition.

Gateway Condition	Proponent Response	Consideration
<i>the land zoning and development footprint.</i>	<i>Refer to Appendix 11.</i>	
<i>i. Review and address NSW Environment and Heritage Group (EHG) comments in regard to:</i>		
<i>i. exclusions of ecosystems credits and;</i>	<i>The BDAR is supported by targeted surveys for microbats, Koalas and other species credit species in accordance with the latest survey guidelines. Refer to Appendix 11.</i>	Adequate information provided to enable public exhibition.
<i>ii. undertake target surveys in the correct times of the year.</i>	<i>As above.</i>	Adequate information provided to enable public exhibition.
<i>6. Provide an Open Space Needs Assessment that addresses:</i>		
<i>a. The quantum, size, locations and type of open space required to support the new population. Consideration should be given to the location of a significant portion of the open above the 1% AEP, clarifying how much open space is proposed to be located on flood prone land.</i>	<i>The Open Space and Community Needs Assessment has been prepared by ATX Consulting, which provides the needs analysis to identify the appropriate types and sizes of public open space required at Moore Point. It includes a comprehensive analysis of the likely population profile to provide ensure that planning is responding as much as possible to likely future needs of the new population. The Open Space and Community Needs Assessment should be read in conjunction with the Public Domain and Landscape Report, which provides the spatial distribution of needs analysis. The offsite contributions to Haigh Park are identified in the Infrastructure Delivery Plan but caveated as potential opportunities and do not form part of the planning proposal. The discussion of Haigh Park, and other public benefits, will be considered post exhibition following feedback from agencies and Council.</i>	Adequate information provided to enable public exhibition. It is noted that Council remains acutely concerned that the future population and workforce introduced by the proposal do not have adequate open space, especially when considering that 57% of public open space is below the 1% AEP flood level.
<i>b. Demonstrate that the active recreation needs of the future population can be accommodated.</i>	<i>Active recreation needs are considered according to their definition based on NSW Government policy. Specific reference is made to the NSW Public Space Charter and the draft Greener Places open space typologies.</i>	Adequate information provided to enable public exhibition. It is noted that Council remains acutely concerned that the future

Gateway Condition	Proponent Response	Consideration
	<p><i>An extensive amount of analysis has been undertaken to support the proposed demographics.</i></p> <p><i>Noting that proposed apartment mix is predominantly studio to 2 bedrooms, this is consistent with the mix provisions of the DCP (Minimum 10% three bedroom and no less than 10% of studio and 1 bedrooms).</i></p> <p><i>The offsite contributions to Haigh Park are identified in the Infrastructure Delivery Plan but caveated as potential opportunities and do not form part of the planning proposal. The discussion of Haigh Park, and other public benefits, will be considered post exhibition following feedback from agencies and Council.</i></p>	<p>population and workforce introduced by the proposal do not have adequate active open space.</p> <p>This is especially true when considering the current and future population forecasts for Liverpool when compared to the case studies utilised in the submitted open space needs assessment.</p> <p>It is stressed that from Council's perspective, the embellishment of Haigh Park and inclusion of at least one district level sports field is essential as enabling infrastructure for the proposal.</p>
<i>c. Update the plans to identify a minimum 40m width of the river foreshore for public use;</i>	<p><i>All plans in the PP have been updated to identify a minimum 40m width of the river foreshore for public use.</i></p> <p><i>It is also proposed that this area is zoned RE1 Public Recreation and dedicated to Council, consistent with Council's November 2020 resolution.</i></p> <p><i>Refer to Appendix 3.</i></p>	Adequate information provided to enable public exhibition.
<i>d. Identify the location of a park in the southern end of the precinct to ensure all residential development is located within 200m of public open space and ensure it is at least 0.5ha in size;</i>	<p><i>The Structure Plan has been updated to address the provision of an additional 0.5 hectares in the southern end of the site. The overall provision of open space delivered via the amended PP and Structure Plan has increased by over 10% since originally endorsed and now comprises 34.5% of the site area.</i></p> <p><i>Refer to Appendix 3.</i></p>	Adequate information provided to enable public exhibition.
<i>e. Provide options to accommodate the additional 1.5ha open area adjacent Haigh Park and provide at least one district level sports field within this area;</i>	<p><i>The Public Domain Landscape Report has been prepared by Turf, which illustrates how 1.5 hectares has been accommodated adjacent to Haigh Park. This was also subsequently addressed in the revised Structure Plan following Council resolution in November 2020.</i></p>	The proponent has interpreted that the additional 1.5ha open space area is not a consolidated space, but rather a collection of open spaces. This technically satisfies

Gateway Condition	Proponent Response	Consideration
	<p><i>The report recommends the provision of sporting fields off site with Haigh Park being a possible location for off-site contribution to sporting fields</i></p> <p><i>Infrastructure Contribution discussions are ongoing and can be dealt with post exhibition. The project team have briefed Council and DPHI on the proposed Infrastructure Delivery Plan at several meetings and no response has been provided on this issue.</i></p> <p><i>The revised Structure Plan issued post November 2020 resolution addressed this matter allowing the planning proposal to proceed to Gateway. The provision of open space has increased significantly since 2020 (24% to 34.5%)</i></p>	<p>the condition, however Council believes that this is not the intent of the condition. Rather, it is one parcel with a minimum area of 1.5h.</p> <p>The proponent also indicates that "the offsite contributions to Haigh Park are identified in the Infrastructure Delivery Plan but caveated as potential opportunities and do not form part of the planning proposal."</p> <p>It is again stressed that from Council's perspective, the embellishment of Haigh Park and inclusion of at least one district level sports field is vital as enabling infrastructure for the proposal. While Council hasn't progressed infrastructure delivery discussions continuously to date (due to resourcing limitations) this would be a critical aspect of delivering open space for the precinct.</p>
<p><i>f. Ensure 50% of every park receives a minimum of 4 hours solar access between 9am to 3pm on the 21 of June and 20% of each park is protected from direct sunlight on 21 December, private and publicly accessible, private open space; and</i></p>	<p><i>Key open spaces achieve the 4 hours of solar access in mid-winter, while a range of public spaces and pocket parks will receive appropriate levels of shade. Sufficient analysis and workshops have been undertaken with Council and DPHI on the practical approach to addressing this issue.</i></p> <p><i>As described in several workshops and meetings, this condition is well above what current practice requires for regeneration projects. It was requested this condition be amended to reflect ongoing discussions however, the key open spaces identified in the project (Georges River, Lake Moore and Central Park) will achieve excellent</i></p>	<p>Not every park receives minimum 50% of solar access between 9am-3pm. Some key spaces receive appropriate levels of solar access, however not all parks achieve the correct levels of access to satisfy the requirements of this part.</p> <p>Council notes the difficulty in satisfying this condition. Furthermore, should Haigh Park be upgraded and embellished as part</p>

Gateway Condition	Proponent Response	Consideration
	<p><i>levels of sunlight. Supporting pocket parks and plazas will serve a different form of open space compared to these areas.</i></p> <p><i>Eg Bradfield (Gov led) requires min 3 hours 9-3pm for district and regional parks and min 3 hours to a moving 50% of local parks. This is less onerous than the gateway condition for Moore Point and is a far less dense, greenfield precinct. Bradfield also includes entire riparian corridor within the site area.</i></p> <p><i>Request to alter gateway has been submitted to DPHI on 26 February 2024 in this regard.</i></p> <p><i>Quantum of open space above minimum requirements - well exceeding the minimum requirements in those areas</i></p>	<p>of the proposal, it will contribute significantly to satisfying this condition.</p> <p>DPHI and GANSW to confirm if this is sufficient to permit exhibition, noting further open space planning work is to occur in consultation with state agencies through the infrastructure offering package being refined.</p>
<i>g. Provide a dedication plan of all public spaces.</i>	<p><i>A dedication plan is provided in the UDR and outlines land that is proposed to be dedicated, publicly accessible and privately managed and to be provided to agencies.</i></p> <p><i>Refer to Appendix 3.</i></p>	Adequate information provided to enable public exhibition.
<i>7. A heritage assessment report which addresses any impact on heritage items on site, as well as adjoining heritage items to the precinct. The report must investigate adaptive reuse options which would allow for the buildings to be retained.</i>	<p><i>An updated Statement of Heritage Impact (SoHI) has been prepared by GBA Heritage, which provides an assessment of the significance of the heritage items, and ones to be retained for adaptive re-use.</i></p> <p><i>The SOHI prepared by GBA has considered the adaptive reuse options of buildings to be retained and refers to the SJB UDR for additional design guidance on how adaptive reuse may be achieved.</i></p> <p><i>Furthermore, the updated planning proposal has increased the amount of heritage buildings to be retained and adaptively re-used on the site.</i></p>	Adequate information provided to enable public exhibition.
<i>8. A revised Economic Impact Assessment to address the ability and justification of delivering jobs in the precinct and demonstrate that the CBD will not be undermined;</i>	<p><i>An updated Economic Impact Assessment (EIA) has been prepared by Atlas Economics. The EIA summarises the role of the site in complementing the future expansion of Liverpool CBD, putting the Strategic Centre on par with office markets of St Leonards and Crows Nest.</i></p> <p><i>Importantly, the EIA contends that the PP will not compete with the CBD, which will continue to retain the role as the commercial core of</i></p>	<p>Adequate information provided to enable public exhibition.</p> <p>It is noted that Council remains concerned about the quantity of non-residential floor space proposed, how realistic the job projections are, and the negative</p>

Gateway Condition	Proponent Response	Consideration
	<p><i>the Strategic Centre. Moore Point offers the opportunity to expand the footprint of the CBD (playing a similar role to Pyrmont in the Sydney CBD).</i></p> <p><i>The impact of Moore Point on the Liverpool CBD is addressed in Chapter 4 of the EIA which identifies a number of requirements for successful CBDs. A briefing with Atlas was offered, and can still be provided on this if needed. The EIA considers Moore Point in the context of the pipeline of development in the Liverpool CBD and concludes that Moore Point will complement and support the growth of Liverpool, rather than hinder it.</i></p> <p><i>"Over 24,000 additional health and education jobs are expected across the LGA by 2041, with some of these likely to elicit demand for commercial floorspace.</i></p> <p><i>When including the commercial floorspace envisaged in the Proposal (~160,000sqm), along with others in the pipeline, the Liverpool CBD would effectively become akin to the St Leonards/Crows Nest office market at ~372,000sqm. It could play a similar role to the St Leonards/Crows Nest office market which complements the St Leonards Health and Education Precinct."- Atlas Economic Impact Assessment</i></p> <p><i>This matter was raised by Council prior to Council's November 2020 resolution, and was addressed at that time.</i></p>	<p>impact on the existing Liverpool City Centre the proposal may have economically.</p>
9. Provide a public domain strategy and an ownership strategy;	<p><i>A Public Domain and Landscape Report has been prepared by Turf and provided at Appendix 5.</i></p> <p><i>In addition, the PP is supported by an Infrastructure Delivery Paper, which outlines the proposed infrastructure offering, implementation mechanisms and dedication. It is anticipated the provision of infrastructure and ownership arrangements will be explored with Council prior to finalisation.</i></p> <p><i>Refer to Appendix 21.</i></p>	<p>Adequate information provided to enable public exhibition.</p>
10. Provide for the provision of affordable housing;	<p><i>The JLG are commitment to undertaking further studies on the inclusion of affordable housing, post exhibition, at a point in time</i></p>	<p>Adequate information provided to enable public exhibition.</p>

Gateway Condition	Proponent Response	Consideration
	<p><i>when the PP, infrastructure offer and feasibility is progressed to understand the % of affordable housing that is viable.</i></p> <p><i>The Planning Proposal report and Infrastructure Delivery Plan both outline that the JLG is committed to undertaking additional studies into affordable housing.</i></p> <p><i>The Moore Point Masterplan accommodates approximately 10,700 dwellings. This will consist of multiple dwelling types and tenures, including: build to sell, build-to-rent, co-living, serviced apartments, residential care facilities and student housing amongst others.</i></p> <p><i>Liverpool City Council currently does not have a policy requirement for the inclusion of Affordable Housing and the only precincts where affordable housing is mandated are State led rezonings such as TOD SEPP locations. Opportunity exists to deliver affordable housing within Moore Point and the nature of this is still being investigated along side the infrastructure contributions. The JLG remain open to discussing and exploring affordable housing as the PP progresses.</i></p>	<p>It is noted that an indicative figure of 2% affordable housing has been provided.</p>
<p><i>11. The updated planning proposal and all supporting documentation noted above must be submitted to the Department for review.</i></p>	<p><i>The PP contains a consolidated update of technical reports and plans, in addition to new reports not submitted previously to provide additional justification for the project.</i></p>	<p>Adequate information provided to enable public exhibition.</p>

ITEM 01	Inclusion of a Minimum Lot Width for Dual Occupancies in the Liverpool Local Environmental Plan 2008
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Strategic Objective	Liveable, Sustainable, Resilient Deliver effective and efficient planning and high-quality design to provide best outcomes for a growing city
File Ref	016978.2025
Report By	Lilyan Abosh - Acting Senior Strategic Planner
Approved By	Lina Kakish - Director Planning & Compliance

EXECUTIVE SUMMARY

At the Ordinary Meeting of Council on 10 December 2024, a Report (**Attachment 1**) was tabled in response to the commencement of the NSW Low- and Mid-Rise Housing Reforms, which permitted dual occupancies in the R2 zone of the *Liverpool Local Environmental Plan 2008*. The Report recommended the implementation of a minimum lot size of 600m² and minimum lot width of 15m for dual occupancies in the R2 Low Density Residential zone.

At the Meeting, Council resolved to implement a minimum lot size of 600m² for dual occupancies and to double the current minimum lot size where the lot size for subdivision is greater than 300m² currently.

Additionally, Council resolved to further investigate a minimum lot width varying between 15m and 20m in the R2 Low Density Residential (R2) zone. Accordingly, this Report provides Council with the additional information regarding various lot widths and their impacts on the R2 zone.

As a result of the Council Resolution, Council staff conducted a manual investigation into lot various size widths in the R2 zone. The investigation found that in addition to having a minimum lot size of 600m²:

- **Approximately 29% (or 9,198) lots have a minimum lot width of 15m**
- **Approximately 21% (or 6,714) lots have a minimum lot width of 18m**
- **Approximately 14% (or 4,388) lots have a minimum lot width of 20m**

Given Council resolved to apply a larger minimum lot size than 600m² for dual occupancies within certain locations (e.g. R2 zoned land in Pleasure Point and Voyager Point, R2 zoned lots along Orange Grove Road etc), it is noted some of the lots captured in the data above may not meet the revised lot size requirements for these specific locations. This is also likely to further lower (slightly) the above percentages.

It is recommended that Council proceed with a minimum lot width of 15 metres in the R2 zone. This width is also consistent with the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*, which requires a minimum lot width of 15m for dual occupancies in most development scenarios.

It should be noted that Council staff met with representatives from the Department of Planning, Housing and Infrastructure (DPHI) on 20 January 2025 to discuss the proposed minimum lot size and minimum lot width options for the R2 zone. At the Meeting, the DPHI advised they would be willing to consider the inclusion of a minimum lot width for the R2 zone, subject to a merit assessment.

Accordingly, Council staff have requested an extension to the submission on the minimum lot size and minimum lot width in the R2 zone until 7 March 2025 to enable a final response to be submitted following Council consideration of this Report.

RECOMMENDATION

That Council:

1. Receives and notes this Report; and
2. Endorses a single minimum lot width of 15 metres for all Dual Occupancies in the R2 Low Density Residential zone of the *Liverpool Local Environmental Plan 2008*.

REPORT

Background

On 1 July 2024, the NSW Government introduced Stage 1 of the Low- and Mid-Rise Housing Reforms which made dual occupancies a permitted land use within all R2 Low Density Residential (R2) zones in NSW.

Prior to this Reform, dual occupancies were prohibited in the R2 zone of the *Liverpool Local Environmental Plan 2008* (LLEP 2008). As a result, there is currently no minimum lot size requirement applying to this type of development. Most Councils, however, implement this control to ensure a lot can adequately accommodate for landscaping, private open space, car parking and meet solar access requirements.

As a result of the Reforms, the DPHI wrote to Council on 25 September 2024 to advise they would be willing to amend the LLEP 2008 to insert a minimum lot size requirement.

The nominated minimum lot size would apply to dual occupancy Development Applications, as well as Complying Development Certificate (CDC) applications.

Accordingly, at the Ordinary Meeting of Council on 10 December 2024, a Report (**Attachment 1**) was tabled for Council consideration regarding the implementation of a minimum lot size of 600m² for dual occupancies in the R2 zone. In addition, Council staff also proposed a minimum lot width requirement of 15m be included in the LLEP 2008. At this Meeting, Council resolved the following:

That Council:

1. *Notes the formal correspondence received from the Department of Planning, Housing and Infrastructure at Attachment 2 regarding the nomination of a minimum lot size for Dual Occupancies in the R2 Low Density Residential zone;*
2. *Endorses the draft submission at Attachment 3 for a proposed minimum lot size requirement of 600m² and a minimum lot width varying between 15 metres and 20 metres subject to further council consideration for Dual Occupancies in the R2 Low Density Residential zone of the Liverpool Local Environmental Plan 2008 and also subject to the following changes made to the draft submission:*
 - a. *Double the minimum lot size for dual occupancies where the current minimum lot size for subdivision is greater than 300m²;*
3. *Forwards the submission to the Department of Planning, Housing and Infrastructure; and*
4. *Delegates to the Chief Executive Officer (or delegate) to amend the draft submission for any typographical and other minor errors / amendments if required.*

In accordance with Point 2 of the Council Resolution, this Report provides Council with the additional information regarding various lot widths and their impacts on the R2 zone.

Purpose of Lot Width Control

The minimum lot width control is a useful tool to define and establish the relationship of the development to the street. It is particularly effective in the following ways:

- Managing the visual impacts of garages on the streetscape by reducing its dominance;
- Providing flexibility to deliver favourable building layouts, including suitably dimensioned living areas;
- Maximising doors and windows overlooking the street for passive surveillance;
- Increasing opportunities for on-street parking (e.g. in-between driveways); and

- Facilitating adequate space for deep soil planting including trees in the front and rear setbacks, as well as required servicing.

The inclusion of a minimum lot width specifically in the LLEP 2008 will ensure the development standard is given more weight than if it were included in a Development Control Plan. Under Clause 4.6 of the LLEP 2008, variations to the minimum lot width can still occur if sufficiently justified.

Lot Width Analysis for Dual Occupancies

The Liverpool LGA currently comprises approximately 32,000 lots zoned R2 within land covered by the LLEP 2008. Furthermore, work undertaken as part of the LEP Review Project found there to be approximately 9,301 R2 zoned lots with a lot size of 600m² or greater, and a corresponding lot width of at least 15m.

As part of this exercise, further refinement of the data was undertaken manually, to exclude duplicated data entries, sites marked as schools or public reserves, and other lots considered undevelopable for the purpose of a dual occupancy. This data was manually sourced from Councils GIS system and rounded up/down to the nearest whole number. The findings of this exercise are summarised in *Table 1*.

Table 1 – Lot width analysis of R2 lots with a lot size greater than 600m²

Proposed Minimum Lot Width	Approximate Number of R2 Lots unlocked
15m	9,198 (29%)
16m	8,371 (26%)
17m	7,621 (24%)
18m	6,714 (21%)
19m	5,250 (16%)
20m	4,388 (14%)

As shown in *Table 1*, the analysis identified that for properties within the R2 zone with a minimum lot size of 600m², application of a corresponding minimum lot width of 15 metres would limit dual occupancy development introduced under the NSW Government's Housing Reforms to approximately 9,198 lots (or 29% of the total) where the LLEP 2008 applies.

At the other end of the scale, a corresponding minimum lot width of 20 metres would unlock dual occupancy development introduced under the NSW Government's Housing Reforms for approximately 4,388 lots (or 14% of the total) where the LLEP 2008 applies.

At the December Council meeting, Council resolved to apply a larger minimum lot size than 600m² for dual occupancies proposed within certain locations (e.g. R2 zoned land in Pleasure Point and Voyager Point, R2 zoned lots along Orange Grove Road etc). In light of this, it is

noted some of the lots captured in the data above may not meet the revised lot size requirements for these specific locations. This is also likely to further lower (slightly) the above percentages.

Further Lot Width Considerations

1. Complying Development Certificate Applications

From 1 July 2025, Complying Development Certificate (CDC) applications for dual occupancies in Liverpool will be allowed. The CDC will need to comply with the provisions of the *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (Codes SEPP), which requires a minimum lot width of 15 metres on most occasions.

If the car parking space for the parent lot however is accessed only from a secondary road (i.e. a corner lot), parallel road or lane, then the minimum lot width needed is reduced to 12m. This scenario will only apply to a minority of lots however in the Liverpool LGA. Dual occupancies with double garages will also dictate larger minimum lot widths to accommodate the garage dimensions.

It is noted that if Council implements a minimum lot size in the LLEP 2008, this figure will not override the lot width controls contained in the Codes SEPP. The application of a minimum lot width of 15m would therefore align with the most common lot width scenario under the Codes SEPP and ensure general consistency between applications approved by Council and private certifiers.

2. Consultation with DPHI Representatives on NSW Government Housing Reforms

On 20 January 2025, Council staff met with representatives from the DPHI responsible for introducing the NSW Government Housing Reforms. At the Meeting, the DPHI advised they would be willing to consider the inclusion of a minimum lot width for the R2 zone, subject to a merit assessment. DPHI representatives also noted that the policy direction of the Housing Reforms is to aim for 50% of R2-zoned lots within an LGA to be dual occupancy developable.

Accordingly, Council staff have requested an extension to the submission on the minimum lot size and minimum lot width in the R2 zone until 7 March 2025 to enable a final response to be submitted following Council consideration of this Report.

3. LEP Review Project

Although the investigated widths will unlock no more than a third of R2 zoned lots, it is noted that significant housing uplift is already proposed under the LEP Review Project. The LEP Review Project, and resulting Principal Planning Proposal, was endorsed by Council at the Ordinary Meeting of Council on 29 May 2024 (Item PLAN 05). The Proposal is currently being assessed by the DPHI for a Gateway determination.

A key focus of this Project is to encourage the delivery of medium density housing in appropriate locations, including the R3 Medium Density Residential zone. This is because this zone is widespread in its application and is land located within 800 metres of a centre. Consequently, it is considered the most suitable location for more density and significant changes have been proposed to the planning controls in this zone, as summarised in Table 2 below.

Table 2 – Proposed R3 Zone Development Standards under the LEP Review Project

R3 Development Standards	LLEP 2008	New LEP
Height of Building (HOB)	8.5m	9m
Floor Space Ratio (FSR)	0.55:1	Nil
Landscaping	Nil (in LEP)	25%
Minimum Lot Size Medium Density (Torrens)	250sqm	200sqm
Minimum Lot Size Single Dwellings	300sqm	400sqm (to discourage single dwellings and encourage medium density development)
Corner / End Block Sites (requires amalgamation)	-	RFB Permissible, Bonus 11.5m HOB and 10% Landscaping

Recommendation

It is recommended that Council proceed with a minimum lot width of 15m, which aligns with the most commonly used lot width in the Codes SEPP for dual occupancies. This will ensure general consistency between applications approved by Council and private certifiers. In addition to this, a minimum lot width of 15m is more likely to be implemented by the DPHI than a larger lot width, given the policy direction of the Housing Reforms.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this recommendation.

CONSIDERATIONS

Economic	Enhance the environmental performance of buildings and homes. Facilitate economic development.
Environment	Enhance the environmental performance of buildings and homes.
Social	Preserve and maintain heritage, both landscape and cultural as urban development takes place. Regulate for a mix of housing types that responds to different population groups such as young families and older people.
Civic Leadership	There are no civic leadership and governance considerations.
Legislative	Part 12 of <i>State Environmental Planning Policy (Housing) 2021</i>
Risk	The risk is deemed to be Low. If Council does not endorse a minimum lot width/s at this stage, it may not be able to be included within DPHI's amendment to the LLEP 2008 (subject to their assessment).

ATTACHMENTS

1. Council Report - 10 December 2024
2. Minutes of Council Meeting - 10 December 2024