



State Significant Agricultural Land Mapping Data Summary Statement

The NSW Department of Primary Industries is undertaking a mapping program across NSW to assist state and local government, other organisations and industries to recognise and value State Significant Agricultural Land (SSAL). This document outlines a summary of the draft SSAL map and its development.

What is SSAL?

The draft SSAL map is derived from existing statewide information where the most relevant characteristics related to the best agricultural lands are used.

The biophysical attributes of SSAL represent the most capable, fertile and productive agricultural lands in the state, and support a variety of successful agricultural industries.

These lands provide for an adaptive range of agribusinesses that can respond to changing climate, market forces and socio-economic conditions into the future.

Why do we need SSAL?

Loss of access to agricultural resources and increased incidents of agricultural land use conflict in the rural landscape have the potential to create inefficient land use shifts.

This can result in a net loss of value to the State through:

- direct and indirect economic loss of produce and markets
- loss of primary industries, associated businesses and services and related employment
- social decline and loss of community connectivity.

Knowing where SSAL is situated and understanding its location, value and contribution will assist in making decisions about current and future allocation of land.

How was the SSAL map developed?

Mapping was undertaken following the methodology to map biophysical SSAL in the Guideline to identify SSAL in NSW. It should be noted that the guideline allows for other criteria to also be considered in determining SSAL.

The draft map has been produced using only biophysical criteria to identify a static resource which will not change based on socio-economic or other changeable datasets.



This section outlines the steps taken, data used and criteria for the map's development.

An audit was undertaken of all relevant datasets available on a statewide basis. The best available datasets determined through this process were:



Rainfall

Rainfall can have an impact on the production of agriculture through its impact on water availability and critical water requirements which vary dramatically. To depict the distribution and spatial changes of the rainfall across the state, data from ANUClimate was used. The annual mean rainfall from 1987-2016 was calculated from daily rainfall data that was totalled and then divided by the time period of 30 years. This data is at a spatial resolution of 0.01° (approx. 1km). The Bureau of Meteorology (BOM) data sets are at a coarser scale of approximately 5km.



Inherent soil fertility

This map provides an estimation of the inherent fertility of soils in NSW. The mapping describes soil fertility in NSW according to a five class system (low, moderately low, moderate, moderately high and high). It was derived from a system linking a fertility class to a particular soil type (Great Soil Group), which was then attributed for each soil map unit.



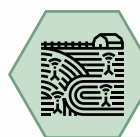
Land and soil capability (LSC)

This dataset uses the best available soils and natural resource mapping across NSW. It provides a broad-scale, regional view as to the dominant LSC class present through the assessment of eight key soil and landscape limitations (water erosion, wind erosion, salinity, topsoil acidification, shallow soils/ rockiness, soil structure decline, waterlogging and mass movement). The mapping is based on a class system with values ranging between one and eight. Class one represents land capable of sustaining most land uses including those that have a high impact on the soil (e.g. regular cultivation), whilst class eight represents land that can only sustain very low impact land uses (e.g. nature conservation).



Soil pH

The former Office of Environment and Heritage has prepared digital soil maps for a range of key soil properties over NSW. These are maps derived through quantitative modelling techniques that are based on relationships between soil attributes and the environment. Soil pH (CaCl₂) at two depths (0-5cm and 5-15cm) were used as a defining parameter in the SSAL map development.



Biophysical strategic agricultural land (BSAL)

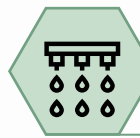
The map also includes areas that are identified as BSAL. This dataset identifies the inherent land and water resources that are important on a national and state level for agriculture – particularly, but not exclusively broad acre cropping across NSW. These lands intrinsically have the best quality soil and water resources, topography, are naturally capable of sustaining high levels of agricultural productivity and require minimal management practices to maintain this.



Land zones

Land mapped as SSAL was identified in the following land use zones, based on DPIE - Planning data from June 2020. Land within other zones was excluded from the SSAL map.

- RU1 Primary Production
- RU2 Rural Landscape
- RU4 Primary Production Small Lots
- RU6 Transition Zone
- E3 Environmental Management
- E4 Environmental Living.



Irrigation lands

Irrigation lands across the state are also identified within the draft SSAL map. These lands were recognised using the datasets from the Australian Collaborative Land Use and Management (ACLUM) program over three collection years (2007, 2013 and 2017). This dataset includes agricultural land uses where water is applied to promote additional growth over normally dry periods, depending on the season, water availability and commodity prices. This includes land uses that receive only one or two irrigations per year, through to those uses that rely on irrigation for much of the growing season.



North Coast farmland mapping

The map includes areas that are identified by the former Mid and Far North Coast Farmland Mapping projects. These lands have been identified since 2008 and 2005 respectively. The same climatic factors which make the north coast so valuable to agriculture also make it a prime lifestyle destination, with a rapidly growing population. The farmland across the north coast was mapped with an emphasis on keeping the regions options for future food and fibre production open rather than looking at the viability of particular industries.

Developing the map

The map was developed by combining three data models using different criteria to capture SSAL across the state. The below table outlines the criteria used for each model. For example model three identifies land that has moderately low soil fertility but is of high importance due to the higher and reliable rainfall.

Areas that were excluded from the mapping include:

- National parks
- State forests
- RAMSAR and NSW wetlands
- World heritage areas
- Built up areas
- NVRM vulnerable regulated land.

About the State Significant Agricultural Land map

The below map shows the location of SSAL.

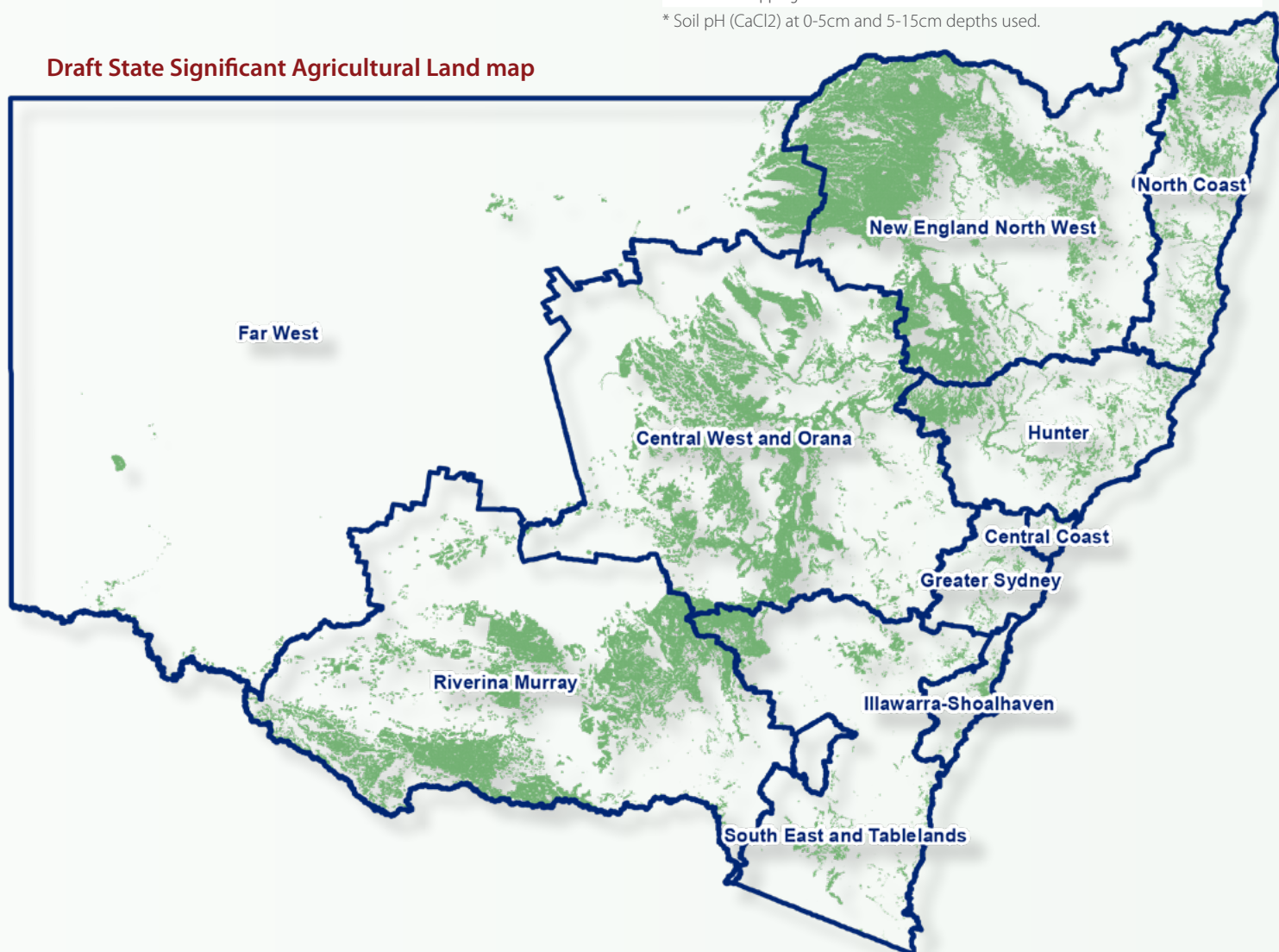
It covers approximately 15% of the state with a large portion over broadacre cropping lands of the New England North West, Central West and Orana and the Riverina Murray.

Key dairy, horticulture and grazing lands are also identified across the state, in particular along the eastern seaboard.

Input parameters	Criteria models		
	Model 1	Model 2	Model 3
Rainfall	≥500mm	≥500mm	≥950mm
Soil fertility	High – moderate	High – moderately high	High – moderately low
Land and soil capability	1-3	1-4	1-4
Soil pH*	≥5, ≤8	Not used	≥5, ≤8
Slope	Less than or equal to 18 degrees (32%)		
BSAL	Included in all models		
Land zones	RU1, RU2, RU4, RU6, E3, E4 zones included in all models		
Irrigation areas	Included in all models		
North Coast farmland mapping	Included in all models		

* Soil pH (CaCl2) at 0-5cm and 5-15cm depths used.

Draft State Significant Agricultural Land map



Strengths and weaknesses of the map

The modelled outputs identify the potential of the underlying land and did not consider current land use, with the exception of irrigated areas.

The analysis also did not consider parcel size. Although the overall confidence of the soil mapping informing the Land and Soil Capability mapping and the Inherent Soil Fertility mapping was identified as 'low' to 'very low' within some areas of the state, the mapping coverage of the Hunter, Central and Lower North Coast region was identified as having 'good' to 'fair' confidence.

The input data limits the accuracy of this map at a property scale. Care should be taken when applying the results at an individual property level.

A key weakness in the mapping is that industries which are not dependent upon the soils biophysical characteristics are not accounted for. For example, poultry and protected cropping may be carried out on poor lands provided other criteria such as slope and access to infrastructure are met.

The NSW Agriculture Commissioner has proposed to undertake a separate process to identify specific production areas to fill this gap.

Further Information

Further information on state significant agricultural land mapping, sustainable agriculture development, and land use planning is available on the Agricultural Land Use Planning (ALUP) website at www.dpi.nsw.gov.au/agriculture/lup

NSW DPI's Agricultural Land Use Planning team is available at landuse.ag@dpi.nsw.gov.au to answer any enquiries.

Supporting/complementary Information

Nineteen agricultural industry snapshots have also been developed across the 10 Planning Regions in the State. These are summary statements of the main agricultural industries across all regions in NSW and are not specific to agricultural industries reliant on key biophysical assets.

The Snapshots enable an understanding of agricultural industry locations, the reasons they exist in those locations, the opportunities they take advantage of and challenges they face. That information provides evidence for strategic planning to enable agricultural land and agriculturally based economies to be recognised, protected and supported in local planning instruments.

Access to the digital files for LSC, BSAL, soil pH and inherent soil fertility data sets can be found at the SEED (Sharing and Enabling Environmental Data) data portal developed by the NSW Government (<https://www.seed.nsw.gov.au>). Data for the irrigations areas can be found at The Australian Collaborative Land Use and Management Program (ACLUMP) web page (www.agriculture.gov.au/abares/aclump/land-use/land-use-mapping)



Department of
Primary Industries



Greater
Hume
Council



Riverina Murray Draft Important Agricultural Lands (IAL) Council Submission

Important Agricultural Land (IAL)

What is IAL?

Important Agriculture Land is the existing or future location of local or regionally important agricultural industries or resources. It includes a combination of biophysical resources and socio-economic (infrastructure, proximity to processing facilities, markets etc) requirements for local or regionally important agricultural industries.

Importantly, this includes those industries not primarily or solely dependent on productive soils such as poultry or protected cropping.

The IAL mapping is useful for strategic planning, regional and local environmental planning and regional economic development.

The Department of Industry - NSW Primary Industries is seeking feedback on the Draft Riverina-Murray Important Agricultural Lands Mapping.

Public exhibition for the mapping is from 22 November 2018 to 27 January 2019.

For more info:

<https://www.dpi.nsw.gov.au/agriculture/lup/agriculture-industry-mapping/important/riverina-murray-online>

What is IAL?

Source: https://www.dpi.nsw.gov.au/__data/assets/pdf_file/0007/711493/Agricultural-Land-Use-Mapping-Resources-in-NSW-User-s-Guide.pdf



Above: Snip tool extract of Riverina Murray Important Agricultural Lands (IAL) Mapping DRAFT Exhibition. Permission granted to create extract by Wendy Menz, Senior Land Use Officer (Mapping) on 19/12/18.



Submission Response

Councillors and landowners of Greater Hume Council have raised concerns that large tracts of Greater Hume local government area have not been mapped as Important Agricultural Land within the Draft Riverina - Murray Important Agricultural Lands Mapping Project (R-M IAL Mapping).

Consequently Council at its December Ordinary Meeting has endorsed this submission that contends that additional land within Greater Hume Council area warrants inclusion within the mapping as Important Agricultural Land.

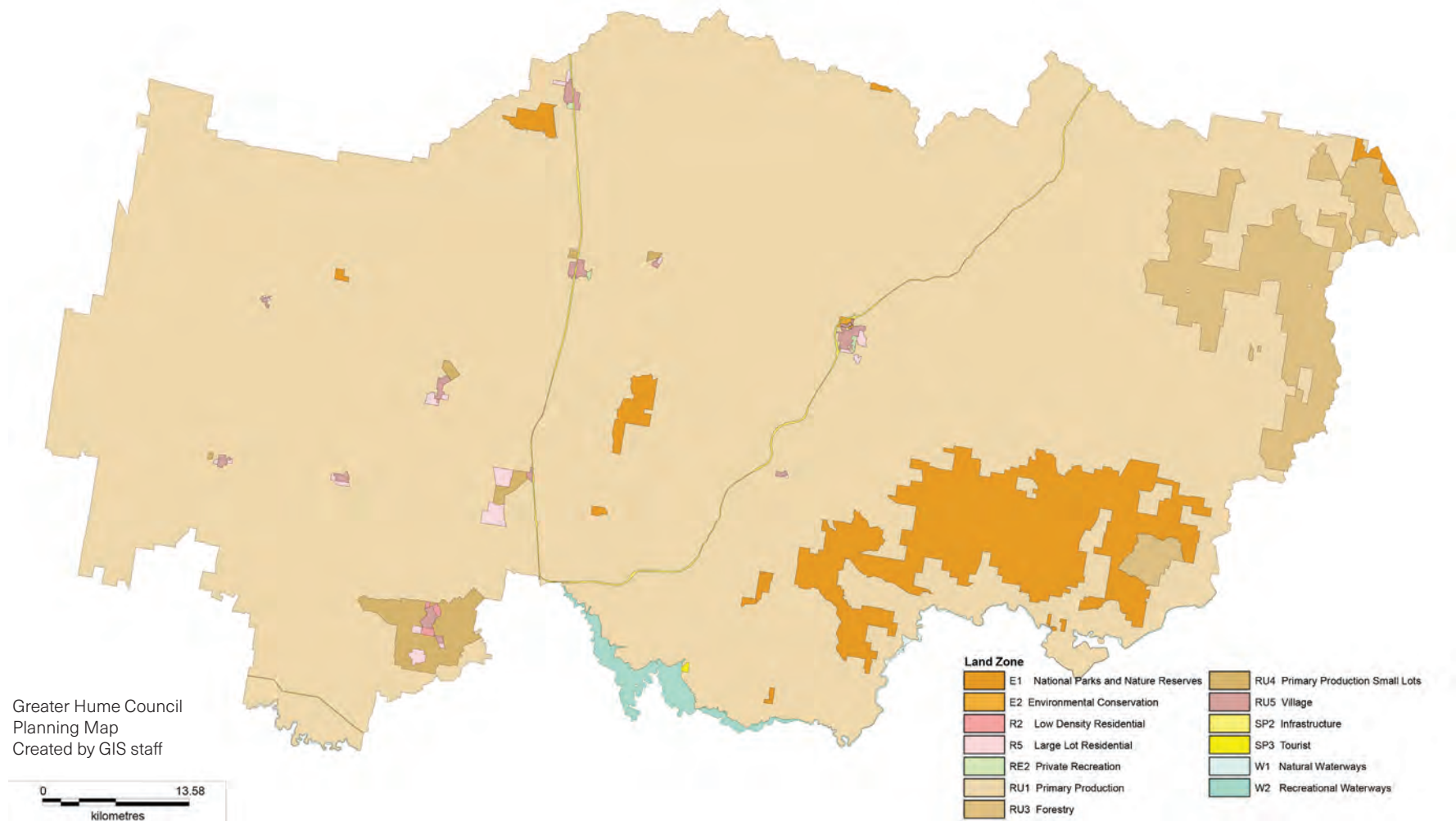
As a basis for its submission Council has chosen to address the planning and agricultural factors provided in the project goals of a 'Method for Identifying Important Agricultural Lands in NSW'

Accurate information on the importance of agriculture to an area and its resource needs such as :

- The extent and nature of agriculture in Greater Hume Council area

- Greater Hume Council is a local government area where agriculture is the dominant land use by a very significant margin
- Infrastructure and resources required to support agriculture such as irrigation, freight, saleyards, silos, transport routes
- Value adding enterprises to support agricultural producers
- An area's biophysical constraints to agriculture
- Trends in agriculture such as enterprise switching, intensification, increase in scale, tenure, employment
- Future industry development needs and where to target non- agricultural land use
- The risks of conflicts between agriculture and other land uses, particularly urban settlement
- The impact of changing climate and markets on agricultural land use
- What is required to retain or expand local food production

The extent and nature of agriculture in Greater Hume Council area



Greater Hume Council area is extensively utilised for purposes of agriculture. The planning map above shows the amount of RU1 Primary Production (light brown), RU4 Primary Production Small Lots (darker brown) and RU3 Forestry zone (slightly brown) relative to other zones in the shire.

Greater Hume Council and all of Albury Council constitute the sub region that is referred to as Upper Murray within the Riverina Murray Agricultural Profile.

Greater Hume shire would be the significant contributor to agricultural output for the sub region due to minimal amount of agricultural land within Albury City.

Greater Hume Council is a local government area where agriculture is the dominant land use by a very significant margin

The contribution of agriculture in terms of commodities and \$ per ha.

The nature of the use is shown in figure 7 of the Riverina Murray agricultural profile for Upper Murray which is wool, winter crops, and meat grazing with a gross value of production shown being \$200 million.

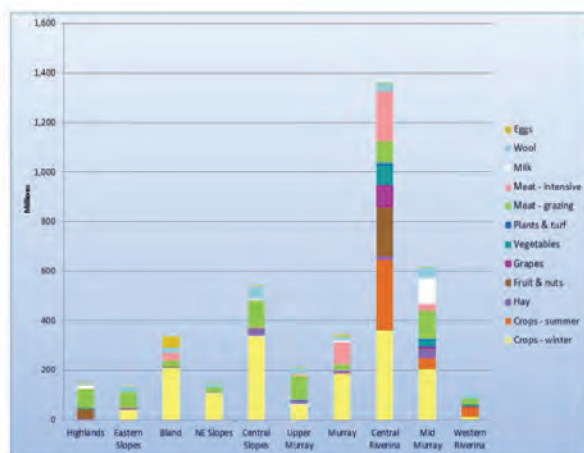
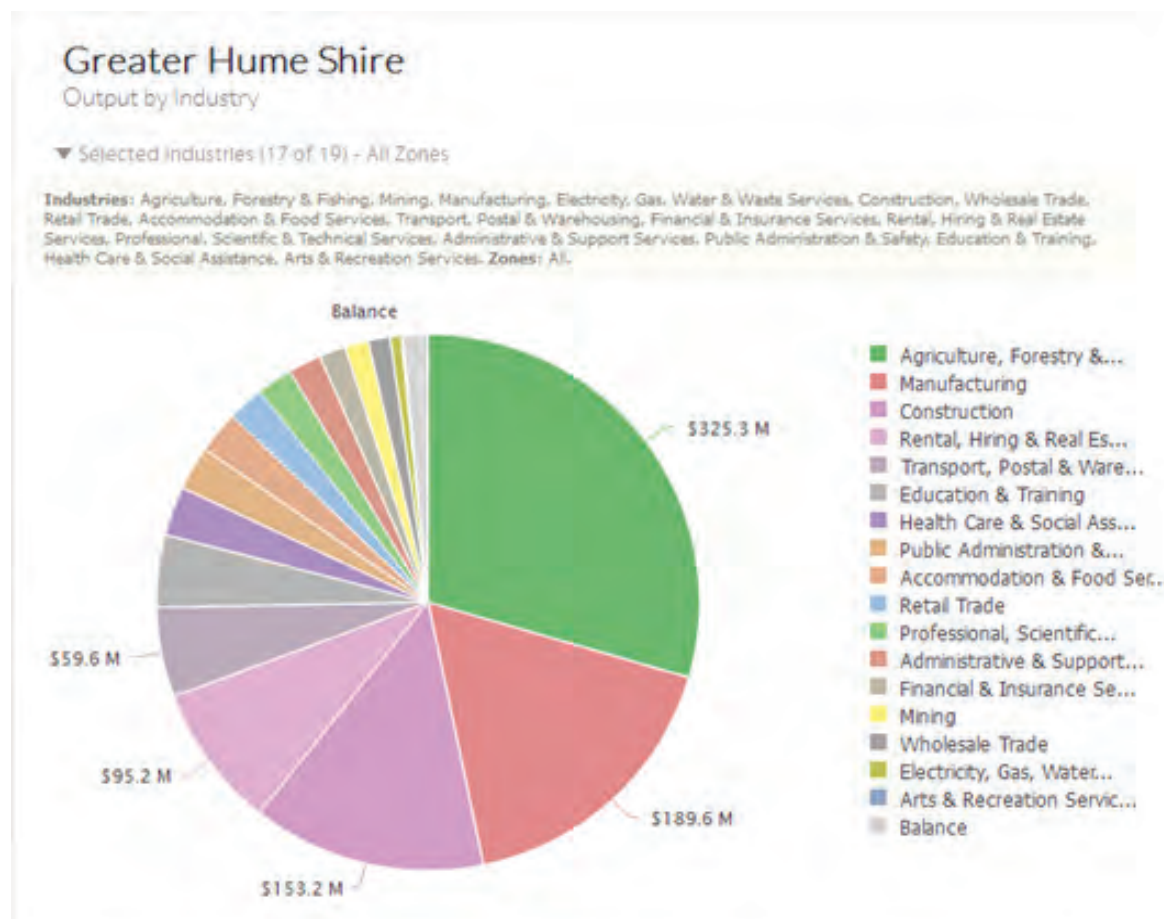


Figure 7: Agricultural production for each statistical zones of the Riverina Murray Region. Source: DPI (2018).

Source: Important Agricultural Land Mapping Riverina Murray Region Agricultural Profile, p.11
 Owner: NSW Department of Primary Industries


Casual observation of figure 7 above would lead to the presumption that Upper Murray relative to other regions in Riverina Murray is less important in terms of agricultural production.

Data available to Council does not support such a view, the following information shows Greater Hume Council areas contribution to agricultural production:



Source: REMPLAN Economic Profile Greater Hume - Latest REMPLAN data incorporating Australian Bureau of Statistics' (ABS) June 2017 Gross State Product, 2014 / 2015 National Input Output Tables and 2016 Census Place of Work Employment Data

Greater Hume Council is a local government area where agriculture is the dominant land use by a very significant margin



Australian Bureau of Statistics

75030DO006_201516 Value of Agricultural Commodities Produced, Australia–2015-16
Released at 11:30 am (Canberra time) 30 October 2018

Table 2: VALUE OF AGRICULTURAL COMMODITIES PRODUCED–New South Wales and Local Government Areas

Region code	Region label	Commodity description	Gross value (\$)	Local value (\$)
1	New South Wales	Total agriculture	13,085,845,904	12,186,535,545
10650	Berrigan (A)	Total agriculture	109,149,677	102,495,605
10800	Bland (A)	Total agriculture	346,564,189	317,216,152
12000	Coolamon (A)	Total agriculture	105,885,324	97,725,078
12870	Federation (A)	Total agriculture	390,929,708	366,029,396
13340	Greater Hume Shire (A)	Total agriculture	219,433,178	204,180,621
13450	Griffith (C)	Total agriculture	143,314,909	134,654,413
14300	Junee (A)	Total agriculture	122,294,003	112,970,699
14950	Lockhart (A)	Total agriculture	127,842,032	118,159,085
17350	Temora (A)	Total agriculture	117,873,625	108,378,732

not available for publication but included in totals where applicable, unless otherwise indicated

Source:
<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/7503.02015-16?OpenDocument>

In terms of economic output the above data shows that agricultural land within Greater Hume (Upper Murray) is very productive.

Using the above information and the Important Agricultural Land Mapping it is now possible to establish whether being mapped as important Agricultural Land results in a particular local government area generating a higher gross value of agricultural production.

For example from the data at left, Coolamon's gross value of agricultural production is \$105,885,324 which represents only 48% of the gross value of agricultural production of Greater Hume (\$219,433,178).

In Coolamon 91% of the land is mapped as Important Agricultural Land and from Table 4 of the Agricultural profile it has 2,264 hectares of Agricultural Land. Greater Hume has 4,359 hectares of Agricultural Land which is almost double the amount of land in Coolamon and most of Greater Hume Council area is not mapped as important agricultural land, yet agricultural production value of Greater Hume is more than double that of Coolamon.

The same analytical trend would apply to other Councils in the Central Slopes such as Temora, Cootamundra and Junee all of which are extensively represented in the mapping as Important Agricultural Land.

The Gross Value of Agricultural production from Greater Hume which is primarily not mapped as Important Agricultural Land is equal or better than Council areas that are mapped as Important Agricultural Land.

Infrastructure and resources required to support agriculture such as irrigation freight, saleyards, silos, transport routes

Agricultural producers in Greater Hume Council are well supported with infrastructure and transport routes.

The road network consisting of both federal/state and council funded roads including the Hume and Olympic Highways. Council roads are well established and generally of a high standard primarily all-weather roads with only 7% of the road network being dry-weather roads. The Sydney Melbourne train corridor passes through the shire which is utilised for bulk grain cartage.

A total of 8 grain storage facilities are situated within the shire including the significant Henty West Grain Corp facility that has recently been upgraded to facilitate cartage of grain to Port Kembla via the Sydney Melbourne train corridor.

Whilst there are no sale yards within Greater Hume Council producers utilise saleyards at Corowa, Barnawartha and Wagga Wagga.

Greater Hume is very well serviced with infrastructure and transport options to support primary production.

The Albury Wodonga Regional Economic Development (RED) Strategy identifies that the region has a competitive advantage in several agricultural industries, and these are important drivers of the region's economy and future growth can be assisted with improvements to key infrastructure.

To support and grow agribusiness industries the strategy highlights early stage priorities include the construction of a highway and railway crossing at Henty to facilitate improved B-Double access to the major grain retrieval facility at Henty.

Source: Albury-Wodonga Regional Economic Development Strategy 2018 - 2022.

Value adding enterprises that support agricultural producers

A number of value adding enterprises exist to support agricultural producers within Greater Hume. Within the shire there is the Geelong Leather site at Culcairn which is a large tannery operation, Hume County Oat Mill situated in Walla Walla and Holbrook Seeds which is a producer of seeds for dryland and irrigated crops.

Also based in Greater Hume, there are artificial breeding specialists in beef, equine and lamb production which enhance employment and value add the shire's output.

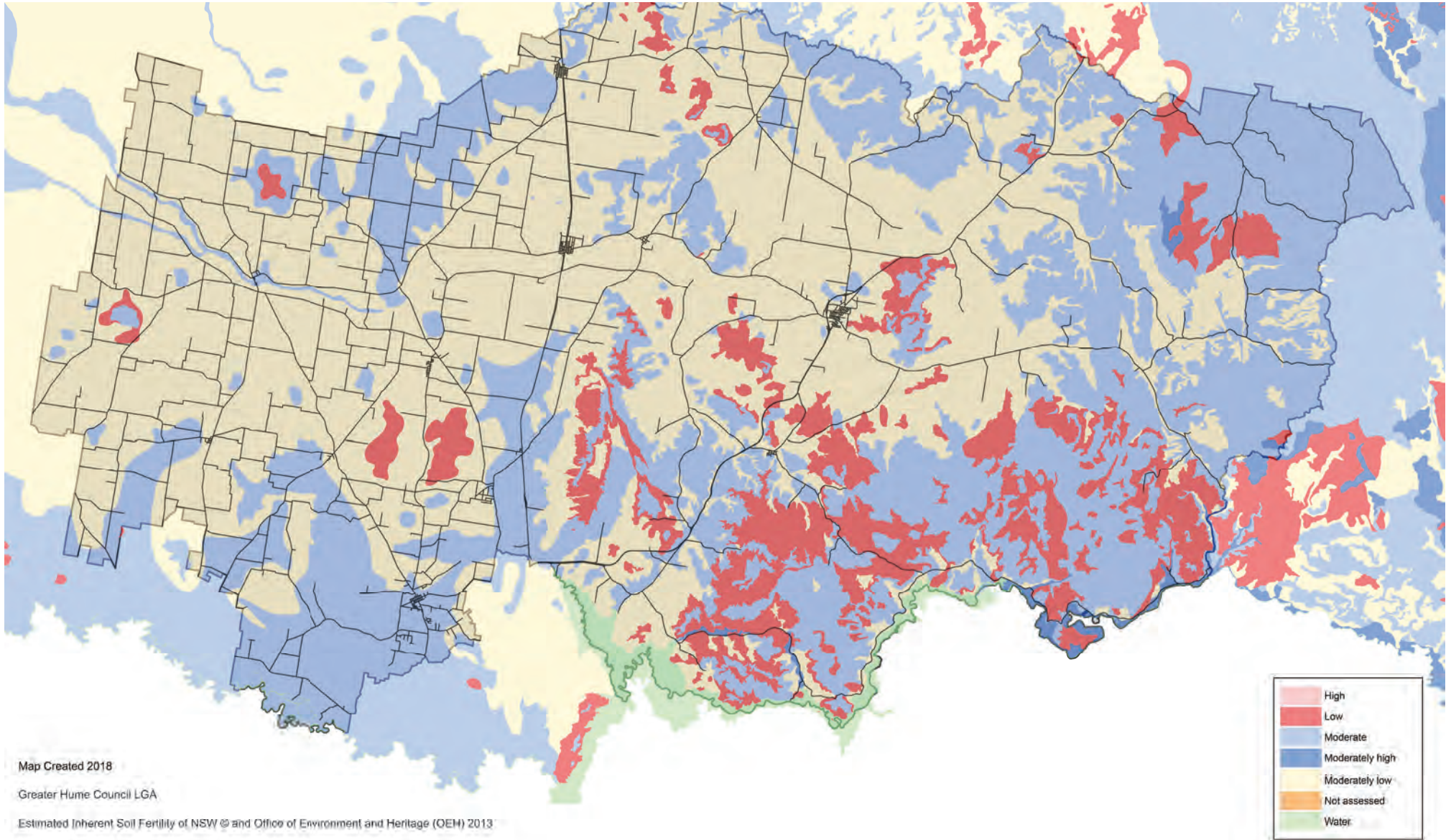
Within the Upper Murray region value adding enterprises exist including abattoirs (Wodonga) and pet food production (Wodonga and Howlong).

Many primary producers in Greater Hume utilise beneficial bio solids generated from the paper mill in Albury.



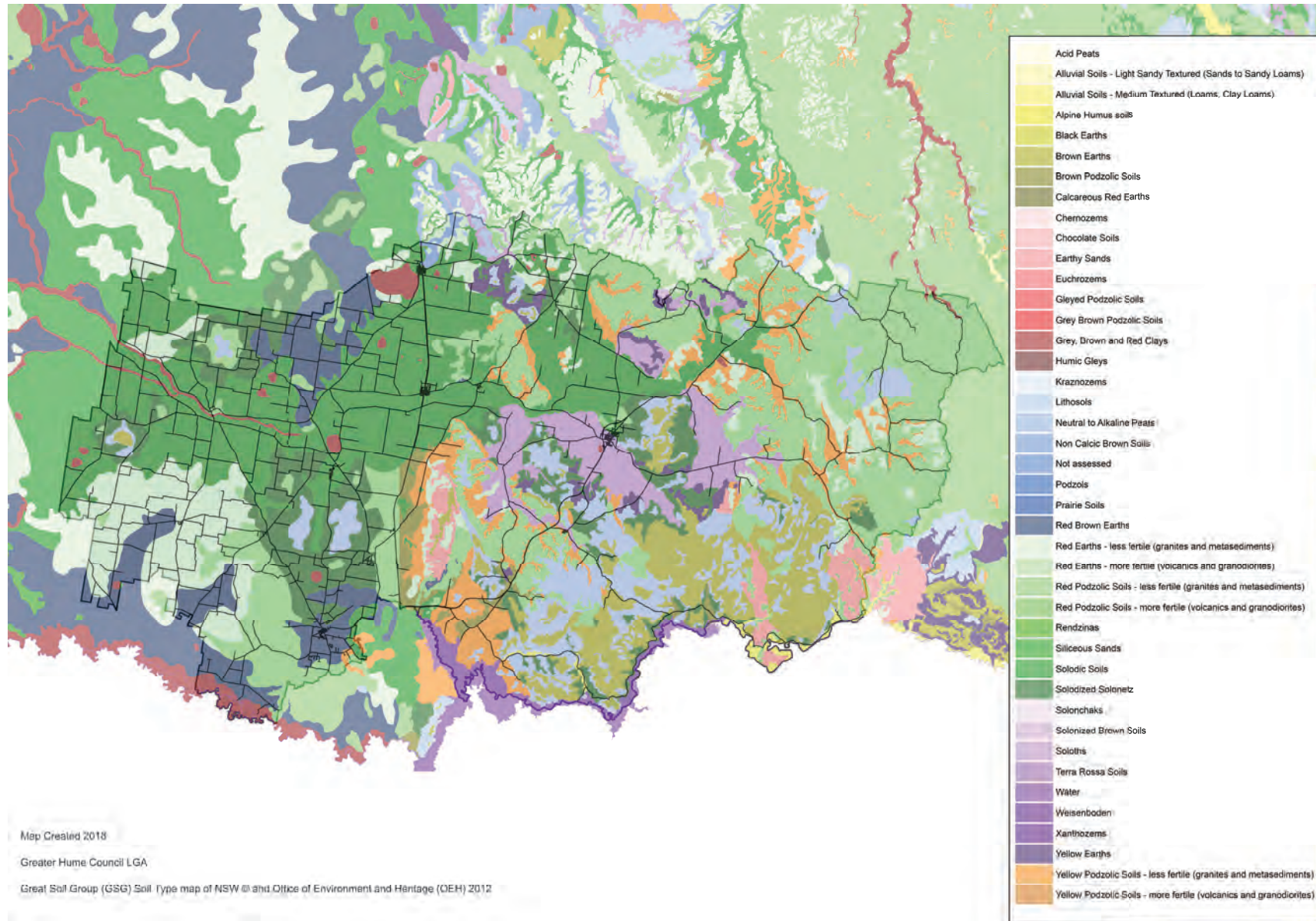
An area's biophysical constraints to agriculture

Soil Fertility



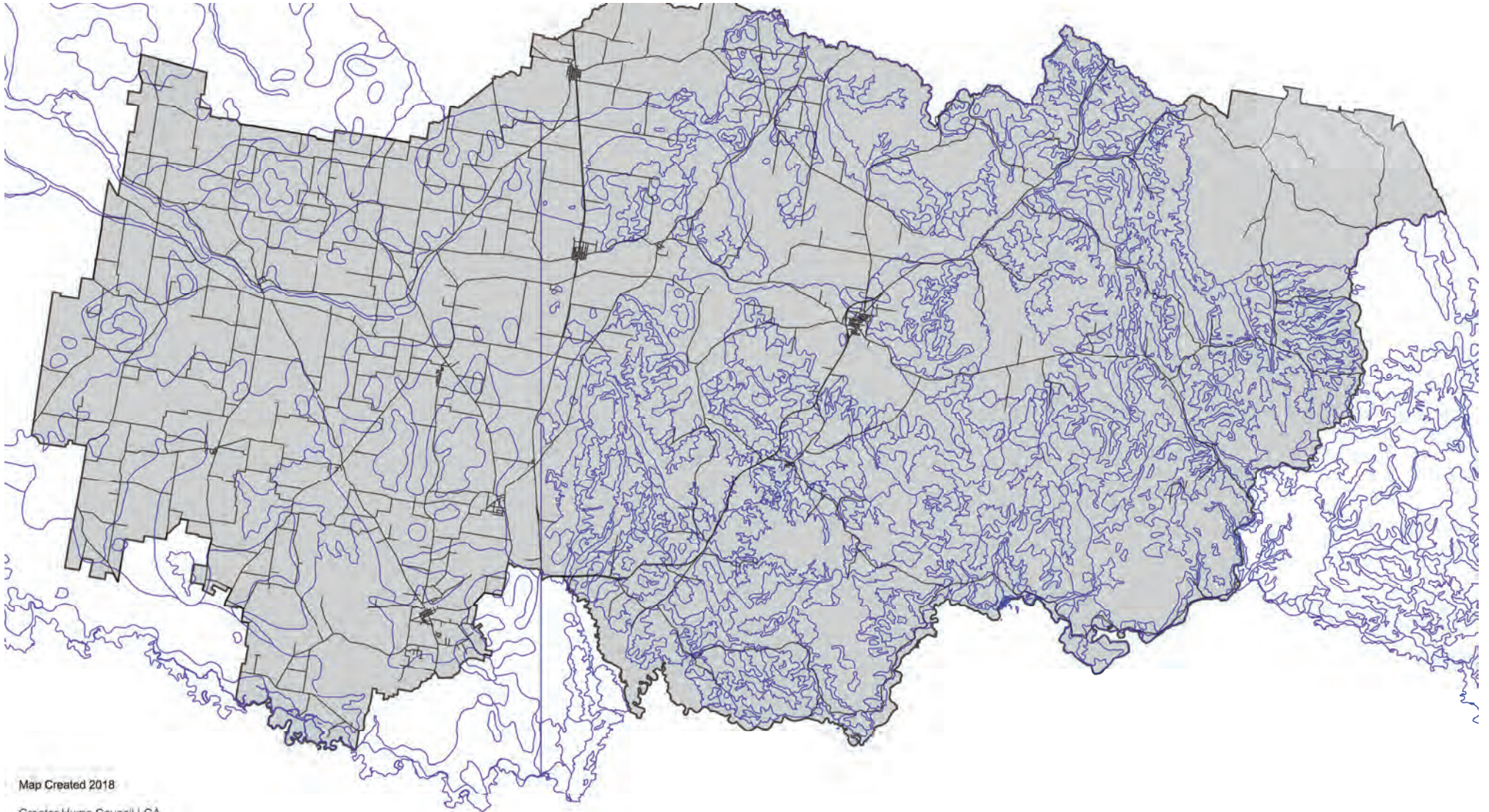
An area's biophysical constraints to agriculture

Great Soil Groups Soil Type Map



An area's biophysical constraints to agriculture

Soil and Land Resources



Map Created 2018

Greater Hume Council LGA

Soil and Land Resources of Central and Eastern NSW © and Office of Environment and Heritage (OEH) 2018

An area's biophysical constraints to agriculture

Information within "A Method for Identifying Important Agricultural Lands in NSW" and the "Important Agricultural Land Mapping- Riverina Murray Region – Agricultural Profile" indicates that biophysical constraints are a significant determinant as to whether land is mapped as Important Agricultural Land.

Council believes that the availability of land fertility mapping has been a factor why most of Greater Hume has not been mapped as Important Agricultural Land and this mapping is shown on page 9.

Council has extensively investigated whether the fertility of soil profile should be a significant factor in whether land is mapped as Important Agricultural Land. The soil profile map shows that the presence of Sodic Soils appears to align with the exclusion of land from mapping of Important Agricultural Land, as shown on page 10 and 11.

Sodic Soils typically are described as follows:

SOLODIC SOIL: A Great Soil Group, (Stace et al., 1968) classification. These soils have a strong contrast between the texture of the A and B horizons and a bleached A2 horizon (which may contain a few sesquioxide nodules). The A Horizons are usually acidic, and the B Horizons are alkaline grading to strongly alkaline at depth. The B horizon has medium to coarse blocky peds (which may be arranged in a coarse columnar fashion). These soils are typical in semi-arid and subhumid climatic zones and tend to be very dense soils with low permeability. The difference between solodic soils and solodized solonetz soils occurs in the structure of the B horizon: solodics have a medium to coarse blocky structure whereas solodized solonetz soils have a coarse columnar structure with clearly defined domes on the tops of the columns

Council has enquired with local agronomists whether the presence of sodic soils should result in exclusion from mapping of Important Agricultural Land.

The following commentary was provided by a local agronomist:

Soil acidification is a naturally occurring process that is usually accelerated by agricultural production. Soil acidity can limit agricultural production. However in my opinion, these days, it is not considered a major impediment to agricultural production in this region any more than the intrinsic low levels of fertility that exists in the majority of our soil types. The main exception to this is when the soil acid problem is severe at depth (below 20 cm). In my experience, this problematic soil acidity at depth issue is not widespread.

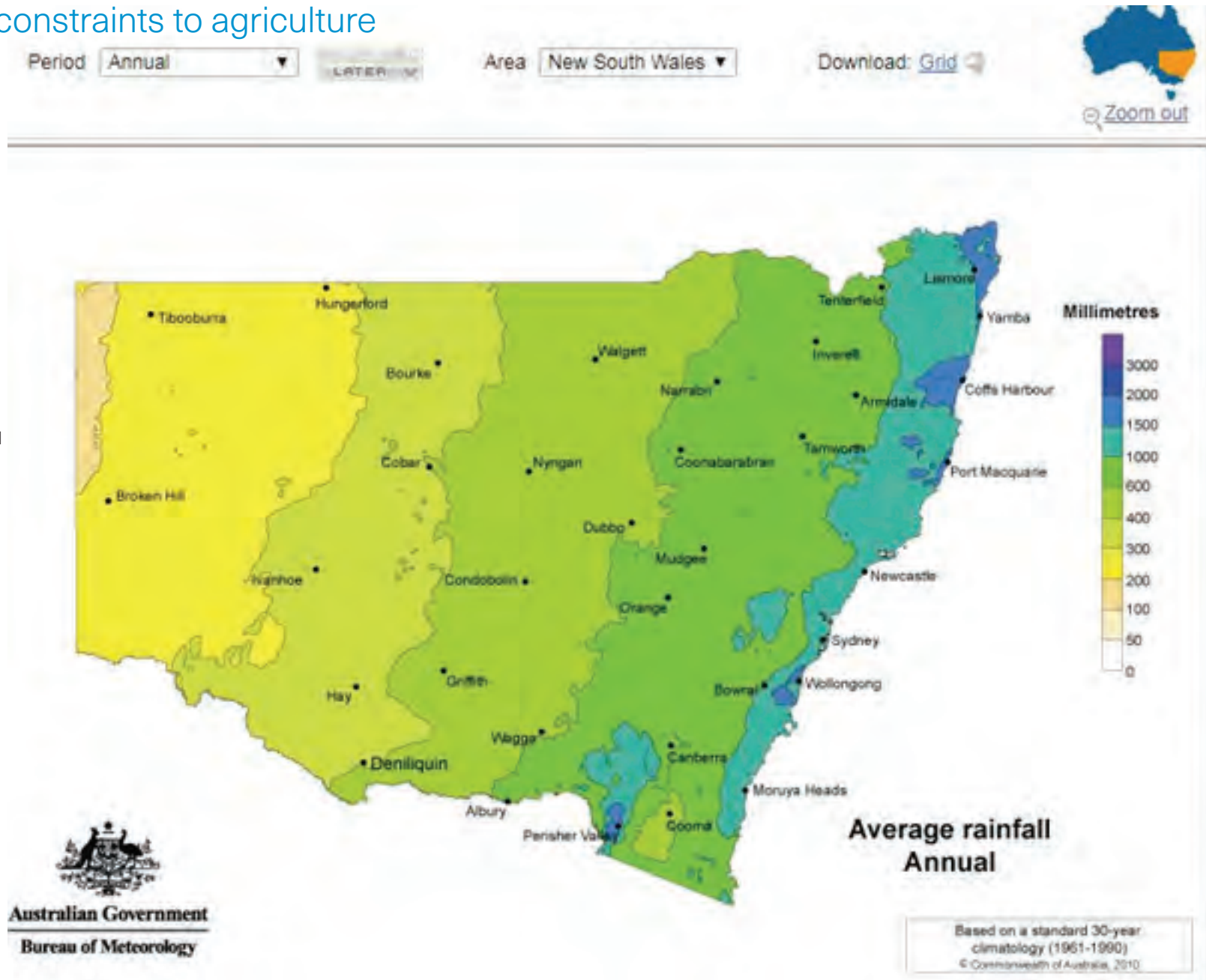
Commonly surface soil acidity is successfully reversed by applying finely crushed limestone. The most common application rate of limestone is 2.5 tonnes per ha. As a guide, good quality limestone costs around \$65/tonne delivered on farm and about \$25/ha to spread. This cost is usually spread across a ten year period which is the time frame before reapplication is required, so about \$19 - \$20 per ha per year.

In my opinion, this input cost is very easy to justify in our medium to high rainfall region. I believe annual rainfall should always be considered as a critical element when valuing agricultural land ahead of many edaphic factors.

Rainfall is the cornerstone of determining production per hectare without the need for providing the infrastructure required for irrigation.

As a nation, we have very limited medium to high rainfall areas suited to agriculture. It follows then that all agricultural land within these medium to high rainfall zone should be considered as important.

An area's biophysical constraints to agriculture



Average Rainfall

Based on the agronomist's comments, Council has considered whether higher rainfall can compensate for low fertility of soils in dryland farming regions. Council provides the following data on rainfall relative to Central Slopes Councils.

- Greater Hume – (Culcairn) 595 mm
- Bland Shire – 482 mm
- Coolamon – 524 mm
- Junee – 522 mm
- Lockhart - The average annual rainfall for the western part of the shire in the Lockhart area is 456.5mm and 518mm for the eastern part of the shire in The Rock area.
- Temora – 529 mm

Sources: Greater Hume SOE report BOM data, Wikipedia, Lockhart Shire Council State of Environment Report, <http://www.temora.com.au/weather.aspx>

An area's biophysical constraints to agriculture

In terms of the value of agricultural production it has been established that Greater Hume Council is as productive or more productive than mapped Central Slope Councils and it could not be coincidental that Greater Hume Council enjoys higher rainfall levels than these Councils.

The Important Agricultural Land Mapping - Riverina Murray Region – Agricultural Profile indicates in that:

“An overall decrease in average rainfall is a concern for industries that are reliant on rainfall (such as winter rainfall dependent cropping) and is likely to increase the dependence and demand on irrigation. The capacity to irrigate to provide the quantity of crops and feed of nutritional value will be important to ensure that sufficient feed is available at critical times when shortages may occur.”

The above statement warrants discussion because it has been shown above that Greater Hume has high average rainfall. Even in years where rainfall is less than normal (this year) primary producers in Greater Hume are able to salvage something from their cropping usually by baling it for feed which is noted as being of critical importance. Anecdotally, other areas despite being mapped as important agricultural lands are not able to salvage as much in dry years.

Unimproved Rural Land Value

Generally market price allows an indication as to the viability of agricultural land. Consequently, Council has undertaken an analysis of the unimproved rural land value and provides the following table on unimproved rural land values comparing Greater Hume Council and Central Slope Councils.

Local Government Area (LGA)	Land Currently Used for Agriculture sq km ¹	2017 Total Rural Land Value ²	Land Value \$ per sq km
Bland	8,019	\$1,174,119,724	146,417
Coolamon	2,264	\$615,437,700	271,836
Greater Hume	4,359	\$1,690,440,310	387,846
Junee	1,874	\$748,210,490	399,258
Lockhart	2,778	\$808,845,750	291,161
Temora	2,580	\$644,236,950	249,704

Source:

1. Table 4, Riverina Murray Region Agricultural Profile
2. http://www.valuergeneral.nsw.gov.au/land_values/valuation_reports

It can be seen in the table that Greater Hume's total land value was higher than all other than Junee LGA per square kilometre.

It can be assumed that primary producers clearly value the attributes of rural land ownership in the Greater Hume Council.

The mapping project has placed too much emphasis on the fertility of soils in deciding what land will be mapped as Important Agricultural Land.

As shown by Council, agronomist issues with soil fertility can easily be ameliorated. What cannot be addressed is rainfall. It has been shown that the value of agricultural production in Greater Hume is as high or higher than other areas and this is likely due to its higher average rainfall. Dryland farming areas with high average rainfall such as Greater Hume are highly valued by primary producers and need to be mapped as Important Agricultural land.

Trends in agriculture such as enterprise switching, intensification, increase in scale, tenure, employment

Agriculture in Greater Hume is quite dynamic and change is occurring constantly. For example recently a lupin production facility has been established in Jindera to produce for human consumption lupin products such as protein flakes, flour and kibble. This business is a paddock to plate business with the lupins being grown locally.

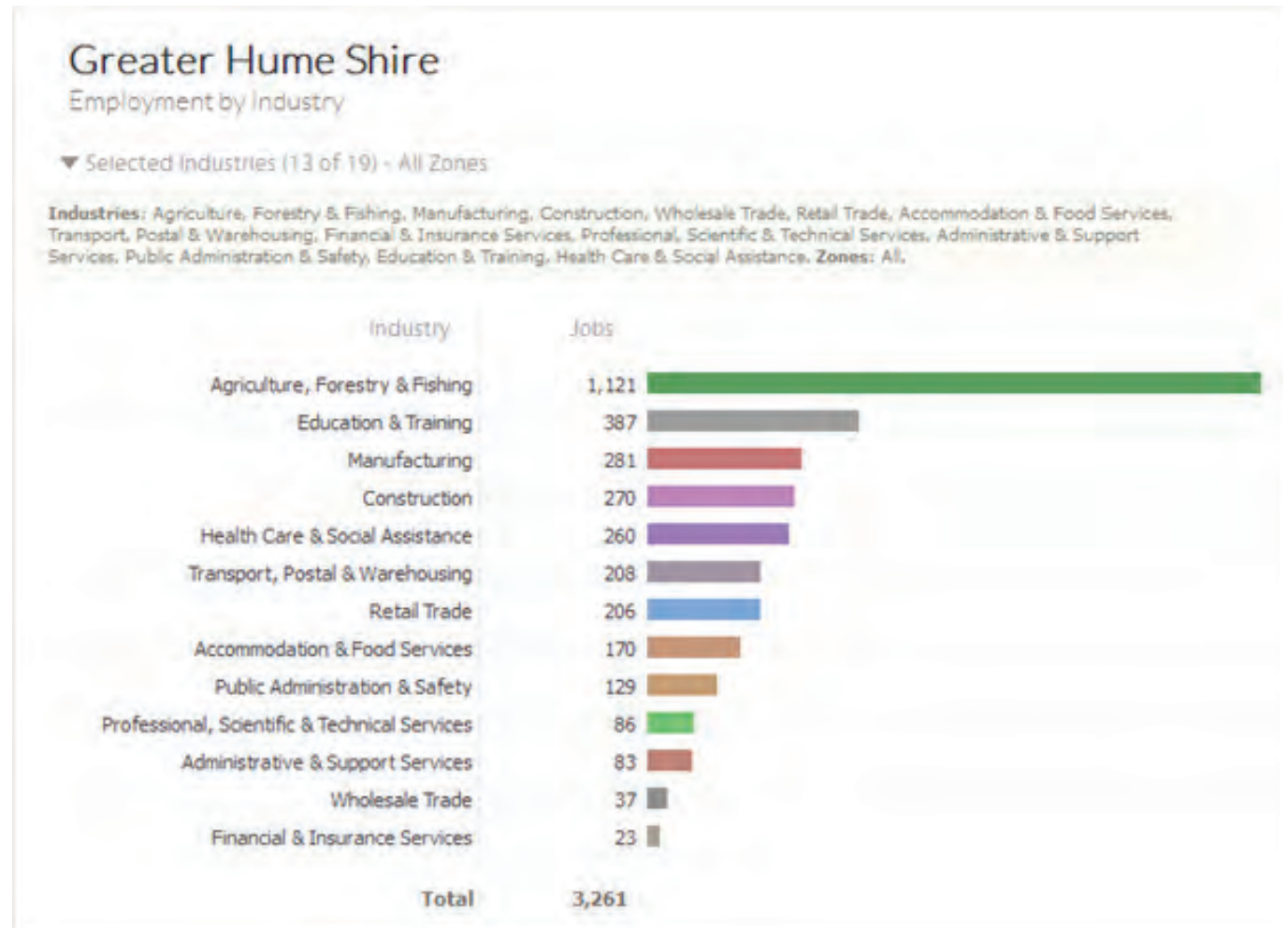
For a range of factors Greater Hume has seen an influx of producers focusing their business on the production of stud animals. These businesses are substantial enterprises generating significant revenue and employing considerable numbers.

There are other developments in agriculture with several intensive livestock businesses being present in the shire and development in free range egg production. Council routinely receives enquiry from people interested in establishing new agricultural industries.

In terms of employment of people agriculture is very significant which is shown in the graph at right.

Agriculture is a significant employer in Greater Hume and despite constant change occurring Council has not seen any evidence of the decline in the viability of agriculture.

As an 'engine of growth' sector for the region's economy, the Albury Wodonga Regional Economic Development Strategy observed that agriculture has experienced employment growth relative to NSW for the period 2011 to 2016.



Source: REMPLAN Economic Profile Greater Hume. Latest REMPLAN data incorporating Australian Bureau of Statistics' (ABS) 2016 Census Place of Work Employment Data, 2014 / 2015 National Input Output Tables and June 2017 Gross State Product.

Future industry development needs and where to target non-agricultural land uses

No specific comment in relation to this factor.

The risk of conflicts between agriculture and other land uses, particularly urban settlement

The Important Agricultural Land Mapping - Riverina Murray Region – Agricultural Profile noted that some areas within the region are becoming satellite residential area and the document cites Jindera as an example. Where this land use change is occurring the document indicates that often land fragmentation and land use conflict occurs.

It is true that there is a land use change to a more residential usage occurring in the vicinity of Jindera but this is small corner of the shire which is 5,746 km².

Council has been very proactive in managing the issues associated with land use change to minimise impacts on primary producers. For example it was one of the first councils in the state to introduce a **Right to Farm Policy** which is given to all potential purchasers of land within the Greater Hume Area.

Land use conflict between agriculture and other land uses is of minimal consequence and has been effectively managed by Council for a considerable period of time.



The impact of changing climate and markets on agricultural land use

In the Riverina Murray region Greater Hume is fortunate to have one of the highest average rainfall and even in dry years the area typically receives more rainfall than other regions. This key factor is significant for agricultural production in the area. It means that producers are typically able to salvage something from their activities. In times of drought anything that can be produced typically enjoys favourable pricing. Consequently to a certain extent the higher average rainfall enjoyed by the area buffers producers against the vagaries that will be encountered due to climate change.

The Important Agricultural Land Mapping - Riverina Murray Region undervalues the importance of higher average rainfall in favour of fertility profiles of soils. With dryer weather likely to be more prevalent under climate change areas such as Greater Hume have better capacity to adapt than areas which have lower average rainfall.

What is required to retain or expand local food production (such as local, organic or niche products, infrastructure, land resources, transport routes and water supply).

It has been established that good quality infrastructure that allow transport of commodities coupled with a high average rainfall will ensure that Greater Hume has plenty of scope to retain or expand local food production. Examples have been discussed being the development of the lupin business, stud animal production and free range egg production.

Greater Hume Council has excellent infrastructure and favourable climatic condition which will continue to ensure the retention and expansion of local food production.

Anomalies Observed with the Important Agricultural Land Mapping - Riverina Murray Region – Agricultural Profile and Mapping

Council wishes to raise some anomalies within the Important Agricultural Land Mapping - Riverina Murray Region – Agricultural Profile and Mapping, with respect to Greater Hume which are discussed below:

1. Table 2 the area farmed in Greater Hume looks to be disproportional low it gives the area farmed as 124,993 hectares in a shire area that is 5746 km². Junee is shown as having 463 825 hectares in a shire with an area of 2028 km².
2. Table 3 which is used to establish subregions defines Upper Murray as most of Greater Hume and all Albury City. This subregion looks to produce significantly less value of agricultural production than other Riverina Murray sub regions in the Important Agricultural Land Mapping - Riverina Murray Region – Agricultural Profile. Council notes that this would be the case because it is a fraction of the land size of those other sub regions.
3. In Table 4 it is indicated that 64% of Greater Hume is Important Agricultural Land but visually this percentage is not reflected in the actual mapping.
4. Mapping - Council has obtained public datasets of relevant files and GIS staff have created respective maps which reveals that the soils of Greater Hume Council area are moderately lower in fertility at worst.

There are significant anomalies within the Important Agricultural Land Mapping - Riverina Murray Region – Agricultural Profile which do not portray Greater Hume Council favourably.



Picture: Prime agricultural land as viewed from Morgan's Lookout, Walla Walla

Conclusion

To conclude Council provides again the main points that it has raised. These points clearly justify that more land within Greater Hume Council warrants mapping as Important Agricultural Land:

1. Greater Hume Council is a local government area where agriculture is the dominant land use by a very significant margin.
2. The Gross Value of Agricultural production from Greater Hume which is primarily not mapped as Important Agricultural Land is equal or better than Council areas that are mapped as Important Agricultural Land.
3. Greater Hume is very well serviced with infrastructure and transport options to support primary production.
4. The mapping project has placed too much emphasis on the fertility of soils in deciding what land will be mapped as Important Agricultural Land. As shown by Council's agronomist, issues with soil fertility can easily be ameliorated. What cannot be addressed is rainfall. It has been shown that the value of agricultural production in Greater Hume is as high or higher than other areas and this is due to its higher average rainfall. Dryland farming areas with high average rainfall such as Greater Hume are valued by primary producers and need to be mapped as Important Agricultural land.
5. Agriculture is a significant employer in Greater Hume and despite constant change occurring Council has not seen any evidence of decline in the viability of agriculture.

6. Land use conflict between agriculture and other land uses is of minimal consequence and has been effectively managed by Council for a considerable period of time.
7. The Important Agricultural Land Mapping - Riverina Murray Region undervalues the importance of higher average rainfall in favour of fertility profiles of soils. With dryer weather likely to be more prevalent under climate change areas such as Greater Hume has better capacity to adapt than areas which have lower average rainfall.
8. Greater Hume Council has excellent infrastructure and favourable climatic condition which will continue to ensure the retention and expansion of local food production.
9. There are significant anomalies within the Important Agricultural Land Mapping -Riverina Murray Region – Agricultural Profile which affect how Greater Hume Council is portrayed.

Key Reference

<https://www.dpi.nsw.gov.au/agriculture/lup/agriculture-industry-mapping/important/riverina-murray-online>





Greater
Hume
Council



Greater
Hume
Council

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To Whom It May Concern

Greater Hume Council Submission – Draft State Significant Agricultural Land Map

It is advised that this submission is prepared by staff of Greater Hume Council in response to the exhibition of the Draft State Significant Agricultural Land Map (new mapping). It is the intention that Council staff will seek Council endorsement of this submission and the endorsed submission will be made at the earliest opportunity.

As indicated in the document “Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System – a report by the Agricultural Commissioner” it is acknowledged there has been some regional important agricultural land mapping that has previously been undertaken. Greater Hume Council is aware that this is the case as it previously made a submission to the Riverina Murray Important Agricultural Lands Mapping Draft Exhibition.

Council staff have reviewed the new mapping that applies for the Greater Hume Council land area. It is considered that Councils submission to the Riverina Murray Important Agricultural Lands Mapping Draft Exhibition is still pertinent to the new mapping as it has been prepared using the same methodology that produced the Riverina Murray Important Agricultural Lands Mapping. Council is disappointed that it’s previous submission has not resulted in the mapping methodology changing and the new mapping designates even less of Greater Hume Councils land area as being State Significant Agricultural Land.

Council’s submission to the Riverina Murray Important Agricultural Lands Mapping (attached) concluded that in response to the draft mapping Council found that more land within Greater Hume Council warrants mapping as Important Agricultural Land for the following reasons:

1. Greater Hume Council is a local government area where agriculture is the dominant land use by a very significant margin.
2. The Gross Value of Agricultural production from Greater Hume which is primarily not mapped as Important Agricultural Land is equal or better than Council areas that are mapped as Important Agricultural Land.
3. Greater Hume is very well serviced with infrastructure and transport options to support primary production.
4. The mapping project has placed too much emphasis on the fertility of soils in deciding what land will be mapped as Important Agricultural Land. As shown by Council’s agronomist, issues with soil fertility can easily be ameliorated. What cannot be addressed is rainfall. It has been shown that the value of agricultural production in

Greater Hume is as high or higher than other areas and this is due to its higher average rainfall. Dryland farming areas with high average rainfall such as Greater Hume are valued by primary producers and need to be mapped as Important Agricultural land.

5. Agriculture is a significant employer in Greater Hume and despite constant change occurring Council has not seen any evidence of decline in the viability of agriculture.

6. Land use conflict between agriculture and other land uses is of minimal consequence and has been effectively managed by Council for a considerable period of time.

7. The Important Agricultural Land Mapping – Riverina Murray Region undervalues the importance of higher average rainfall in favour of fertility profiles of soils. With dryer weather likely to be more prevalent under climate change areas such as Greater Hume has better capacity to adapt than areas which have lower average rainfall.

8. Greater Hume Council has excellent infrastructure and favourable climatic condition which will continue to ensure the retention and expansion of local food production.

9. There are significant anomalies within the Important Agricultural Land Mapping - Riverina Murray Region– Agricultural Profile which affect how Greater Hume Council is portrayed.

The document “Improving the Prospects for Agriculture and Regional Australia in the NSW Planning System – a report by the Agricultural Commissioner” states that the State Significant Agricultural Land Mapping could be used in Schedule 1 of the Primary Production and Rural Development SEPP which has objectives to protect agricultural land.

The information supplied with the new mapping indicates that it is an initial attempt to delineate State Significant Agricultural Land and it will be improved upon overtime. Council is concerned that this approach will leave very high quality agricultural land within Greater Hume vulnerable to development which may not be compatible with adjoining agriculture. There is no methodology provided for how the mapping will evolve and no timetable for this to occur.

Consequently the new mapping should only be finalised when a broad range of factors are incorporated within the mapping and these include:

- Is agriculture the predominant land use within a locality?
- How does the gross value of agricultural production compare between similar localities?
- Does a locality have existing value adding enterprises and the availability of necessary infrastructure?
- Can limitations with soil parameters be easily ameliorated and is there other factors such as higher annual rainfall which can offset deficiencies with soil parameters?
- What are the land values for agricultural land of one locality in comparison to another? Land values for agricultural land must be a strong indicator as to its worth for agricultural production?
- How will climate change effect agricultural land, should greater emphasis be given to mapping areas that have higher annual rainfall.

Greater Hume Council commends the Department of Primary Industries for its efforts to delineate State Significant Agricultural Land. Although Council believes that an evolutionary approach to the mapping will leave high quality agricultural land unprotected and vulnerable to incompatible land uses. Council would like to see the draft mapping consider many of the abovementioned factors as to do so will certainly ensure that much more of the Greater Hume Council area is delineated as State Significant Agricultural Land.

Should you wish to discuss any aspects of this submission then please contact the undersigned on ckane@greaterhume.nsw.gov.au or during office hours via 02 6044 8928.



Colin Kane

Director Environment & Planning

GREATER HUME COUNCIL

31 January 2022

From: Lea Parker
Sent: Wednesday, 2 February 2022 2:50 PM
To: Steven Pinnuck; Heather Wilton; Tony Quinn
Subject: Fwd: Holbrook Pool

Hello all,

Please find attached a request from the Margot Pitzen on behalf of the holbrook pool committee to extend the swimming season.

Looking at the attendance numbers at Jindera pool the numbers really low until the month of December but they may be because of the season we have had.

Thanks

Lea

Sent from my iPad

Begin forwarded message:

From: Office <office@ingleburn.net.au>
Date: 2 February 2022 at 2:44:59 pm AEDT
To: Lea Parker <LParker@greaterhume.nsw.gov.au>
Subject: FW: Holbrook Pool

From: Margot Pitzen <realestate@landmarkpitzen.com.au>
Sent: Wednesday, 2 February 2022 9:24 AM
To: Russel & Lea Parker <russandlea@westnet.com.au>
Subject: Holbrook Pool

Good Morning Lea

I am writing to say Thankyou!

We have a beautifully clean pool with so many patrons enjoying our wonderful facility again.

The Holbrook Amateur Swimming Club is having an exceptional year with close to 200 members.
(Over 150 aged 0 – 18, and majority of them are school aged kids)

11 Qualifies swimming teachers/coaches who assist with squad training every Tuesday, Thursday & Saturday.

We ran a very success First Laps program during the School Holiday period with 31 registered participates accessing the Service NSW First Laps Vouchers.

74 students used Service NSW Vouchers to pay Squad Fees.

I am also working with Sue Winnett from Meal on Wheels & Murrumbidgee Local District Health to provide gentle exercise classes for the elderly in the near future (aiming to start next week).

Our current weekly program includes:

Tuesday 8am Aqua Fitness Class, 9am Mum's & Bub's 3.45 – 6.30pm Squad

Wednesday 4pm – 6pm Water Polo, 6pm Aqua Fitness Class
Thursday 3.45 – 6.30pm Squad
Friday 5.30pm Pointscore (over 60 weekly swimmers)
Saturday 7.15am Cardio Squad, 8am Aqua Fitness Class, 8.45am Stroke Correction, 9am
Mum's & Bub's class

Triathlon March 13th , always well attended.

Last year we had 11 Holbrook students from 5 different schools attend State Carnivals that did not conclude until May.

In the past we have asked to keep the pool open to those swimmers who need to continue to train, this request has been granted for a number of years.

Given we lost time during the cleaning period, many days lost due to inclement weather this season, could I ask you to request on behalf of the Holbrook pool users that the pool remains open to the public until the end of March.

Thankyou for your time.

Kind regards

Margot Pitzen

Director

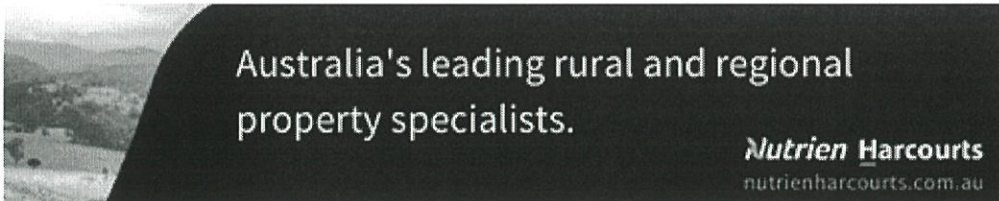
Nutrien Harcourts Holbrook

P **02 6036 2033**

M **0407 658 401**

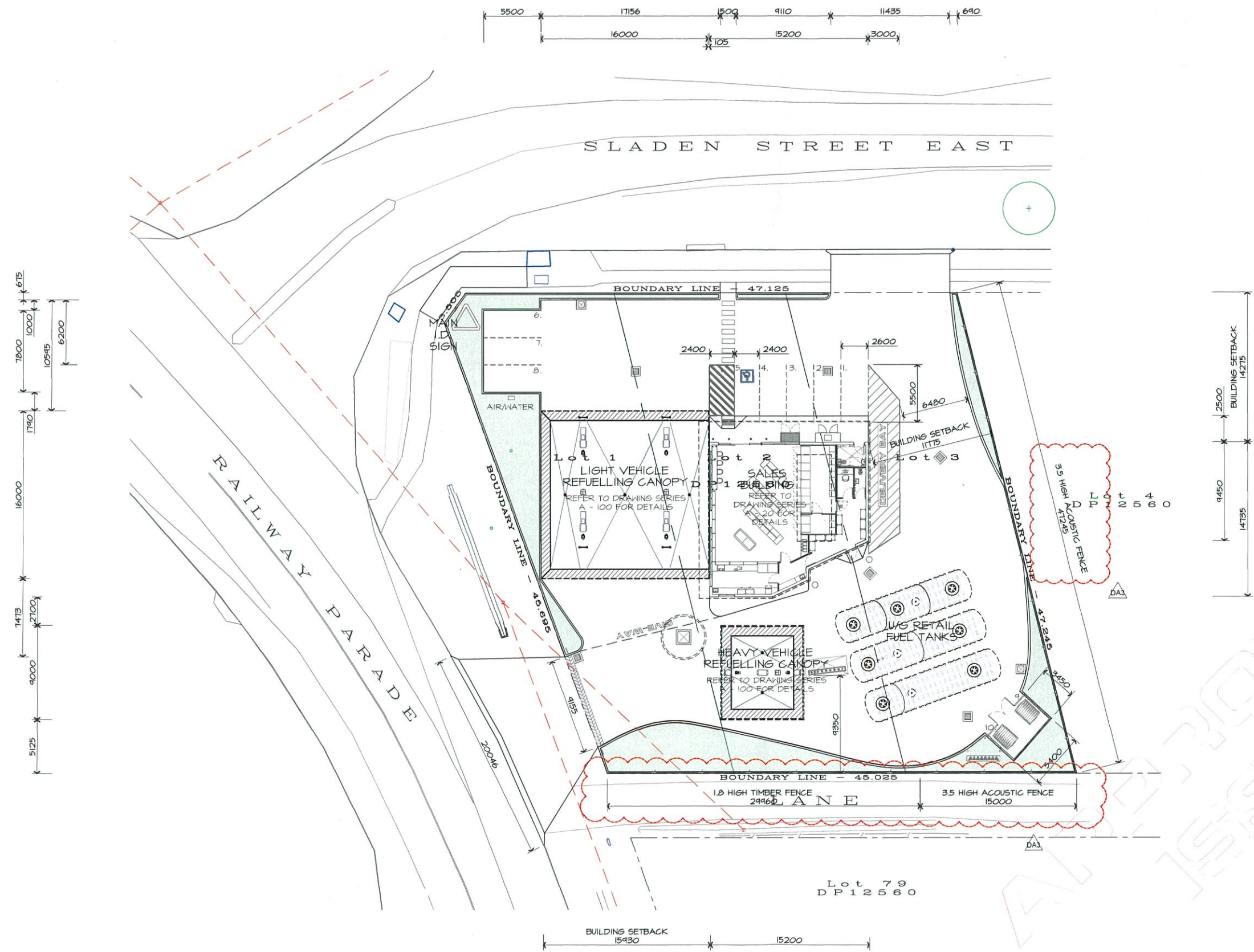
E realestate@landmarkpitzen.com.au

W www.nutrienharcourts.com.au

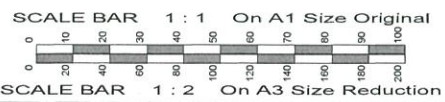


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nutrienharcourts.com.au

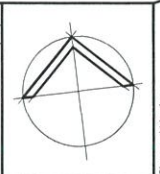


DIMENSIONED SITE PLAN



ISSUED FOR DEVELOPMENT APPROVAL
NOT FOR CONSTRUCTION

No.	Amendment	By	Date
P1	PRELIMINARY ISSUE FOR DISCUSSION PURPOSES ONLY. NOT FOR CONSTRUCTION.	VP	11.03.2021
DA1	ISSUED FOR DEVELOPMENT APPROVAL ONLY. NOT FOR CONSTRUCTION.	VP	31.03.2021
DA2	FILL POINT RELOCATED. RE- ISSUED FOR DEVELOPMENT APPROVAL. NOT FOR CONSTRUCTION.	VP	18.10.2021
DA3	FENCINGS AMENDED. RE- ISSUED FOR DEVELOPMENT APPROVAL. NOT FOR CONSTRUCTION.	VP	28.01.2022



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Building Design

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Chartered Member:
BUILDING DESIGNERS AUSTRALIA
Member No: 1887
Queensland: QRECC 1082914

Project
PROPOSED SERVICE STATION
LOT 1, 2 & 3 DP12560 - RAILWAY PARADE Cnr SLADEN STREET EAST
HENTY NSW 2658
FOR
NORTH MANILA PETROLEUM Pty Ltd

Drawing Title
DIMENSIONED SITE PLAN

Approved	Designed
Date March 2021	VP
Scale 1:200 @ A1 & 1:400 @ A2	VP
Project No. 19 - 045	Checked
Drawing No. A - 03	Amtd. DA3

ALL ACCESSIBLE PARKING AND SHARED ZONE ALL IN ACCORDANCE WITH AS2890.6

OUTLINE OF ACP FASCIA FRAME OVER. REFER TO ELEVATIONS FOR DETAILS.

KERB RAMP TO BE IN ACCORDANCE WITH AS 1428.1.

FRAMELESS GLASS AUTOMATIC SLIDING DOOR.

PAINTED STEEL FRAMED CONCRETE FILLED BOLLARDS.

ALUMINUM FRAME BLIND MULLION SHOPFRONT GLAZING. REFER TO ELEVATIONS FOR EXTENT.

PAINTED FC SHEETING OVER STEEL FRAMED EXTERNAL WALLS. COLOURS TO SUIT FUTURE TENANT DETAILS. REFER TO ELEVATIONS FOR EXTENT.

OUTLINE OF ACP FASCIA FRAME OVER. REFER TO ELEVATIONS FOR DETAILS.

OUTLINE OF LIGHT VEHICLE CANOPY OVER.

ALL INTERNAL LAYOUTS/JOINERY/EQUIPMENT INDICATIVE ONLY AND TO BE FINALISED TO FUTURE DETAILS.

ALUMINUM FRAME BLIND MULLION SHOPFRONT WINDOW.

RAISED CONCRETE PLINTH.

OUTLINE OF ACP FASCIA FRAME OVER. REFER TO ELEVATIONS FOR DETAILS.

ALL LINE PARKING LINE MARKINGS TO BE IN ACCORDANCE WITH AS 2890.1. WITH 100mm HIGH PLINTH TO ALLOW 600mm VEHICLE OVERHANGS.

RAISED CONCRETE PLINTH.

OUTLINE OF COLORBOND EAVES GUTTER OVER.

PAINTED PAVEMENT MARKING TO IDENTIFY DELIVERY BAY PARKING AREA.

PAINTED FC SHEETING OVER STEEL FRAMED EXTERNAL WALLS. COLOURS TO SUIT FUTURE TENANT DETAILS. REFER TO ELEVATIONS FOR EXTENT.

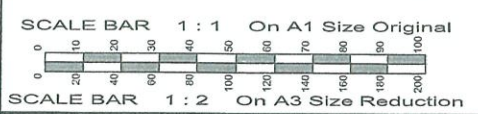
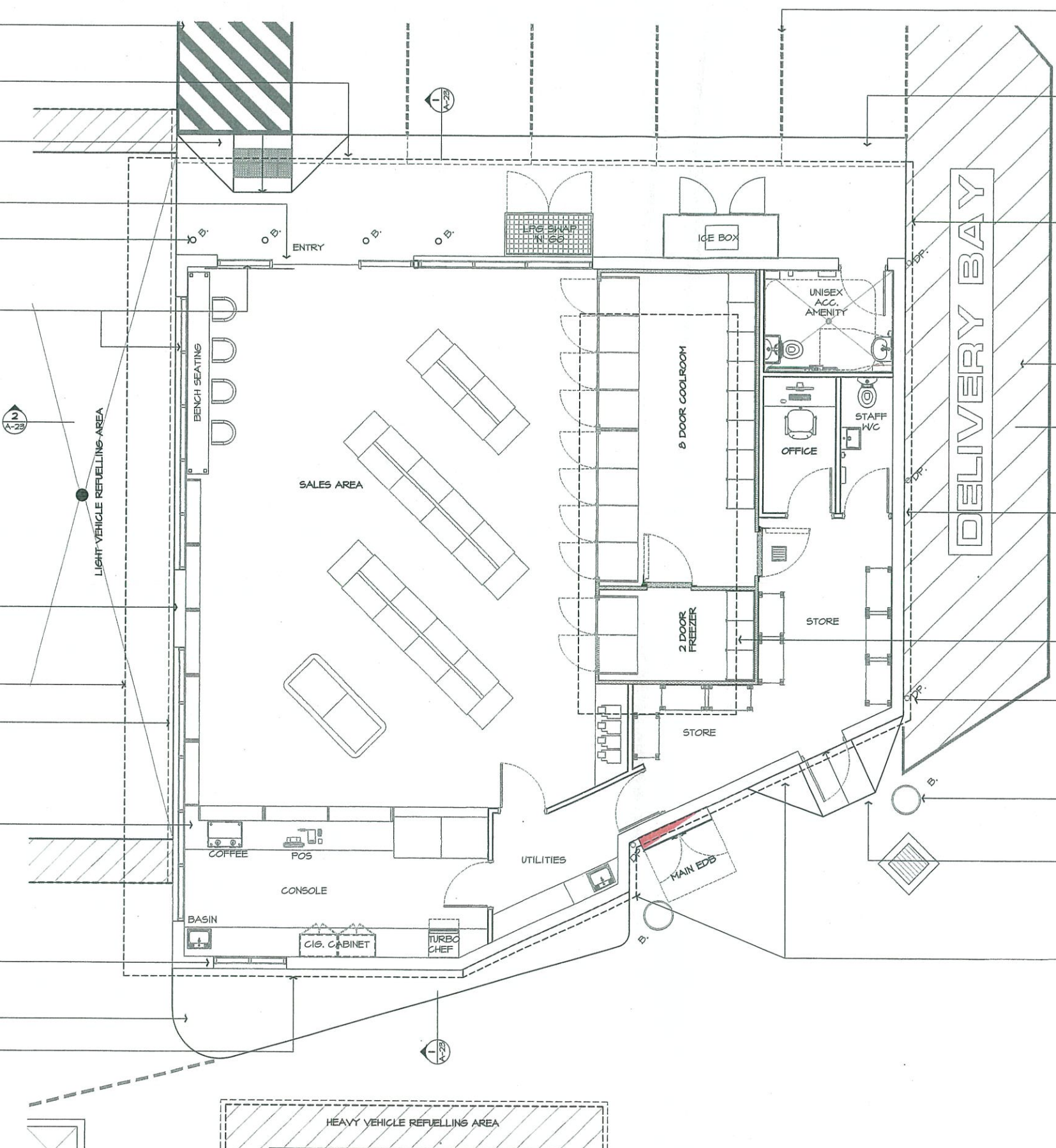
OUTLINE HVAC ENCLOSURE OVER. REFER TO DRAWING A - 22 ROOF PLAN FOR DETAILS.

PAINTED PVC DOWNPIPES.

DENOTES LOCATION OF Ø600 PAINTED CONCRETE.

KERB RAMP ACCESS TO SALES BUILDING STORE AREA.

OUTLINE OF COLORBOND EAVES GUTTER OVER.



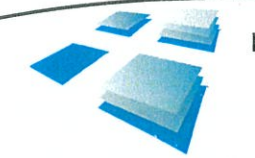
PROPOSED SALES BUILDING PLAN

ISSUED FOR DEVELOPMENT APPROVAL
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No.	Amendment	By	Date
PI	PRELIMINARY ISSUE FOR DISCUSSION PURPOSES ONLY. NOT FOR CONSTRUCTION.	VP	11.03.2021
DAI	ISSUED FOR DEVELOPMENT APPROVAL ONLY. NOT FOR CONSTRUCTION.	VP	31.03.2021

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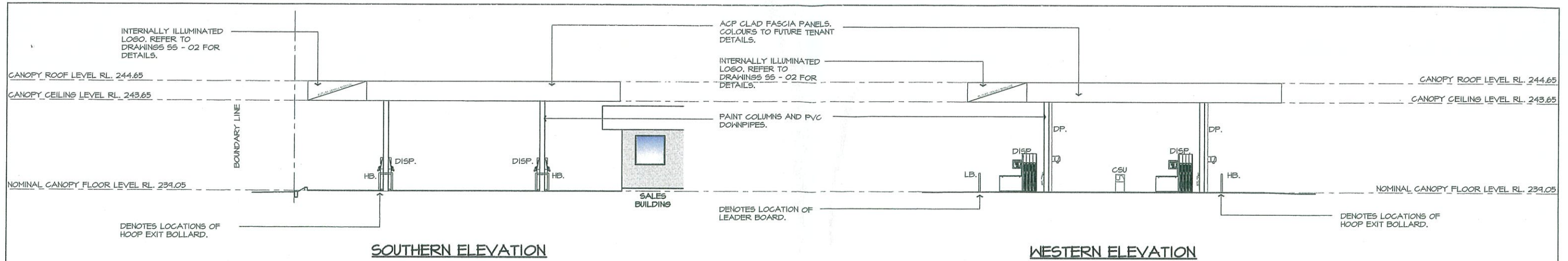
Registered Professional Building Designers AUSTRALIA
Accredited Building Designer: 6318
Victoria: RBP DPA-AD 15529
Downloaded: CCCC 18/07/14
Document: PMP 02011



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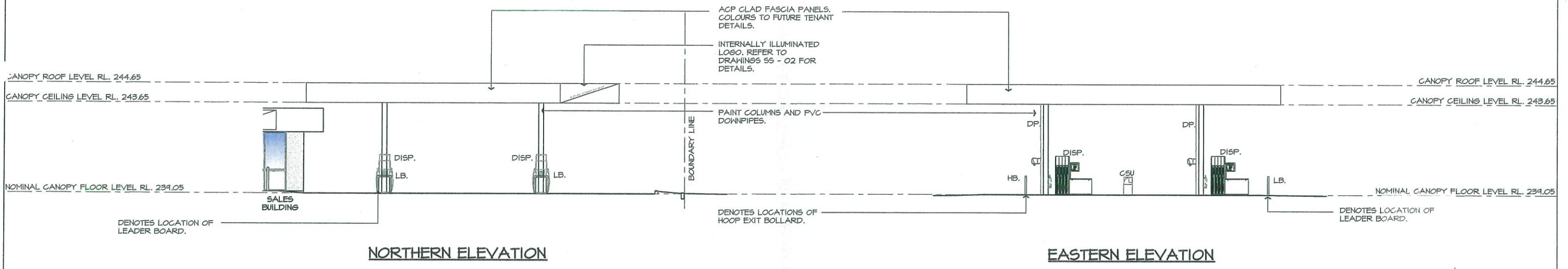
Project
PROPOSED SERVICE STATION
LOT 1, 2 & 3 DPI2560 - RAILWAY PARADE Cnr SLADEN STREET EAST
HENTY NSW 2658
FOR
NORTH MANILA PETROLEUM Pty Ltd
Drawing Title
SALES BUILDING FLOOR PLAN

Approved	Designed
Date	Drawn
March 2021	VP
Scale	Checked
1:50 @ A1 & 1:100 @ A2	
Project No.	Drawing No.
19 - 045	A - 20
	Amdt.
	DAI



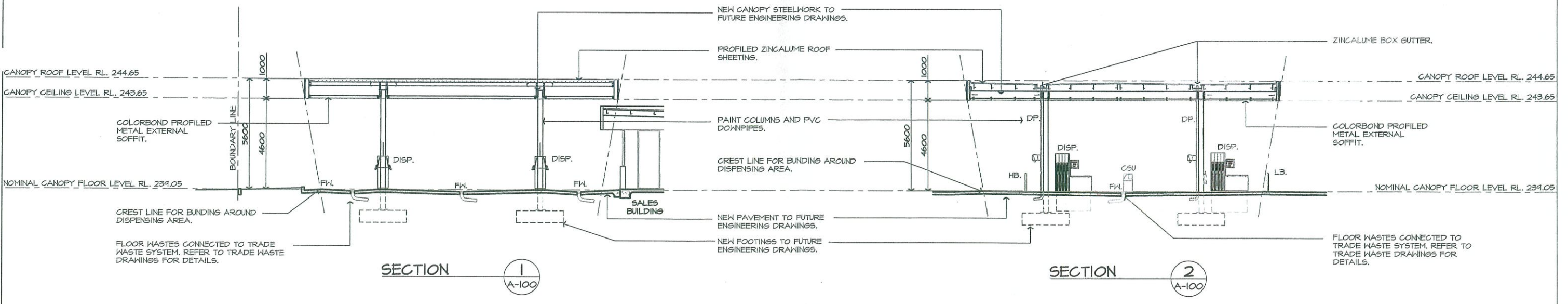
SOUTHERN ELEVATION

WESTERN ELEVATION



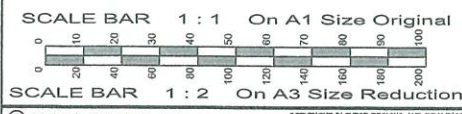
NORTHERN ELEVATION

EASTERN ELEVATION



SECTION 1 A-100

SECTION 2 A-100



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 Multi-Discipline Design • Project Management

PROPOSED SERVICE STATION
 LOT 1, 2 & 3 DP12560 - RAILWAY PARADE Cnr SLADEN STREET EAST
HENTY NSW 2658
 FOR
NORTH MANILA PETROLEUM Pty Ltd
 Drawing Title
LIGHT VEHICLE REFUELLING CANOPY ELEVATIONS & SECTIONS

Approved	Designed
Date	Drawn
March 2021	VP
Scale	Checked
1:100 @ A1 & 1:200 @ A3	
Project No.	Drawing No.
19 - 045	A - 101
	Amtd.
	DAI

PLANT SCHEDULE

BANKSIA MARGINATA



SILVER BANKSIA
5.0m H x 5.0m W
150 mm

Bm - 2 OFF



DORYANTHES EXCELSA



GYMEA LILY
3.0m H x 1.5m W
45 L

De - 8 OFF



DIANELLA CAERULEA 'LITTLE JESS'



FLAX LILY, PAROO LILY
0.5m H x 0.5m W
TUBE

Dc - 30m² @ 5/m²



CAREX APPRESSA



TALL SEDGE
1.0m H x 0.6m W
TUBE

Ca - 60 OFF



ERIOSTEMON MYOPOROIDES



LONG LEAF WAX FLOWER
1.5m H x 1.5m W
150 mm

Em - 6 OFF



LOMANDRA LONGIFOLIA SP.



MAT RUSH
0.9m H x 1.2m W
150 mm

LI - 10



SLADEN STREET EAST

MASS PLANTING - Dc
9m² @ 5/m²

EXISTING STREET TREE TO BE REMOVED AND RELOCATED AS SHOWN OR NEW TREE PLANTED TO MATCH EXISTING. ALL TO SUIT COUNCIL REQUIREMENTS.

FORMAL PLANTING
Dc - 10m² @ 5/m²
Ca x 23
LI x 8
Em x 6

FORMAL PLANTING
Dc - 4m² @ 5/m²
Ca x 10

MASS PLANTING - Dc
8m² @ 5/m²

FORMAL PLANTING
Dc - 5m² @ 5/m²
Em x 1
Ca x 12
LI x 3
De x 5

FORMAL PLANTING
Bm x 1
Ca x 14
De x 3

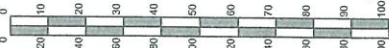
HATCH DENOTES MULCHED AREAS, REFER TO DRG. No. L-02 FOR DETAILS

Lot 79
DP 12560

LANDSCAPE PLAN

PROVIDE SUBSOIL DRAINAGE AND PIPEWORK FOR AUTOMATIC IRRIGATION SYSTEM TO ALL LANDSCAPED AREAS. REFER TO DRG. No. L-02 FOR DETAILS. PROVIDE 40mm PVC CONDUIT UNDER CONCRETE PAVED AREAS WHERE REQUIRED.

SCALE BAR 1 : 1 On A1 Size Original



SCALE BAR 1 : 2 On A3 Size Reduction

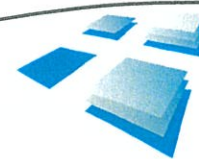
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Chartered Member:
BUILDING DESIGNERS AUSTRALIA
Accredited Building Designer - 6318
Accredited Building Designer - 102714
Accredited Building Designer - 102714
Terrains - ABP CCG719



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Project
PROPOSED SERVICE STATION
LOT 1, 2 & 3 DP12560 - RAILWAY PARADE Cnr SLADEN STREET EAST
HENTY NSW 2658
FOR
NORTH MANILA PETROLEUM Pty Ltd
Drawing Title
LANDSCAPE PLAN

ISSUED FOR DEVELOPMENT APPROVAL
NOT FOR CONSTRUCTION

Approved	Designed
	VP
Date March 2021	Drawn VP
Scale 1:200 @ A1 & 1:400 @ A3	Checked
Project No. 19 - 045	Drawing No. L - 01
	Amtd. DAI



437023

Partners
Peter O'Dwyer
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Our Ref: 21003400Le01p
11 May 2021

Colin Kane
Director Environment & Planning
Greater Hume Council
PO Box 99
HOLBROOK 2644

By Email: mail@greaterhume.nsw.gov.au

Dear Colin

**RE: DA10.2021.72.1 SERVICE STATION
CNR RAILWAY PARADE & SLADEN STREET EAST, HENTY**

EDM Group have been engaged by June Bahr of 13 Sladen Street East, Henty to prepare a letter of OBJECTION in response to DA10.2021.72.1 for a proposed Service Station at the corner of Railway Parade and Sladen Street East. In support of this objection the following comments are provided:

Site Context

1. Firstly, notwithstanding the contention that in-formal Pre-DA email communications have been exchanged with Council and issues discussed addressed within the Statement of Environmental Effects (SEE) prepared by R.J. Sinclair Pty Ltd, perusal of the SEE raises a legitimate question as to whether the author of that report has actually inspected the site.
2. It is the case that there is in fact a complete lack of any detailed statement or description of the immediate locality. The only acknowledgement of any adjoining and nearby residential development is found within the following single sentence.

"The site is bound by a lane way and commercial property to the south, residential property to the east and north opposite Sladen Street East and Henty Railway Station to the west opposite Railway Parade."

That's it. Given the lack of any commentary in respect of relevant characteristics of the subject land it's almost as if the author of the report has simply relied upon Google Earth to come up with the above description. Indeed, there aren't even any photos provided to assist in the understanding of site context etc.

Application deficiencies

There are a number of significant short comings with the Application itself which should be addressed prior to any determination by Council. Relevant issues of concern include:

3. Lack of a Traffic Impact Assessment Report. There are a range of significant matters that at the very least should be covered in any TIA, including:

Environment Design Management

Town Planning Surveying Engineering Environmental Planning Building Design Project Management

- a. Estimate of traffic generation and distribution;
 - b. Suitability of the proposed access arrangements;
 - c. Determination of likely traffic impacts on the existing road network;
 - d. Identification of any necessary mitigation works;
 - e. Determination of the car and bicycle parking demand.
4. Lack of an appropriate response to the requirements of SEPP No. 33 – Hazardous and Offensive Development. Under the SEPP provisions the proposal is considered to be “potentially hazardous or offensive” until a Risk Screening and Preliminary Hazard Analysis Report determines otherwise.

As a minimum, such a report should be prepared by a suitably qualified practitioner. It is certainly unclear what qualification and experience the author of the SEE Report has to provide a level 1 qualitative risk analysis to confirm that the site is safe and/or make the statement that “SEPP 33 does not apply to this proposal” (see page 18 of SEE).

5. Lack of an Acoustic Report to address existing and likely future noise levels at nearby sensitive receptors. Among other things, such a report should be required by Council so as to be able to determine whether any acoustic barriers would be required for the development to achieve compliance at all relevant nearby residences.
6. The SEE is deficient in respect of any commentary on amenity impacts upon existing residential properties within close proximity of the subject land.
For instance the SEE makes no acknowledgement of the accepted principle that development should, where relevant, seek to minimise impact on adjoining residential amenity. The report itself not only downplays any likely sources of amenity impact (eg noise) but completely omits any detailed discussion in respect of future 24 hour operations upon the immediate neighbourhood.
7. Lack of any commentary or consideration of relevant objectives of SEPP (Infrastructure) given that the proposal is not only Development with frontage to classified road (s.101) but that it also relates to Traffic Generating Development as defined (s.104).
8. Lack of Landscape details available online to cross check against SEPP No 64 – Advertising and Signage criteria.
9. Lack of Signage and Lighting details.

Other Issues

In addition to the above, it is apparent from a perusal of the plans available at the Council website that the proposal represents an overdevelopment of the site as currently proposed to be configured.

Issues of concern include, in no specific order of priority:

- Lack of detail on intersection treatments;
- Issues associated with policing the proposed one-way traffic movement utilising two different frontages;
- Lack of parking for light vehicles with trailers/caravans in tow;
- The SEE contends that there are 18 parking spaces including stacked vehicles at fuel bowzers. There is no analysis as to whether the short fall in car parking (i.e. only 8 dedicated spaces provided) is satisfactory in the circumstances;
- Issues with proposed access and possible queuing conflicts associated with articulated heavy vehicles (including B-doubles);

- Conflict which will be likely to occur with light vehicle queuing on site impacting on a number of other movements (eg access/egress from parking sites 6-8);
- No swept paths and/or vehicle stacking plans available online to analyse proposed vehicle movements;
- Lack of any apparent expertise or qualification to make the contention that the proposal is suitable and safe from a traffic management perspective (see page 33 of SEE);
- Lack of any apparent expertise or qualification to make a contention there will be no negative impacts as a consequence of noise (see page 34 of SEE); and
- Lack of details regarding Area Lighting and possible light spill.

Concluding comments

Having regard to the above, genuine concerns are raised in respect of noise, privacy and traffic impacts which have been completely downplayed and/or omitted from the assessment of environmental impacts as prepared by R.J. Sinclair Pty Ltd.

In conclusion having regard to Clause 4.15 of the EP&A Act in respect of the matters for consideration in determining a development application, it is clear that the lack of detail and information provided by the applicant, would mean that Council would not be in a position to be satisfied in respect of:

- the likely impacts of the development in the locality;
- the suitability of the site for the development; and
- the public interest.

As a consequence of the above, our client who is situated nearby at No 13 Sladen Street East strongly objects to the proposal.

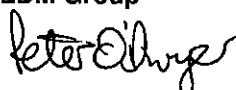
Further to this objection it would, at the very least, be expected that:

- i. if the matter was to proceed any further that as a minimum the application would be held in abeyance until further information is obtained to allow a more thorough assessment of the proposal; and
- ii. that all submitters would be notified of any modification of the application including receipt of any relevant additional information.

Should you have any further enquiries or want any further clarification in relation to the above, please contact the Wodonga Office.

Yours faithfully

EDM Group



Peter O'Dwyer
Manager Planning & Environment

437276
JUNE BARR
13 SLADEN ST EAST
HENTY 2658
11-05-21

0269293154

Mr. Colin Kane,
Director of Environment and Planning,
Greater Hume Council.

Dear Sir,

I, the undersigned hereby wish to strongly object to the Development Application No. 10. 2021, 72.1... concerning Railway Parade and Sladen Street East, Henty for a new service station applied for by R.J. Sinclair Pty. Ltd. and recently submitted to Greater Hume Shire Council.

The Statement of Environmental Effects clearly states that RU Village Zoning guidelines are to protect the amenity of residents. The Opening of a 24-hour service station in this residential area will certainly destroy the peace and quiet, (amenity), with the vacuum and all vehicle braking noises, vehicles backing, the metallic sounds of nozzles banging on fuel tanks and people coming and going at all hours. Not to mention the noise generated by livestock in stationary stock trailers or the compressors working in refrigeration vans!

There will also be much brighter and annoying, distracting lighting to contend with and vehicle lights shining brightly as well.

At present the unbroken double lines prevent traffic crossing Sladen Street East as far as Graham ST By reducing the length of these lines, it will create a traffic hazard or these lines would not have been created in the first place. It will also create a dangerous area for school children walking on the footpath and elderly citizens crossing the Olympic Way with their wheelie-walkers and/or gophers.

A service station on the north side of Sladen Street East on the Olympic Way was not able to attract enough custom to stay open and we already have two other service stations adjoining this proposed new service station, but in a less populated residential area on the highway.

The entrance planned to allow access to this new service station will create major problems for a number of weeks at the time of the Henty Machinery Field Days, backing traffic up onto the Olympic way as vehicles wait to turn into the area to access the pumps.

Because of the nuisance this proposed new business will be to a number of residents in this area, we hope Greater Hume Shire Council will maintain the quiet environment in Henty that people come to enjoy... and refuse the application.

Yours faithfully,

June Barr
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437014

JUNG BARR
13 SLADEN ST EAST
HENTY
11-05-21

11 MAY 2021

Mr. Colin Kane,
Director of Environment and Planning,
Greater Hume Council.

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I, the undersigned hereby wish to strongly object to the Development Application No. 10. 2021, 72.1... concerning Railway Parade and Sladen Street East, Henty for a new service station applied for by R.J. Sinclair Pty. Ltd. and recently submitted to Greater Hume Shire Council.

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Yours faithfully,

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#437014

WOLFEANE & FLORIA DITTKO

11 MAY 2021

21 DAY ST

HENTY 2658

11-05-21

Mr. Colin Kane,
Director of Environment and Planning,
Greater Hume Council.

Dear Sir,

We, the undersigned hereby wish to strongly object to the Development Application No. 10. 2021, 72.1... concerning Railway Parade and Sladen Street East, Henty for a new service station applied for by R.J. Sinclair Pty. Ltd. and recently submitted to Greater Hume Shire Council.

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At present the unbroken double lines prevent traffic crossing Sladen Street East as far as Graham Avenue. By reducing the length of these lines, it will create a traffic hazard or these lines would not have been created in the first place. It will also create a dangerous area for school children walking on the footpath and elderly citizens crossing the Olympic Way with their wheelie-walkers and/or gophers.

A service station on the north side of Sladen Street East on the Olympic Way was not able to attract enough custom to stay open and we already have two other service stations adjoining this proposed new service station, but in a less populated residential area on the highway.

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Because of the nuisance this proposed new business will be to a number of residents in this area, we hope Greater Hume Shire Council will maintain the quiet environment in Henty that people come to enjoy... and refuse the application.

Yours faithfully,

Wolfeane Dittko
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#43704

11 MAY 2021

19 Graham Street,
HENTY.NSW 2658

10th May, 2021

Mr Colin Kane,
Director Environment and Planning
GREATER HUME COUNCIL

Dear Sir,

Re Development Application No: 10.2021.72.1

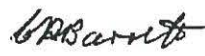
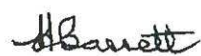
As residents of 19 Graham Street, Henty we are writing to express our objection to the proposed Service Station to be erected on the corner of Railway Parade and Sladen Street East, Henty.

We think that three service stations close together would be detrimental to each other. Also of concern is the safety of a number of school children and elderly citizens who use the Footpath.

We feel the noise from the coolers and delivery vehicles would also be disturbing. The vehicles entering the site to have to cross over double white lines in Sladen St East. A number of heavy vehicles use Graham Street now at night and we feel when others get to know that if they are travelling south that if they turn into Fox Street, then Graham Street they can enter virtually straight into the site. Having driven heavy vehicles myself it would be difficult for vehicles exiting to the south to be able to keep on the correct side of Railway Parade, when turning.

During the month of September when the Henty Machinery Field Days traffic begins and the actual three days of the event, the interruption would be enormous to traffic conditions. We hope the above points are taken into consideration when the decision is being reviewed.

Yours faithfully,

Colin Barrett Heather Barrett

#26279
#26280

Mobile 0422 870230
Email cahj.barrett@yahoo.com.au

10 MAY 2021

DA. 10. 2021. 72

#436832

VIVIENNE GREEN

#26598

12 SLADEN ST EAST

HENTY 2658

ADRIAN GILBY

BUILDING SURVEYOR

GREATER HUNTS COUNCIL

Dear Sir

I am writing this letter to state my objections to a proposed service station to be built on the vacant lot the corner of Railway Parade and Sladen St East in Henty.

Henty does not require this development - we have an adequate service station that serves us well.

Key other concerns are - the safety of elderly residents and school children using the footpath with cars & trucks entering the service station.

This intervention can be busy without extra traffic and would certainly put pedestrians at risk of being hit or injured.

It would also be a noise issue for traffic & it would also devalue residents homes.

Yours faithfully
Vivienne Green

437276

26588+89 Constance Ross
32 Sladen Street E.
Henty, N.S.W., 2658

jro20195@bigpond.net
.au

Mr. Colin Kane,
Director of Environment and Planning,
Greater Hume Council.

Dear Sir,

We, the undersigned hereby wish to strongly object to the Development Application No. 10. 2021, 72.1... concerning Railway Parade and Sladen Street East, Henty for a new service station applied for by R.J. Sinclair Pty. Ltd. and recently submitted to Greater Hume Shire Council.

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Because of the nuisance this proposed new business will be to a number of residents in this area, we hope Greater Hume Shire Council will maintain the quiet environment in Henty that people come to enjoy... and refuse the application.

Yours faithfully,

~~Boris Junak 10 Sladen St East Henty NSW~~

~~Jauren Coe LAUREN COE 420 KENDALLS RD HENTY NSW~~

~~Judy Zweck 19 Sladen St East, Henty 2658~~

~~Constance Ross 32 Sladen St E Henty, N.S.W. 2658.~~

~~John Ross John Ross 32 Sladen St. E. Henty 2658~~

~~Bahr 13 Sladen St East Henty 69293154~~

ackltd mailed
18/6/2021

#440150
40 Bladen St
Henty NSW 2658
11 June 2021

16 JUN 2021

The General Manager
Greater Hume Council
PO Box 99 Holbrook NSW 2644

10.2021.72

Dear Mr Pennock,

Re: Application to develop a 24 Hour Service Station in Henty.

I strongly object to a 24 hour service station, that will also cater for B-Doubles, being built near Henty homes in the residential area. This area was surveyed in 1923 into house lots and has been classed as residential since that time.

Graham Street and along Bladen St East has been favoured for many years by farmers from Henty area, Pleasant Hills and Lockhardinia choosing to retire in Henty. The early phone books from 1949 on, name those retired people who continued to work for the good of the community just as today's retired & others living in the area do.

If a 24 hour service station is built on the vacant block on the corner of Bladen St East and Railway Pde, the peace and enjoyment in nearby homes will be affected by the noise. Homes will be devalued. Noise will be loud in Bladen St homes at night time from B-Doubles coming and going to the service station at all hours too.

Stam Doug's Service Station (Ford & Catter Agency) on this site never operated at night and neither did other businesses that later operated in the building before it was pulled down.

It is wrong to say noise generated at the site will have "no negative affect" on surrounding areas. At anytime of the middle of the night, B-Doubles will pull in, changing gears, revving engines. Then leaving the engine running while the driver has a meal etc. Then leaving the service station, revving the engine, changing gears will add to the noise level. Now late at night trucks do not stop in Henty.

In summer time on a hot night, with doors and windows open at our home opposite the primary school, you can hear cattle on a semi or B-Double shuffling around on the steel floor of the truck while the driver has an evening meal at the service station. Often stock transports travel in 2 or 3's. The brick hotel, shops, 2 storey old bank etc and trees do not stop the noise. Imagine this noise across the road at a residence's home at 3 a.m.

The B-Double will cross over the footpath used by little children walking to school or older ones speeding along on their scooters, elderly users on foot or golfers. Other times holding up traffic, including the ambulance that nearly always comes from Holbrook and at Henty Field Day time causing trouble.

Any type of 24 hour service station should not be in a residential area, across the road or near homes but should be on the outskirts of a town.

Yours faithfully

Jean Bennett #25320

#438133

late objection

Ack ✓
Ltr mailed

25/5/2021

21st May 2021
Greater Hume Shire,

Henty CWA Branch
c/- 1 Second St,
Henty NSW 2658.

By Email: mail@greaterhume.nsw.gov.au

Attention: Town Planning & Mayor Heather Wilton

Dear Madam and Sirs,

We, the Henty Branch of the Country Women's Association, hereby are making a complaint relating to DA 10.2021.72.1 for the proposed development application for the 24-Hour Service Station and Convenience Store, entering from Sladen Street East, which is a residential area.

Our major complaint is that not enough residents were informed of the proposal and given the time to submit a written objection to the above. We would also like to know why Henty would require a third Service Station side by side, when the existing ones no longer open 24 hours as a Service Stations Convenience Shop. An article appeared in the Border Mail on May 11th, 2021 with the closing of submissions being 5pm on the 12th of May. The article also stated at the said Service Station will be opening soon, this implies that the letters that were sent from The Greater Council, was just a formality.

The article for the above was in the Daily Wagga Advertiser on Friday the 14th of May 2021, how do these residents submit any sort of objection? Henty does not have its own Newspaper and several residents either read the Border Mail or the Daily Wagga Advertiser for local news.

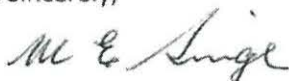
Not all residents directly in the vicinity of the above proposal received a letter, 14 days prior to the submission date from council regarding the above, as we believe is the correct procedure.

While it has recently come to our attention that it has been on your web site and face-book, not all residents have this technology. You would understand several of our residents are elderly and do not use the above, nor should it be something that they should be required to check at all, regarding what is happening in community.

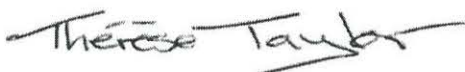
All rate payers deserve the right to agree or disagree and how can this plan go ahead when all have not had the opportunity and time to voice their opinion.

We await your reply.

Yours Sincerely,



Margaret Singe, President of CWA Henty Branch



Therese Taylor, Secretary/Treasurer, of CWA Henty Branch.

Email address: tk40@bigpond.net.au Ph: 0431 379 364

#458268

Mr Colin Kane
Director Environment & Planning
Greater Shire Council
P O Box 99 Holbrook NSW 2644

40 Bladen St
Henty 2658

8 December 2021

15 DEC 2021

Dear Mr Kane,

Re: Development Application - New Service Station Railway Parade Henty

A service station operating for long hours catering for B-doubles and other heavy trucks should not be built in or next to a residential area. Nearby homes in Bladen St East, Graham Stand First Ave have been occupied by retired people for over 70 years. Now there are still retired people living close to this proposed development who do not want to be disturbed late at night by B-doubles coming into the service station, leaving engines running & then leaving B-doubles with a load of cattle stamping around can be heard for some distance while the driver has a break, and from the present further away service station, can be clearly heard in summer time when windows are open at 40 Bladen St.

It would be much safer and better for all concerned if such a service station was built on the outskirts of town, as is the case for other alright service stations giving them more room for large vehicles and not disturbing neighbours, children are in this area also.

I strongly object to this type of development on those lots. The people living so close should be respected.

Yours faithfully
J C Bennett

The 1950 phone book kept by our family, records the names of well known retired farmers living in this area known to me.

PO Box 7007
EAST ALBURY 2640
Ph. 0417 289 889
E: info@moppa.com.au
ABN: 62051671909



26 November 2021

Colin Kane
Director Environment & Planning
Greater Hume Council
PO Box 99
HOLBROOK 2644

By Email: mail@greaterhume.nsw.gov.au

Dear Colin

RE: DA10.2021.72.1 SERVICE STATION CNR RAILWAY PARADE & SLADEN STREET EAST, HENTY

BIOPLAN has been engaged by June Bahr of 13 Sladen Street East, Henty to review the documentation currently available at Council's web site in respect of DA10.2021.72.1 and to comment on whether there remain any deficiencies in the Development Application as previously raised in the letter of objection prepared by EDM Group dated 11 May 2021.

Having regard to the above, it is conceded that a number of the issues previously raised have been addressed including necessary documentation in response to the requirements of SEPP No. 33 – Hazardous and Offensive Development.

This notwithstanding it is considered that there remain significant omissions including:

- Lack of a Traffic Impact Assessment Report.
- Without a revised SoEE it remains the case that application is deficient in respect of acknowledging a range of amenity impacts upon nearby residential landuses.
- Lack of any commentary or consideration of relevant objectives of SEPP (Infrastructure).
- Lack of signage details.

It also remains apparent from the plans available for review that the proposal continues to represent an overdevelopment of the site as currently proposed to be configured. Issues of concern that apparently remain unresolved include:

- Lack of detail on intersection treatments;
- Issues associated with policing the proposed one-way traffic movement utilising two different frontages;
- Lack of parking for light vehicles with trailers/caravans in tow;
- There is no analysis as to whether the short fall in car parking (ie only 8 dedicated spaces provided) is satisfactory in the circumstances;

- Issues with proposed access and possible queuing conflicts associated with articulated heavy vehicles (including B-doubles);
- Conflict which will be likely to occur with light vehicle queuing on site impacting on a number of other movements (eg access/egress from parking sites 6-8);
- No swept paths and/or vehicle stacking plans available online to analyse proposed vehicle movements;

Further while it is noted that an Acoustic Report has now been provided, the final conclusion of the report prepared by Harwood Acoustics highlights a genuine concern for nearby residents. That is:

There is potential for the noise goals to be exceeded when large heavy vehicles access the Site and options to reduce the noise impacts of semi-trailer and B Double movements are limited.

It needs to be remembered that this noise will be not only of a different nature but will also be in addition to any noise from the Olympic Highway. This remains a significant amenity issue that needs to be considered by Council.

Lastly it needs to be reiterated that genuine concerns previously raised in respect of noise, privacy and traffic impacts continue to be completely downplayed and/or omitted from the assessment of environmental impacts as prepared by R.J. Sinclair Pty Ltd.

As a consequence of the above, our client who is situated nearby at No 13 Sladen Street East, continues to strongly object to the proposal.

Yours faithfully,

BioPlan



Peter O'Dwyer
MEIANZ RPIA (Fellow)

#457626

7 DEC 2021

Sladen Street East,
Henty, NSW, 2658
5th December 2021

Colin Kane,
Director Environment and Planning,
Greater Hume Council,
Dear Colin,

RE: 10.2021.72.1-New Service Station-Railway Parade Henty

Once again, I write to Greater Hume Council to express my disappointment and anger at the prospect of yet another fuel outlet, (in this case, a 24- hour service station) being built and operated in what is largely a residential area in Henty. An adjoining 24- hour outlet is already accessible and available to all motorists who wish to make a credit or debit card payment.

Having viewed the plans for this proposed development, I cannot see that the increased traffic flow and potential increased noise level engendered is in Henty's best interests! There are two former service stations in Railway Parade. One of these, long since abandoned, is just across the road, apparently it was deemed no longer viable and /or difficult to access. Why create another problem?

One truck driver I spoke to recently felt it would be difficult and potentially dangerous to manoeuvre a heavy vehicle into Sladen Street East off the Olympic Way and almost immediately turn R into the proposed servo. The existing double white lines emanating from that extremely confined intersection are there for a reason!

It is very likely that traffic from the North would detour up Graham Street via Fox Street to enter the service station. Such vehicle movement at all hours of the day and night will pose a significant noise problem. Stationary and reversing heavy trucks such as livestock transports, refrigerated trucks with compressors operating and air and vacuum braking systems will constitute an additional noise issue for residents in the surrounding area.

The additional traffic flow generated by a 24-hour service station situated on the proposed site is bad enough. I can only imagine the consequences at peak times during the sowing and harvesting seasons and the Henty Machinery Field Day Week, involving large numbers of vehicles, machinery and exhibits for the event. Not a good mix!

By Council allowing this development to proceed without, at least much wider consultation with the residents, much of the appeal and character of Henty will be lost.

I appeal to all concerned not to allow this proposed service station to proceed.

Yours faithfully,



.....

Connie (Constance) Ross

457634

Formal Notice of Objection to Development Application No: 10.2021.72.1

7 DEC 2021

32 Sladen Street East,

Henty, NSW, 2658

6/12/2021

Colin Kane,

Director Environment and Planning,

Greater Hume Council

Dear Colin,

I write this letter to express my strong opposition to the erection of a proposed 24-hour service station on the corner of Railway Parade and Sladen Street East, Henty.

Most of the thirty or so houses which will be affected by this development were bought by people who wished to reside in a quiet neighborhood. The noise created by trucks braking, reversing and the general noise of cattle and other livestock moving on trucks, air conditioners and refrigeration motors going at night will destroy this peace. We already have ARTC machinery working soon after six am. Some mornings, which is several hundred metres away from my house and is far from quiet!

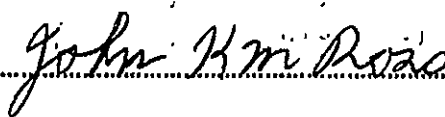
The design shown on the plan to enter this facility means that trucks from the highway will have to cross double white lines, which have been painted there for traffic safety in Sladen Street East, some 40 years ago when the intersection was re-designed. North-bound trucks will also have to cross another double white line on the highway. With the increased traffic today, these double lines are more important than when they were first painted there and the safety of motorists will be decreased if they are removed.

The southern side of the proposed service station will be more than 10 metres shorter than the rail crossing north of Henty. Said crossing was built at a cost of millions of dollars. Why is this double standard allowed, as trucks must move around the yard to refill?

There is a 24-hour fuel outlet in Henty already, in addition to two empty service stations which at some stage were no longer viable so a third empty site in the future would not enhance for the town's appearance.

I hope the Council considers the amenity of the area for its ratepayers as more important than the needs of an outside company, which could conduct other sites away from a residential area...possibly a location north or south but still close to Henty.

Yours faithfully,


.....

John Ross OAM

[Show header](#)**Proposed Service Station Development App. No10.2021.72.1****From :** cahj.barrett@yahoo.com.au**To :** mail@greaterhume.nsw.gov.au**Sent :** 2021-12-09T13:46:09.0000000+11:00

Director Environment & Planning - Colin Kane

Dear Sir.

We the undersigned object to the building of a service station in Sladen St, East in Henty. AS stated in our previous letter of objection we are very concerned of the extra traffic it will put into Graham St. and the increased noise that it will generate. Also of concern is the safety of primary age school children who live in the vicinity who use the southern side of Sladen St. East consistently and the elderly who walk to the shops several times a day. The extra traffic at Henty Field Day times will cause a great hazard not only in Sladen St. East, but also on the Olympic Hyway. We hope that these concerns are considered for the safety of all the residents who live in the area of the proposal.

Yours Faithfully,

Colin and Heather Barrett.

19 Graham St.
Henty 2658

9th December 2021

[Show header](#)

457748

DA10.2021.72.1**From :** dda87171@bigpond.net.au**To :** mail@greaterhume.nsw.gov.au**Sent :** 2021-12-09T21:41:00.0000000+11:00

ATT : Colin Kane
Director Environment and Planning
Greater Hume Shire

Dear Sir,

RE: DA10.2021.72.1SERVICE STATION
CORNER RAILWAY PARADE & SLADEN STREET HENTY

We are writing to you to oppose the proposed development, RE above
We have listed several concerns about the development.

1: Traffic and traffic noise . Heavy trucks turning twice to get into the
service station are very noisy and can be heard a long way
especially at night. Also vehicles have to turn across Sladen Street
East over double lines.This will impact the local residents.

2: Lighting as this is a proposed 24 hour operation light pollution will
also affect local residents.

3: The proposed development seems to be crammed into what is a small site.

4: Has any thought been given to vehicles entering Fox Street and passing
through Graham Street to gain easier entrance into the site,
We are quite worried about this as it would be difficult to police even
with signs.

5: We believe that another Service Station is not needed in Henty as there
are already 2 others including a 24 hour self serve area.

We include our email address - dda87171@bigpond.net.au

Yours Sincerely,

Bruce & Delma Davidson

11 Graham Street Henty.

Henty Community and Development Committee, Henty, NSW, 2658

Dear Members,

Greater Hume Council has notified me once again concerning the latest Development Application for a proposed 24-hour service station to be built on the corner of the Olympic Way and Sladen Street East.

As my property is very close to this development site, I am somewhat stressed by the proposal. The erection of this service station will greatly impact on the amenity of this residential area. After viewing the proposed entrance to the site, I am concerned that the traffic accessing the facility will have to cross double lines.

Ultimately, I feel drivers will use Graham Street as an easier access, causing more disturbing noise and traffic congestion for the residents living in this street.

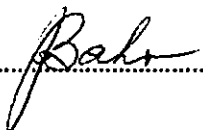
At harvest time and the Henty Machinery Field Days, the increased traffic flow generated by this 24-hour servo. will, present a significant hazard to everyone using Sladen Street East and the Olympic Way.

In addition, the noise caused by heavy vehicle braking systems, loud reversing warning equipment, compressors operating on refrigerated vehicles carrying perishable items and the issues arising from livestock transports carting cattle, sheep, pigs etc. and operating at all hours of the day and night will be considerable.

Such additional vehicle movements will undoubtedly impact adversely upon residents living nearby.

Trusting that your committee can assist in keeping this part of the town a more peaceful place to live.

Kind Regards,

.....


June Bahr, 13 Sladen Street East, Henty, NSW, 2658



13 May 2021

The General Manager
Greater Hume Shire Council
PO Box 99
HOLBROOK NSW 2664

Attention: Adrian Gilby

DA10.2021.72.1 (CNR-21147) – PROPOSED SERVICE STATION FACILITY, LOT 1 TO 3 DP12560, RAILWAY PARADE, HENTY.

I refer to your correspondence regarding the subject Application which was referred to Transport for NSW (TfNSW), for assessment and comment.

From the information provided it is understood that the proposal is for the development of a service station including a convenience store, refuelling facilities and parking for light and heavy vehicles. The subject site has frontage to Railway Parade and to Sladen Street East within a 50 kmh speed zone.

TfNSW has completed an assessment of the DA, based on the information provided and focussing on the impact to the state road network. TfNSW notes for this DA:

- Railway Parade forms part of the Olympic Highway (MR78) within Henty;
- The Olympic Highway and Sladen Street East are approved B-Double routes;
- The proposal includes the construction of separate heavy and light vehicle fuel bowsers to the southern side of the convenience store. The proposal includes one-way circulation through the site with ingress from Sladen Street East and egress to Railway Parade (Olympic Highway);
- The submitted plans indicate that light and heavy vehicles will follow separate travel paths through the site to allow for ease of circulation and to minimise conflict within the site. This segregation of the light and heavy vehicles within the development site is supported for safety reasons;
- On-street parking is currently denied along both sides of the Olympic Highway for the full frontage of the development site;
- The submitted information provides limited details regarding any proposed signage associated with the development. Therefore any consent shall be conditional requiring that any proposed advertising signage is to be subject to the submission of a further Development Application.

TfNSW emphasises the need to minimise the impact of development on the existing public road network and maintain the level of safety, efficiency and maintenance along the road network. As the proposed development has frontage to the Olympic Highway (MR78) the proposed conditions listed in Attachment 1 are appropriate for road safety and network efficiency reasons.

Transport for NSW has assessed the Development Application based on the documentation provided and would raise **no objection subject to conditions** on the basis that the Consent Authority ensures that the development is undertaken in accordance with the information submitted as amended by the inclusion of the conditions listed in **Attachment 1**.

TfNSW highlights that in determining the application it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary (proposed or deemed necessary) to the development. This may include the need for further environmental assessment for any ancillary road works.

Upon determination of this matter, please send a copy of the Notice of Determination to development.south.west@transport.nsw.gov.au.

Any enquiries regarding this correspondence may be referred to Chris Bamberry, TfNSW (South Region), phone (02) 6923 6588.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Morgan', written over a white background.

Maurice Morgan
Team Leader, Development Services South

Attachment 1

1. As a minimum the driveways shall be designed and constructed for the B-Double heavy vehicle as the design vehicle and be sealed from the kerb line to the property boundary. Detailed dimensioned plans for all works within the road reserve shall be submitted for approval prior to release of the Construction Certificate.
2. The one way circulation through the site with ingress via to Sladen Street East and egress via the Olympic Highway shall be appropriately signposted and line marked at the driveways and within the site. As the driveway to the Olympic Highway is restricted to egress only appropriate signage stating "No Entry" shall be erected and maintained at the driveway to the highway.
3. As a minimum the off-street car park associated with the proposed development including driveway design and location, internal aisle widths, parking bay dimensions and loading bays shall be in accordance with AS 2890.1-2004 "Off-street car parking", AS 2890.2-2002 "Off-street commercial vehicle facilities" and the Austroads Guide to Traffic Management Part 11: Parking.
4. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed and maintained to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.
5. Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. This is to maintain circulation of vehicles within the development site. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.
6. All activities including, loading and unloading associated with this development shall take place within the subject site. Fill points for petrol and gas storage shall be located so that tankers can stand clear of access driveways and not impede access to and from the subject site for other vehicles. A plan is to be submitted to indicate compliance with this condition prior to release of the Construction Certificate.
7. Suitable drainage treatment shall be implemented to ensure that storm water discharge from the subject site does not exceed the pre-development discharge. Contaminated storm water run-off from the subject site shall not discharge to the road reserve of the Olympic Highway.
8. Any damage or disturbance to the road reserve of the Olympic Highway shall be restored to match surrounding landform, including kerb and gutter, in accordance with Council requirements.
9. A management plan to address construction activity access and parking is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the on-site works for the construction of the development to alleviate any need to park within, or load/unload from the road reserve of the Olympic Highway. The storage of any material within the road reserve is denied. Access directly to the site from the Olympic Highway for construction purposes is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.

10. Works within the road reserve of the Olympic Highway requires approval from the Council and concurrence from Transport for NSW under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.
11. Any proposed signage to be erected in relation to the proposed development is not approved and shall be subject to the submission of a further Development Application.
12. Any works associated with the development shall be at no cost to Transport for NSW.

Further to the above Council in its assessment of the development may consider the following;

1. Lots 1, 2 & 3 DP12560 shall be consolidated to create one allotment.
2. The provision of on-site parking for heavy and light vehicles, including vehicles with trailers in tow, associated with the subject development is to be in accordance with Council requirements. All car parking spaces required by the development are to be provided on-site and not to be compensated by on-street parking in the vicinity. Customer parking, particularly disabled parking, is to be located with convenient pedestrian access to the entry doors of the premises.

**MODEL CODE OF MEETING PRACTICE
FOR LOCAL COUNCILS IN NSW**

DRAFT

| **20182021**

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1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is ~~made-prescribed~~ under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005-2021* (the Regulation).

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

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

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

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

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

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

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

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

2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

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

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

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

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

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

community.

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

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

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

3 BEFORE THE MEETING

Timing of ordinary council meetings

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

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Date: Third Wednesday of each month with the exception of January.

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Time: Commence at 6pm with a public forum immediately preceding the Council meeting.

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Venue: Holbrook Community Meeting Room or as otherwise resolved by Council.

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

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Note: Councils must use either clause 3.1 or 3.2

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

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

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

Extraordinary meetings

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

Note: Clause 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

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

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

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

Notice to councillors of ordinary council meetings

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

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

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

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

Notice to councillors of extraordinary meetings

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

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

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted seven business days~~[council to specify notice period required]~~ business days before the meeting is to be held.

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- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal,

strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

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

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute

to a meeting under clause 9.6.

- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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

- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the ~~public, and~~ 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

- ~~3.234~~ 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 ~~3.234~~ reflects section 9(2) and (4) of the Act.

- 3.245 Clause ~~3.234~~ does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

Note: Clause ~~3.254~~ reflects section 9(2A)(b) of the Act.

3.256 For the purposes of clause 3.234, 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 3.265 reflects section 9(3) of the Act.

3.267 A copy of an agenda, or of an associated business paper made available under clause 3.234, may in addition be given or made available in electronic form.

Note: Clause 3.276 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

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

3.289 Despite clause 3.278, 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.

3.2930 A motion moved under clause 3.289(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.301 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.289(a) can speak to the motion before it is put.

3.342 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.289(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

~~3.323 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.~~

~~3.334 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.~~

~~3.346 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.~~

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~~3.357~~ 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.

~~3.368~~ 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 prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

~~4.2~~ Public forums may be held by audio-visual link.

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~~4.23~~ Public forums are to be chaired by the mayor or their nominee.

~~4.34~~ To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 5pm on the Monday immediately preceding the meeting ~~[date and time to be specified by the council]~~ before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

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~~4.45~~ A person may apply to speak on no more than two ~~[number to be specified by the council]~~ items of business on the agenda of the council meeting.

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~~4.56~~ Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

~~4.67~~ The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

~~4.78~~ No more than five ~~[number to be specified by the council]~~ speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

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~~4.89~~ If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address

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

4.910 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

4.101 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than ~~two [number to be specified by the council]~~ days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

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4.142 The general manager or their delegate is to determine the order of speakers at the public forum.

4.123 Each speaker will be allowed ~~five [number to be specified by the council]~~ minutes to address the council. This time is to be strictly enforced by the chairperson.

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4.134 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.

4.145 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.

4.156 Speakers are under no obligation to answer a question put under clause 4.145. Answers by the speaker, to each question are to be limited to ~~one [number to be specified by the council]~~ minutes.

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4.167 Speakers at public forums cannot ask questions of the council, ~~councillors~~councillors, or council staff.

4.178 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to ~~five [number to be specified by the council]~~ minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

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4.189 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

4.1920 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, ~~policies~~ policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of ~~conduct~~ conduct or making other potentially defamatory statements.

4.201 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.1920, 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.

4.212 Clause 4.210 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.

4.223 Where a speaker engages in conduct of the type referred to in clause 4.1920, 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.

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

Note: Public forums should not be held as part of a council or committee meeting. Council or committee meetings should be reserved for decision-making by the council or committee of council. Where a public forum is held as part of a council or committee meeting, it must be conducted in accordance with the other requirements of this code relating to the conduct of council and committee meetings.

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.

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5.3 ~~The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.~~

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

5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. ~~However~~However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

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

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

The quorum for a meeting

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

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

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~~date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety and/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 ~~(such as, but not limited to flood or bushfire)~~ or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

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

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

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(a) give written notice to all councillors that the meeting is to be held by

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

5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.

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

Attendance by councillors at meetings by audio-visual link

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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.

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5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.

5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.

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

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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

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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.

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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.

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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

5.4631 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 5.4631 reflects section 10(1) of the Act.

5.4732 Clause 5.3146 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.4833 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

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

Note: Clause ~~5.18-33~~ reflects section 10(2) of the Act.

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

Webcasting of meetings

~~5.1934~~ Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device. All meetings of the council and committees of the council are to be webcast on the council's website.

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

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

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

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~~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.

~~5.2036~~ 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. Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

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~~5.2437~~ 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 clause section 236 of the Regulation.

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

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

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

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~~Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.1934 – 5.2239. Joint organisations that choose not to webcast meetings may omit clauses 5.1934 – 5.2239.~~

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Attendance of the general manager and other staff at meetings

5.2340 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 5.2340 reflects section 376(1) of the Act.

5.2441 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 5.2441 reflects section 376(2) of the Act.

5.2542 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

Note: Clause 5.2542 reflects section 376(3) of the Act.

5.2643 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

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

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6 THE CHAIRPERSON

The chairperson at meetings

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

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

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

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

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

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

- 6.4 The election of a chairperson must be conducted:

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

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

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

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

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

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

Chairperson to have precedence

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

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

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

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

01-__Opening meeting

02 __Prayer

032 __-Acknowledgement of country

043-__Apologies and applications for a leave of absence or attendance by audio-visual link by councillors

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054-__Confirmation of minutes

06 __Action report from the Minutes

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075-__Disclosures of interests

086-__Mayoral minute(s)

09 __Notices of motions/Questions with notice

~~07-__Reports of committees~~

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~~1008-__Reports to council from Officers~~

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11 __Matters of Urgency ~~09-__Notices of motions/Questions with notice~~

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10-__Confidential matters

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11-__Conclusion of the meeting

Note: Councils must use either clause 8.1 or 8.2.

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

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

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

9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

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

Mayoral minutes

- 9.6 Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not ~~urgent~~, ~~or 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 general manager on the availability of funds for implementing the recommendation if adopted.

Staff reports

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

Reports of committees of council

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

Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to [documents 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.

10 RULES OF DEBATE

Motions to be seconded

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

Notices of motion

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

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

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

Amendments to motions

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

Foreshadowed motions

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

Limitations on the number and duration of speeches

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

[Participation by non-voting representatives in joint organisation board meetings](#)

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

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

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

11 VOTING

Voting entitlements of councillors

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

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

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

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

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

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

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

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

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

Voting at council meetings

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

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

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

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

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

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

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

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

Voting on planning decisions

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

~~11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.~~

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

13 DEALING WITH ITEMS BY EXCEPTION

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

14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

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

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

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

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

Matters to be considered when closing meetings to the public

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

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

- 14.4 A meeting is not to be closed during the receipt and consideration of

information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

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

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

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

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

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

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

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

- 14.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the [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 [5pm on the Monday immediately preceding the meeting](#) ~~[date and time to be specified by the council]~~ before the meeting at which the matter is to be considered.

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14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

14.13 No more than [five](#) ~~[number to be specified by the council]~~ speakers are to be permitted to make representations under clause 14.9.

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14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

14.15 The general manager (or their delegate) is to determine the order of speakers.

14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than [five](#) ~~[number to be specified by the council]~~ speakers to make representations in such order as determined by the chairperson.

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14.17 Each speaker will be allowed [five](#) ~~[number to be specified by the council]~~ minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

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Expulsion of non-councillors from meetings closed to the public

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

Obligations of councillors attending meetings by audio-visual link

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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

- 14.20~~1~~ The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 14.20~~1~~ reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.21~~2~~ If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22~~3~~ Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21~~2~~ during a part of the meeting that is webcast.

15 KEEPING ORDER AT MEETINGS

Points of order

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

Questions of order

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

Motions of dissent

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

Acts of disorder

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

- (a) contravenes the Act ~~or any the Regulation in force under the Act~~ or this code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults ~~or makes personal reflections 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 clause section 182 of the Regulation.

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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 clause section 233 of the Regulation.

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How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

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

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

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

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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 clause section 233(2) of the Regulation.

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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

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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.

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Use of mobile phones and the unauthorised recording of meetings

15.243 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.

15.224 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.

15.235 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 15.224, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.246 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.

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17 DECISIONS OF THE COUNCIL

Council decisions

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

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

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

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommitting resolutions to correct an error

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

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

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

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

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

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

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

18 TIME LIMITS ON COUNCIL MEETINGS

18.1 Meetings of the council and committees of the council are to conclude no later than 10pm ~~[council to specify the time]~~.

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18.2 If the business of the meeting is unfinished at 10pm [council to specify the

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time], the council or the committee may, by resolution, extend the time of the meeting.

18.3 If the business of the meeting is unfinished at 10pm [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:

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

18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

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

19 AFTER THE MEETING

Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

20 COUNCIL COMMITTEES

Application of this Part

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

councillors.

Council committees whose members are all councillors

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

Functions of committees

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

Notice of committee meetings

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

Attendance at committee meetings

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

Non-members entitled to attend committee meetings

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

not entitled:

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

Chairperson and deputy chairperson of council committees

20.11 The chairperson of each committee of the council must be:

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

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

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

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

Procedure in committee meetings

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

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

20.17 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.

Note: Clause 20.17 reflects ~~clause section~~ 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17.

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

Closure of committee meetings to the public

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

Disorder in committee meetings

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

Minutes of council committee meetings

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

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

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- 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.~~

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- 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
<u>audio-visual link</u>	<u>means a facility that enables audio and visual communication between persons at different places</u>
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

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	the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005-2021</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