

Ordinary Meeting

Meeting Date: Tuesday, 28 October, 2025

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Attachments (Under Separate Cover)

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Sanctuary Point Library – Site Investigations

1. CLIFTON PARK

Lot 1 DP 1215751

Aerial Image	Site Details
	• Clifton Park has a playground, learn-to-ride, community garden, Men's Shed and fenced off-leash area. • Highly vegetated area. • Located approximately 600m south of Sanctuary Point's commercial centre. • Council-owned. • Community Land (General Community Use, Park). • Zoned RE1 – Public Recreation. • Lot Size: 3.68ha / 30,680 m² (for comparison – combined lot size at previous subject site (cnr. Paradise Beach Road and Kerry Street): 2,430m²)

CLIFTON PARK – Lot 1 DP 1215751		
Pros	Cons	State Library Guidelines
- Co-located with community infrastructure. - Pending vegetation removal, size of land is adequate for requirements (min 2,430m² to deliver 900m² library).	Flood prone as per FPA 2050 layer on GIS. Approx 70% coverage. Bushfire prone as per GIS. 100% coverage. - Not adjacent to a commercial centre. - Not on a main street. - Development would require significant vegetation removal (further environmental investigations required to determine feasibility). - No pedestrian connectivity to commercial centre or public transport. - No existing parking to service a library. - Poor road conditions, no kerb and guttering, narrow suburban roads.	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 36 out of 90. - See Matrix: D25/204313 - Site does not align with the requirements of the State Library of NSW locational guidelines.
CISP Review	Permissibility (Statutory Planning)	General Notes
CONFIDENTIAL internal note [not for distribution]: Initial CISP Review findings relevant to this site are:  	- Zoning: RE1 Public Recreation surrounded by R3 Medium Density Residential - Acid Sulphate Soils: Class 5 - Council managed land: Community Land - Bushfire: Vegetation Category 2 & Vegetation Buffer – Bushfire report will be required to be submitted as part of the development application - No items of Aboriginal Heritage significance identified - Not located within a heritage item or heritage conservation area SEPP - SEPP 2021 - Resilience and Hazards overlay with proximity to identified 'Coastal Use Area' and 'Coastal Environment Area' as identified under the SEPP. This is due to proximity to St Georges Basin. - SEPP (Transport and Infrastructure) 2021 – reference applicable divisions in the development application	- Cons outweigh pros (inc. flood & bushfire) - Low score when assessed against State Library of NSW guidelines (Locational Matrix) - Improvements to civil infrastructure (formalised car parking, implementation of concrete kerb and gutters, upgrades to road pavement, upgrades to drainage, etc.), likely required adding complexity and cost. - Location, surrounded by residential dwellings on all sides (R2 – Low Density Res. & R3 – Medium Density Res.), considered undesirable for provision of library services. - Flood risk present, though considered manageable through design solutions (may increase planning/design and infrastructure costs).  - Environmental investigations (REF) to provide further guidance re. feasibility.
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CLIFTON PARK – Lot 1 DP 1215751		
Pros	Cons	State Library Guidelines
[REDACTED]	Consent Libraries are permitted with consent under Community Facility	ON BALANCE: Not supported as location for new library.

2. FRANCIS RYAN RESERVE

Lot 4 DP 806393

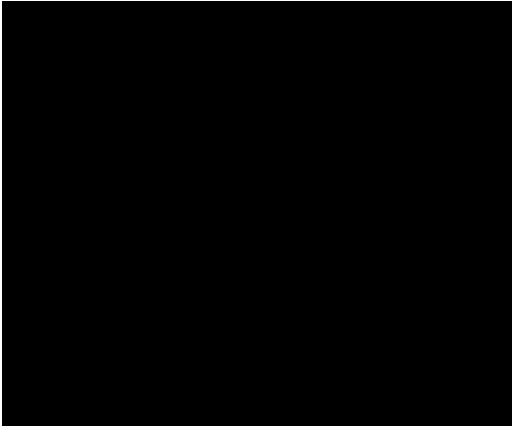
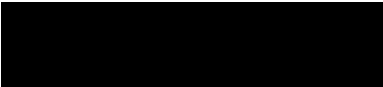
Aerial Image	Site Details
	• Francis Ryan Reserve has an amenities building, sports field, halfcourt basketball court and skatepark. • Not located as part of the streetscape, surrounded by vegetation and commercial buildings. • Limited space available for a library without encroaching onto the sports field or utilising the footprint of the existing carpark. • Located in the commercial centre of Sanctuary Point. • Council-owned • Community Land (Sportsground), Operational Land (carpark and roadway) • Zoned RE1 – Public Recreation • Lot Size: 4.52ha

FRANCIS RYAN RESERVE – Lot 4 DP 806393		
Pros	Cons	State Library Guidelines
- Not flood or bushfire prone land. - Co-located with community infrastructure. - Adjacent to community centre. - Adequate pedestrian connectivity to commercial centre and public transport. - Existing parking present on Kerry St to assist library users. - Close proximity to main street.	- Location does not contribute to the streetscape. - Not directly located on a main street. - Size limitations due to existing community infrastructure. - A multistorey / underground engineered solution may be necessary to develop adequate parking to service the library and commercial centre.	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 57 out of 90. - See Matrix: D25/204313 - Site aligns with the general requirements of the State Library, excluding street frontage and visibility matters.
CISP Review	Permissibility (Statutory Planning)	General Notes
CONFIDENTIAL internal note [not for distribution]: Initial CISP Review findings relevant to this site are: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	- Zoning: RE1 Public Recreation surrounded by RE1 Local Centre along the Northern and Southern boundaries with zoning SP2 Educational Establishment along with Eastern boundary as the site is bordered by Sanctuary Point Public School to the East. - Acid Sulfate Soils: Class 5 - Council managed land: Community Land - Bushfire: Vegetation Category 2 & Vegetation Buffer - Not within a heritage area or heritage conservation area - No items of Aboriginal Heritage significance identified SEPP - SEPP 2021 - Resilience and Hazards (50% Western side of lot affected) - SEPP (Transport and Infrastructure) 2021 – reference applicable divisions in the development application Flood - Not affected by flooding Consent - Libraries are permitted with consent under Community Facility	- Cons outweigh pros (primarily due to competing recreational priorities and site constraints) - Site scores moderately against State Library of NSW guidelines (Locational Matrix). - Site is a high-performing and heavily utilised sporting precinct, with strong community demand for upgrades to sports infrastructure. [REDACTED] - Development of a library would likely conflict with future master planning objectives for the reserve. - Size constraints due to existing infrastructure may necessitate engineered parking solutions (e.g. underground/multistorey), increasing complexity and cost. ON BALANCE: Not supported as location for new library.
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3. EXISTING SANCTUARY POINT LIBRARY

Lot 7 DP 805351

Aerial Image	Site Details
	• Building is leased to Council and houses the existing Sanctuary Point Library. • Small carpark at the front of the building (3-4 spaces). • Limited space available to develop a library that meets the GFA requirements of the State Library, or in line with previous GFA provision related to the rescoped Sanctuary Point Library. • Located 130m East to the commercial centre of Sanctuary Point. • Site to be part of the streetscape along Paradise Beach Rd, surrounded by mature vegetation. • Department of Education owned. • Council to pursue an alternate leasing arrangement / land ownership in order to develop a library at the subject site. • Zoned R2 – Low Density Residential • Lot Size: 602m²

EXISTING SANCTUARY POINT LIBRARY – Lot 7 DP 805351		
Pros	Cons	State Library Guidelines
- Not flood or bushfire prone land. - Close proximity to commercial centre. - Along main street in a relatively prominent location. - Adequate pedestrian connectivity to commercial centre and public transport. - Adjacent to Sanctuary Point Public School.	- Not council-owned or managed land. Leased under the Department of Education. - Small parcel of land that will present limitations to the size of the library that can be delivered. - Limited parking availability and limited space for the development of future parking. - Limited opportunities for co-location with additional community infrastructure. - Limited opportunity to incorporate adequately sized outdoor space.	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 59 out of 90. - See Matrix: D25/204313 - Site aligns with the general locational requirements of the State Library, excluding parking, vehicle access and the capacity for expansion.
CISP Review	Permissibility (Statutory Planning)	General Notes
CONFIDENTIAL internal note [not for distribution]: Initial CISP Review findings relevant to this site are:  	- Zoning: R2 – Low Density Residential. Boarded by SP2 Educational Establishment zoning to the West (Sanctuary Point Public School) and R2 Low Density Residential to the East and R3 Medium Density Residential to the North. - Acid Sulfate Soils: Class 5 - Bushfire: Not Affected - Not within a heritage area or heritage conservation area - No items of Aboriginal Heritage significance identified - Maximum Building Height: 8.5m – would require a Clause 4.6 variation for a taller structure Flood - Not affected by flooding Consent - Libraries are permitted with consent under Community Facility	- Cons outweigh pros (primarily due to land tenure, size constraints, and limited expansion potential) - Site scores moderately against State Library of NSW guidelines (Locational Matrix). - Site is not Council-owned or managed, being leased from the Department of Education, which presents long-term tenure and development challenges. - The parcel is small and constrained, limiting the ability to deliver a library that meets district-level benchmarks (minimum GFA 1,000m²) or future expansion needs.  ON BALANCE: Not supported as location for new library.

EXISTING SANCTUARY POINT LIBRARY – Lot 7 DP 805351		
Pros	Cons	State Library Guidelines

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4. EXISTING SANCTUARY POINT LIBRARY (ADDITIONAL LOTS)

Lot 7 DP 805351, Lot 6 DP 805351, Lot 5 DP 805351, Lot 4 DP 805351, Lot 3 DP 805351

Aerial Image	Site Details
	• Building is leased to Council and houses the existing Sanctuary Point Library. • Small carpark at the front of the building (3-4 spaces). • Highly vegetated area. • Located 100m East to the commercial centre of Sanctuary Point. • Site to be part of the streetscape along Paradise Beach Rd. • Council to pursue an alternate leasing arrangement / land ownership in order to develop a library at the subject site. • Department of Education owned. • Zoned R2 – Low Density Residential, SP2 Infrastructure (Educational Establishment) • Lot Size (combined): 2,902m²

EXISTING SANCTUARY POINT LIBRARY (ADDITIONAL LOTS) – Lot 7 DP 805351, Lot 6 DP 805351, Lot 5 DP 805351, Lot 4 DP 805351, Lot 3 DP 805351		
Pros	Cons	State Library Guidelines
- Not flood or bushfire prone land. - Close proximity to commercial centre. - Along main street in a relatively prominent location. - Adequate pedestrian connectivity to commercial centre and public transport. - Adjacent to Sanctuary Point Public School. - Pending vegetation removal, size of land is adequate for requirements (min 2,430m² to deliver 900m² library). - Opportunity to deliver future parking to service the requirements of the library. - Adequate space to incorporate outdoor space into the design of the library. - opportunities for co-location with additional community infrastructure.	- Not council-owned or managed land. Leased under the Department of Education. - Limited parking availability. - Development would require significant vegetation removal.	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 77 out of 90. - See Matrix: D25/204313 - Site aligns with the general requirements of the State Library.
CISP Review	Permissibility (Statutory Planning)	General Notes
CONFIDENTIAL internal note [not for distribution]: Initial CISP Review findings relevant to this site are: 	- Lot 7 where the existing library is zoned R2 – Low Density Residential. Lot 6,5,4,3 are zoned SP2 Educational Establishment. - Acid Sulfate Soils: Class 5 - Bushfire: Not Affected - Not within a heritage area or heritage conservation area - No items of Aboriginal Heritage significance identified - Maximum Building Height: 8.5m – would require a Clause 4.6 variation for a taller structure (Lot 7 affected by overlay) Flood - Not affected by flooding SEPP	- Pros outweigh cons, subject to resolution of land tenure and vegetation constraints - Site scores well against State Library of NSW guidelines (Locational Matrix). - Combined lots provide sufficient land area to meet minimum requirements for a district library (min 2,430m²), with opportunities for co-location, outdoor space, and future parking.  - Site is not Council-owned or managed, being leased under the Department of Education. This presents a key constraint to long-term delivery and investment. ON BALANCE: Supported as location for new library. However deemed Not Feasible due to land tenure.
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EXISTING SANCTUARY POINT LIBRARY (ADDITIONAL LOTS) – Lot 7 DP 805351, Lot 6 DP 805351, Lot 5 DP 805351, Lot 4 DP 805351, Lot 3 DP 805351		
Pros	Cons	State Library Guidelines
- o [REDACTED] - o [REDACTED]	- SEPP (Transport and Infrastructure) 2021 – reference applicable divisions in the development application Consent - Libraries are permitted with consent under Community Facility within R2 – Low Density Residential. Libraries are permitted with consent if ordinarily incidental or ancillary to the development within SP2 Infrastructure – Education and therefore deemed to be permitted with Consent.	

5. CORNER OF KERRY ST / PARADISE BEACH RD

Lot 944 DP 27857, Lot 945 DP 27857, Lot 946 DP 27857, Lot 947 DP 27857

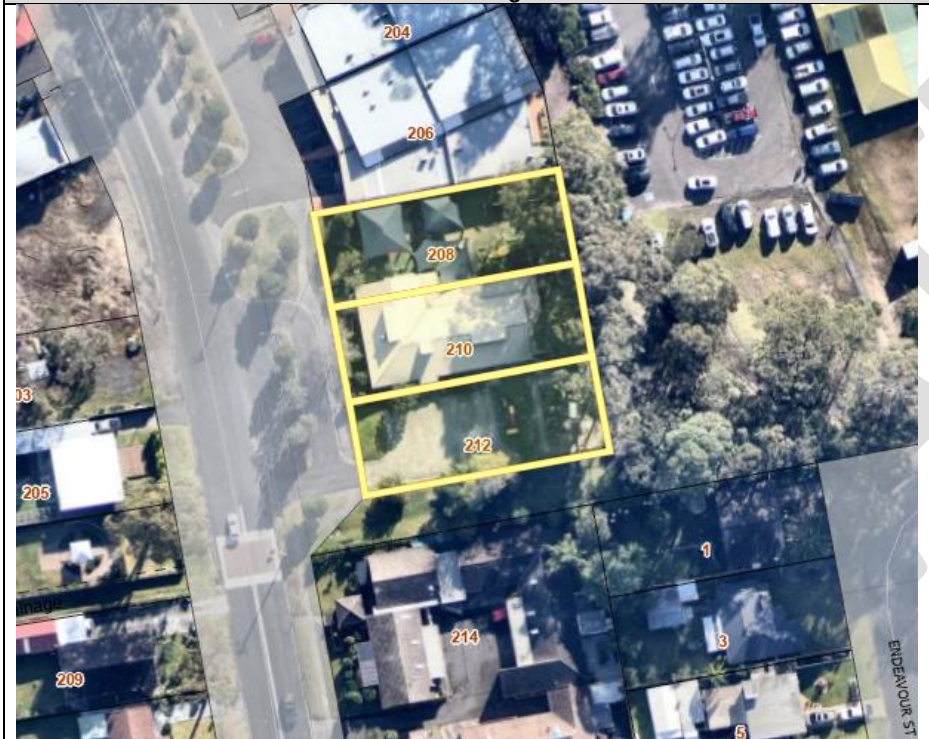
Aerial Image	Site Details
	• Currently used as a carpark to service the Sanctuary Point commercial area, Francis Ryan Reserve and the St Georges Basin Country Club. • Site is a key feature in the Sanctuary Point streetscape. • Adjacent to commercial centre and primary sporting precinct. • Site has completed concept designs and feasibility investigations which outline the sites suitability for the construction of a library. • Site can be progressed to detailed design upon selection. • Council-owned land – Operational • Zoned E1 – Local Centre • Lot Size (combined): 2,430m²

CORNER OF KERRY ST / PARADISE BEACH RD – Lot 944 DP 27857, Lot 945 DP 27857, Lot 946 DP 27857, Lot 947 DP 27857			
Pros		Cons	State Library Guidelines
- Not flood or bushfire prone land. - Adjacent to commercial centre. - Located in a prominent location of the streetscape. - Adequate pedestrian connectivity to commercial centre and public transport. - Minimal vegetation removal required. - Adequate parking availability. - Opportunities for co-location with additional community infrastructure. - Close proximity to Sanctuary Point Public School. - Library project at the site significantly progressed through concept design and feasibility investigations. - Size adequate to deliver library.		- Not supported by elected Council (ref. MIN25.175) - Community perception (limited) that delivery of a new library at this location would result in loss of car parking spaces servicing local activity centre (noting this is not borne out in design investigations undertaken to date). - Community perception (limited) that development of this location for the purposes of a new public library will limit future economic activity in the local activity centre. - Community perception (limited) that development of this location for the purposes of a new public library is in contravention of adopted Development Control Plan (ref. chapter N22 – North Shoalhaven – Sanctuary Point Local Centre).	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 85 out of 90. - See Matrix: D25/204313 - Site aligns with the requirements of the State Library.
CISP Review		Permissibility (Statutory Planning)	General Notes
[REDACTED] [REDACTED]		Zoning – E1 Local Centre. Surrounded by E1 local centre partly to the east and west. Adjoining RE1 – Public Recreation (Francis Ryan Reserve) to the East. RE2 – Private Recreation and R3 Medium Density Residential to the North. - Acid Sulfate Soils: Class 5 - Bushfire: Not Affected - Not within a heritage area or heritage conservation area - No items of Aboriginal Heritage significance identified - Maximum Building Height: Not specified - Not Council managed land SEPP - SEPP 2021 – Resilience and Hazards – Coastal Environmental Area – The development application will need to consider this SEPP and assess whether the development is 'likely to cause an adverse impact on	- Location is feasible for the development of a library. - No cons were identified for the location. - Locational matrix score excelled among other sites included in the investigations. - Council has deemed this site unsuitable due to parking availability in Sanctuary Point. ON BALANCE: Supported as location for new library.
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CORNER OF KERRY ST / PARADISE BEACH RD – Lot 944 DP 27857, Lot 945 DP 27857, Lot 946 DP 27857, Lot 947 DP 27857		
Pros	Cons	State Library Guidelines
	matters listed in the SEPP' eg. Coastal environmental values, marine vegetation, water quality of marine estate. Flood - Not affected by flooding Consent - Libraries within E1 Local Centre zoning are permitted with consent.	

6. 210 KERRY ST

Lot 952 DP 27857, Lot 953 DP 27857, Lot 954 DP 27857

Aerial Image	Site Details
	- Existing lease arrangement with Illawarra Area Child Care Incorporated. Lease recently renewed, OSRP recommended short lease agreement to align with Sanctuary Point Library site investigations. - Existing building, outdoor space and carpark. - Site is in a relatively prominent location in Sanctuary Point streetscape. - Adjacent to commercial centre and primary sporting precinct. - Council-owned land - Operational - Zoned E1 – Local Centre - Lot size (combined): 1,810m²

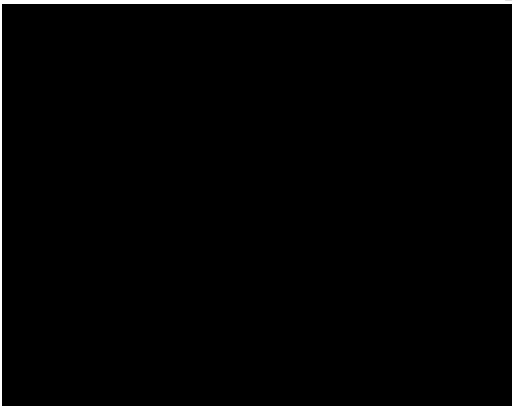
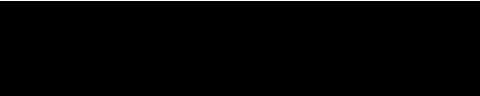
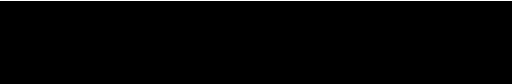
210 KERRY ST – Lot 952 DP 27857, Lot 953 DP 27857, Lot 954 DP 27857		
Pros	Cons	State Library Guidelines
- Not flood or bushfire prone land. - Close proximity to commercial centre. - Along main street in a relatively prominent location. - Adequate pedestrian connectivity to commercial centre and public transport. - No vegetation removal required. - Opportunities for co-location with additional community infrastructure.	- Small parcel of land that will present limitations to the size of the library that can be delivered. - Limited parking availability and limited space for the development of future parking. - Existing building does not meet the size requirements for the required GFA. - Potential for lease arrangement complications.	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 69 out of 90. - See Matrix: D25/204313 - Site aligns with the general requirements of the State Library, excluding space for parking and future expansion.
CISP Review	Permissibility (Statutory Planning)	General Notes
	Zoning – E1 Local Centre. Surrounded by R3 Medium Residential directly to the North across Paradise Beach Road and RE1 Pubic Recreation to the West - Acid Sulfate Soils: Class 5 - Bushfire: Not Affected - Not within a heritage area or heritage conservation area - No items of Aboriginal Heritage significance identified - Maximum Building Height: Not specified - Council owned land currently leased SEPP - SEPP 2021 – Resilience and Hazards – Coastal Environmental Area – The development application will need to consider this SEPP and assess whether the development is 'likely to cause an adverse impact on matters listed in the SEPP' eg. Coastal environmental values, marine vegetation, water quality of marine estate. Development not likely to affect this SEPP. Flood	- Cons outweigh pros (primarily due to site size limitations and lease constraints) - Site scores moderately against State Library of NSW guidelines (Locational Matrix). - Site is small and constrained, limiting the ability to deliver a library that meets district-level benchmarks (required GFA: 1,670m²–1,880m²). - Land is Council-owned but currently leased, which may present complications for redevelopment or long-term investment. ON BALANCE: Not supported as location for new library.

210 KERRY ST – Lot 952 DP 27857, Lot 953 DP 27857, Lot 954 DP 27857		
Pros	Cons	State Library Guidelines
	Not affected by flooding Consent Libraries within E1 Local Centre zoning are permitted with consent.	

7. 34 PARADISE BEACH RD

Lot 2 DP 805351

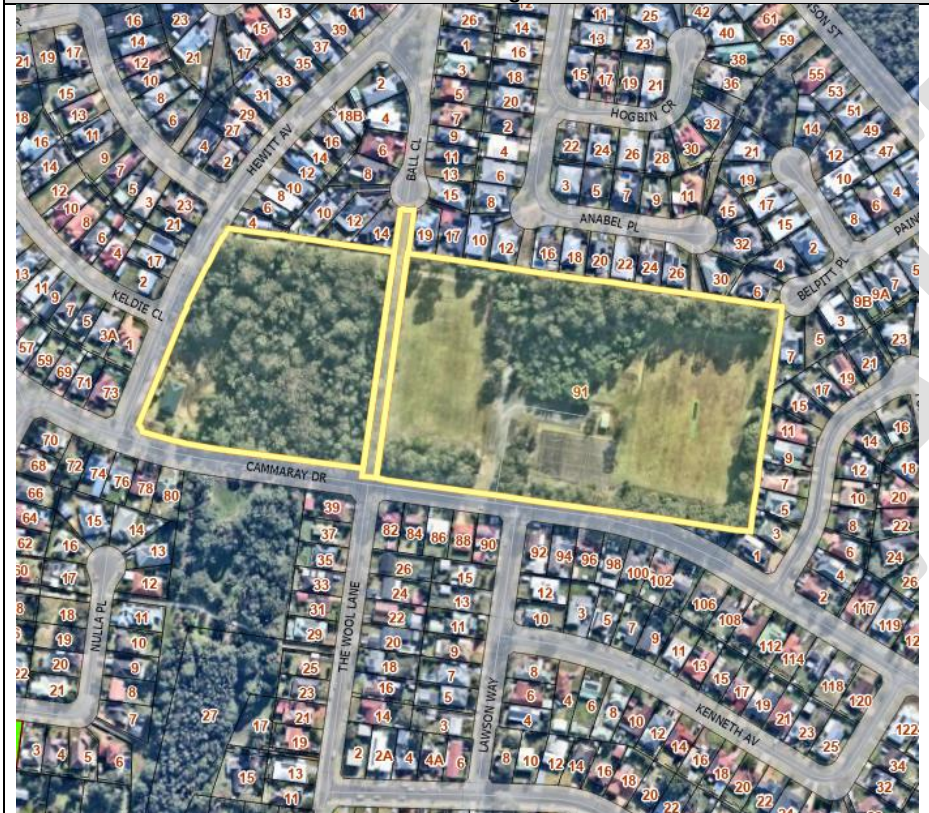
Aerial Image	Site Details
	- Existing lease arrangement with Illawarra Area Child Care Incorporated. Lease recently renewed, OSRP recommended short lease agreement to align with Sanctuary Point Library site investigations. - Existing building, outdoor space and carpark. - Site is in a relatively prominent location in Sanctuary Point streetscape. - Adjacent to commercial centre and primary sporting precinct. - Adjacent to Sanctuary Point Public School. - Council-owned land – Operational - Zoned SP2 - Infrastructure - Lot size: 1,981m²

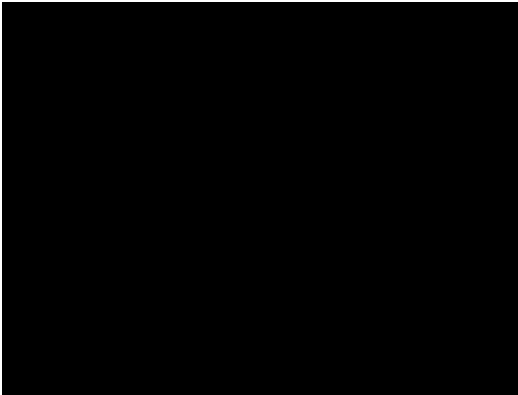
34 PARADISE BEACH RD – Lot 2 DP 805351		
Pros	Cons	State Library Guidelines
- Not flood or bushfire prone land. - Close proximity to commercial centre. - Along main street in a relatively prominent location. - Adequate pedestrian connectivity to commercial centre and public transport. - Minimal vegetation removal required. - Potential for acquisition/lease of adjacent land for parking, expansion or outdoor space. - Existing building may meet size requirements for a 900m² GFA library. - Adjacent to Sanctuary Point Public School.	- Limited parking availability and limited space for the development of future parking (within lot extent). - Potential for lease arrangement complications.	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 77 out of 90. - See Matrix: D25/204313 - Site aligns with the requirements of the State Library.
CISP Review	Permissibility (Statutory Planning)	General Notes
CONFIDENTIAL internal note [not for distribution]: Initial CISP Review findings relevant to this site are: 	Zoning – SP2 Infrastructure – Educational Establishment - Adjoining R2 – Low Density Residential to the East; E1 – Local Centre directly to the West and directly to the South of the boundary of the property is Sanctuary Point Public School which is also zoned SP2 Infrastructure – Educational Establishment - Acid Sulfate Soils: Class 5 - Bushfire: Not Affected - Not within a heritage area or heritage conservation area - No items of Aboriginal Heritage significance identified - Maximum Building Height: Not specified - Council owned land currently leased SEPP - SEPP 2021 – Resilience and Hazards – Coastal Environmental Area – The development application will need to consider this SEPP and assess whether the	- Pros outweigh cons, subject to resolution of lease arrangements and parking constraints - Site scores well against State Library of NSW locational guidelines. - Existing building may meet the minimum GFA requirement (900m²), with minimal vegetation removal required. - Potential exists to acquire or lease adjacent land to support future parking, expansion, or outdoor space.   - Lease arrangement and limited on-site parking remain key constraints to feasibility.
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34 PARADISE BEACH RD – Lot 2 DP 805351		
Pros	Cons	State Library Guidelines
	development is 'likely to cause an adverse impact on matters listed in the SEPP' e.g. Coastal environmental values, marine vegetation, water quality of marine estate. Development not likely to affect this SEPP. Flood Not affected by flooding Consent A Library within the SP2 Infrastructure – Educational Establishment zoning is permitted with consent if a library is considered to be 'ordinarily incidental or ancillary to the development for that purpose' with the purpose being an Educational Establishment.	ON BALANCE: Supported for further investigation.

8. WOOL LANE SPORTING COMPLEX

Lot 13 DP 832577, Lot 23 DP 241970

Aerial Image	Site Details
	• Wool Lane Sporting Complex has sports fields, netball courts, playground, amenities, carparking and substantial mature vegetation. • Not part of streetscape due to surrounding vegetation and it's location in a residential area. • Western vegetated area is the most feasible location to construct a library. • Council-owned • Community Land (Sportsground) • Zoned RE1 – Public Recreation • Lot size (combined): 6.96ha

WOOL LANE SPORTING COMPLEX – Lot 13 DP 832577, Lot 23 DP 241970			
Pros		Cons	State Library Guidelines
- Co-located with community infrastructure. - Pending vegetation removal, size of land is adequate for requirements (min 2,430m² to deliver 900m² library). - Lot size offers potential for future developments such as expansions to a future library, parking additions and outdoor space embellishments.		- Flood prone as per FPA 2050 layer on GIS. Approx 50% coverage. - Bushfire prone as per GIS. 100% coverage. - Not adjacent to a commercial centre. - Not on a main street. - Development would require significant vegetation removal (further environmental investigations required to determine feasibility). - No pedestrian connectivity to commercial centre or public transport. - No existing parking to service a library. - Poor road conditions, no kerb and guttering, narrow suburban roads.	2024 Pop: 32,554 2046 Pop: 38,791 - Required GFA: 1,670m² to 1,880m² - Locational Matrix results in a score of 50 out of 90. - See Matrix: D25/204313 - Site does not align with the locational requirements of the State Library. Site offers opportunities for future development.
CISP Review		Permissibility (Statutory Planning)	General Notes
CONFIDENTIAL internal note [not for distribution]: Initial CISP Review findings relevant to this site are:  		Zoning – RE1 – Public Recreation - Adjoining R2 – Low Density Residential surrounding the site - Acid Sulfate Soils: Class 5 - Bushfire – Bushfire Vegetation Category 2 and Vegetation Buffer affects the site as per GIS. 100% coverage. - Not within a heritage area or heritage conservation area - No items of Aboriginal Heritage significance identified - Maximum Building Height: Not specified - Council owned land currently leased SEPP - SEPP (Biodiversity and Conservation) 2021 – likely to require a Biodiversity Impact Assessment for any vegetation removal required at the site to supplement the development application	- Cons outweigh pros (inc. flood & bushfire) - Low score when assessed against State Library of NSW guidelines (Locational Matrix) - Improvements to civil infrastructure (formalised car parking, implementation of concrete kerb and gutters, upgrades to road pavement, upgrades to drainage, etc.), likely required adding complexity and cost. - Location, surrounded by residential dwellings on all sides (R2 – Low Density Res), considered undesirable for provision of library services. - Flood risk present, though considered manageable through design solutions (may increase planning/design and infrastructure costs). - Environmental investigations (REF) to provide further guidance re. feasibility. ON BALANCE: Not supported as location for new library.
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WOOL LANE SPORTING COMPLEX – Lot 13 DP 832577, Lot 23 DP 241970		
Pros	Cons	State Library Guidelines
○ [REDACTED] ○ [REDACTED] ○ [REDACTED] • [REDACTED]	- SEPP (Transport and Infrastructure) 2021 – reference applicable divisions in the development application Flood - Flood prone as per FPA 2050 layer on GIS. Approx 50% coverage. Consent - A Library within the SP2 Infrastructure – Educational Establishment zoning is permitted with consent if a library is considered to be 'ordinarily incidental or ancillary to the development for that purpose' with the purpose being an Educational Establishment.	

9. SUMMARY & RECOMMENDATION

	Locational Matrix Score	Land Tenure / Occupancy	CISP Support	Permissibility	State Library Guidelines	Flood / Bushfire Prone	Vegetation Removal	Parking Availability	TOTAL
	1 – 8	1 – 3	1 – 3	1 – 3	1 – 3	1 – 2	1 – 2	1 – 2	MAX 26
CLIFTON PARK	3	3	1	3	1	1	1	1	14
FRANCIS RYAN RESERVE	5	3	1	3	2	2	2	2	20
EXISTING SANCTUARY POINT LIBRARY	5	1	1	3	2	2	2	1	17
EXISTING SANCTUARY POINT LIBRARY (ADDITIONAL LOTS)	7	1	2	3	3	2	1	2	21
CORNER OF KERRY ST / PARADISE BEACH RD	8	3	3	3	3	2	2	2	26
210 KERRY ST	6	2	1	3	2	2	2	1	19
34 PARADISE BEACH RD	7	2	2	3	3	2	2	1	22
WOOL LANE SPORTING COMPLEX	5	3	1	3	1	1	1	2	17

Following a comprehensive assessment of eight potential sites for the development of a new library in Sanctuary Point, the **Corner of Kerry Street / Paradise Beach Road** emerged as the preferred and best-practice location. The site aligns strongly with the State Library of NSW locational guidelines, offers excellent proximity to the commercial centre, public transport, and community infrastructure, and has adequate land size and parking availability. Concept design and feasibility investigations have already been progressed for this location.

As Council has deemed the site unsuitable primarily based on parking availability concerns, it is recommended that **34 Paradise Beach Road** be investigated further as the alternative preferred location. This site presents strong locational advantages, potential for co-location with existing community services, and feasibility for redevelopment into a district-level library, subject to resolution of lease arrangements and parking constraints.

DRAFT

**State Library People Places
LOCATIONAL MATRIX**

LOCATIONAL CRITERIA	WEIGHTING (OPTIONAL)	1. Clifton Park		2. Francis Ryan Reserve		3. Existing Sanctuary Point Library		4. Existing Sanctuary Point Library (Additional Lots)		5. Corner of Kerry St / Paradise Beach Rd		6. 210 Kerry St		7. 34 Paradise Beach Rd		8. Wool Lane Sporting Complex	
		Score of 3)	(out weighting score x	Score of 3)	(out weighting score x	Score of 3)	(out weighting score x	Score of 3)	(out weighting score x	Score of 3)	(out weighting score x	Score of 3)	(out weighting score x	Score of 3)	(out weighting score x	Score of 3)	(out weighting score x
MAIN STREET OR SHOPPING CENTRE LOCATION	1	0	0	2	2	3	3	3	3	3	3	3	3	3	3	0	0
HIGHLY VISIBLE LOCATION	3	0	0	1	3	2	6	3	9	3	9	2	6	3	9	1	3
GROUND FLOOR AND STREET FRONTAGE	3	2	6	1	3	2	6	3	9	3	9	3	9	3	9	1	3
HIGH LEVELS OF PERSONAL AND PROPERTY SAFETY	3	1	3	1	3	2	6	3	9	3	9	3	9	3	9	1	3
FULLY ACCESSIBLE	3	1	3	2	6	3	9	3	9	3	9	3	9	3	9	1	3
PROXIMITY TO LOCAL SCHOOLS / EDUCATION FACILITIES	2	1	2	3	6	3	6	3	6	3	6	2	4	3	6	1	2
POTENTIAL FOR OUTDOOR SPACE	1	2	2	2	2	1	1	2	2	2	2	2	2	2	2	3	3
PRIORITY PEDESTRIAN ACCESS	3	1	3	2	6	3	9	3	9	3	9	3	9	3	9	1	3
WALK TO PUBLIC TRANSPORT	1	1	1	2	2	3	3	3	3	3	3	2	2	3	3	3	3
CONVENIENT AND SAFE PARKING	3	2	6	3	9	1	3	2	6	3	9	2	6	2	6	2	6
ACCESSIBLE FOR ALL VEHICLES	3	2	6	3	9	1	3	2	6	3	9	2	6	2	6	3	9
FUTURE EXPANSION	2	1	2	1	2	1	2	2	4	2	4	1	2	1	2	3	6
CO-LOCATION OPPORTUNITIES	2	1	2	2	4	1	2	1	2	2	4	1	2	2	4	3	6
OVERALL SCORE	90	36		57		59		77		85		69		77		50	

STATE
LIBRARY
NSW

Manager Open Space & Recreation Planning
Technical Services, Shoalhaven City Council
Bridge Road
Nowra NSW 2541

Dear [REDACTED]

Thanks for providing the State Library with the latest information on possible sites for a new public library in Sanctuary Point. Shoalhaven City Council received \$500,000 towards this project in the 2022/23 State Library of NSW Public Library Infrastructure Grants. We are pleased to provide you with this feedback to help ensure that an appropriate site is chosen for a new library for the community.

*People Places: A guide for planning public library buildings*¹ provides councils and library staff with practical tools and best practice in planning a new or refurbished library building.

The State Library regularly assists NSW councils with the use of People Places tools and information in planning library buildings, including site location, size and layout. People Places has been developed with input from specialist library architects, State Library and public library staff. The publication and planning tools are considered best practice with the Australian Library and Information Association (ALIA) endorsing People Places as national standards in 2019. It is also referenced by many international library stakeholders as a key resource for planning library buildings.

Library buildings that have been successfully planned using People Places with State Library input include the new Gosford Library for Central Coast Council and Gilgandra Library which both opened in September 2025, as well as Parramatta Library at PHIVE, Coffs Harbour City Library, and Jindabyne Library for Snowy Monaro Regional Council.

The document *Sanctuary Point Library – Site Investigations* refers to a number of potential sites for the new library. It states that the required floor area is between 1,670 and 1,880 square metres. This would be the minimum recommended size for a population of between 32,500 and approximately 38,500 people. To determine the appropriate size for a new Sanctuary Point Library, Shoalhaven Library and Council staff would need to determine the catchment for the new library. This needs to be considered along with the catchments and floor areas for each of the four branches, ensuring that the total floor area of library buildings is sufficient to serve the total population of the LGA.

¹ <https://pls.sl.nsw.gov.au/managing-my-library/buildings-and-spaces/people-places>

Comments on Sanctuary Point Library Site Investigations document and locational matrix

The State Library considers that features such as a highly visible location, street frontage, accessibility and parking are key to the planning of a successful new library building and has developed the location matrix to reflect this. Other criteria that rate highly include proximity to schools and the potential for co-location and future expansion. The matrix provides a good starting point for assessing potential sites for a public library. The matrix can be tailored for local use. The State Library notes that Shoalhaven City Council used weightings as recommended by the State Library and has added other crucial local criteria such as flood/bushfire prone, vegetation removal and land ownership. The State Library considers that the summary and recommendation matrix provided by Shoalhaven City Council is appropriate.

Comments on specific sites

Site 1. Clifton Park

According to the Shoalhaven report this site is flood and bushfire prone and although it is co-located with a playground, community garden and men's shed it is not on a main street and is located at a significant distance from Sanctuary Point's commercial centre. Parking and access seem to be an issue. A library of 900 square metres is proposed for this location which would be the minimum recommended size for a population catchment of 13,000 people.

This site is not recommended by the State Library.

Site 2. Francis Ryan Reserve

Francis Ryan Reserve is in close proximity to the main street however it is not located on the main street. There is an opportunity for a library to be co-located with sports amenities but it seems that these amenities would limit the amount of space that could be allocated to a library building.

This site is not recommended by the State Library.

Site 3. Existing Sanctuary Point Library

The current Sanctuary Point Library is well located on Paradise Beach Road, close to the commercial centre but it is well below the minimum recommended size for the population catchment, with limited space for parking. There is little opportunity for a larger library on this site and the option is further constrained due to the property not being owned by council.

This site is not recommended by the State Library.

Site 4. Existing Sanctuary Point Library (additional lots)

As above, with the potential for a larger library if adjacent lots could be purchased. Risk that some or all lots would not be available for purchase.

This site is not recommended by the State Library.

Site 5. Corner of Kerry Street and Paradise Beach Road

This site is well located on the main street, adjacent to the commercial centre, close to the public school and suitably sized for a new library with space for parking.

This site is recommended for further consideration by the State Library.

Site 6. 210 Kerry Street

This site is adjacent to the Sanctuary Point commercial centre but possibly not as visible as the site on the corner of Kerry Street and Paradise Beach Road. It would provide enough space for a suitably sized library but with limited parking and potential for future expansion. As the land is currently leased to a childcare provider the potential to redevelop as a library could be delayed.

This site is not recommended by the State Library.

Site 7. 34 Paradise Beach Road

This site is well located on a main street, adjacent to Sanctuary Point commercial centre and public school. It currently has limited room for parking but the document states that there is the potential for expansion into adjacent land. As the land is currently leased to a childcare provider the potential to redevelop as a library could be delayed.

This site may be suitable for further consideration but does not rate as highly as Site 5.

Site 8. Wool Lane sporting complex

This site is the least attractive option as it is located too far from Sanctuary Point commercial centre and not on a main street. Although it is located next to sporting fields there is little else to recommend it. It is also flood and bushfire prone.

This site is not recommended by the State Library.

The State Library would be pleased to continue discussions with Shoalhaven City Council as plans for the new Sanctuary Point Library are refined. Once a suitable location is confirmed we can provide input on design, layout and furniture choices.

Yours sincerely,

Kate O'Grady
Consultant, Public Library Services

Cameron Morley
Head of Public Library Services

23/10/2025 11:41 AM

SHOALHAVEN CITY COUNCIL – DRAFT CODE OF MEETING PRACTICE

2025

CL25.372 - Attachment 1

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1 INTRODUCTION

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

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

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

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

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

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

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.

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.

Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW

local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

3 BEFORE THE MEETING

Timing of ordinary council meetings

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

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

Extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

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 must 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 Chief Executive Officer 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, unless the council determines otherwise, 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 in writing within the timeframe determined by Council prior to the meeting date.
- 3.11 A councillor may, in writing to the Chief Executive Officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Questions with notice

- 3.12 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the Chief Executive Officer about the performance or operations of the council.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

- 3.15 The Chief Executive Officer 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.

- 3.16 The Chief Executive Officer 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.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 The Chief Executive Officer 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 Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.19 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer 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 3.19 reflects section 9(2A)(a) of the Act.

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

Availability of the agenda and business papers to the public

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

Note: Clause 3.21 reflects section 9(2) and (4) of the Act.

- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.22 reflects section 9(2A)(b) of the Act.

- 3.23 For the purposes of clause 3.21, 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 3.23 reflects section 9(3) of the Act.

- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.

Note: Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.

Note: The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.

- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the Chief Executive Officer about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4 PUBLIC FORUMS

- 4.1 The council will hold public forums according to a schedule set by council resolution for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meetings of the Council. The Schedule of Ordinary Meetings and related public forums will be published on the Council website.
- 4.2 The provisions of this code requiring the livestreaming of meetings also apply to public forums.
- 4.3 The conduct of Public Forums is detailed in Shoalhaven City Council's Public Forum Policy.

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 The council may determine standards of dress for councillors when attending meetings.
- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the

meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.

- 5.5 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.6 Where a councillor makes an apology under clause 5.4, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 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.

The quorum for a meeting

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

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

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

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

- 5.10 A meeting of the council must be adjourned if a quorum is not present:
- (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.
- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the Chief Executive Officer.

- 5.12 The Chief Executive Officer must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for

the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called by the mayor under clause 3.3.

Meetings held by audio-visual link

- 5.15 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the Chief Executive Officer and, as far as is practicable, with each councillor.
- 5.16 Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the Chief Executive Officer must:
- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - (c) cause a notice to be published on the council's website and in such other manner the Chief Executive Officer is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a council holds a meeting by audio-visual link under clause 5.15, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.19 Clause 5.18 does not apply to meetings at which a mayoral election is to be held.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the z 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 the meetings the resolution applies to.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

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

Entitlement of the public to attend council meetings

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

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

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

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

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

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

- 5.34 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Note: ~~If adopted, clause 15.15 and 15.16 confers a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, Clause 15.15 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.~~

Livestreaming of meetings

- 5.35 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.36 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.
- 5.37 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.38 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.39 Clauses 5.35 - 5.38 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 5.35 – 5.39 reflect section 236 of the Regulation.**
- 5.40 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- 5.41 It is not the intention of live streaming, recording and publishing to capture those attending the Meeting in the gallery, however this may occur due to the camera angles and seating arrangements. By attending a public meeting, attendees are consenting to their image, voice or comments being webcast or recorded.
- 5.42 The Chief Executive officer may suspend webcasting at any point during a meeting if they are of the opinion that continued recording of the proceedings may infringe the rights or safety of an individual, be defamatory or inappropriate.
- 5.43 While Council will make every effort to ensure that live streaming is available, it cannot be held liable for technical issues that may occur. The failure to webcast the debate or decision does not invalidate a resolution of the Council.
- 5.44 The Webcasts and recordings of the Council are protected by Copyright and owned by Shoalhaven City Council.

Attendance of the Chief Executive Officer and other staff at meetings

- 5.45 The Chief Executive Officer 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 5.45 reflects section 376(1) of the Act.

- 5.46 The Chief Executive Officer 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 5.46 reflects section 376(2) of the Act.

- 5.47 The Chief Executive Officer 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 Chief Executive Officer or the terms of employment of the Chief Executive Officer.

Note: Clause 5.47 reflects section 376(3) of the Act.

- 5.48 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the Chief Executive Officer in consultation with the Mayor.

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 Chief Executive Officer or, in their absence, an employee of the council designated by the Chief Executive Officer to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer nor a designated employee is present at the meeting, or if there is no Chief Executive Officer 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 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [surname].

8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 At a meeting of the council, the general order of business is as follows:
- 1. Acknowledgement of Country
 - 2. Moment of Silence and Reflection
 - 3. Australian National Anthem
 - 4. Apologies/Leave of Absence

5. Confirmation of Audio-Visual Attendance
6. Confirmation of Minutes
7. Declarations of Interest
8. Presentation of Petitions
9. Mayoral Minutes
10. Call Over of the Business Paper
11. Notices of Motion and Questions on Notices
12. A Committee of the Whole (if necessary)
13. Report of Committees
14. Report of the Shoalhaven Local Transport Forum (if required)
15. Officers Reports
16. Addendum Reports
17. Confidential Reports

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

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

- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can 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) 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 of the council.

9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.

9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.

9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.

Mayoral minutes

9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.

9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.

9.9 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.

Staff reports

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

Reports of committees of council

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

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

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the Chief Executive Officer about a matter on the agenda. The Chief Executive Officer may request another council employee to answer the question.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

Petitions

- 9.19 The exact wording of petitions tabled at meetings of the Council shall be recorded in the minutes of that meeting. Petitions will be managed in accordance with the Council's Policy for Petitions.

Development Approval Procedures

- 9.20 In any circumstances where a Development Application is called in by Council for determination, the resolution shall include reasons for doing so.
- 9.21 Reasons will also be recorded for decisions—approval or refusal—involving Development Applications seeking approval for significant variations to Council policies, Development Control Plans, or other development standards.
- 9.22 A notice of amendment or rescission shall be lodged in the circumstance a call-in (under clause 9.20) is to be reversed. The resolution of the Council must include the reason for the reversal.
- 9.23 Where a report is provided to the Council relating to a Development Application, the report will include the names of the applicants and owners to allow consideration and declaration of any Conflict of Interest.

Note: For provisions relating to voting on planning decisions refer to Section 11 – Voting on Planning Decisions.

Note: For timing of Motions to rescind or alter a resolution on a Development Application see 17.10.

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, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 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.

Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 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.

- 10.10 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.
- 10.11 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.
- 10.12 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.
- 10.13 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.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 Despite clause 10.17, 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.
- 10.19 Despite clauses 10.15 and 10.16, 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.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 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 10.15.

- 10.22 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.
- 10.23 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.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

11 VOTING

Voting entitlements of councillors

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

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

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

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

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

Voting at council meetings

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

Voting on planning decisions

- 11.7 The council or a council committee must not make a final planning decision

without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.

- 11.8 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.9 The Chief Executive Officer 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.
- 11.10 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.
- 11.11 Clauses 11.9–11.10 apply also to meetings that are closed to the public.

Note: Clauses 11.9–11.10 reflect section 375A of the Act.

Note: The requirements of clause 11.9 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 and encouraging councillors and staff to stand when addressing the meeting.

Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

- 12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the council designated by the Chief Executive Officer, 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 where it considers it necessary to expedite the consideration of business at a meeting.
- 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 8.2.
- 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.

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,
 - (c) are fully discussed in that advice, and
 - (d) are subject to legal professional privilege.

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 3.19 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 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.

14.12 Where the matter has been identified in the agenda of the meeting under

clause 3.19 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 a manner determined by the council. Applications must be received by 9.30am on the day of the meeting at which the matter is to be considered.

- 14.13 The Chief Executive Officer (or their delegate) may refuse an application made under clause 14.12 The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 14.14 No more than one speaker for and one speaker against are to be permitted to make representations under clause 14.9.
- 14.15 If more than the permitted number of speakers apply to make representations under clause 14.9, the Chief Executive Officer 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 Chief Executive Officer or their delegate is to determine who will make representations to the Council.
- 14.16 The Chief Executive Officer (or their delegate) is to determine the order of speakers.
- 14.17 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 3.19 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 two (2) speakers to make representations in such order as determined by the chairperson.
- 14.18 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 14.19 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.
- 14.20 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

- 14.21 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

- 14.22 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 14.22 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.23 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.
- 14.24 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 14.23 during a part of the meeting that is livestreamed where practicable.
- 14.25 The Chief Executive Officer must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.26 The Chief Executive Officer must consult with the council and any other affected persons before publishing information on the council's website under clause 14.25 and provide reasons for why the information has ceased to be confidential.

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 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

- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7 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.
- 15.8 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.
- 15.9 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

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

(a) contravenes the Act, the Regulation or this code, or

- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) uses offensive or disorderly words, or
- (e) makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- (f) imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
- (g) says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.11 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- (b) to withdraw a motion or an amendment referred to in clause 15.10(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 15.10(d), (e), (f) or (g).

Note: Clause 15.11 reflects section 233 of the Regulation.

- 15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.
- 15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

- 15.14 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

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

~~15.16 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 15.15 or clause 15.16.

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

15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11 or clause 15.13. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

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

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

15.19 Members of the public attending a meeting of the council:

- (a) must remain silent during the meeting unless invited by the chairperson to speak,
- (b) must not bring flags, signs or protest symbols to the meeting, and
- (c) must not disrupt the meeting.

15.20 Without limiting clause 15.18, a contravention of clause 15.19 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.18. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.19.

15.21 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.

15.22 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

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

- 15.23 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.
- 15.24 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 15.25 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.
- 15.26 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.
- 15.27 Without limiting clause 15.18, a contravention of clause 15.26 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 15.26, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.28 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Use of Laptops During Meetings

- 15.29 Laptops are not to be used for live communication with non-Council related external parties, especially social media platforms whilst in Ordinary meetings (MIN25.10)

16 CONFLICTS OF INTEREST

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they 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 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 have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

17 DECISIONS OF THE COUNCIL

Council decisions

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

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

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

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

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 this code.

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 Chief Executive Officer no later than 1 day after the meeting at which the resolution was adopted.

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

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

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

- (a) a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
- (b) the council resolves to deal with the motion at the meeting on the grounds that it is urgent and 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 any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.

- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

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 any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, 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 at **10.00pm.**
- 18.2 If the business of the meeting is unfinished at the time the council has determined, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.3 Clause 18.2 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.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer must ensure that the following matters are recorded in the council's minutes:

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

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

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

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

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

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

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

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

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

- 19.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable

access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

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

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

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

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

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

- 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 Chief Executive Officer is to implement, without undue delay, lawful decisions of the council.

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

20 COUNCIL COMMITTEES

Application of this Part

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

Council committees whose members are all councillors

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

Functions of committees

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

Notice of committee meetings

- 20.6 The Chief Executive Officer 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.

Non-members entitled to attend committee meetings

- 20.8 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

- 20.9 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.

- 20.10 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.

- 20.11 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.

- 20.12 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. 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

- 20.13 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.

- 20.14 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 20.13.
- 20.15 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).

Mayoral minutes

- 20.16 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

- 20.17 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.
- 20.18 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.
- 20.19 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 20.18 during a part of the meeting that is livestreamed where practicable.
- 20.20 The Chief Executive Officer must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 20.21 The Chief Executive Officer must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.20 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

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

Minutes of council committee meetings

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

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CL25.372 - Attachment 1

22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.10 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.9 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	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
day	means calendar day
division	means a request by two councillors requiring the recording of the names of the councillors who voted both for and against a motion
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
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, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act

quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

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CL25.372 - Attachment 1

Department of Planning,
Housing and Infrastructure
Office of Local Government



The model code of meeting practice for local councils in NSW

August 2025

olg.nsw.gov.au

CL25.372 - Attachment 2

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1 Introduction

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

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

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

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

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

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

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

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

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

2 Meeting principles

2.1 Council and committee meetings should be:

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

Note: The Office of Local Government has issued a guideline on free speech in local government in NSW. The Guideline provides practical guidance to councils on what free speech means in the context of NSW local government, including in relation to council meetings. The Guidelines have been issued under section 23A of the Act meaning councils must consider them when exercising their functions at meetings.

3 Before the meeting

Timing of ordinary council meetings

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

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

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

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

Note: Under clause 13 of Schedule 11 of the Act, councils that have been designated as a rural and remote council under the Regulation are required to meet at least four (4) times each year, each time in a different quarter of the year.

Extraordinary meetings

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

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

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 must 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, unless the council determines otherwise, 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 within such reasonable time before the meeting is to be held as determined by the council.
- 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.

Questions with notice

- 3.12 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.
- 3.13 A councillor is not permitted to ask a question with notice under clause 3.12 that would constitute an act of disorder.
- 3.14 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council.

Agenda and business papers for ordinary meetings

- 3.15 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.
- 3.16 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.
- 3.17 Nothing in clause 3.16 limits the powers of the mayor to put a mayoral minute to a meeting without notice under clause 9.7.
- 3.18 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.
- 3.19 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 3.19 reflects section 9(2A)(a) of the Act.
- 3.20 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.
- Note:** Clause 3.21 reflects section 9(2) and (4) of the Act.
- 3.22 Clause 3.21 does not apply to the business papers for items of business identified under clause 3.19 as being likely to be considered when the meeting is closed to the public.
- Note:** Clause 3.22 reflects section 9(2A)(b) of the Act.
- 3.23 For the purposes of clause 3.21, 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 3.23 reflects section 9(3) of the Act.
- 3.24 A copy of an agenda, or of an associated business paper made available under clause 3.21, may in addition be given or made available in electronic form unless the council determines otherwise.
- Note:** Clause 3.24 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.25 The council must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.26 Nothing in clause 3.25 limits the powers of the mayor to put a mayoral minute to an extraordinary meeting without notice under clause 9.7.
- 3.27 Despite clause 3.25, business may be considered at an extraordinary meeting of the council at which all councillors are present, even though due notice has not been given of the business, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting of the council. A resolution adopted under this clause must state the reasons for the urgency.
- 3.28 A motion moved under clause 3.27 can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with. Despite any other provision of this code, only the mover of a motion moved under clause 3.27, and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 3.29 If all councillors are not present at the extraordinary meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 3.27 and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.
- 3.30 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.29 on whether a matter is urgent.

Prohibition of pre-meeting briefing sessions

- 3.31 Briefing sessions must not be held to brief councillors on business listed on the agenda for meetings of the council or committees of the council.
- Note:** The prohibition on the holding of briefing sessions under clause 3.31 reflects the intent of Chapter 4, Part 1 of the Act which requires business of the council to be conducted openly and transparently at a formal meeting of which due notice has been given and to which the public has access. Pre-meeting briefing sessions are inconsistent with the principles of transparency, accountability and public participation and have the potential to undermine confidence in the proper and lawful decision-making processes of the council.
- 3.32 Nothing in clause 3.31 prevents a councillor from requesting information from the general manager about a matter to be considered at a meeting, provided the information is also available to the public. Information requested under this clause must be provided in a way that does not involve any discussion of the information.

4 Public forums

- 4.1 The council may hold a public forum prior to meetings of the council and committees 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 meetings of other committees of the council.
- 4.2 The council may determine the rules under which public forums are to be conducted and when they are to be held.
- 4.3 The provisions of this code requiring the livestreaming of meetings also apply to public forums.

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 The council may determine standards of dress for councillors when attending meetings.
- 5.3 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.
- Note:** Clause 5.4 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.4 and omit clause 5.3. Councils must not adopt clause 5.4.
- 5.5 Where a councillor is unable to attend one or more meetings of the council or committees of the council, the councillor should submit an apology for the meetings they are unable to attend, state the reasons for their absence from the meetings and request that the council grant them a leave of absence from the relevant meetings.
- 5.6 The council must not act unreasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 Where a councillor makes an apology under clause 5.5, the council must determine by resolution whether to grant the councillor a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act. If the council resolves not to grant a leave of absence for the meeting, it must state the reasons for its decision in its resolution.
- 5.8 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 5.8 reflects section 234(1)(d) of the Act.

The quorum for a meeting

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

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

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

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

- 5.11 A meeting of the council must be adjourned if a quorum is not present:

- a. at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- b. within half an hour after the time designated for the holding of the meeting, or
- c. at any time during the meeting.

- 5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:

- a. by the chairperson, or
- b. in the chairperson's absence, by the majority of the councillors present, or
- c. failing that, by the general manager.

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

- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

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

Meetings held by audio-visual link

- 5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.
- 5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:
- give written notice to all councillors that the meeting is to be held by audio-visual link, and
 - take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
 - cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.
- Note:** Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee where they are prevented from attending the meeting in person because of ill-health or other medical reasons or because of unforeseen caring responsibilities.
- 5.20 Clause 5.19 does not apply to meetings at which a mayoral election is to be held.
- 5.21 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.
- 5.22 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 5.21.
- 5.23 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.24 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.
- 5.25 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 the meetings the resolution applies to.
- 5.26 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

- 5.27 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.
- 5.28 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.
- 5.29 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.
- 5.30 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.
- 5.31 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

- 5.32 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 5.32 reflects section 10(1) of the Act.
- 5.33 Clause 5.32 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.34 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 5.34 reflects section 10(2) of the Act.
- 5.35 On the adoption of this code and at the commencement of each council term, the council must determine whether to authorise the person presiding at a meeting to exercise a power of expulsion.

Note: If adopted, clauses 15.15 and 15.16 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 15.15 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.16 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Livestreaming of meetings

- 5.36 Each meeting of the council or a committee of the council is to be recorded by means of an audio-visual device.
- 5.37 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:
- the meeting is being recorded and made publicly available on the council's website, and
 - persons attending the meeting should refrain from making any defamatory statements.
- 5.38 The recording of a meeting is to be made publicly available on the council's website at the same time as the meeting is taking place.
- 5.39 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting or for the balance of the council's term, whichever is the longer period.
- 5.40 Clauses 5.36 - 5.39 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 5.36 – 5.40 reflect section 236 of the Regulation.
- 5.41 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.
- Note:** Joint organisations are not required to livestream their meetings but may choose to do so by adopting clauses 5.36–5.40. Joint organisations that choose not to livestream their meetings may omit clauses 5.36–5.40.

Attendance of the general manager and other staff at meetings

- 5.42 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 5.42 reflects section 376(1) of the Act.
- 5.43 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 5.43 reflects section 376(2) of the Act.
- 5.44 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 5.44 reflects section 376(3) of the Act.
- 5.45 The attendance of other council staff at a meeting, (other than as members of the public) shall be determined by the general manager in consultation with the mayor.

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 Where physically able to, councillors and staff should stand when the mayor enters the chamber and when addressing the meeting.
- 7.2 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor', 'Madam Mayor' or 'Mayor'.
- 7.3 If the chairperson is the deputy mayor, they are to be addressed as 'Mr Deputy Mayor', or 'Madam Deputy Mayor' or 'Deputy Mayor'.
- 7.4 Where the chairperson is not the mayor or deputy mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson' or 'Chair'.
- 7.5 A councillor is to be addressed as 'Councillor [surname]'.
- 7.6 A council officer is to be addressed by their official designation or as Mr/Ms/Mx [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.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- Note:** If adopted, Part 13 allows council to deal with items of business by exception.
- 8.3 Despite any other provision of this code, only the mover of a motion referred to in clause 8.2 and the chairperson, if they are not the mover of the motion, can 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. 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 of the council.
- 9.3 Despite clause 9.1, business may be considered at a meeting of the council at which all councillors are present even though due notice has not been given of the business to councillors, if the council resolves to deal with the business on the grounds that it is urgent and requires a decision by the council before the next scheduled ordinary meeting. A resolution adopted under this clause must state the reasons for the urgency.**
- 9.4 A motion moved under clause 9.3 can be moved without notice. Despite any other provision of this code, only the mover of a motion referred to in clause 9.3 and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.**
- 9.5 If all councillors are not present at a meeting, the council may only deal with business at the meeting that councillors have not been given due notice of, where a resolution is adopted in accordance with clause 9.3, and the chairperson also rules that the business is urgent and requires a decision by the council before the next scheduled ordinary meeting.**
- 9.6 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.5.**

Mayoral minutes

- 9.7 The mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that the mayor determines should be considered at the meeting.**
- 9.8 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The mayor may move the adoption of a mayoral minute without the motion being seconded.**
- 9.9 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.**

Staff reports

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

Reports of committees of council

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

Questions

- 9.13 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.12, unless the council determines otherwise in accordance with this code.
- 9.14 A councillor may, through the chairperson, ask another councillor about a matter on the agenda.
- 9.15 A councillor may, through the mayor, ask the general manager about a matter on the agenda. The general manager may request another council employee to answer the question.
- 9.16 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.17 Councillors must ask questions directly, succinctly, and without argument.
- 9.18 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

10 Rules of debate

Motions to be seconded

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

Notices of motion

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 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, they may request its withdrawal at any time. If the notice of motion is withdrawn after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the chairperson is to note the withdrawal of the notice of motion at the meeting unless the council determines to consider the notice of motion at the meeting.
- 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.

Amendments to motions

- 10.8 An amendment to a motion must be moved and seconded before it can be debated.
- 10.9 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.
- 10.10 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.
- 10.11 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.
- 10.12 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.
- 10.13 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.
- 10.14 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Limitations on the number and duration of speeches

- 10.15 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.
- 10.16 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.
- 10.17 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.
- 10.18 Despite clause 10.17, 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.
- 10.19 Despite clauses 10.15 and 10.16, 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.
- 10.20 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.19. A seconder is not required for such a motion.
- 10.21 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 10.15.
- 10.22 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.

- 10.23 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.
- 10.24 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.
- 10.25 Clause 10.24 does not prevent a further motion from being moved on the same item of business where the original motion is lost provided the motion is not substantially the same as the one that is lost.

Participation by non-voting representatives in joint organisation board meetings

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

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

Note: Joint organisations must adopt clause 10.26. Councils must not adopt clause 10.26.

11 Voting

Voting entitlements of councillors

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

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

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

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

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

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

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

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

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

Voting at council meetings

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

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

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

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

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

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

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

Note: If clause 11.11 is adopted, clauses 11.6–11.9 and clause 11.15 may be omitted.

Voting on planning decisions

- 11.12 The council or a council committee must not make a final planning decision without receiving a staff report containing an assessment and recommendation in relation to the matter put before the council for a decision.
- 11.13 Where the council or a council committee makes a planning decision that is inconsistent with the recommendation made in a staff report, it must provide reasons for its decision and why it did not adopt the staff recommendation.
- 11.14 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.
- 11.15 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.16 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.
- 11.17 Clauses 11.14–11.16 apply also to meetings that are closed to the public.

Note: Clauses 11.14–11.17 reflect section 375A of the Act.

Note: The requirements of clause 11.14 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 and encouraging councillors and staff to stand when addressing the meeting.

Note: Clauses 10.15 – 10.25 limit the number and duration of speeches.

Note: Clause 7.1 encourages councillors and staff to stand when addressing the meeting where they can.

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

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13 Dealing with items by exception

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution where it considers it necessary to expedite the consideration of business at a meeting.
- 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 8.2.
- 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.

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14 Closure of council meetings to the public

Grounds on which meetings can be closed to the public

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

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

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

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

Matters to be considered when closing meetings to the public

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

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

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

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,
- c. are fully discussed in that advice, and
- d. are subject to legal professional privilege.

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 3.19 as a matter that is likely to be considered when the meeting is closed, but only if:
- it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
 - the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
 - should not be deferred (because of the urgency of the matter), and
 - 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 Despite clauses 14.9 and 14.10, the council may resolve to close the meeting to the public in accordance with this Part to hear a representation from a member of the public as to whether the meeting should be closed to consider an item of business where the representation involves the disclosure of information relating to a matter referred to in clause 14.1.
- 14.12 Where the matter has been identified in the agenda of the meeting under clause 3.19 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 a manner determined by the council.

Expulsion of non-councillors from meetings closed to the public

- 14.13 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.
- 14.14 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

Obligations of councillors attending meetings by audio-visual link

- 14.15 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

- 14.16 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 14.16 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 14.17 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.
- 14.18 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 14.17 during a part of the meeting that is livestreamed where practicable.
- 14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 14.20 The general manager must consult with the council and any other affected persons before publishing information on the council's website under clause 14.19 and provide reasons for why the information has ceased to be confidential.

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 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

- 15.3 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.
- 15.4 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.
- 15.5 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.
- 15.6 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 15.7 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.
- 15.8 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.
- 15.9 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

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

- a. contravenes the Act, the Regulation or this code, or
- b. assaults or threatens to assault another councillor or person present at the meeting, or
- c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- d. uses offensive or disorderly words, or
- e. makes gestures or otherwise behaves in a way that is sexist, racist, homophobic or otherwise discriminatory, or, if the behaviour occurred in the Legislative Assembly, would be considered disorderly, or
- f. imputes improper motives to or unfavourably personally reflects upon any other council official, or a person present at the meeting, except by a motion, or
- g. says or does anything that would promote disorder at the meeting or is otherwise inconsistent with maintaining order at the meeting.

Note: Clause 15.10 reflects section 182 of the Regulation.

Note: The Legislative Assembly's Speaker's Guidelines state that "Members are not to use language, make gestures, or behave in any way in the Chamber that is sexist, racist, homophobic or otherwise exclusionary or discriminatory. Such conduct may be considered offensive and disorderly, in accordance with Standing Order 74".

15.11 The chairperson may require a councillor:

- a. to apologise without reservation for an act of disorder referred to in clauses 15.10(a), (b), (d), (e), or (g), or
- b. to withdraw a motion or an amendment referred to in clause 15.10(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 15.10(d), (e), (f), or (g).

Note: Clause 15.11 reflects section 233 of the Regulation.

15.12 A failure to comply with a requirement under clause 15.11 constitutes a fresh act of disorder for the purposes of clause 15.10.

15.13 Where a councillor fails to take action in response to a requirement by the chairperson to remedy an act of disorder under clause 15.11 at the meeting at which the act of disorder occurred, the chairperson may require the councillor to take that action at each subsequent meeting until such time as the councillor complies with the requirement. If the councillor fails to remedy the act of disorder at a subsequent meeting, they may be expelled from the meeting under clause 15.18.

How disorder at a meeting may be dealt with

15.14 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

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

15.16 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 15.15 or clause 15.16.

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

15.18 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 15.11 or clause 15.13. 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 15.18 reflects section 233(2) of the Regulation.

15.19 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.

15.20 Members of the public attending a meeting of the council:

- a. must remain silent during the meeting unless invited by the chairperson to speak,
- b. must not bring flags, signs or protest symbols to the meeting, and
- c. must not disrupt the meeting.

15.21 Without limiting clause 15.19, a contravention of clause 15.20 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Members of the public may, as provided by section 10(2) of the Act, be expelled from a meeting for a breach of clause 15.20.

15.22 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.

15.23 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

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

15.24 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.

15.25 If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

15.26 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.

- 15.27 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.
- 15.28 Without limiting clause 15.19, a contravention of clause 15.27 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.19. Any person who contravenes or attempts to contravene clause 15.27, may, as provided for under section 10(2) of the Act, be expelled from the meeting.
- 15.29 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 such force as is reasonably 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.

Note: Failure to comply with a direction to leave a meeting is an offence under section 660 of the Act carrying a maximum penalty of 20 penalty units.

16 Conflicts of interest

- 16.1 All councillors and, where applicable, all other persons, must declare and manage conflicts of interest they 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 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 have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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17 Decisions of the council

Council decisions

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

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

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

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

Rescinding or altering council decisions

- 17.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given in accordance with this code.

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 this code.

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 1 day after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.
- Note:** Clause 17.11 reflects section 372(6) of the Act.
- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- a. a notice of motion signed by three councillors is submitted to the chairperson at the meeting, and
 - b. the council resolves to deal with the motion at the meeting on the grounds that it is urgent and 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 any other provision of this code, only the mover of a motion referred to in clause 17.12(b) and the chairperson, if they are not the mover of the motion, can speak to the motion before it is put.
- 17.14 A resolution adopted under clause 17.12(b) must state the reasons for the urgency.

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 any other provision of this code, only the mover of a motion referred to in clause 17.15 and the chairperson, if they are not the mover of the motion, 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 at a time the council may from time to time determine.
- 18.2 If the business of the meeting is unfinished at the time the council has determined, and the council does not resolve to extend the meeting, the chairperson must either:
- defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.3 Clause 18.2 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.
- 18.4 Where a meeting is adjourned under clause 18.2 or 18.3, the general manager must:
- individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - 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,
- b. details of each motion moved at a council meeting and of any amendments moved to it,
- c. the names of the mover and seconder of the motion or amendment,
- d. whether the motion or amendment was passed or lost, and
- e. such other matters specifically required under this code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

20 Council committees

Application of this Part

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

Council committees whose members are all councillors

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

Functions of committees

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

Notice of committee meetings

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

Non-members entitled to attend committee meetings

- 20.8 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:
- to give notice of business for inclusion in the agenda for the meeting, or
 - to move or second a motion at the meeting, or
 - to vote at the meeting.

Chairperson and deputy chairperson of council committees

- 20.9 The chairperson of each committee of the council must be:
- the mayor, or
 - if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
 - if the council does not elect such a member, a member of the committee elected by the committee.
- 20.10 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.
- 20.11 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.
- 20.12 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. 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

- 20.13 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.
- 20.14 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 20.13.
- 20.15 A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.
- Note:** Clause 20.15 reflects section 397E of the Regulation. Joint organisations must adopt clause 20.15 and omit clause 20.14. Councils must not adopt clause 20.15.
- 20.16 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).

Mayoral minutes

- 20.17 The provisions of this code relating to mayoral minutes also apply to meetings of committees of the council in the same way they apply to meetings of the council.

Closure of committee meetings to the public

- 20.18 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 20.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 20.19 during a part of the meeting that is livestreamed where practicable.
- 20.21 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.
- 20.22 The general manager must consult with the committee and any other affected persons before publishing information on the council's website under clause 20.21 and provide reasons for why the information has ceased to be confidential.

Disorder in committee meetings

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

Minutes of council committee meetings

- 20.24 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:
- the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
 - details of each motion moved at a meeting and of any amendments moved to it,
 - the names of the mover and seconder of the motion or amendment,
 - whether the motion or amendment was passed or lost, and
 - such other matters specifically required under this code.
- 20.25 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.26 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.27 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.
- 20.28 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.
- 20.29 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.
- 20.30 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 15.10 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.9 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	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and any other person exercising functions on behalf of the council
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
livestream	a video broadcast of a meeting transmitted across the internet concurrently with the meeting
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, a planning agreement or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
year	means the period beginning 1 July and ending the following 30 June

Draft Public Forum Policy - Public Participation in Council Meetings

Adoption Date:	[Click here to enter date]
Amendment Date:	
Minute Number:	[Click here to enter Minute number]
Next Review Date:	February 2029
Related Legislation:	<i>Local Government Act 1993 (NSW)</i> <i>Local Government Regulations 2021</i> <i>State Records Act 1998 (NSW)</i> <i>Privacy and Personal Information Protection Act 1998 (NSW)</i> <i>Government Information (Public Access) Act 2009 (NSW)</i>
Associated Policies/Documents	Model Code of Meeting Practice for NSW Local Councils OLG Guidelines
Directorate:	City Performance
Responsible Owner:	Business Assurance and Risk
Record Number:	POL25/106 (6460E)

Draft Public Forum Policy

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CL25.372 - Attachment 3

Public Forum Policy

1. Policy Purpose

This Policy outlines the process for managing public participation in Council's Public Forums. It defines the conditions under which oral submissions on Council agenda items may be heard before an Ordinary or Extraordinary Meeting of Council and provides for written submissions to be distributed to Councillors prior to an Ordinary or Extraordinary Meeting of Council.

The Council will resolve its timetable for Ordinary Meetings and Public Forums which will be published on Council's website.

2. Objectives

2.1. Policy Statement

Council is committed to fostering transparency, accountability, and community engagement in its decision-making processes. This Policy affirms Council's intent to provide structured and equitable opportunities for members of the public to present their views through oral submissions and written submissions prior to Ordinary and Extraordinary Meetings.

3. Definitions

Term	Meaning
Chairperson	the person presiding at the public forum, being the Mayor or their nominee, as provided by clause # of this Policy
Livestream	A video broadcast of a meeting transmitted across the internet concurrently with the meeting
Quorum	Minimum of one (1) Councillor to chair the Forum
Act of Disorder	As defined in Council's Code of Meeting Practice and applies to Public Forums
Nominated delegate	Any Councillor, other than the Mayor

4. Roles and Responsibilities

4.1. Provisions

This Policy applies to:

- Members of the public who wish to participate in Public Forums by making oral submissions or submitting written submissions on items listed on the agenda for the next Ordinary or Extraordinary Meeting of Council.

Public Forum Policy

- Councillors who receive and consider submissions as part of the decision-making process.
- Council staff responsible for coordinating, facilitating, and administering Public Forums in accordance with this Policy.

4.2. Implementation

- a) The Public Forum is to be chaired by the Mayor or their nominated delegate. In the absence of the Mayor, and where no Councillor has been delegated to chair the Forum, the Councillors in attendance shall determine a Councillor to preside over the Forum.
- b) No more than one speaker is to be permitted to speak 'for' and against' each item of business on the published agenda for the upcoming Council meeting.
- c) Speakers must not address the Public Forum on any matter that is currently the subject of legal proceedings or is known to be before a court or tribunal.
- d) Each speaker will be allowed a maximum of five (5) minutes to speak. Any extension of time is at the discretion of the Chairperson.
- e) 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.
- f) Any Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address. All questions must be direct, succinct, and without argument.
- g) To submit a request to address Council in person (oral submission) or to provide a written submission regarding an item on the Council agenda, a person must first complete an [application form](#) available on Council's website. Applications to speak at the Public Forum must be received **by 3pm on the day prior to the Public Forum**.
- h) The application to address the Public Forum must identify the item of business on the Council Meeting agenda that the person wishes to speak to and must indicate whether they intend to speak 'for' or 'against' the recommendation contained in that item.
- i) Legal representatives acting on behalf of others are not to be permitted to submit a request to speak at the Public Forum unless they identify their status as a legal representative when applying to speak.
- j) The Chief Executive Officer (or their delegate) may refuse an application to make an address at the Public Forum.
- k) If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer (or their delegate) may increase the number of speakers permitted to speak on an item of business, where they

Public Forum Policy

are satisfied that it is necessary to do so to allow the council to hear the fuller range of views on the relevant item of business.

- l) Where more than one request is received to address a meeting, either 'for' or 'against' a recommendation, the individuals and/or groups involved will be encouraged to appoint one representative to present their submission.
- m) The Chief Executive Officer (or their delegate) is to determine the order of speakers.
- n) Approved speakers are to register with the Council any written, visual or audio material to be presented in support of their address to the council, and to identify any equipment needs no later than 12.00pm on the day of the meeting. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.
- o) Speakers are under no obligation to answer a question put under clause 4.2(e).
- p) Speakers cannot ask questions of the Council, Councillors or Council staff.
- q) The Chief Executive Officer or their nominee may, with the concurrence of the Chairperson, address the Council in response to a address to the Council after the address and any subsequent questions and answers have been finalised.
- r) Where a address is made and raises matters that require further consideration by Council staff, the Chief Executive Officer may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matter.
- s) When addressing the Council, speakers must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- t) If the Chairperson considers that a speaker has engaged in conduct of the type referred to in clause 4.2(s), 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.
- u) Clause 4.2(t) does not limit the ability of the Chairperson to deal with disorderly conduct by speakers in accordance with the provisions of Part 15 of Council's adopted Code of Meeting Practice.
- v) Where a speaker engages in conduct of the type referred to in clause 4.2(r), the Chief Executive Officer or their delegate may refuse further applications from that person to speak for such a period as the Chief Executive Officer or their delegate considers appropriate.

Public Forum Policy

- w) Councillors (including the Mayor) must declare and manage any conflicts of interest related to items discussed during the Public Forum, just as they would during formal debate in Council meetings, in accordance with the adopted Code of Meeting Practice.
- x) An individual or representative group is only permitted to address a meeting of Council once on an issue except where the meeting resolves otherwise on the basis that new material has been presented, and in this case the comments are limited to that new material.
- y) Where an individual or organisation is granted permission to address a meeting they must be informed that:
 - Maximum time permitted is five (5) minutes
 - One main spokesperson is to be nominated
 - The meeting, including their oral submission, will be webcast as outlined in Part 5.37 of Council's adopted Code of Meeting Practice
 - Speakers must not address the Council on any matter that is currently the subject of legal proceedings or is known to be before a court or tribunal.
 - Speakers should avoid making comments that may cast reflection toward any individual or organisation, because such comments may be considered public statements
 - Information provided by a speaker is placed on the public record and can be distributed / displayed.
- z) Council may accept written submissions on agenda items. These are provided to Councillors prior to the meeting via their portal and in hard copy. Applicants not approved for oral submissions may be invited to submit a written submission.

5. Risk Assessment

Council recognises that the Public Forum, while separate from formal Council meetings, may present potential or realised risks including:

Reputational Risk

Miscommunication, inappropriate conduct, or perceived lack of transparency may impact public trust.

- Mitigation Strategies:
 - Public Forums are livestreamed to ensure transparency and accessibility.
 - Forums are structured to promote respectful and constructive engagement, fostering trust and confidence in Council's decision-making processes.

Operational Risk

Disruption to proceedings, technical failures, or unclear processes may affect the effectiveness of the Forum.

Public Forum Policy

- Mitigation Strategies:
 - The Forum is chaired by the Mayor or their nominated delegate to ensure consistent moderation.
 - Councillors and participants are expected to adhere to established behavioural standards in accordance with Council's Code of Meeting Practice.
 - Staff are available to provide technical and procedural support throughout the Forum.

Safety-Related Risk

Physical or psychological safety concerns for attendees, Councillors, or staff.

- Mitigation Strategies:
 - A corporate risk assessment is undertaken prior to each Public Forum, identifying potential hazards, assigning risk ratings, and implementing appropriate control measures.
 - Venue safety protocols and emergency procedures are reviewed and communicated in advance.

Procedural and Legal Risk

Non-compliance with legislative or policy requirements, particularly regarding the separation of Public Forums from formal Council meetings.

- Mitigation Strategies:
 - The Forum is conducted in accordance with the Office of Local Government's directive that Public Forums are not to form part of Council meetings.
 - Any changes to the Forum structure or process are reviewed to ensure alignment with the Model Code of Meeting Practice and relevant legislation.

6. Monitoring and Review

The Policy is designed to be reviewed within the first twelve months of a new term of council, to align with the requirement to adopt a code of meeting practice under section 360(3) of the *Local Government Act 1993*.

Council may, from time to time, make amendments to the Policy to reflect operational needs or emerging issues, provided such changes are not contrary to the Public Forum provisions of the (Model) Code of Meeting Practice.

Public Forum Policy

7. Ownership and Approval**7.1. Public Policy**

Responsibility	Responsible Owner
Directorate	City Performance – Business Assurance & Risk - Governance
Endorsement	CEO / Director – City Performance
Approval/Adoption	Council

CL25.372 - Attachment 3



Monthly Investment Review



September 2025

Arlo Advisory Pty Ltd
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Authorised Representative of InterPrac Financial Planning Pty Ltd
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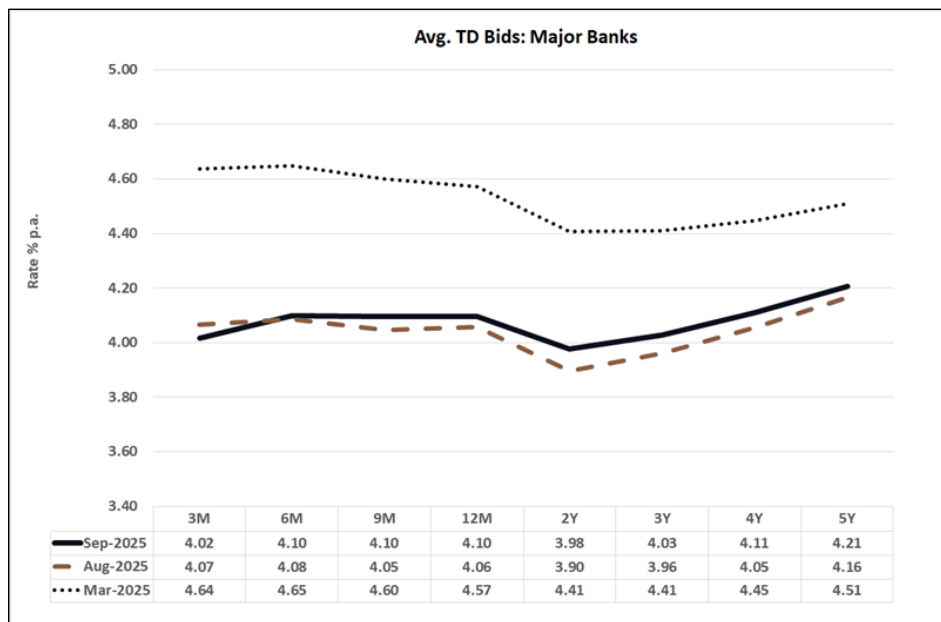
CL25.373 - Attachment 1



Market Update Summary

Various equity markets including the US main indices (S&P 500, NASDAQ and Dow Jones) reached new record highs during the month, partly led by AI optimism, after Nvidia's major investment in OpenAI (ChatGPT), as well as another US Fed rate cut. The positive sentiment was also brought on by expectations of further rate cuts over the next 12 months (albeit less than previously anticipated).

In the deposit market, over September, at the short-end of the curve (under 12 months), the average deposit rates offered by the domestic major banks were marginally higher compared to where they were the previous month (August), after the market pushed back on the number of future rate cuts (now only one) following the higher than expected monthly inflation figure. At the longer-end of the curve (2-5 years), the average rates were around ~5-8bp higher compared to where they were the previous month.



Source: Imperium Markets



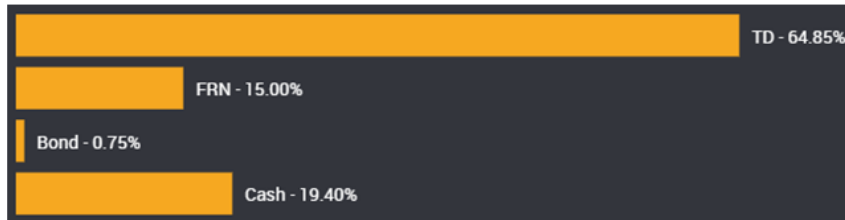
Shoalhaven City Council 's Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to fixed term deposits and cash or cash notice accounts. The remainder of the portfolio is directed to liquid senior FRNs and fixed bonds.

Senior FRNs are currently considered 'expensive' on a historical basis but new issuances should continue to be considered on a case by case scenario. In the interim, staggering a mix of fixed assets between 12 months to 5 years remains a more optimal strategy to maximise returns over a longer-term cycle.

With global central banks remaining on an easing bias and further rate cuts priced in over the next 12 months, investors can choose to allocate a small proportion of longer-term funds and undertake an insurance policy against additional rate cuts by investing across 1-5 year fixed assets, locking in and targeting yields above 4% p.a. Should inflation be within the RBA's target band of 2-3% over the longer-term, returns around 4% p.a. or higher should outperform benchmark.





Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Short-Medium Term (1-2 years) assets account for around 2% of the total investment portfolio, with capacity of ~\$179m remaining.

Any funds excess to surplus requirements should be placed in longer-dated tenors between 1-5 years across fixed assets along with any attractive new FRNs (3-5 years) as they come to market (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 90 days	\$103,451,724	39.00%	0%	100%	\$161,794,705
✓	91 - 365 days	\$125,100,790	47.16%	0%	100%	\$140,145,639
✓	1 - 2 years	\$5,723,877	2.16%	0%	70%	\$179,948,623
✓	2 - 5 years	\$30,970,039	11.68%	0%	50%	\$101,653,176
✓	5 - 10 years	\$0	0.00%	0%	25%	\$66,311,607
		\$265,246,429	100.00%			



Counterparty

As at the end of September 2025, all counterparty exposures comply within the Policy limits. Capacity limits are also dependent on the movement in the cash balances. Overall, the portfolio is well diversified across the entire credit spectrum, including some exposure to the regional bank (lower rated) ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	DBS Cov	AAA	\$1,005,530	0.38%	100.00%	\$264,240,899
✓	ING Cov	AAA	\$2,007,514	0.76%	100.00%	\$263,238,915
✓	Suncorp Cov	AAA	\$2,023,692	0.76%	100.00%	\$263,222,737
✓	NSW (SIRA)	AA+	\$6,675,000	2.52%	100.00%	\$258,571,429
✓	ANZ	AA-	\$39,014,333	14.71%	100.00%	\$226,232,096
✓	CBA	AA-	\$48,281,830	18.20%	100.00%	\$216,964,599
✓	HSBC Bank	AA-	\$2,020,634	0.76%	100.00%	\$263,225,795
✓	NAB	AA-	\$59,508,513	22.44%	100.00%	\$205,737,916
✓	Northern Terr.	AA-	\$2,000,000	0.75%	100.00%	\$263,246,429
✓	Westpac	AA-	\$49,023,000	18.48%	100.00%	\$216,223,429
✓	Macquarie Bank	A+	\$4,000,720	1.51%	100.00%	\$261,245,709
✓	Rabobank	A+	\$5,336,121	2.01%	100.00%	\$259,910,308
✓	ING Bank	A	\$28,725,223	10.83%	100.00%	\$236,521,205
✓	Bendigo	A-	\$5,603,695	2.11%	20.00%	\$47,445,591
✓	BoQ	A-	\$10,000,000	3.77%	20.00%	\$43,049,286
✓	AMP Bank	BBB+	\$20,625	0.01%	5.00%	\$13,241,697
			\$265,246,429	100.00%		



Credit Quality

The portfolio is well diversified from a credit ratings perspective. The portfolio is entirely invested amongst the investment grade ADIs (BBB+ or higher). All ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AAA Category	\$5,036,736	2%	100%	\$260,209,693
✓	AA Category	\$206,523,309	78%	100%	\$58,723,120
✓	A+ to A Category	\$38,062,064	14%	100%	\$227,184,364
✓	A- Category	\$15,603,695	6%	40%	\$90,494,877
✓	BBB+ to BBB Category	\$20,625	0%	30%	\$79,553,304
✓	BBB- & NR ADIs	\$0	0%	5%	\$13,262,321
✓	TCorp LTGF	\$0	0%	100%	\$265,246,429
		\$265,246,429	100.00%		



Performance

Council's performance for the month ending September 2025 (excluding cash) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.29%	0.92%	1.89%	0.92%	4.04%
AusBond Bank Bill Index	0.29%	0.92%	1.94%	0.92%	4.19%
T/D Portfolio	0.37%	1.15%	2.35%	1.15%	4.87%
FRN Portfolio	0.37%	1.12%	2.28%	1.12%	4.52%
Bond Portfolio	0.10%	0.30%	0.60%	0.30%	1.17%
Council's Total Portfolio[^]	0.37%	1.13%	2.31%	1.13%	4.72%
Relative (to Bank Bills)	0.08%	0.21%	0.37%	0.21%	0.53%

[^]Council's total portfolio returns excludes Council's cash account holdings.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	3.60%	3.68%	3.81%	3.68%	4.04%
AusBond Bank Bill Index	3.62%	3.69%	3.92%	3.69%	4.19%
T/D Portfolio	4.63%	4.63%	4.74%	4.63%	4.87%
FRN Portfolio	4.61%	4.51%	4.59%	4.51%	4.52%
Bond Portfolio	1.24%	1.21%	1.21%	1.21%	1.17%
Council's Total Portfolio[^]	4.59%	4.56%	4.66%	4.56%	4.72%
Relative (to Bank Bills)	0.97%	0.88%	0.75%	0.88%	0.53%

[^]Council's total portfolio returns excludes Council's cash account holdings.

For the month of September, the total portfolio (excluding cash) provided a return of +0.37% (actual) or +4.59% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.29% (actual) or +3.62% p.a. (annualised). The longer-term positive performance continues to be anchored by the handful of deposits that were originally placed for terms greater than 12 months.



Recommendations for Council

AMP Business Saver & Notice Account

We note the AMP Business Saver and AMP 31 Day Notice Account are now sub optimal investments given the rise in deposit yields in recent months. We recommend switching into short-dated fixed deposits with the major banks yielding a considerably higher rate of return, or simply just redeem to replenish capital reserves.

Term Deposits

As at the end of September 2025, Council's **deposit** portfolio was yielding 4.46% p.a. (down 4bp from the previous month), with a weighted average duration of ~200 days (~7 months). We recommend extending the weighted average duration closer to 9-12 months to optimise returns in the long-run.

Going forward, a more optimal strategy would be staggering deposits across 1-5 year terms – this is likely to earn up to ¼-½% p.a. higher compared to shorter tenors in a normal market environment. There is ongoing belief that at least one more rate cut will be delivered and so locking in rates close to or above 4% p.a. across 1-3 year tenors may provide some income protection against a lower rate environment.

Please refer to the section below for further details on the Term Deposit market.

Securities

Primary (new) **FRNs** (with maturities between 3-5 years) are expensive on a historical basis but remains an option (particularly for those investors with portfolios skewed towards fixed assets) and should be considered on a case by case scenario. **Fixed Bonds** may also provide attractive opportunities from new (primary) issuances.



Council's FRN Portfolio

We recommend that Council retains most its FRNs at this stage. We will continue to monitor them individually and will advise when it is appropriate to sell to boost the overall returns of the portfolio in future. (We also remind Council that FRNs can also be sold in the case of an emergency for cash flow purposes).

The following FRNs (unrealised gains of ~\$79k) are up for consideration to be sold over the next few months. We recommend switching into a new attractive FRN when available or otherwise, medium-term fixed deposits (1-5 years) or fixed bonds yielding above 4% p.a.

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	~Capital Price (\$)	~Unrealised Gain (\$)
Sunc	AA-	24/02/2026	AU3FN0058343	\$2,100,000	+30.0bp	\$100.038	\$790
Rabo	A+	27/01/2027	AU3FN0065710	\$2,000,000	+44.0bp	\$100.362	\$7,242
Sunc	AA-	25/01/2027	AU3FN0065994	\$2,700,000	+45.0bp	\$100.411	\$11,105
DBS	AAA	16/08/2027	AU3FN0080313	\$1,000,000	+48.5bp	\$100.553	\$5,530
CBA	AA-	17/08/2028	AU3FN0080396	\$1,000,000	+57.5bp	\$100.991	\$9,913
Sunc	AA-	12/07/2028	AU3FN0079406	\$2,000,000	+59.0bp	\$101.185	\$23,692
HSBC	AA-	03/03/2028	AU3FN0075792	\$2,000,000	+59.5bp	\$101.032	\$20,634

Council's Senior Fixed Bonds

In August 2021, Council invested into the following NTTC (AA-) fixed bond:

Investment Date	Maturity Date	Principal	Rate % p.a.	Interest Paid
27/08/2021	15/12/2025	\$2,000,000	1.20%	Annually

We believe this was prudent at the time of investment given the low rate environment and particularly after the RBA's easing decision in early November 2020 to 0.10% and their forward guidance towards official interest rates (no rate rises "until at least 2024").

The NTTC bond is a 'retail' offering and not a 'wholesale' issuance. Given the lack of liquidity and high penalty costs if they were to be sold/redeemed prior to the maturity date, it is considered to be a hold-to-maturity investment and will be marked at par value (\$100.00) throughout the term of investment.



Term Deposit Market Review

Current Term Deposits Rates

As at the end of September, we see value in the following:

ADI	LT Credit Rating	Term	Rate % p.a.
ING	A	5 years	4.46%
ANZ	AA-	5 years	4.45%
BoQ	A-	5 years	4.37%
Westpac	AA-	5 years	4.27%
NAB	AA-	4 years	4.32%
ING	A	4 years	4.31%
BOQ	A-	4 years	4.29%
Westpac	AA-	4 years	4.24%
BOQ	A-	3 years	4.21%
ING	A	3 years	4.18%
ANZ	AA-	3 years	4.18%
Hume	BBB+	3 years	4.15%
Aus. Military Bank	BBB+	2 years	4.15%
BankVIC	BBB+	2 years	4.15%
ING	A	2 years	4.10%
BOQ	A-	2 years	4.09%

The above deposits are suitable for investors looking to maintain diversification and lock-in a slight premium compared to purely investing short-term.

For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (*we stress that rates are indicative, dependent on daily funding requirements and different for industry segments*):



ADI	LT Credit Rating	Term	Rate % p.a.
Bank of Sydney	Unrated	12 months	4.26%
Police CU SA	Unrated	12 months	4.25%
NAB	AA-	12 months	4.23%
ICBC	A	12 months	4.19%
Westpac	AA-	12 months	4.17%
Suncorp	AA-	9 months	4.24%
Bank of Sydney	Unrated	9 months	4.22%
NAB	AA-	9 months	4.20%
Police CU SA	Unrated	9 months	4.20%
Westpac	AA-	9 months	4.16%
Police CU SA	Unrated	6 months	4.40%
Bank of Sydney	Unrated	6 months	4.35%
BankVIC	BBB+	6 months	4.25%
BOQ	A-	6 months	4.24%
Bank of Us	BBB+	6 months	4.23%
Police CU SA	Unrated	3 months	4.30%
Bank of Sydney	Unrated	3 months	4.26%
Warwick CU	Unrated	3 months	4.25%
NAB	AA-	3 months	4.10%
Heritage	BBB+	3 months	4.10%

For those investors that do not require high levels of liquidity and can stagger their investments longer term, they will be rewarded over a longer-term cycle if they roll for an average min. term of 12 months, with a spread of investments out to 5 years (this is where we see current value). In a normal market environment (upward sloping yield curve), investors could earn over a cycle, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated deposits.

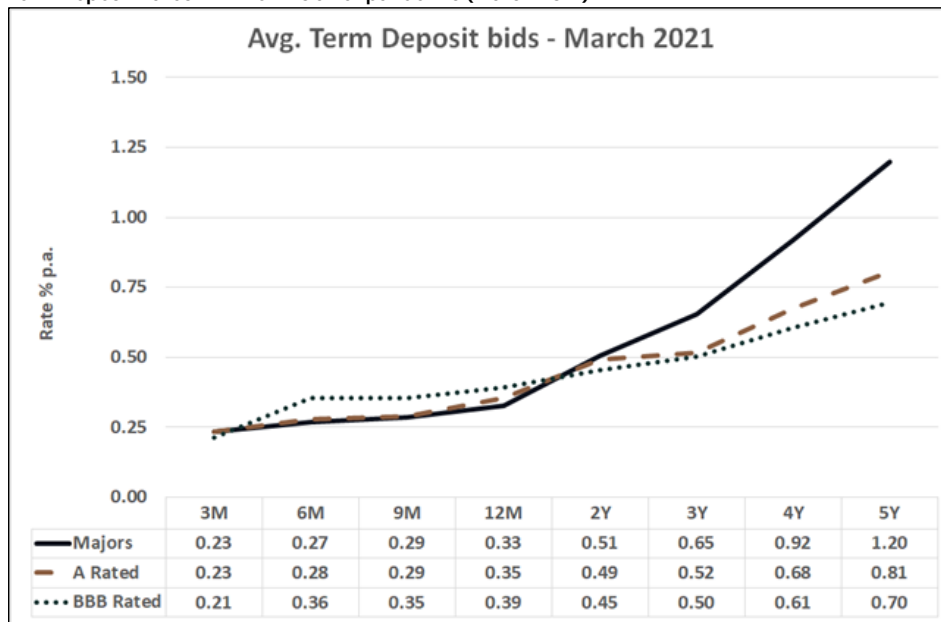
With at least one more rate cut priced in over the next 6-12 months domestically, investors should consider allocating some longer-term surplus funds and undertake an insurance policy by investing across 1-5 year fixed deposits and locking in rates above 4% p.a. This will provide some income protection if the RBA decides to continue cutting rates.



Term Deposits Analysis

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA via their Term Funding Facility (TFF) during mid-2020, allowing the ADIs to borrow as low as 0.10% p.a. fixed for 3 years, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit. Given the higher rated banks had more capacity to lend (as they have a greater pool of mortgage borrowers), they subsequently were offering higher deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. As a result, most investors placed a higher proportion of their deposit investments with the higher rated (A or AA) ADIs over the past three years.

Term Deposit Rates – 12 months after pandemic (March 2021)



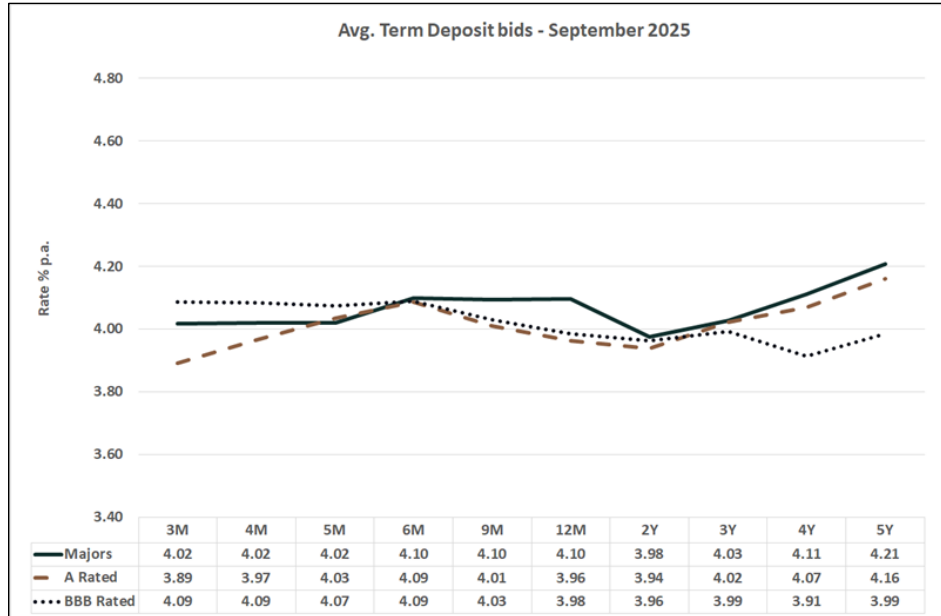
Source: Imperium Markets

The abnormal marketplace experienced during the pandemic is starting to reverse as the competition for deposits slowly increases, partially driven by the RBA's term funding facility coming to an end. In recent months, we have started to periodically see some of the lower rated ADIs ("A" and "BBB" rated) offering slightly higher rates compared to the domestic major banks ("AA" rated) on different parts of the curve (i.e. pre-pandemic environment). Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.



Going forward, investors should have a larger opportunity to invest a higher proportion of its funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry or considered 'ethical'. We are slowly seeing this trend emerge, although the major banks always seem to react more quickly than the rest of the market during periods of volatility:

Term Deposit Rates – Currently (September 2025)



Source: Imperium Markets

Financial Stability of the Banking (ADI) Sector

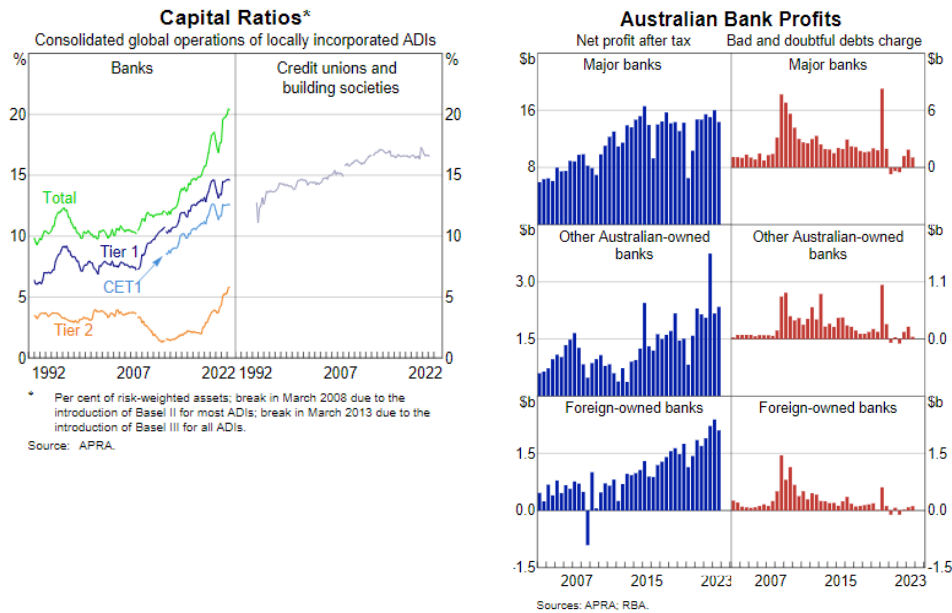
The RBA's latest Financial Stability report of 2024 reaffirms the strong balance sheet across the ADI sector. They noted that the risk of widespread financial stress remains limited due to the generally strong financial positions of most (individual) borrowers. Very few mortgage borrowers are in negative equity, limiting the impact on lenders (ADIs) in the event of default and supporting their ability to continue providing credit to the economy. Most businesses that have entered insolvency are small and have little debt, limiting the broader impact on the labour market and thus household incomes, and on the capital position of lenders (ADIs).

Australian banks (collectively the APRA regulated ADIs) have maintained prudent lending standards and are well positioned to continue supplying credit to the economy. A deterioration in economic conditions or temporary disruption to funding markets is unlikely to halt lending activity. Banks have anticipated an



increase in loan arrears and have capital and liquidity buffers well above regulatory requirements (see *Capital Ratios chart below*). APRA's mandate is to "protect depositors" and provide "financial stability".

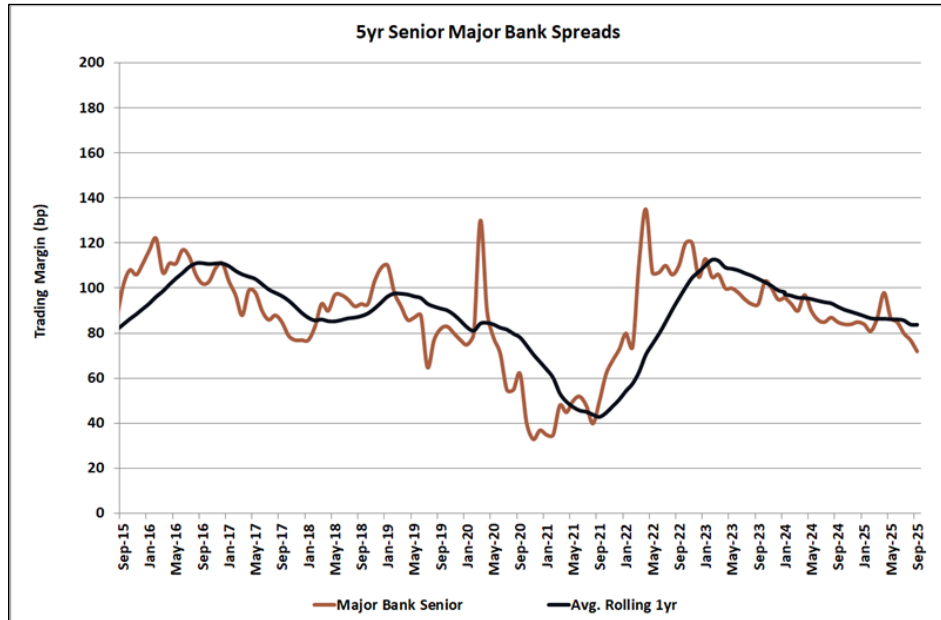
Over the past two decades, both domestic and international banks continue to operate and demonstrate high levels of profitability (see *Australian Bank Profits chart below*), which also includes two stress-test environments being the GFC (September 2008) and the COVID pandemic (March 2020):





Senior FRNs Market Review

Over September, amongst the senior major bank FRNs, physical credit securities tightened up to 5bp at the long-end of the curve. Long-term major bank senior securities are looking 'expensive' on a historical basis, noting the 5yr margin has averaged around the +90bp level over a cycle (currently around +72bp).



Source: IBS Capital

During the month, there was minimal new issuances apart from the following:

- RBC (A): 6 non-call 5 year senior security at +115bp
- Sumitomo (A): 5 year senior FRN at +78bp
- Teachers Mutual (BBB+): 3 year senior FRN at +95bp

Amongst the "A" rated sector, securities tightened between 2-5bp in the 3-5 year part of the curve. Within the "BBB" rated sector, margins tightened up to 20bp at the 3 year part of the curve, lagging behind their higher rated counterparts, and partly driven by Teachers Mutual (BBB+) latest senior deal.



Overall, credit securities are slightly expensive on a historical basis but remain a good option for diversification purposes. FRNs will continue to play a role in investors' portfolios mainly based on their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment), whilst also providing some diversification to those investors skewed towards fixed assets.

Senior FRNs (ADIs)	30/09/2025	31/08/2025
"AA" rated – 5yrs	+72bp	+77bp
"AA" rated – 3yrs	+60bp	+62bp
"A" rated – 5yrs	+80bp	+85bp
"A" rated – 3yrs	+70bp	+72bp
"BBB" rated – 3yrs	+100bp	+120bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- On or before mid-2028 for the "AA" rated ADIs (domestic major banks);
- On or before 2026 for the "A" rated ADIs; and
- Within 6–9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub optimal investments and are not maximising returns by foregoing realised capital gains. In the current challenging economic environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.



Senior Fixed Bonds – ADIs (Secondary Market)

With global inflation softening and official interest rates starting to drop progressively, investors may look at some opportunities in the secondary market. We currently see value in the following fixed bond lines (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0314763	Bendigo	A-	Senior	24/10/2028	3.07	4.79%	4.38%
AU3CB0308955	BoQ	A-	Senior	30/04/2029	3.58	5.30%	4.49%
AU3CB0319879	Nova Sco.	A-	Senior	21/03/2030	4.47	5.23%	4.86%



Economic Commentary

International Market

Various equity markets including the US main indices (S&P 500, NASDAQ and Dow Jones) reached new record highs during the month, partly led by AI optimism, after Nvidia's major investment in OpenAI (ChatGPT), as well as another US Fed rate cut. The positive sentiment was also brought on by expectations of further rate cuts over the next 12 months (albeit less than previously anticipated).

Across equity markets, the US S&P 500 Index rose +3.53%, whilst the NASDAQ gained +5.61%. Europe's main indices were mixed, with gains in UK's FTSE (+2.38%) and France's CAC (+1.60%), whilst Germany's DAX (-0.77%) gave up some ground.

The US FOMC cut rates by 25bp to 4.00%-4.25%, as widely expected. The post meeting statement said the rate cut was justified *"in light of the shift in the balance of risks"* and no longer described the labour market as *"solid"*.

US August core CPI was +0.3% m/m (though within 1bp of rounding to +0.4%) and +3.1% y/y, as expected. The headline read was +2.9% y/y, also as expected. The US unemployment rate ticked up to 4.3% from 4.2% in August.

The Bank of Canada cut rates by 25bp to 2.50%, whilst also citing a shifting balance of risks.

The ECB held rates for a second consecutive meeting. There was little change to inflation projections compared to three months ago, with headline CPI expected to average +1.7% next year and +1.9% in 2027 and core figures of +1.9% and +1.8% respectively.

In the UK, CPI came in line with expectations, doing nothing to shift expectations from the Bank of England's decision to hold rates unchanged. Headline CPI was steady at +3.8% and core fell 0.2% to +3.6%. Services inflation slowed to +4.7%, helped by a fall in volatile airfare prices.

China's August CPI slipped back into negative territory at -0.4% y/y, below expectations, as food price deflation deepened. Core inflation edged up to +0.9%, but this was largely due to temporary factors such as a consumer goods trade-in scheme.

The MSCI World ex-Aus Index rose +3.31% for the month of September:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	+3.53%	+7.79%	+16.07%	+23.10%	+14.74%	+13.29%
MSCI World ex-AUS	+3.31%	+7.43%	+18.04%	+24.46%	+15.00%	+13.08%
S&P ASX 200 Accum. Index	-0.78%	+4.71%	+10.56%	+15.17%	+12.98%	+10.11%

Source: S&P, MSCI



Domestic Market

The Monthly CPI Indicator for August rose to +3.0% y/y, above consensus of +2.9% y/y, the highest level since July 2024. The annual trimmed mean fell to +2.6% y/y from +2.7%, but that is due to base effects (particularly travel) and should not be seen as good news. Market Services Inflation came in hot, a sharp shift from the pace of price growth over recent quarter in what tends to be more persistent components.

In a unanimous decision, the RBA's Monetary Policy Board left the cash rate on hold at 3.60% in September, as expected. The key observation was that *"inflation in the September quarter may be higher than expected at the time of the August Statement on Monetary Policy"*.

The unemployment rate remained unchanged at 4.2% in August. To two decimal places, it stayed at 4.24% despite the drop in employment due to a fall in the participation rate. Employment fell 5.1k, as a large fall in full time employment (-40.9k) was only partially offset by a rise in part time employment (35.5k).

Q2 GDP surprised higher at +0.6% q/q and +1.8% y/y (consensus +0.5% q/q). Private demand drove growth in the quarter, with household consumption up +0.9% even as private investment contributed little to growth.

Dwelling prices rose +0.7% m/m in August to be +4.1% higher over the year. The reacceleration in growth has been reasonably broad-based. Melbourne has continued to lag other capitals, with +0.3% m/m growth being well behind top performers Brisbane and Perth (+1.2% and +1.1% m/m respectively).

Corporate profits fell -2.4% q/q. Mining industry profits were broadly steady, down -0.5% q/q, while declines across the non-mining economy were reasonably broad-based and generally unwinding gains in Q1.

The Australian dollar gained around +0.98%, finishing the month at US66.02 cents (from US65.38 cents the previous month).

Credit Market

The global credit indices remained relatively flat this month. They remain near the levels seen in early-mid 2022 (prior to the rate hike cycle from most central banks):

Index	September 2025	August 2025
CDX North American 5yr CDS	52bp	50bp
iTraxx Europe 5yr CDS	56bp	54bp
iTraxx Australia 5yr CDS	66bp	67bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	September 2025	August 2025
Bloomberg AusBond Bank Bill Index (0+YR)	+0.29%	+0.32%
Bloomberg AusBond Composite Bond Index (0+YR)	+0.15%	+0.28%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.43%	+0.46%
Bloomberg AusBond Credit Index (0+YR)	+0.06%	+0.60%
Bloomberg AusBond Treasury Index (0+YR)	+0.09%	+0.24%
Bloomberg AusBond Inflation Gov't Index (0+YR)	+0.91%	+0.83%

Source: Bloomberg

Other Key Rates

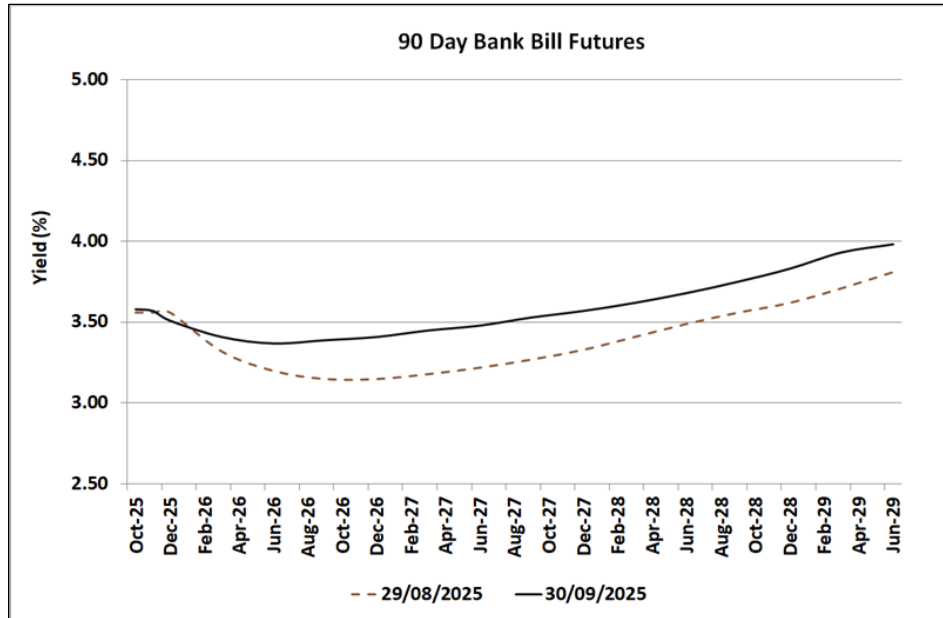
Index	September 2025	August 2025
RBA Official Cash Rate	3.60%	3.60%
90 Day (3 month) BBSW Rate	3.58%	3.57%
3yr Australian Government Bonds	3.53%	3.37%
10yr Australian Government Bonds	4.31%	4.26%
US Fed Funds Rate	4.00%-4.25%	4.25%-4.50%
2yr US Treasury Bonds	3.60%	3.59%
10yr US Treasury Bonds	4.16%	4.23%

Source: RBA, ASX, US Department of Treasury



90 Day Bill Futures

Bill futures rose across the board this month, as the market pushed back expectations not only on the timing of the next RBA rate cut, but also the number of rate cuts (down to one):



Source: ASX

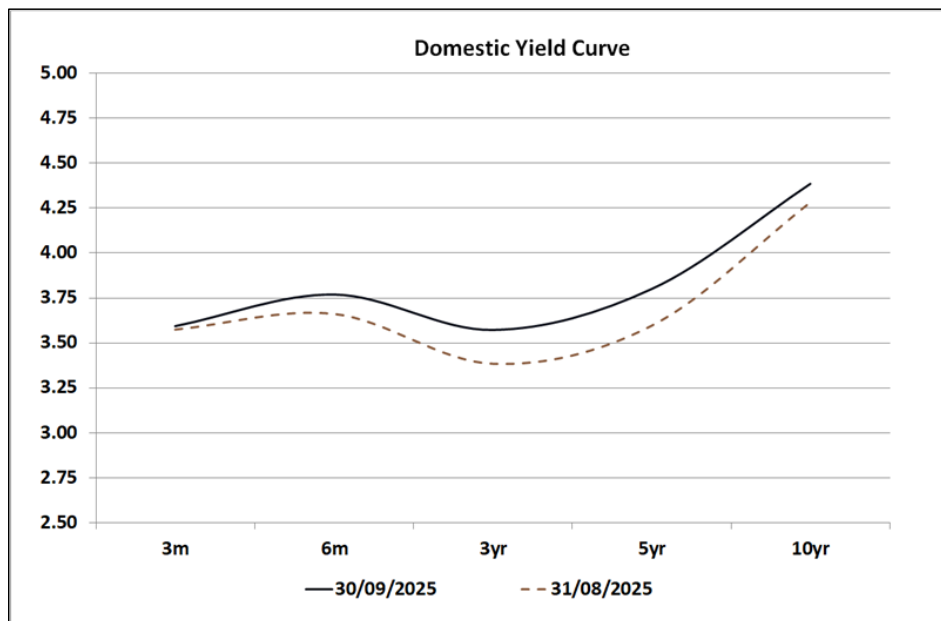


Fixed Interest Outlook

US Federal Reserve Chair Jerome Powell remains balanced, reiterating the Fed's dual mandate and the "challenging situation" posed by upside inflation risks and downside employment risks. He described policy as "modestly restrictive" and stressed the need to balance both sides of the mandate. The latest dot plots (both the median and distribution), has broadly shifted down 25bp relative to June. The 2025 median was at 3.625% (at least one more rate cut), whilst the median dot in 2026 showing 3.375%, implying a further 75bp of cumulative easing from current levels.

Domestically, after keeping rates unchanged in September, the RBA's accompanying statement denoted that "the decline in underlying inflation has slowed", after previously suggesting that "inflation has continued to moderate". This is a strong message that the RBA's narrative around core inflation has shifted in response to the signal in the latest monthly inflation indicator (August), which came in higher than expected. If inflation remains slightly elevated and higher than the previously forecasted, the RBA may well be on hold heading into 2026.

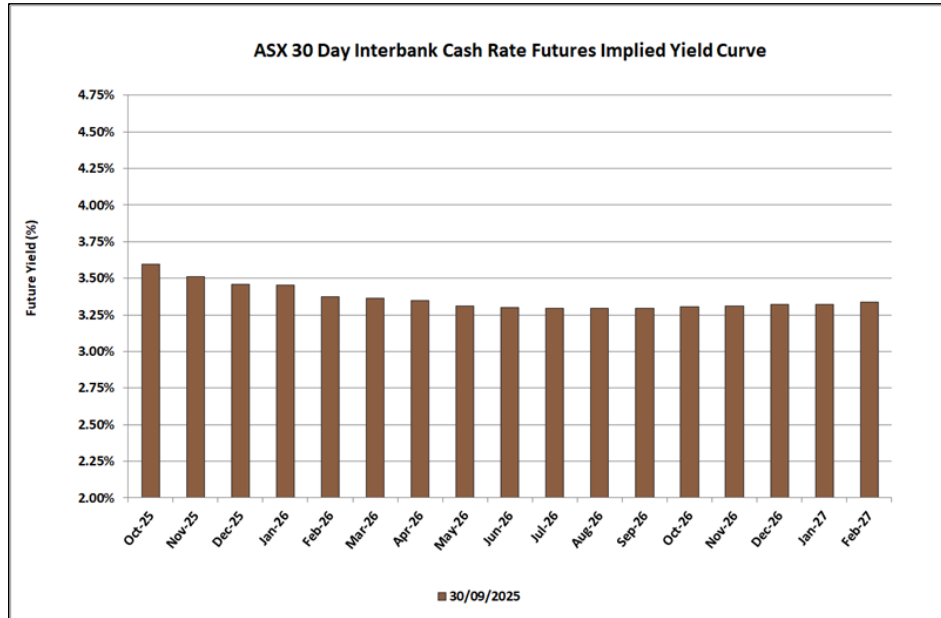
Yields rose by up to 15bp at the longer-end of the curve this month:



Source: ASX, RBA



Financial markets are now only factoring one additional rate cut by early-mid 2026, potentially taking the official cash rate down to 3.35%, pushing back on two additional rate cuts after the latest monthly inflation reading came up higher than anticipated:



Source: ASX

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Statement of Investments

as at 30 September 2025

Portfolio by Asset as at 30/09/2025

Asset Type: CASH

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
State Insurance Regulatory Authority	AA+	CASH	GENERAL	Monthly	30/09/2025	30/09/2025	0.0000	6,675,000.00	6,675,000.00
AMP Bank	BBB+	CASH	GENERAL	Monthly	30/09/2025	30/09/2025	3.9500	19,763.53	19,763.53
AMP Bank	BBB+	CASH	GENERAL	Monthly	30/09/2025	30/09/2025	2.5000	860.99	860.99
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	30/09/2025	30/09/2025	3.7000	41,495,991.23	41,495,991.23
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	30/09/2025	30/09/2025	0.0000	3,259,387.85	3,259,387.85
CASH SUBTOTALS								51,451,003.60	51,451,003.60

Asset Type: TD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
NAB	AA-	TD	GENERAL	At Maturity	21/02/2025	08/10/2025	4.7000	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	03/10/2024	08/10/2025	4.9000	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	28/03/2025	28/10/2025	4.7800	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	03/10/2024	05/11/2025	4.8400	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	28/02/2025	12/11/2025	4.6800	5,000,000.00	5,000,000.00
BOQ	A-	TD	GENERAL	At Maturity	03/06/2025	03/12/2025	4.3300	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	03/12/2024	03/12/2025	5.0500	5,000,000.00	5,000,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Suncorp Bank	AA-	TD	GENERAL	Annual	01/03/2024	11/12/2025	4.9000	3,000,000.00	3,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	19/12/2024	17/12/2025	5.0000	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	01/03/2024	17/12/2025	5.0000	3,000,000.00	3,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	12/12/2024	07/01/2026	4.9300	5,000,000.00	5,000,000.00
BOQ	A-	TD	GENERAL	At Maturity	10/07/2025	12/01/2026	4.2400	5,000,000.00	5,000,000.00
Bendigo and Adelaide	A-	TD	GENERAL	At Maturity	16/07/2025	15/01/2026	4.1900	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	02/04/2025	04/02/2026	4.7800	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	21/02/2025	18/02/2026	4.6900	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	01/03/2024	04/03/2026	4.9500	3,000,000.00	3,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	12/03/2025	12/03/2026	4.5900	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	28/03/2025	30/03/2026	4.7000	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	02/04/2025	02/04/2026	4.7000	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	31/07/2025	08/04/2026	4.1700	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	09/05/2025	06/05/2026	4.1000	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	03/06/2025	03/06/2026	4.1300	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	12/06/2025	12/06/2026	4.1700	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	10/07/2025	10/07/2026	4.1400	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	15/07/2025	15/07/2026	4.1300	5,000,000.00	5,000,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Westpac	AA-	TD	GENERAL	At Maturity	31/07/2025	31/07/2026	4.1700	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	06/08/2025	06/08/2026	4.1600	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	Annual	18/08/2025	18/08/2026	4.1200	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	21/08/2025	21/08/2026	4.1300	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	28/08/2025	28/08/2026	4.1400	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	05/09/2025	07/09/2026	4.1800	10,000,000.00	10,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	29/09/2025	29/09/2026	4.3000	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	Annual	01/03/2024	15/12/2027	4.7000	3,000,000.00	3,000,000.00
TD SUBTOTALS								172,000,000.00	172,000,000.00

Asset Type: FRN

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Macquarie Bank	A+	FRN	GENERAL	Quarterly	09/12/2020	09/12/2025	4.0616	4,000,720.00	4,000,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	24/02/2021	24/02/2026	4.0047	2,100,789.60	2,100,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	25/01/2022	25/01/2027	4.4997	2,711,105.10	2,700,000.00
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	27/01/2022	27/01/2027	4.4310	2,007,242.00	2,000,000.00
DBS Bank	AAA	FRN	GENERAL	Quarterly	16/08/2023	16/08/2027	4.3900	1,005,530.00	1,000,000.00
HSBC Bank, Sydney Branch	AA-	FRN	GENERAL	Quarterly	03/03/2023	03/03/2028	4.6248	2,020,634.00	2,000,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Suncorp Bank	AAA	FRN	GENERAL	Quarterly	12/07/2023	12/07/2028	4.7668	2,023,692.00	2,000,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	17/08/2023	17/08/2028	4.5400	1,009,913.00	1,000,000.00
Bendigo and Adelaide	A-	FRN	GENERAL	Quarterly	24/10/2024	24/10/2028	4.6500	603,694.80	600,000.00
ANZ Bank	AA-	FRN	GENERAL	Quarterly	05/02/2024	05/02/2029	4.6223	2,525,717.50	2,500,000.00
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	26/02/2024	26/02/2029	4.5781	2,020,208.00	2,000,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	19/03/2024	19/03/2029	4.5283	1,261,200.00	1,250,000.00
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	17/07/2024	17/07/2029	4.6200	1,308,671.00	1,300,000.00
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	4.5925	2,725,223.40	2,700,000.00
NAB	AA-	FRN	GENERAL	Quarterly	14/11/2024	14/11/2029	4.4320	1,508,512.50	1,500,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	09/01/2025	09/01/2030	4.6063	2,516,537.50	2,500,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	21/05/2025	21/05/2030	4.5016	2,415,520.80	2,400,000.00
Westpac	AA-	FRN	GENERAL	Quarterly	19/06/2025	19/06/2030	4.3783	4,023,000.00	4,000,000.00
ING Bank (Australia) Ltd	AAA	FRN	GENERAL	Quarterly	15/08/2025	15/08/2030	4.3965	2,007,514.00	2,000,000.00
FRN SUBTOTALS								39,795,425.20	39,550,000.00

Asset Type: BOND

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Northern Territory Treasury	AA-	BOND	GENERAL	Semi-Annual	27/08/2021	15/12/2025	1.2000	2,000,000.00	2,000,000.00
BOND SUBTOTALS								2,000,000.00	2,000,000.00

Portfolio by Asset Totals as at 30/09/2025

Type	Capital Value (\$)	Face Value (\$)
CASH	51,451,003.60	51,451,003.60
TD	172,000,000.00	172,000,000.00
FRN	39,795,425.20	39,550,000.00
BOND	2,000,000.00	2,000,000.00
TOTALS	265,246,428.80	265,001,003.60

CL25.273 Adoption of the Shoalhaven River Entrance Management Policy

HPERM Ref: D25/339039

Department: Environmental Services
Approver: Lindsay Usher, Acting Director - City Development

Attachments: 1. Shoalhaven River EMP (under separate cover)

Purpose:

To provide Council with an update on the outcomes of the draft Shoalhaven River Entrance Management Policy (EMP) public exhibition and community consultation. Then seek Council's adoption of the *Shoalhaven River EMP (2025)*.

Summary and Key Points for Consideration:

Council has recently completed a review of the entrance management arrangements for the Shoalhaven River at Shoalhaven Heads.

The Shoalhaven River EMP takes into consideration a range of environmental factors and includes the outcome of an evidence-based, technical review of the planned opening levels and associated entrance management options to inform the entrance management procedures within the EMP.

The Shoalhaven River entrance at Shoalhaven Heads is located on land owned by NSW Crown Lands. Council is only permitted to mechanically open entrances in accordance with the planned opening water levels and conditions contained within EMPs, and the corresponding NSW Crown Lands licence (to be applied for upon adoption of this EMP). The Shoalhaven River EMP has been developed in accordance with all relevant State and Federal Government legislation.

The draft Shoalhaven River EMP and Review of Environmental Factors (REF) was publicly exhibited for 13 weeks from 24 February 2025 to 26 May 2025. During this exhibition period an additional petition was undertaken by the Shoalhaven Heads Estuary Taskforce (SHET), and this was tabled at Council's Ordinary Meeting on 27 May 2025. The outcomes from the public exhibition and community consultation process and how the EMP compares against the petition feedback is summarised in this report.

Following adoption of the Shoalhaven River EMP, the EMP and supporting REF will be submitted to NSW Crown Lands to obtain an NSW Crown Lands licence to allow Council to undertake entrance management in accordance with the updated *Shoalhaven River EMP (2025)*. Council will also submit an application to the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) for a Threatened Species Permit to assist with entrance management.

Recommendation

That Council:

1. Adopt the Shoalhaven River Entrance Management Policy (EMP);
2. Submit the EMP and supporting Review of Environmental Factors (REF) to NSW Crown Lands to obtain an NSW Crown Lands licence.
3. Prepare a Shoalhaven River Entrance Management Fact Sheet to summarise the key

entrance management information for the community.

Options

1. As recommended. Council adopts the Shoalhaven River Entrance Management Policy (EMP). Then the EMP and supporting REF will be submitted to NSW Crown Lands to obtain an NSW Crown Lands licence.

Implications: Council's adoption of the EMP will allow Council to obtain an NSW Crown Lands licence and Threatened Species Permit to undertake entrance management in accordance with the updated *Shoalhaven River EMP (2025)*. The updated EMP includes significantly improved entrance management measures to assist to reduce flood risk at Shoalhaven Heads and other communities in the Lower Shoalhaven River floodplain.

2. Not adopt, or, seek further modification to the Shoalhaven River EMP.

Implications: Additional modifications to the draft EMP, if significant, would require further public exhibition and reporting back to Council. Under such a scenario, additional Council time and budget would be required for the project team to engage a consultant to complete this work, which would delay the community benefiting from the improved entrance management measures included in the EMP. By adopting the EMP, Council meets its obligations under the NSW Flood Prone Land Policy to help manage flood risk in the Lower Shoalhaven River floodplain. Should Council choose not to adopt the improved EMP, it may jeopardise Council's exemption from liability for decisions made relating to flood liable land under section 7.33 of the Local Government Act 1993.

This project has been funded by the NSW DCCEEW Coast and Estuary Grants Program and Floodplain Management Program with a one third contribution by Council. Applications for additional funding and time would not be successful due to several variations already approved on this project and the Lower Shoalhaven River CMP project now being considered complete. Consequently, there is no scope or budget for further significant amendments to the EMP and supporting REF.

Background and Supplementary information

An EMP identifies the planned water "trigger" levels and procedures in which Council opens the entrance of waterways to the ocean, to assist with flood mitigation to low-lying properties and infrastructure.

The purpose of an EMP is to assist with flood mitigation to historic low-lying habitable floor areas. It is important to highlight that an EMP will not prevent flooding from occurring in flood prone areas (nor does it intend to) and that occupying flood prone land therefore comes at a risk.

The Shoalhaven River entrance at Shoalhaven Heads is located on land owned by NSW Crown Lands. Council is only permitted to mechanically open entrances in accordance with the trigger levels and conditions contained within an EMP, and the relevant NSW Crown Lands licence.

Council has recently completed a review of the entrance management arrangements for the Shoalhaven River at Shoalhaven Heads.

The stages completed to support the updated Shoalhaven River EMP include:

- **Stage 1 – Lower Shoalhaven River Flood Study:** Develop contemporary flood model and flood information as part of the *Lower Shoalhaven River Flood Study (2022)*. Complete.

- **Stage 2 – Shoalhaven LGA Floor Level Survey for flood Planning:** Survey floor level data to assess against flood levels to determine flood risk as part of the *Shoalhaven LGA Floor Level Survey for Flood Planning (2024)* investigation. Complete.
- **Stage 3 – Lower Shoalhaven River Floodplain Risk Management Study and Plan:** Review of trigger levels through flood modelling. The trigger level review is complete.
- **Stage 4.1 – Shoalhaven River Entrance Management Policy update:** Prepare updated Shoalhaven River EMP based on the EMP update undertaken as part of the Lower Shoalhaven River CMP and Review of Trigger Levels. A high-level review of the existing EMP was undertaken during Stage 2 of the Lower Shoalhaven River CMP. Complete.
- **Stage 4.2 – Prepare a supporting Review of Environmental Factors for the Shoalhaven River EMP:** The development of an EMP also involves the preparation of a supporting REF. The purpose of an REF is to describe the proposed activity and assess the likely environmental impact(s) of that activity. It also identifies suitable mitigation measures to reduce the likely environmental impact(s), if any, of the proposal. An REF is developed in line with the legislative requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act). It also considers the relevant provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and other relevant NSW environmental legislation and environmental planning instruments. Complete.
- **Stage 5 – Public Exhibition of Lower Shoalhaven River EMP and supporting REF.** Complete.
- **Stage 6 – NSW Crown Lands licence application to implement the Shoalhaven River EMP:** Concurrence from NSW Crown Lands, DPI Fisheries, NSW DCCEEW and NSW NPWS is required for approval. To be completed following adoption of the Shoalhaven River EMP by Council.

The Shoalhaven River EMP takes into consideration a range of environmental factors and includes the outcome of an evidence-based, technical review of the trigger levels to inform the entrance management options within the EMP. The *Lower Shoalhaven River Entrance Management Policy Trigger Level Review (2024)* memo has helped inform the Shoalhaven River EMP. To assess the impact of trigger levels on flood behaviour, a series of trigger levels at Shoalhaven Heads were assessed; including 1.5, 1.7, 2.0, 2.3 and 2.6m Australian Height Datum (AHD). This represents a range of both lower and higher trigger levels and how changes to the trigger level could impact peak flood levels, time to inundation, time of inundation and impacts on overfloor flooding of habitable floor levels. These reviewed trigger levels are consistent with feedback from the Shoalhaven Heads community via a petition as per MIN24.582 - CL24.301.

The EMP Trigger Level Review concluded that a 1.7m AHD trigger level would result in a reduction in peak flood levels of no greater than 4cm in Shoalhaven Heads and 5cm in Greenwell Point for the full range of possible flood magnitudes when compared against the current 2.0m AHD planned opening trigger level for Shoalhaven Heads. There was also no change to the time to flood inundation, period of inundation and impact of flooding above habitable floor levels. Given that no flood mitigation benefits in the form of significantly reduced peak flood levels, time to inundation, time of inundation and impacts on overfloor flooding of habitable floor levels were identified from the EMP Trigger Level review, the updated *Shoalhaven River EMP (2025)* has retained the 3.0m AHD at Nowra and 2.0m AHD at Shoalhaven Heads planned opening trigger levels.

The updated EMP (2025) does however include a number of additional management measures such as dry notch and berm elevation maintenance, pre-emptive pilot channel

excavation, and mechanical berm lowering in a toolbox of management measures, which will result in significantly improved entrance management measures when compared against the existing *Shoalhaven River Entrance Management Plan for Flood Mitigation (2006)*.

During the EMP public exhibition period an additional petition was undertaken by SHET, and this was tabled at Ordinary Meeting on 27 May 2025. As summary of the items requested by the petition and response to each specific item is provided in the table below. This report addresses the SHET petition in accordance with Council's Petition Policy.

It is noted that consultation with members of the Shoalhaven Heads community identified that the Shoalhaven River EMP petition is asking for measures which are largely included in the draft EMP.

Item:	Response
1. Intervention action to commence on a BOM Flood Watch and when the river height reaches 1.5m AHD	Consultation with members of the Shoalhaven Heads community identified that the desire of this specific item is to commence digging prior to (at a level of 1.5m AHD), rather than when, planned opening trigger levels are met to allow the entrance to naturally overtop the entrance berm around 1.8m AHD. The draft Shoalhaven River EMP includes the following entrance management measures: ▪ Dry notch maintenance to reduce the sand burden behind the entrance berm to facilitate quicker entrance openings. This maintenance will typically be undertaken in the non-shorebird nesting season in a manner intended to limit sand elevation in the dry notch area for the duration of the next shorebird nesting season. ▪ Berm maintenance to lower the elevation of the entrance berm if needed. This entrance management measure is not included in the 2006 EMP. ▪ Pre-emptive pilot channel excavation based on a forecast (from BOM Flood Warning) flood level reaching or exceeding the planned opening level. The Bureau of Meteorology (BOM) Flood Forecast and Warning Service provides 6 to 9 hours warning for forecast flood levels for Nowra. In this scenario, the pilot channel would be excavated before flood levels rise in the Lower Shoalhaven River. Given that the pilot channel is excavated to an approx. 1m depth, this would result in the base of the pilot channel having a level below 1.5m AHD. As floodwater rises it can flow through the pilot channel and scour open the entrance. This measure has been improved on the 2006 EMP. ▪ Pilot channel excavation based on the planned opening levels being reached at Nowra or Shoalhaven Heads. ▪ Mechanical berm lowering to lower the natural sand berm area prior to a flood and allow the entrance berm to naturally overtop and open. In practice this would operationally require the natural sand berm area to be lowered below 2.0m AHD (such as around 1.8m AHD) to allow for some potential increase in berm elevation from storm washover immediately prior to the flood peak rising in the Shoalhaven River and overtopping the entrance berm. This entrance management measure is not included in the 2006 EMP.

Item:	Response
	Management measures included in the EMP such as pre-emptive pilot channel excavation on a BOM Flood Warning would result in works commencing prior to and at a lower level than 1.5m AHD. This not only satisfies this petition item but commences works earlier than requested. Mechanical berm lowering is proposed to allow the natural sand berm area to be lowered prior to a flood event as a pre-emptive measure in situations in which oceanic conditions (actual or forecast) may prevent works from being undertaken when trigger levels are reached. The intention of mechanical berm lowering is to lower the natural sand berm area to allow the entrance to naturally overtop when the planned opening level is reached. It is noted that pre-emptive pilot channel excavation or pilot channel excavation could still be undertaken following initial mechanical berm lowering works when this can be undertaken safely, but if this could not occur, the natural sand berm area would have already been lowered to allow natural opening by the planned opening level. In the unlikely event that entrance management works had not already been undertaken prior to flood levels rising via pre-emptive mechanical berm lowering or pre-emptive pilot channel excavation, and planned opening trigger levels were forecast to be reached or exceeded and the water level at Shoalhaven Heads had reached 1.5m AHD, then the EMP would allow the entrance berm to be lowered to around 1.8m AHD as has been requested by the petition. The EMP Trigger Level review investigated the feasibility of opening the Shoalhaven River entrance at Shoalhaven Heads on a Flood Watch instead of a Flood Warning. A Flood Watch will only indicate if a minor, moderate or major flood may occur. The high level of uncertainty at this point does not allow BOM to predict peak flood levels in the river which is undertaken for a Flood Warning. Furthermore, a Flood Watch may be issued for a range of scenarios including minor flooding which would not reach the relevant trigger levels. Opening on a Flood Watch could result in a significant increase in the number of openings, many of which would prove to be unnecessary, or too early an opening which risks the excavation works closing by storm washover before floodwaters arrive. Increased opening frequency is likely to have increased negative impacts on the estuary and entrance including threatened and migratory shorebirds which nest on the sand berm when it is closed. Consequently, opening the Shoalhaven River entrance at Shoalhaven Heads on a Flood Watch was not recommended as it provides no entrance management or flood mitigation benefits and could lead to unnecessary adverse environmental impacts and impose an unnecessary financial burden on Council. However, it is noted that a Flood Watch for moderate or major flooding would provide advance warning for a situation in which mechanical berm lowering could be undertaken. In summary the draft Shoalhaven River EMP achieves the objectives of this specific item. Some amendments have been

Item:	Response
	made to the EMP wording to provide further discussion and clarification.
2. Maintenance of the dry notch at 1.8m AHD and sand berm height of 2m AHD.	The intent of the draft EMP is to ensure the dry notch area does not exceed 2.0m AHD and works are undertaken in accordance with the REF and licence conditions. Dry notch maintenance will typically be undertaken in the non-shorebird nesting season in a manner intended to limit sand elevation in the dry notch area for the duration of the next shorebird nesting season. This would result in the dry notch being lowered to around 1.7 to 1.8m AHD. For example, the most recent dry notch maintenance undertaken by Council in June 2025 lowered an area of the dry notch to approximately 1.7m AHD. The draft Shoalhaven River EMP includes berm maintenance to lower the elevation of the entrance berm if needed. This would typically ensure that the entrance berm elevation is maintained at approximately 2.3m AHD. Noting that flood modelling undertaken as part of the EMP Trigger Level review identified that adverse flood impacts would only occur in a scenario in which the entrance berm was above 2.3m AHD and Council was unable to open the entrance. Therefore, the berm maintenance and mechanical berm lowering measures included in the draft EMP provide robust solutions to manage this risk. Maintaining the entrance berm at an elevation of 2.0m AHD would require frequent earthworks for no flood mitigation benefits, and significantly larger entrance management operational budgets. There is no benefit in limiting the entrance berm elevation to not exceed 2.0m AHD when the draft EMP includes management measures to retain this below approximately 2.3m AHD and to undertake mechanical entrance berm lowering prior to a flood event. In summary the draft Shoalhaven River EMP achieves the objectives of this specific dry notch elevation item. Some amendments have been made to the EMP wording to provide further discussion and clarification.
3. Publish survey information on dry notch maintenance on Council's website in a timely manner.	Consultation with members of the Shoalhaven Heads community identified that the desire of this specific item is to know when Council have completed entrance surveys. Council will consider the best way to make relevant information available to the community via Council's website. It is noted that Council will notify key stakeholders when dry notch maintenance and berm maintenance are planned to be undertaken. Council notified key stakeholders and community groups when dry notch maintenance was undertaken in June 2025.
4. A dredging channel leading towards the entrance breakout point to complement	It is noted that dry notch maintenance is adequate to manage flood risk as this reduces the sand burden and pilot channel length to allow the entrance to be opened as quickly as possible. NSW Government agencies do not support the inclusion of

Item:	Response
efficiency of entrances processes.	dredging in the draft Shoalhaven River EMP and would expect this be investigated outside of the EMP if Council decides to further pursue this potential complementary measure. Additionally, it is noted that past technical studies undertaken for Council have found dredging to be a largely ineffective entrance management option. The supporting REF for the Shoalhaven River EMP does not include an assessment of dredging as a supplementary measure and therefore this would require a separate REF and budget allocation if it was to be considered further by Council. It is noted that waterway dredging is being investigated as a possible mitigation measure in the Lower Shoalhaven River Floodplain Risk Management Study & Plan. The outcome from this evidence-based flood investigation will confirm the potential benefit of any dredging on flooding.
5. A trial period of these changes for a period of five floods.	It is noted that NSW Crown Lands provide a licence to implement an EMP for 5-years based on measures investigated through an evidence-based approach that satisfy all requirements of relevant legislation and are supported by the relevant NSW Government agencies. This specific item is asking for a licence to trial the measures listed in the petition. Crown Lands don't issue licences for "trial periods" and the EMP is operationally reviewed by Council after every entrance management event. Therefore, Council will seek to obtain a 5-year NSW Crown Lands licence based on the EMP and REF. Also as noted above, the draft EMP will largely achieve the objectives listed in the petition and hence a trial period is not necessary.

The EMP (2025) is now being presented to Council for adoption. Following adoption of the draft EMP (2025), the EMP and supporting REF will be submitted to NSW Crown Lands to obtain an NSW Crown Lands licence.

Following receipt of a NSW Crown Lands licence, Council will also submit an application to the NSW DCCEEW for a Threatened Species Permit. This permit provides a procedure and associated mitigation measures for the NSW NPWS and Council to legally implement in situations in which entrance management works are required at times in which threatened shorebirds are present in the entrance area. It is noted that this is a procedure that Council has already been through for the Tabourie Lake entrance when the EMP was last updated and is an ongoing requirement for all of Council's adopted EMP's.

Council will prepare a Shoalhaven River Entrance Management Fact Sheet to summarise the key entrance management information for the community. This Fact Sheet will be made available on Council's website.

Internal Consultations

Consultation has been undertaken as business as usual with the relevant operational staff at Council throughout Stages 1- 5 of the EMP and REF development.

External Consultations

Throughout all stages of the EMP and REF development, external consultation was carried with a range of representatives from NSW State Government agencies. These included:

- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- NSW Department of Primary Industries and Regional Development (DPIRD) – Fisheries
- NSW Department of Planning, Housing and Infrastructure (DPHI) – Crown Lands and Planning
- National Parks and Wildlife Service (NPWS)
- State Emergency Services (SES)

Council engaged with these entities throughout the development of the EMP and REF to ensure that the relevant legislation is appropriately complied with. These agencies have all provided in-principle support of Council's EMP.

Community Consultations

The draft Shoalhaven River EMP and Review of Environmental Factors (REF) was publicly exhibited for 13 weeks from 24 February 2025 to 26 May 2025. During this exhibition period an additional petition was undertaken by SHET on behalf of the Shoalhaven Heads community and this was tabled at Ordinary Meeting on 27 May 2025. The outcomes from the public exhibition and community consultation process and how the EMP compares against the petition feedback is summarised in this report.

The public exhibition process involved:

- Provision of the draft Shoalhaven River EMP electronically on the *Shoalhaven Entrance Management Policy Review Get Involved* webpage: <https://getinvolved.shoalhaven.nsw.gov.au/shoalhaven-entrance-management-policy-review> and the *Documents on Exhibition* section of the Council website.
- Provision of the *Shoalhaven River Entrance Management Policy Trigger Level Review (2024)* memo, EMP Trigger Level Review Summary Video, and *draft Shoalhaven River Entrance Opening Review of Environmental Factors (2025)* on the *Shoalhaven Entrance Management Policy Review Get Involved* webpage.
- To help explain the complexities of Shoalhaven River entrance management, Council also prepared a brief, educational video. The video discusses how the entrance to the Shoalhaven River naturally behaves, how Council manages the river entrance and why the entrance is not opened outside of flood conditions. This video was hosted on the *Shoalhaven Entrance Management Policy Review Get Involved* webpage and Entrance Management (<https://www.shoalhaven.nsw.gov.au/Environment-and-emergency/Coast-and-waterways/Entrance-management>) webpages.
- Engagement with the community via social media, Council community newsletter, media release, email to subscribers of relevant Lower Shoalhaven River Coastal Management and Floodplain Management Get Involved webpages, and notification of the community groups such as the Shoalhaven Heads Community Forum and SHET.

The following summarises the engagement achieved throughout the public exhibition process:

- 10 submissions on the draft EMP were received.

- 7 submissions from community members included identical content to the SHET petition and requested that the EMP considers provision to lower the entrance berm to 1.8m AHD when the water level reaches 1.5m AHD to prevent undertaking works when the trigger level is reached, and flexibility in the EMP. As noted in the above table, the EMP already includes mechanical berm lowering as well as other measures such as pre-emptive pilot channel excavation, pilot channel excavation, dry notch maintenance and berm maintenance within a toolbox of entrance management measures that can be deployed by Council. Some amendments have been made to the EMP wording to provide further discussion and clarification.
- 2 submissions from community members covered matters relevant to shorebirds. Some amendments have been made to the EMP wording to provide further discussion and clarification. One of these submissions noted that lack of detail in the EMP for shorebirds, however this information is included in the REF which was also on public exhibition and is the most appropriate location for this information.
- 1 submission was provided by the NSW DCCEEW for the EMP and REF covering threatened species licence provisions, dry notch maintenance, and assessments of significance in the REF. Some amendments have been made to the EMP and REF wording to address this feedback.
- Targeted consultation has been undertaken with members of the Shoalhaven Heads community following completion of the public exhibition period. Amendments have been made to the EMP as a result of this consultation.

Following the public exhibition period, the draft EMP and REF has been updated based on the submissions received.

Policy and Statutory Implications

The Shoalhaven River EMP has been developed in accordance with all relevant State and Federal Government legislation. This includes the NSW Flood Prone Land Policy and Flood Risk Management Manual (2023). Entrance management as a flood risk mitigation measure is also supported by the draft Lower Shoalhaven River CMP and hence the Coastal Management Act (2016).

The REF has been developed in line with the legislative requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act). It also considers the relevant provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and other relevant NSW environmental legislation and environmental planning instruments.

Following adoption of the EMP (2025) and obtaining an NSW Crown Lands licence, the existing *Shoalhaven River Entrance Management Plan for Flood Mitigation (2006)* will be superseded.

Financial Implications

The Shoalhaven River EMP and REF has been prepared by Council with funding assistance received from NSW DCCEEW through a Coast and Estuaries Grant (Lower Shoalhaven River CMP) and Floodplain Management Grant (Lower Shoalhaven River Floodplain Risk Management Study & Plan). This grant funding has provided a two-thirds contribution from the NSW State Government for the completion of the EMP and REF.

Following adoption of the EMP and obtaining a NSW Crown Lands licence, Council will undertake entrance management actions as required with existing entrance management operational budgets.

Risk Implications

The *Lower Shoalhaven River Floodplain Risk Management Plan (2011)* includes a mitigation measure to implement Council's Shoalhaven River Entrance Management Plan for Flood Mitigation to ensure that the optimal flood mitigation benefit is achieved through management of the Shoalhaven River entrance at Shoalhaven Heads in an ecologically sustainable manner.

By adopting the updated *Shoalhaven River EMP (2025)*, Council meets its obligations under the NSW Flood Prone Land Policy to manage flood risk within the Shoalhaven River catchment.

Should Council choose not to adopt and implement the updated EMP, it may jeopardise Council's exemption from liability for decisions made within the Lower Shoalhaven River catchment relating to flood liable land under section 7.33 of the Local Government Act 1993.

Section 733 of the Local Government Act 1993 provides local councils and statutory bodies representing the Crown, and their employees, with a limited legal indemnity for certain advice given that relates to the likelihood of flooding or the extent of flooding. The Act also provides that a council that acts in accordance with the Manual relating to the management of flood liable land is taken to have acted in good faith in relation to advice given, or things done or not done, relating to the likelihood of flooding or the extent of flooding.

Broader flood investigations and associated investigations of potential flood mitigation measures are being investigated as part of the Lower Shoalhaven River Floodplain Risk Management Study & Plan which is underway and will be completed in 2025 ready for public exhibition and community consultation.



Shoalhaven River Entrance Management Policy



CL25.378 - Attachment 2

Cover image: Shoalhaven Entrance 11 February 2020

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Responsible Owner:	
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Acknowledgement of Country

Walawaani (welcome),

Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindiwan (safe journey to you all)

This acknowledgment includes Dhurga language. We recognise and understand that there are many diverse languages spoken within the Shoalhaven.

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1 Introduction

1.1 Shoalhaven River Entrance Management Policy overview

The Shoalhaven River entrance area at Shoalhaven Heads is culturally, environmentally, and socially significant. The scenic and recreational values of the area are very important to residents and visitors to the region. The entrance area is one of the most important sites on the New South Wales (NSW) coast for populations of migratory wading birds (protected under international agreements) and, at times, threatened species of other shorebirds nesting at the site.

The natural entrance of the Shoalhaven River was historically located at Shoalhaven Heads. However, since the excavation of Berry's Canal in 1822, which connected the Shoalhaven River to the Crookhaven River, the canal has gradually widened to several hundred metres due to erosion. This morphological change, along with the construction of the north breakwall at Crookhaven Heads in 1912, resulted in the Crookhaven River becoming the permanent entrance to the Tasman Sea. The Shoalhaven River entrance at Shoalhaven Heads is opened by floods and subject to closure by natural onshore coastal processes. In smaller flood events with a closed entrance, floodwater can discharge to the Tasman Sea via Berry's Canal and Crookhaven Heads without adverse impacts.

If the entrance of the Shoalhaven River at Shoalhaven Heads were to remain closed during a flood event, water levels would be higher and potentially for longer in some parts of the floodplain. Depending on the magnitude of the flood event, this can result in greater flood impacts on the Shoalhaven community such as inundation of existing low-lying property and cutting of access roads / evacuation routes, especially at the villages of Shoalhaven Heads and Greenwell Point.

Council is responsible for managing the Shoalhaven River entrance at Shoalhaven Heads for the purpose of flood mitigation for low-lying properties in accordance with authorisations provided by the NSW Government. The mechanical opening of the Shoalhaven River entrance will not prevent flooding of houses within the entirety of the catchment. Even if the entrance is fully open at the start of a major flood (i.e., it has recently been scoured by a preceding flood) there are existing houses that can still be flooded as has been demonstrated by the *Lower Shoalhaven River Flood Study (2022)* and *EMP Trigger Level Review (2024)*. Accordingly, the Entrance Management Policy (EMP) aims to reduce, not eliminate, the impacts of flooding.

The purpose of this Shoalhaven River EMP is to administer a clear plan to facilitate:

- Expedient and swift mechanical intervention in the path of floodwaters to help reduce the impact of flooding on the Shoalhaven community. It is noted that the purpose of an EMP is to assist with flood mitigation to habitable floor areas of low-lying properties for smaller more frequent flood events. An EMP does not assist with flood mitigation to low-lying non-habitable structures which can lawfully be constructed below the Flood Planning Level.
- Responsible environmental management of the entrance berm (refer Figure 6-2 and Figure 6-3) and shorebird habitat, and the protection of the structural integrity of the coastal dune system and estuary at Shoalhaven Heads.

This Shoalhaven River EMP describes:

- The procedures to be followed by Council to maintain a dry notch (refer Figure 6-2 and Figure 6-3) at the entrance.
- The conditions that should be satisfied prior to a mechanical opening or undertaking other entrance management measures such as mechanical berm lowering.
- The procedures to be followed by Council for mechanical openings of the entrance or undertaking other entrance management measures such as mechanical berm lowering (should this course of action be necessary).

- The course of action to reduce the sand burden needed to be removed in a planned opening of the entrance in times of flood (maintenance of a dry notch).

1.2 Objectives

The general objectives of the Shoalhaven River Entrance Management Policy are:

- To ensure that timely intervention is possible if riverine flooding is predicted.
- To attempt to control flood breakout timing and location to reduce flood levels and reduce the chances of major morphological changes in the river channel and foreshores.
- Reduce flood levels with pre-emptive mechanical berm lowering in the event that a mechanical entrance opening is not safe or possible due to oceanic conditions or the timing of entrance management works.
- To ensure that the Shoalhaven River entrance at Shoalhaven Heads is managed in an ecologically sustainable manner and minimise unnecessary entrance openings.
- To determine key responsibilities and to streamline the decision-making process by quantifying the variables to be addressed by decision makers.
- To set out the entrance management strategy so that all participating managers can undertake responsibilities in sympathy with overall objectives.
- To set out the entrance management strategy so that the broader community can understand and support the process.

The specific objectives of the Shoalhaven River Entrance Management Policy are:

- To clarify responsibilities and accountabilities in relation to the maintenance of the dry notch and entrance berm elevation while the entrance is closed.
- To clarify responsibilities and accountabilities in relation to breaching the entrance through mechanical intervention (excavation of a pilot channel or entrance berm lowering / management).
- To clarify when, where, and how the coastal berm is to be mechanically breached or lowered.
- To clarify responsibilities and accountabilities in relation to sand trapping and dune care in the entrance environs to ensure that all efforts are consistent with overall entrance management strategies.
- To detail the procedures and responsibilities for monitoring the entrance.

1.3 Policy development and review

The EMP has been developed based on the findings of the Lower Shoalhaven River Coastal Management Program (CMP), *Lower Shoalhaven River Flood Study (2022)*, Lower Shoalhaven River Floodplain Risk Management Study & Plan (due to be completed in late-2025), and *Shoalhaven LGA Floor Level Survey for Flood Planning (2024)* investigations.

Modelling undertaken as part of the *EMP Trigger Level Review (2024)* found that peak flood levels for all flood events were reduced by a maximum of 7cm for the lower trigger level scenarios (1.5m Australian Height Datum (AHD) and 1.7m AHD) which were investigated. The lower trigger levels investigated resulted in negligible impact on time until flooding occurs and the duration of flooding. The *EMP Trigger Level Review (2024)* recommended to retain the trigger levels included in the *Shoalhaven River Entrance Management Plan for Flood Mitigation (2006)*.

The *EMP Trigger Level Review (2024)* also investigated opening the Shoalhaven River entrance on a Flood Watch rather than a Flood Warning. This investigation concluded that opening the Shoalhaven River entrance at Shoalhaven Heads on a Flood Watch is not recommended as it provides no entrance management benefits and could lead to unnecessary adverse environmental impacts and impose an unnecessary financial burden on Council. However, it is noted that a Flood Watch for moderate or major flooding at Nowra would provide advance warning for a situation in which mechanical berm lowering could potentially be undertaken (refer **Section 6.7**).

A Flood Watch provides early advice of a developing situation based on forecast rainfall that may lead to flooding. A Flood Watch isn't a warning of imminent flooding. A Flood Watch can be issued up to four days in advance of possible flooding. Flood Warnings are more targeted and are issued for specific locations within catchments. Flood Warnings typically include predictions about the level a river will rise to and the timing of flooding.

2 Land to which this EMP applies

The EMP applies to lands located at the entrance of the Lower Shoalhaven River at Shoalhaven Heads, including those lands where excavation of sand would be carried out as part of entrance management and those lands where excavated sand may be beneficially placed. In the latter case, such lands could include the low dune crest locations along Shoalhaven Heads beach, and the estuarine foreshore adjacent to River Road. These locations are all within the same tertiary sediment compartment for this stretch of coastline as described in the Open Coast and Jervis Bay CMP and the Lower Shoalhaven River CMP.

The REF for management of the entrance considers the wider Shoalhaven River estuary and catchment.

The land to which the EMP applies (i.e. EMP Applicable Land) is shown graphically in **Figure 2-1**.



Figure 2-1: Land to which the EMP applies

3 Review of Environmental Factors

A Review of Environmental Factors (REF) has been prepared to support the EMP and will be updated over time in line with any Policy changes, Crown Land licence applications and/or new information. The REF describes the activities involved in management of the entrance in accordance with the EMP, outlines the potential impacts of implementing the EMP on the coastal and estuary environments, and details the mitigation measures to be adopted to minimise potential impacts in accordance with the *Environmental Planning and Assessment Act 1979, Part 5*. It also considers the relevant provisions of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), and other relevant NSW environmental legislation and environmental planning instruments.

Following receipt of a NSW Crown Lands licence, Council will likely be conditioned to obtain a Threatened Species Licence from NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) to assist with the adequate protection of fauna at the Shoalhaven River entrance at Shoalhaven Heads. The Threatened Species Licence will provide details covering survey and pre-work requirements, monitoring requirements during works, DCCEEW contact procedures and associated responsibilities.

4 Climate change

The current proposed trigger values for the management of the entrance of the Shoalhaven River at Shoalhaven Heads (outlined in **Section 6.3** and **Section 6.5**) will need to be revised considering future sea level rise. These revisions should be considered at the proposed review periods of the Policy (refer **Section 10**) or at such other times determined by Council.

As of 2025, Council's adopted sea level rise projections are as below:

- 0.10 metres by 2030
- 0.23 metres by 2050
- 0.85 metres by 2100

In accordance with Council's Sea Level Rise Framework, Council will continue to monitor state and federal government advice and future Intergovernmental Panel on Climate Change (IPCC) reports to review existing sea level rise projections every seven (7) years.

5 Relevant legislation, policy and approvals

This Policy complies with the relevant State Government legislation and policies for the environmental management of estuaries, and will be applied with consideration of the following federal and state legislation and policies:

- Federal legislation:
 - Commonwealth Environmental Protection and Biodiversity Conservation Act 1999
 - Commonwealth Native Title Act (1993)
- State legislation:
 - NSW Environmental Planning & Assessment (EP&A) Act 1979 and Environmental Planning and Assessment Regulation 2021
 - NSW Local Government Act 1993
 - NSW Crown Land Management Act 2016
 - NSW Coastal Management Act 2016 and Chapter 2 of the State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021
 - NSW Fisheries Management Act 1994 and Policy and guideline for fish habitat conservation and management (2013 update) (Fairfull, 2013)
 - NSW Biodiversity Conservation Act 2016

- National Parks and Wildlife Act 1974
- NSW Marine Estate Management Act 2014 and Marine Estate Management Regulation 2017
- NSW Aboriginal Land Rights Act 1983
- Water Management Act 2000
- Work Health and Safety Act 2011
- Policies and manuals:
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - NSW Coastal Management Manual (2018)
 - NSW Government’s Floodplain Risk Management Manual and Flood Prone Land Policy (2023)

Table 5-1 provides a list of potential permits/approvals that may be required for the carrying out of mechanical interventions at the entrance. These will be confirmed following completion of the supporting REF for the EMP.

Table 5-1: Potential permits and approvals for mechanical interventions at the entrance

Relevant Act	Approvals required	Approval body
<i>NSW Crown Land Management Act 2016</i>	Licence to carry out activities on Crown Land	NSW Department of Planning, Housing and Infrastructure – Crown Lands
<i>NSW Fisheries Management Act 1994</i>	Permit to harm marine vegetation, if applicable.	NSW Department of Primary Industries and Regional Development - Fisheries
<i>NSW Biodiversity Conservation Act 2016</i>	Species Impact Statement (SIS), if applicable.	NSW Department of Climate Change, Energy, the Environment and Water
<i>NSW National Parks and Wildlife Act 1974</i>	Aboriginal Heritage Impact Permit (AHIP), if applicable.	NSW Department of Climate Change, Energy, the Environment and Water

6 Entrance management principles and procedures

The EMP will be implemented in accordance with the principles and procedures set out in the following sections.

The core approach for management of the entrance of the Lower Shoalhaven River at Shoalhaven Heads includes maintenance of a dry notch to reduce the sand burden and facilitate a quick entrance opening, berm height management, excavation of a pilot channel when water level triggers are met or forecast to be met based on a Bureau of Meteorology Flood Warning for the Shoalhaven River, and pre-emptive mechanical berm lowering to lower the elevation of the natural sand berm area prior to a flood and allow the entrance berm to potentially naturally overtop and open. Pre-emptive mechanical berm lowering is an important entrance management strategy in the event that a mechanical entrance opening is not safe or possible due to oceanic conditions or the timing of entrance management works.

6.1 Management principles

This EMP aims to implement a management regime which is consistent with the principles of ecologically sustainable development.

Entrance management procedures differ for dry notch maintenance, compared with mechanical berm lowering and planned openings.

The following general principles apply to management of the Shoalhaven River entrance at Shoalhaven Heads:

- Undertake dry notch maintenance and entrance berm elevation management to reduce the sand burden behind the entrance berm, reduce the berm elevation when closed, and therefore to facilitate timely entrance management actions and reduce flood risk to the Shoalhaven community.
- Open the entrance when water level triggers (refer **Section 6.5**) are reached or forecast to be reached based on a Flood Warning from the Bureau of Meteorology.
- Undertake pre-emptive mechanical berm lowering, in conjunction with dry notch maintenance, to lower the entrance berm prior to a flood event and allow the entrance berm to naturally overtop and open as required in situations in which a mechanical entrance opening is not safe or possible due to actual or forecast oceanic conditions or the timing of entrance management works, such as unsafe overnight conditions.
- Implementation of long-term flood mitigation measures, as investigated in a Floodplain Risk Management Plan for the Lower Shoalhaven River, to negate the need for mechanical intervention and to restore a more natural opening regime over time.
- Incorporate provisions for increasing water level triggers commensurate with sea level rise and in accordance with Council's Sea Level Rise Framework. This would need to be undertaken in conjunction with the implementation of long-term flood mitigation measures investigated through a Floodplain Risk Management Study and Plan to ensure that existing low-lying dwellings and assets are raised or relocated over time and new development is appropriately located.

The Shoalhaven River entrance at Shoalhaven Heads is located on land owned by NSW Crown Lands. Council is only permitted to mechanically open entrances in accordance with the planned opening water levels and conditions contained within EMPs, and the corresponding NSW Crown Lands licence.

6.2 Monitoring

6.2.1 Berm height monitoring

Council will monitor sand levels in the entrance area during periods of closure as follows:

- Detailed survey at approximately monthly intervals when closed to the sea, and at other times considered necessary (such as after the issue of a Bureau Flood Watch (where possible)).

Cost effective and rapid survey techniques will be further investigated, particularly for the surveys that are to be done in response to a Flood Watch notice.

As part of Council's commitment to the expanded documentation of entrance conditions and natural processes, detailed surveys of ground levels at the entrance area have been completed at varying intervals since June 2001. In recent years, since approximately 2020, surveys have been completed on an approximate monthly basis when the entrance was closed. All entrance surveys are validated against a number of State Survey Marks in accordance with best practice survey procedures. These surveys indicated that on most occasions the berm crest elevation was just above 2.0m AHD, and as such, no excavation was required for maintenance of the dry notch which was typically lower than 2.0 m AHD.

A historical berm height analysis was undertaken for the Shoalhaven River entrance at Shoalhaven Heads by consultants Water Technology in 2024. The historical berm height analysis provides guidance as to the likely frequency and volume of sand to be removed from ongoing dry notch maintenance.

6.2.2 Monitoring of Entrance Openings

Monitoring of both mechanical and natural entrance openings, including openings as a result of berm lowering, will be undertaken by Council, which includes recording of any relevant impacts of mechanical openings and entrance berm maintenance.

A record of conditions prior to opening and after opening will be undertaken by Council.

A record of the excavated east-west length, north-south width, and depth of the breach will be recorded where possible based on safety considerations. Tides and prevailing winds should also be recorded and should be supported by photos from one or two consistent vantage points where possible.

The entrance of the Shoalhaven River can be extremely hazardous prior to, during, and immediately following an entrance opening, with rising floodwater in the estuary and wash-over from the sea generally occurring. Safety concerns typically require staff and equipment to quickly leave the entrance area after the pilot channel has been excavated. The amount of information that can be collected to monitor entrance openings will therefore be highly dependent on an on-site assessment of the safety of the operator and equipment for each individual flood event. Some information can also be obtained from satellite imagery.

Council will also monitor impacts on threatened species including breeding and or relocation success and general monitoring of impacts on other native fauna and flora.

A report summarising the entrance opening will be reported to Council to ensure this information is publicly available.

6.3 Maintenance of a dry notch

6.3.1 Location, configuration and maintenance of the dry notch

Dry notch maintenance comprises the periodic lowering of the 'dry notch' area (refer **Figure 6-1**, **Figure 6-2** and **Figure 6-3**) under closed entrance conditions as a preparatory measure to reduce the burden of sand to be removed at the time of a mechanical entrance opening. This activity is intended to form part of the ongoing management of the Shoalhaven River entrance at Shoalhaven Heads to manage flood risk. The excavation and maintenance of a dry notch can benefit mechanical interventions (i.e. pilot channel excavation and berm lowering) as it can lead to a reduced pilot channel length (allowing for greater scour potential), and a reduced volume of sand to be excavated when undertaking mechanical interventions, allowing a faster opening to be achieved.

Historically, there has been a tendency for an open entrance to scour northward threatening public facilities and scouring the main surf beach. This pattern of scour is dependent on a number of factors such as the position of the dry notch, the existing sand burden on the coastal berm at the entrance and to the north, prevailing winds, prevailing ocean currents, etc. The following considerations will determine the exact position of the notch on each occasion:

- The natural variations in the height, length, and shape of the entrance berm and dune that occur from time to time.
- The location of deeper water inland, which may mean that less sand needs to be scoured when an emergency opening takes place.
- The location of shorebirds.

Given the importance of minimising the volume of sand in the entrance area, greater consideration needs to be given to the location of the notch immediately after closure of the entrance. The procedure should be based on aerial photography, land survey, and potentially hydrography. This procedure should allow Council to determine the area that provides the least volume of sand for a future breakout, as well as meeting the other requirements.

The configuration of the notch is shown diagrammatically in **Figure 6-2** and graphically in **Figure 6-3**.

Dry notch maintenance would typically be carried out prior to the shorebird nesting season when a large area of the dry notch exceeds an elevation of approximately 2.0m AHD and results in the total length of pilot channel excavations through the entrance berm exceeding approximately 50m.

The dry notch will be excavated to a level of approximately 1.7-1.8m AHD across a 50m minimum stretch of the entrance in a north-south direction. The east-west length of the notch will be determined by the shape (elevation) of the entrance berm and dune at the time. This dry notch maintenance will typically be undertaken in or towards the end of the non-shorebird nesting season in a manner intended to limit sand elevation in the dry notch area for the duration of the next shorebird nesting season. This avoids the need to undertake dry notch maintenance during the shorebird nesting season unless it is absolutely necessary and Crown Land licence conditions allow.

The crest of the berm (over a narrow east-west distance) will naturally rise and fall significantly over short time periods in response to oceanic and weather conditions. Experience at the Shoalhaven River entrance at Shoalhaven Heads has shown that it is not practical or desirable to attempt to maintain the entrance berm at 2.0m AHD. Not only would the work be operationally ineffective, but it may compromise the maintenance life of the notch further to the west, by allowing more frequent wave wash-over and dumping of sand in the notch. This wash-over could also affect the nesting success of shorebirds that may be present (such as Little Terns and Pied Oystercatchers).

For these reasons the notch will not extend to the fullest extent possible eastward, through the crest of the berm or dune, but will be maintained as follows:

- Outside the shorebird nesting season (i.e. typically March to October) the dry notch will be mechanically excavated to approximately 1.7-1.8m AHD to within approximately 10 metres west of the high point of the berm or the natural dune.
- During the potential shorebird breeding season (i.e. October to March) the dry notch will be mechanically excavated if absolutely necessary to approximately 1.7-1.8m AHD to within approx. 20 metres west of the high point of the berm or the natural dune, if this can be done without direct disturbance to shorebirds. The exact offset distance will be determined in consultation with NSW National Parks and Wildlife Service (NPWS).

A decision flow chart for management of the Shoalhaven River entrance is shown in **Figure 6-4**.

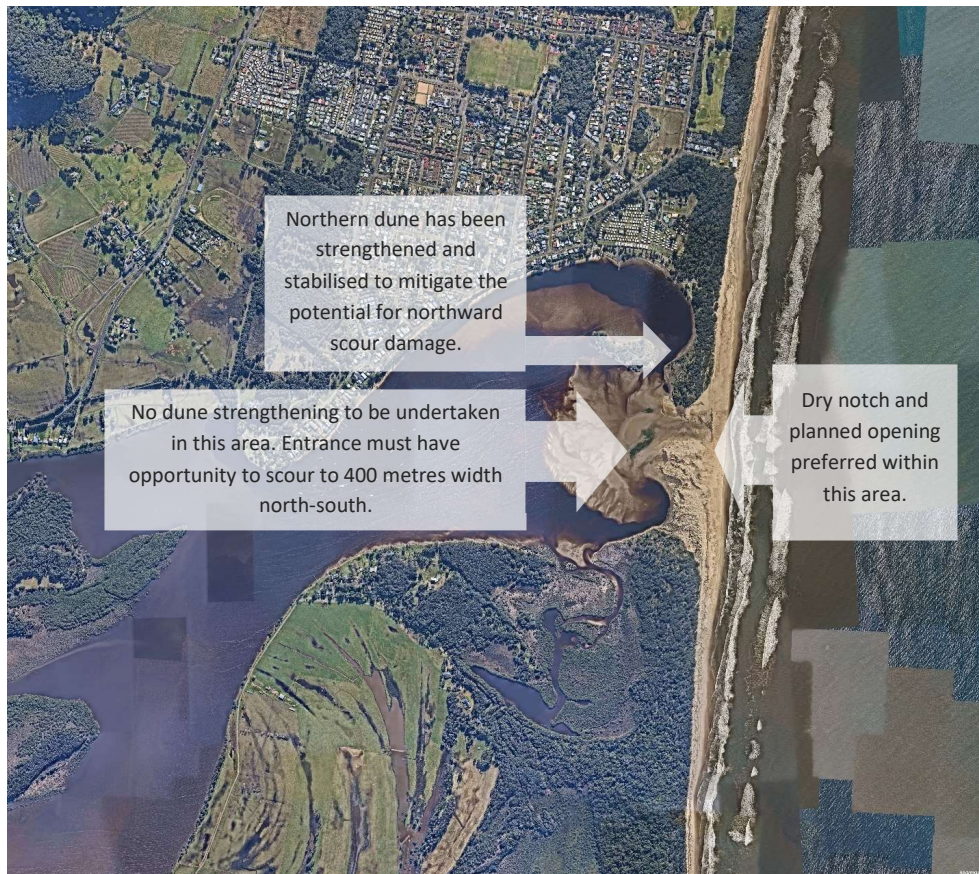


Figure 6-1 Shoalhaven River Entrance Area

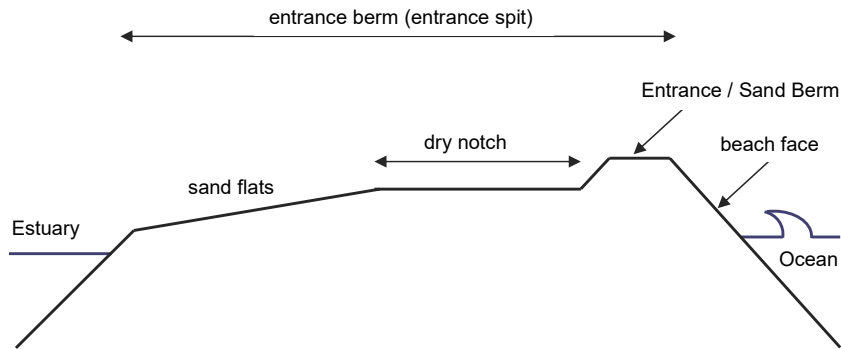


Figure 6-2 Diagrammatic East-West Section Showing Configuration of the Dry Notch

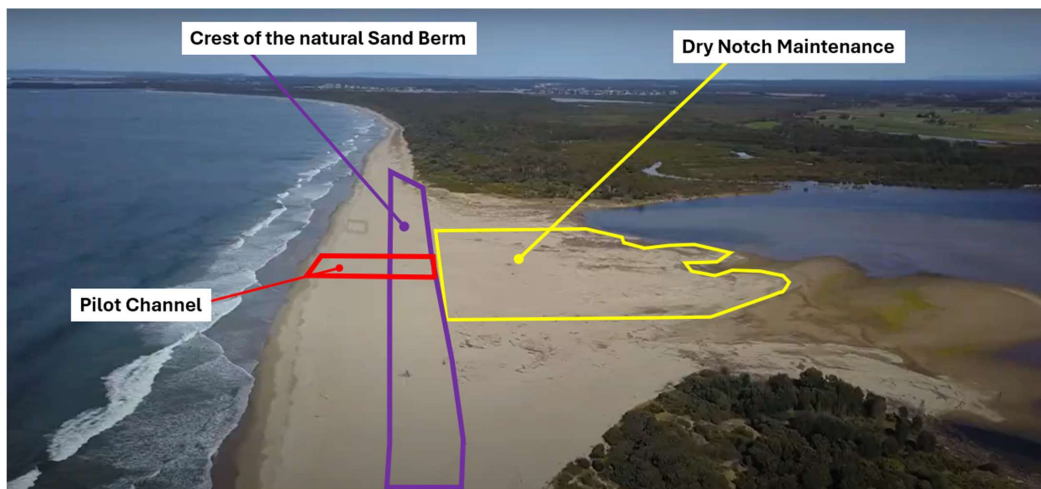


Figure 6-3 Approximate Configuration of the Dry Notch Area, Sand Berm Crest and Pilot Channel

6.3.2 Dune strengthening strategy

As a result of historical opportunistic strengthening of the dunes to the north of the entrance, aiming to mitigate the potential for northward scour damage, a well vegetated dune system is now established (refer **Figure 6-1**). This vegetation now also assists in preventing inland sand migration by heavy seas and/or onshore winds.

Earlier revisions of the Shoalhaven River EMP indicated that the strengthening of the northern dune should continue further southward into the entrance area. However, the *Lower Shoalhaven River Flood Study (PWA, 1990)* assumed that the entrance would be able to scour to a north-south width of 400 metres. **Table 6-1** shows the results of additional modelling (Webb McKeown and Associates, 2006) of the impact of restricting the final north-south dimension of the channel. This finding was also confirmed by dynamic entrance breach modelling undertaken as part of the *Lower Shoalhaven River Flood Study (2022)*.

Table 6-1 Results of Modelling Effect of North-South Scour Width

N-S dimension (m)	400	300	200	100	50
Flood impact (m)	base	+0.14	+0.31	+0.53	+0.68

It is therefore important that the channel be allowed to scour to a north-south width of at least 400 metres in order to maintain current flood planning levels. Dune strengthening works that would prevent this from happening should not be undertaken. As such, there should be no strengthening of the dune in the area indicated in Figure 6-1.

6.3.3 Earthmoving machinery required for regular maintenance of dry notch

If possible, sand removal for dry notch maintenance should be utilised to contribute to strengthening of the dune north of the entrance area adjacent to the Shoalhaven Heads Surf Club. This will generally mean transportation of material will also be required. The recommended combinations are:

- Bulldozer of approx. CATD6/D7 size
- Excavator and 2/3 x6WD dump trucks

6.4 Berm management

Computer modelling (Webb Mckeown and Associates, 2006) indicates that the volume of sand contained within the higher dune crest is not large and would not significantly impact on flood levels, provided the crest is breached when or before local flood levels reach 2.0m AHD.

The *EMP trigger level review (2024)* assessment identified that should Council be unable to open the entrance, and that the entrance berm is high (such as 2.6m AHD), that this can lead to adverse flood impacts. It is worth noting that the 2.6m AHD level is highly conservative, representing the highest recorded berm height over 23 years of available entrance survey data. Review of the available survey data (taken approximately 2 to 4 times a year between 2001 and 2024) identified that the entrance only exceeded 2.3m AHD 20% of the time.

However, despite the low likelihood of the berm height reaching 2.6m AHD or higher, there remains a risk that if the berm level is high and Council is unable to undertake a mechanical opening or mechanical berm lowering, then flood impacts would be worsened.

It is noted that the management of the dry notch would work alongside berm management to help manage flood risk.

The presence of the dry notch means that opening the entrance requires the removal of the sand berm crest (entrance berm) only, and not a full excavation of the dune as would be required without the dry notch. This allows for a quicker and safer opening procedure.

The Shoalhaven River EMP recommends berm maintenance to lower the elevation of the entrance berm if required. This would typically ensure that the entrance berm elevation is maintained at approximately 2.3m AHD. Noting that flood modelling undertaken as part of the EMP Trigger Level review identified that adverse flood impacts would only occur in a scenario in which the entrance berm was above 2.3m AHD and Council was unable to open the entrance. Therefore, the berm maintenance and mechanical berm lowering measures included in the draft EMP provide robust solutions to manage this risk.

Maintaining the entrance berm constantly at a low level such as 2.0m AHD would be impractical due to the rapid infilling that occurs from wind and wave action.

Therefore, the entrance berm does not need to be maintained constantly at a set level. To reduce the environmental and financial impacts, the berm could be lowered on a Flood Watch (assuming the berm height is higher than the applicable EMP trigger level). Actively reducing the berm level in the event of a Flood Watch would seek to ensure that should a subsequent opening not be possible, then the risk of potential flood impacts is mitigated as far as reasonably practical. In addition, works required to undertake an opening would likely be reduced due to the preparatory works undertaken during the berm lowering.

Maintaining the entrance berm at a low level may increase the likelihood of wash-over, potentially preventing further mechanical intervention from occurring (such as excavating a pilot channel). However, a lowered berm would reduce the risk of adverse flood impacts from occurring by allowing the Shoalhaven River entrance at Shoalhaven Heads to naturally overtop at a lower level.

A decision flow chart for management of the Shoalhaven River entrance is shown in **Figure 6-4**.

6.5 Water level indicators for a planned opening

There are two automatic water level recorders in the river at Shoalhaven Heads – one at the western end of Hay Avenue near the Zealands Creek entrance and one opposite the River Road boat ramp at the caravan park. A gauge that used to be at the end of Wharf Road was decommissioned when the Hay Avenue gauge was installed. The two gauges are owned and maintained by Manly Hydraulics Laboratory and Council. They are real-time gauges, and Council has access to the water level information via an online dashboard. The Shoalhaven Heads gauge will generally be used by Council's flood engineers in the case of a flood, but the Hay Avenue gauge should be monitored as a backup.

There is also a gauge plate in the water next to River Road. The numbers on the plate are in metres above AHD. This will be monitored by the site supervisor, as required.

6.6 Triggers for mechanical opening (excavation of a pilot channel)

If the entrance is closed and flood levels (actual or forecast) are below the planned opening trigger levels, floodwater can discharge to the Tasman Sea via Berry's Canal and Crookhaven Heads without impacts to habitable areas of residential buildings. In this scenario, the entrance is not required to be opened.

If the entrance is closed but the beach berm elevation is below the planned opening level, the entrance can naturally open without mechanical intervention before the trigger levels are reached. In this scenario, the entrance is not required to be mechanically opened. Monitoring of the entrance berm is required during a flood event to ensure the entrance berm elevation could facilitate an opening in accordance with the mechanical berm lowering provisions if required.

If the entrance is closed and the beach berm is above the planned opening level, Council can mechanically open the entrance at times of flood as per the EMP to help alleviate impacts from low-level flooding.

The Shoalhaven River EMP takes into consideration a range of environmental factors and includes the outcome of an evidence-based, technical review of the trigger levels to inform the entrance management options within the EMP.

The *Lower Shoalhaven River Entrance Management Policy Trigger Level Review (2024)* has informed the Shoalhaven River EMP. To assess the impact of trigger levels on flood behaviour, a series of trigger levels at Shoalhaven Heads were assessed; including 1.5, 1.7, 2.0, 2.3 and 2.6m AHD. This investigation concluded that the 3.0m AHD at Nowra and 2.0m AHD at Shoalhaven Heads is appropriate.

When a Flood Watch notice is received from the Bureau of Meteorology, Council will initiate a planned opening if it becomes necessary (including putting machinery on standby, obtaining a new entrance survey (where possible), and inspecting the site for sand build up and the presence of shorebirds). If there is considerable sand build up in the notch higher than 1.8m AHD, then an excavator should be moved to the site and excavation (berm lowering and/or dry notch excavation) will commence at this stage subject to satisfaction of requirements regarding shorebirds. Once the notch is re-established, consideration should be given to keeping the machine at Shoalhaven Heads for the duration of the Flood Watch.

A minimum of 6 to 9 hours warning will be available of significant river rises at Nowra as part of the Bureau's Flood Forecast and Warning Service for the Shoalhaven River.

Intervention trigger conditions for mechanical opening (excavation of a pilot channel) are as follows:

- (a) **Potential opening:** Immediately after a Flood Warning is received predicting a flood level exceeding 2.5m AHD or greater at Nowra Bridge, machinery will mobilise to the Shoalhaven River entrance at Shoalhaven Heads and excavation will commence, working from inland towards the Tasman Sea.

Note: Ordinarily the final breach should not take place unless 3.0m AHD is reached, or is forecast to reach or rise beyond 3.0m AHD at the Nowra gauge, or if the water level at Shoalhaven Heads is rapidly approaching 2.0m AHD, indicating that Broughton Creek catchment may be contributing significant flows.

Note: The process should be aborted if subsequent forecasts are revised to be confident that a level of 3.0m AHD is not anticipated to be reached and/or sustained at Nowra Bridge and 2.0m AHD is not anticipated to be reached and/or sustained at Shoalhaven Heads.

- (b) **Pre-emptive opening:** A forecast (based on Bureau of Meteorology Flood Warning) river level of 3.0m AHD at Nowra Bridge OR 2.0m AHD at Shoalhaven Heads (after a Bureau of Meteorology forecast location is implemented in this location) facilitates an immediate entrance opening; OR,

Note: The Bureau of Meteorology Flood Forecast and Warning Service provides 6 to 9 hours warning for forecast flood levels for Nowra. In this scenario, the pilot channel would be excavated before flood levels rise in the Lower Shoalhaven River. Given that the pilot channel is excavated to an approx. 1m depth, this would result in the base of the pilot channel having a level below 1.5m AHD. As floodwater rises it can flow through the pilot channel and scour open the entrance.

- (c) **Immediate opening:** An actual river level of 3.0m AHD at Nowra Bridge OR 2.0m AHD at Shoalhaven Heads facilitates an immediate entrance opening; AND,

Note: Where possible, excavation is to be planned so that final breakout occurs on a receding tide to optimise available scouring time. However, if the river level has already reached 2.0m AHD at Shoalhaven Heads and sea conditions are considered appropriate, then the opening should proceed irrespective of whether the tide is rising or falling.

- (d) Satisfaction of requirements regarding shorebirds. [subject to REF and licence conditions]

A decision flow chart for management of the Shoalhaven River entrance is shown in **Figure 6-4**.

The final breach should not be made if it is considered that sea conditions are inappropriate. Elevated ocean levels and large waves can aggravate flooding effects within the Shoalhaven River floodplain. If the ocean water level is higher than the river water level, then breaching the river entrance could exacerbate flooding at Shoalhaven Heads by allowing the sea to flow into the estuary. The hazard may be increased if ocean waves were to penetrate into the bay and propagate across the foreshore of the caravan park. In addition, elevated ocean levels and large waves may make conditions on the entrance berm and dune so treacherous that it would be impossible and extremely unsafe to take machinery there to open the river. In this instance, it is required to wait until conditions subside and/or the tide falls sufficiently to allow mechanical opening to proceed. However, it is in these conditions that pre-emptive mechanical berm lowering could be undertaken (refer **Section 6.7**) to avoid the need to undertake a mechanical entrance opening in situations in which it would not be safe or possible due to oceanic conditions or the timing of entrance management works.

Once the criteria above have been met, the exact timing of the opening will be determined based on local Shoalhaven Heads conditions as set out in Council's entrance management procedures i.e. Quick Reference Guide.

The *EMP Trigger Level review (2024)* investigated the feasibility of opening the shoalhaven River entrance at Shoalhaven Heads on a Flood Watch instead of a Flood Warning. A Flood Watch will only indicate if a minor, moderate or major flood may occur. The high level of uncertainty at this point does not allow BOM to predict peak flood levels in the river which is undertaken for a Flood Warning. Furthermore, a Flood Watch may be issued for a range of scenarios including minor flooding which would not reach the relevant trigger levels. Opening on a Flood Watch could result in a significant increase in the number of openings, many of which would prove to be unnecessary, or too early an opening which risks the excavation works closing by storm washover before floodwaters arrive. Increased opening frequency is likely to have increased negative impacts on the estuary and entrance including shorebirds which nest on the sand berm when it is closed. Consequently, opening the Shoalhaven River entrance at Shoalhaven Heads on a Flood Watch was not recommended by the *EMP Trigger Level review (2024)* as it provides no entrance management

or flood mitigation benefits, could lead to unnecessary adverse environmental impacts, is not supported by the relevant NSW Government Agencies in line with relevant legislation and policy, and would impose an unnecessary financial burden on Council. However, it is noted that a Flood Watch for moderate or major flooding would provide advance warning for a situation in which mechanical berm lowering could be undertaken (refer **Section 6.7**).

6.6.1 Preferred physical opening location

The exact breach position is to be determined on site. It is to be as far south as is reasonable, preferably within the area shown in **Figure 6-1**. It is then to be determined on economics: shortest, lowest line of sand will obviously be quickest and cheapest. This will generally be in the line where the dry notch has been maintained. Naturally, judgement is required as quantity of sand to be removed, access to deeper water inland and other related factors will play a part. The presence of shorebirds must also be considered.

Cognisance does need to be given to the potential damage that can occur if the scour is northward and/or the entrance opening begins too far northward. Diligence to attempt to mitigate this factor is strongly emphasised.

6.6.2 Access roads

Machinery would, typically, be required to travel on Bolong Road from Bomaderry to Shoalhaven Heads. Under most circumstances, and with appropriate preparedness, it will be possible to get machinery to Shoalhaven Heads before the road is closed by floodwaters at the following levels.

6.6.3 Entrance opening procedure

A channel approximately 1 metre deep and 4 metres wide should be excavated from the river to the Tasman Sea. Excavation should commence on the river side of the entrance sand dune and progress towards the sea, so that advantage can be taken of drier conditions on the lower ground in the early stages of the excavation. The exact dimensions of the channel will be determined by given restraints in time, natural repose of the sand, etc. The machinery decrease efficiency by trying to dig deeper than natural forces will allow to remain.

The exact dimensions of the pilot channel may be varied (within a range of metres) depending on operational experience and local site factors at the time.

The berm should not be breached until all conditions outlined in **Section 6.5** have been met.

The breach is to be as clear as possible of surplus sand in its immediate environs. Thus, the sand burden removed to create the breach is to be moved as far as is possible from the channel. This is where, if it is practically possible and affordable, an additional excavator (or a D7 type dozer, or bigger) would be beneficial as one can be digging and the extra machine can be removing sand away from the channel to mitigate against sand burden infilling of the excavated breach.

6.6.4 Risk to life and equipment

The machinery is likely to be operating in a harsh environment (high seas, wind and wave action, possible darkness) with a significant risk to life and potential for loss of equipment (bogged or cut off from retreat).

A risk assessment has been carried out for the activity. It includes measures for mitigating the risks to operators and equipment. All works must be completed in accordance with the Work Health and Safety Act (2011).

There is considerable danger to members of the public that might choose to be at the site during excavation. The potential hazards include being hit by large machinery or being swept to sea by the river as the banks of the scouring entrance channel collapse. To help reduce such risks, Council's rangers should provide crowd control where possible when an opening is taking place.

The pre-emptive mechanical berm lowering and pre-emptive pilot channel excavation measures on a Flood Warning are intended to avoid the need for entrance management works to be undertaken at night.

The operation would be more hazardous if carried out in darkness. There may be times when some works need to be undertaken close to or in darkness provided Council have assessed the suitability of undertaking these works safely,

and appropriate work health and safety (WHS) controls implemented. Personnel will be trained to undertake the task.

6.7 Mechanical berm lowering

Mechanical berm lowering comprises the pre-emptive lowering of entrance berm levels under closed entrance conditions ahead of a predicted flood event by excavation of sand to allow the entrance berm to naturally overtop and open at the planned opening level, reducing the risk of flooding. This should be carried out in daylight hours in situations in which it would not be safe or possible to undertake entrance management works when planned opening trigger levels are reached due to forecast hazardous oceanic conditions or the timing of entrance management works, such as overnight.

In circumstances with hazardous coastal conditions, undertaking pilot channel excavation procedures (refer **Section 6.6.3**) will likely result in excavation works being ineffective (i.e. wave action results in return of sand to the berm and beach face, infilling pilot channel excavations). It should be noted that wave conditions will also impact the longevity of the berm lowering and that some sand build-up will likely occur again prior to the entrance opening being achieved. Hence it is important to undertake berm lowering at a time that has considered possible impacts of oceanic conditions and the predicted timing for the trigger level being met (i.e. the day prior).

In practice this would operationally require the natural sand berm area to be lowered below 2.0m AHD (such as around 1.7-1.8m AHD) to allow for some potential increase in berm elevation from storm washover immediately prior to the flood peak rising in the Shoalhaven River and overtopping the entrance berm.

Mechanical berm lowering is an effective management strategy in the following situation:

- A low river level prior to a forecast flood event, AND
- Surveyed berm elevation is above the planned immediate opening level at Shoalhaven Heads of 2.0m AHD, AND
- The flood level has the potential to reach 3.0m AHD at Nowra Bridge OR 2.0m AHD at Shoalhaven Heads based on a Bureau of Meteorology Flood Watch for Moderate or Major flooding, AND
- Flooding is anticipated to coincide with conditions in which pilot channel excavation (pre-emptive or immediate opening) is unlikely to be safely undertaken by machinery operators due to forecast hazardous oceanic conditions or due to trigger levels for an immediate opening potentially being reached overnight, AND
- Satisfaction of requirements regarding shorebirds. [subject to REF and licence conditions]

In the event that the flood level does not reach the level of the lowered berm, the entrance would not overtop and scour open.

Refer to decision flow chart for management of the Shoalhaven River entrance at Shoalhaven Heads as shown in **Figure 6-4**.

It is noted that pre-emptive pilot channel excavation or pilot channel excavation could still be undertaken following initial mechanical berm lowering works when this can be undertaken safely, but if this could not occur, the natural sand berm area would have already been lowered to allow natural opening by the planned opening level.

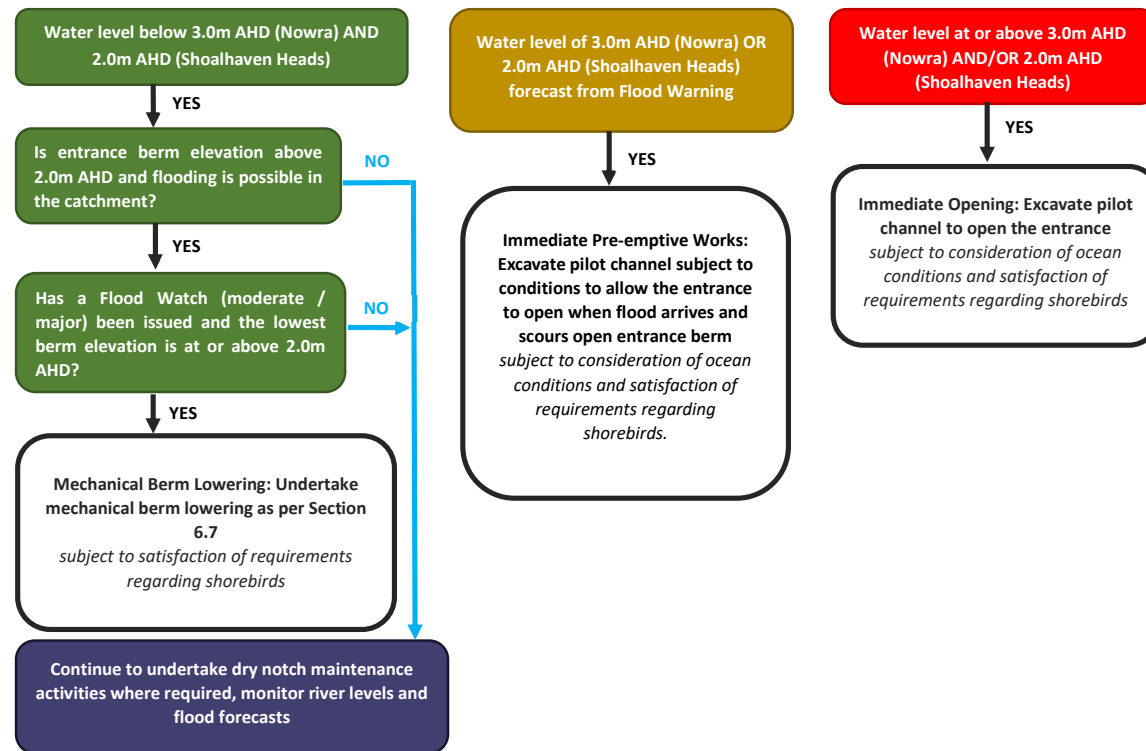


Figure 6-4: Decision Flow Chart

7 Responsibility

Primarily responsibility for implementing this EMP is with Council.

8 Penalties

Council has the authority to penalise persons opening the Shoalhaven River entrance without appropriate authorisation under Section 632(1) of the *Local Government Act 1993*. In some circumstances it is also illegal under the *Fisheries Management Act 1994* to conduct non-authorised opening of the Shoalhaven River entrance.

9 Contacts

The responsible officer in respect to sanctioning mechanical intervention is the Shoalhaven City Council Director City Development or their appointed delegate.

The responsible officer in managing the mechanical excavation and monitoring process shall be Shoalhaven City Council City Services Works and Services Manager. Council's Works and Services Manager would normally delegate responsibility for regular maintenance of dry notch, berm management and planned openings (pilot channel excavation or entrance berm lowering), in accordance with this policy, to officers in City Services such as the Northern District Engineer. The site works would normally be delegated to Council's Northern Maintenance Engineer who will assign the task to the site supervisor.

The Works and Services Manager should also nominate an officer to liaise with other groups as required. These would include Council's rangers, Council's liaison officer at the Emergency Operations Centre (EOC), the State Emergency Service and NSW Government agencies as required.

Contact will be made with officers of Environmental Services (namely, the Coastal Management Unit) by appropriate Shoalhaven City Council processes, in respect to sand disposal options.

The NPWS Area Manager, South Coast, is the officer that will arrange for Council to be informed any time that shorebirds are known to be nesting at the Shoalhaven River entrance at Shoalhaven Heads. Council's Environmental Services section shall liaise with NSW NPWS to determine if there are any shorebirds present as part of the pre-entrance opening planning or dry notch maintenance procedures.

Details of essential emergency communications are set out in the Council procedures supporting this EMP.

Key contacts regarding implementation of this EMP are shown in **Table 9-1**.

All key contacts are to be advised of any intention to carry out entrance works, prior to the activities.

Table 9-1: Shoalhaven River Entrance Management Policy - Contacts

Organisation	Contact details
Shoalhaven City Council	Lead Floodplain Management Number: 1300 293 111 Email: Floodplain.Management@shoalhaven.nsw.gov.au Lead Coastal Management Number: 1300 293 111 Email: coastal.management@shoalhaven.nsw.gov.au Manager Environmental Services Number: 1300 293 111 Email: Environmental.Services@shoalhaven.nsw.gov.au
NSW Department of Climate Change, Energy, the Environment and Water	Senior Coast and Estuaries Officer (South East Regional Delivery – Shoalhaven LGA) Number: (02) 4221 6917 (Wollongong office) Email: admin-southeast@environment.nsw.gov.au
NSW Department of Primary Industries and Regional Development – Fisheries	Fisheries Manager – Coastal Systems Number: 1800 043 536 Email: information-advisory@dpird.nsw.gov.au and ahp.central@dpird.nsw.gov.au
National Parks and Wildlife Service – Shoalhaven Area	Number: (02) 4554 9500 (Ulladulla) or (02) 4428 6300 (Nowra office) Email: npws.shoalhaven@environment.nsw.gov.au
National Parks and Wildlife Service	Shorebird Ranger Number: (02) 4428 6300 (Nowra office) Email: npws.shoalhaven@environment.nsw.gov.au
NSW Department of Planning, Housing and Infrastructure – Crown Lands	Area Manager Number: 1300 886 235 Email: cl.enquiries@crowland.nsw.gov.au
Jerrinja Local Aboriginal Land Council	Number: (02) 4447 5669
NSW State Emergency Service	Number: 132 500

10 Review of policy

This EMP is to be reviewed as necessary, minimum every 10 years.

The EMP has been developed based on the findings of the Lower Shoalhaven River Coastal Management Program (CMP), *Lower Shoalhaven River Flood Study (2022)*, Lower Shoalhaven River Floodplain Risk Management Study & Plan (due to be completed in late-2025), and *Shoalhaven LGA Floor Level Survey for Flood Planning (2024)* investigations.

This policy should be reviewed in the future:

- To be updated to incorporate new information (for example in relation to sea level change), new legislation and the community's changing needs as required.
- At no less than 10-year intervals, to ensure staff and community understanding of the principles to be applied
- After a flood event, if Council staff and/or any government agency suggest that any part of the procedure is inappropriate.
- In light of changing flood patterns and/or other flood protection strategies, such as implementation of flood mitigation measures identified in the Lower Shoalhaven River Flood Risk Management Study and Plan.

As discussed in **Section 6.2.2**, monitoring of both mechanical and natural entrance openings, including openings as a result of berm lowering, will be undertaken by Council, which includes recording of any relevant impacts of

mechanical openings and entrance berm maintenance. A report summarising an entrance opening will be reported to Council to ensure this information is publicly available.

11 Amendments

[This section of the EMP should summarise the amendments to the EMP since its first adoption. The summary should include the date of the amendment, a brief description of the amendment, and the section within the EMP where the amendment can be found].

12 References

Public Works Department (1984) Shoalhaven River Entrance Management Report

Public Works Department (1984) Shoalhaven River Entrance Management Report

Rhelm (2023) Coastal Management Program for the Lower Shoalhaven River: Review of the Entrance Management Plan, Prepared for Shoalhaven City Council

Rhelm (2024) Lower Shoalhaven River Entrance Management Policy Trigger Level Review, Prepared for Shoalhaven City Council.

Smith, P. (1991) The Biology and Management of Waders (suborder Charadrii) in NSW. Species Management Report Number 9, NPWS.

Stantec (2022) Lower Shoalhaven River Flood Study.

Water Technology (2025) Shoalhaven River Entrance Opening Historical Berm Height Analysis, Prepared for Shoalhaven City Council.

Water Technology (2025) Shoalhaven River Entrance Opening Review of Environmental Factors, Prepared for Shoalhaven City Council.

Webb, McKeown and Associates Pty Ltd (2006) Shoalhaven River Entrance Management Plan Review, Prepared for Shoalhaven City Council.

Department of Climate Change, Energy, the Environment and Water



Our ref: DOC25/597417

Mr Nigel Smith
Lead Coastal Management
Shoalhaven City Council
PO Box 42
Nowra NSW 2541
By email: nigel.smith@shoalhaven.nsw.gov.au

Dear Nigel

I refer to Shoalhaven City Council's emailed dated 28 August 2025 seeking a letter of support for the draft Lower Shoalhaven River Coastal Management Program (CMP) version 6, dated 30 June 2025 provided to the Department of Climate Change, Energy, the Environment and Water – Conservation Programs, Heritage and Regulation (DCCEEW-CPHR).

We would firstly like to commend Council on preparing the CMP, which provides the long-term direction for the management of the Lower Shoalhaven River estuary. We are pleased to have been able to contribute to it via technical and financial assistance.

DCCEEW-CPHR supports the strategic intent of the CMP and the specific management actions where DCCEEW-CPHR is identified as a support organisation. Council has undertaken a thorough assessment of potential actions, including those raised by the community, and considered how these meet the objects of the *Coastal Management Act 2016*. In the case of any DCCEEW financial contribution, as you would appreciate, this is dependent on availability of government funding, consistency with grant funding guidelines and other state-wide priorities which can all change with time.

I would like to take this opportunity to acknowledge the continued commitment and leadership of Council in sustainably managing the Lower Shoalhaven River estuary and look forward to our continued partnership.

If you have any further questions about this issue, please contact Mr John Bucinkas, Senior Team Leader, Water, Floodplains and Coast, South East, Regional Delivery on 4224 4153 or at john.bucinkas@environment.nsw.gov.au.

Yours sincerely



Michael Saxon 16/09/2025
Director South East
Regional Delivery
Conservation Programs, Heritage and Regulation

Department of Planning, Housing and Infrastructure



Ref: LBN25/793

Your Ref:

Nigel Smith
Senior Coast and Estuary Officer
Shoalhaven City Council

Nigel.Smith@shoalhaven.nsw.gov.au

1 July 2025

Subject: Lower Shoalhaven River Coastal Management Program 2025

Dear Nigel,

Thank you for your correspondence concerning the Lower Shoalhaven River Coastal Management Program 2025 (herein referred to as the CMP).

As is required under section 15(4)(b) of the *Coastal Management Act 2016* (CM Act), agreement is being sought from the Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces (the Department), to actions in the CMP that would be carried out by the Department or that relate to land or assets owned and/or managed by the Department.

The Department has reviewed the actions in the CMP that are relevant to the management and administration of Crown land, including where we have been nominated as a 'lead' or 'partner' for the implementation of an action. The Department is pleased to provide formal agreement to the CMP under section 15(4)(b) of the CM Act. This agreement does not exclude or replace the need for authorities to undertake the various planning, regulatory and approval processes that may be required under the *Environmental Planning and Assessment Act 1979* or *Crown Land Management Act 2016* (CLM Act) as part of implementing the CMP.

Further, it is noted that the CMP includes a Coastal Zone Emergency Action Subplan (CZEAS). Upon certification of the CMP it is recommended that Council request a licence under the CLM Act for the purpose of implementing the CZEAS for the life of the CMP (10 years). This licence application will be duly considered by the Department.

The CMP is the result of a comprehensive planning and consultation process, and Council is to be congratulated on finalising this important, strategic document for the management of the Lower Shoalhaven River. The Department looks forward to working with Council during the implementation phase of the CMP.

If you have any questions, please do not hesitate to contact Grant Nelson, Senior Project Officer Coastal Unit, at grant.nelson@crownland.nsw.gov.au or 0498 946 746.

Yours sincerely



Tim Deverell
Director Regional Operations East
Crown Lands and Public Spaces

Department of Primary Industries
and Regional Development



OUT25/5189
11 July 2025

Chief Executive Officer
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541
Email: council@shoalhaven.nsw.gov.au

Attn: Mr Nigel Smith (nigel.smith@shoalhaven.nsw.gov.au)

DPIRD Fisheries agency support for the Lower Shoalhaven River Coastal Management Program.

Dear Mr Smith,

I write to provide DPIRD Fisheries & Forestry (DPIRD-F&F) support for the Lower Shoalhaven River Coastal Management Program.

Shoalhaven City Council is to be commended for its efforts in developing and finalising the CMP. I am informed that DPIRD-F&F staff have provided a supporting role in the development of this CMP and that the final draft CMP has considered the NSW Marine Estate Management Strategy (2018-2028), developed under the *Marine Estate Management Act 2014*. I am informed that the final draft of this CMP includes DPIRD Fisheries leading or jointly leading four actions and supporting nine management actions, and eight sub-actions.

The Marine Estate Management Strategy is currently funded until 2028. It is noted that within the final draft Lower Shoalhaven CMP list DPIRD-Fisheries as a sole lead agency for actions ENV_46 and ENV_64. It should be noted that delivery of these actions is beyond the scope of the current 2018-2028 Strategy and will be subject to the outcome of any future Strategy reviews. DPIRD_F&F request actions ENV_46 and ENV_64 be removed from the CMP.

With the required amendments above, DPIRD-F&F supports the implementation of this CMP, including for actions where DPIRD-Fisheries is listed as a joint lead or support agency. Should any other changes be made to the final draft CMP prior to gazettal, further endorsement from DPIRD-F&F may be required.

With the Entrance Management Plan for the Shoalhaven River being finalised outside of this CMP process, please ensure DPIRD-F&F is formally notified of the final draft prior to any authorisation of

this plan in accordance with s.199 of the *Fisheries Management Act*. DPIRD-F&F will assess the final draft of this plan in accordance with the Departmental Policy and Guidelines for managing ICOLLs.

DPIRD-F&F looks forward to working with Shoalhaven City Council to achieve the objectives of the Lower Shoalhaven River CMP.

Primary DPIRD-F&F contacts for the implementation of the supporting actions in this CMP are as follows:

- Carla Ganassin, Senior Fisheries Manager, Aquatic Ecosystems Assessments (carla.ganassin@dpird.nsw.gov.au), 0447 644 357)
- Emily Messer, Fisheries Manager, Aquatic Ecosystems Assessments (emily.messer@dpird.nsw.gov.au).

For actions and projects related the MEMS program please contact Heath Folpp, Director Marine Estate Management (heath.folpp@dpi.nsw.gov.au)

Yours sincerely,



Dr Andrew Moriarty

Director Aquatic Assessment, Regulation and Engagement
Department of Primary Industries and Regional Development

Local Land Services



21/05/2025

Nigel Smith
Shoalhaven City Council
Bridge Road (PO Box 42)
Nowra NSW 2541

Re: South East Local Land Services Letter of Support – Lower Shoalhaven Management Program

Dear Nigel,

Thank you for the opportunity to review the Lower Shoalhaven River Management Program (CMP).

South East Local Land Services is pleased to offer our support for this important initiative—particularly the Management Initiatives that align with the objectives of the Marine Estate Management Strategy – Management Initiative 1. We believe the CMP will contribute to the goals outlined in the South East LLS Strategic Plan 2021–2026 and the South East Natural Resource Management Plan 2022–2026, including:

- Supporting integrated, collaborative catchment and landscape planning to enhance ecosystem function
- Providing high-quality land and vegetation management services and advice to customers and stakeholders
- Improving native vegetation connectivity and strengthening the resilience of aquatic assets

South East Local Land Services looks forward to working with Shoalhaven City Council to support the delivery of the CMP and achieve its objectives.

Sincerely,



Andrew Taylor
Team Leader Natural Resource Management
South East Local Land Services



10/06/2025

Michaela Durston
Coast & Estuaries Officer
Shoalhaven City Council
PO BOX 42,
NOWRA NSW 2541

Lower Shoalhaven River Coastal Management Program (CMP)

Dear Michaela,

Thank you for involving the NSW State Emergency Service (NSW SES) in the coordinated management of the Lower Shoalhaven River and Estuaries.

The NSW SES is the agency responsible for dealing with floods, storms, and tsunamis in NSW. This role includes planning for, responding to, and coordinating the initial recovery from flooding.

Programs such as the Lower Shoalhaven River CMP help us understand and better plan and respond to events while working collaboratively with council and other agencies.

This is a letter of support acknowledging the strategic intent of the CMP and agreeing to the actions and responsibilities of the NSW SES within the CMP.



Amanda Pollock
Coordinator Planning
South Eastern Zone



NSW SES South Eastern Zone
56-58 Knox Street,
Goulburn, NSW 2580
sez.ops@ses.nsw.gov.au
www.ses.nsw.gov.au
ABN: 88 712 649 015

**NSW National Parks and Wildlife Service**

Your ref: 60656E (D25/134865)
Our ref: DOC25/352546

Chief Executive Officer
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

By email: coastal.management@shoalhaven.nsw.gov.au

Attention: Nigel Smith

Dear Nigel

I refer to your email of 17 April 2025 seeking the NSW National Parks and Wildlife Service (NPWS) support for the Lower Shoalhaven River Coastal Management Program (CMP).

NPWS is a key stakeholder in the CMP and have provided comment during stages 1 to 4 of the CMP. The following reserves managed by NPWS fall within the study area of this CMP:

- Bamarang Nature Reserve
- Brundee Swamp Nature Reserve
- Comerong Island Nature Reserve
- Saltwater Swamp Nature Reserve
- Wogamia Nature Reserve

I note that NPWS is listed in the following actions:

- Lead for Action: ENV_19
- Support for Actions: BE_42, CS_13, CS_15, ECON_04, ECON_14, ENV_58

NPWS endorses the strategic intent of the CMP and supports the inclusion of the above actions in the CMP.

Please notify NPWS when the CMP is certified and include a link to the final version.

NPWS participation in actions is subject to funding availability and reserve management priorities. NPWS must be consulted prior to any works proposed on NPWS estate.

If you have any further questions about this matter, please contact Carly Roder, Senior Project Officer, at carly.roder@environment.nsw.gov.au.

NPWS look forward to working with council on implementation of the CMP.

Yours sincerely

Gordon Cameron
Manager Carbon and Restoration Programs Unit

6 May 2025

Transport for NSW



Nigel Smith
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

Re: Lower Shoalhaven Coastal Management Program

6 May 2025

Dear Nigel,

I refer to council's request to Transport for NSW (TfNSW) for a letter of support for the final Lower Shoalhaven Coastal Management Program (CMP), 11 April 2025.

We would firstly like to commend council on preparing the CMP which provides the long-term direction for the management of the Lower Shoalhaven River. We are also pleased to have been able to contribute to its preparation.

As requested, I can confirm that TfNSW supports the strategic intent of the CMP and specific management actions where TfNSW is listed as the lead agency responsible and those actions where TfNSW is listed as a supporting partner.

TfNSW's commitment to the future implementation of these actions is dependent on the availability of staff and financial resources.

I would like to take this opportunity to acknowledge the continued commitment and leadership of council, in sustainably managing the Shoalhaven River and look forward to continued collaboration.

If you have any further questions about this matter, please contact Mr Peter Hawkins, Community Technical Partner on 0429 504 605 or at Peter.Hawkins@Transport.nsw.gov.au.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cassandra Ffrench".

Cassandra Ffrench
A/ Regional Director South
Regional Integration

OFFICIAL

Level 3, 101 Crown Street
Wollongong, NSW, 2500

www.transport.nsw.gov.au

1

CL25.379 - Attachment 1

Braiya White

From: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Sent: Tuesday, 3 June 2025 5:15 PM
To: Michaela Durston
Cc: Alex Macvean; Nigel Smith
Subject: RE: Agency Letters of Support - Lower Shoalhaven River CMP

EXTERNAL: Be cautious opening links or attachments.

Hi Michaela,

I can confirm that it is DPHI - Planning's position that a letter of support is not required for a CMP for which DPHI – Planning is not identified as a lead agency for any proposed actions. DPHI – Planning does not object to being identified as a support agency.

Regards,

Graham Towers
Manager,
Southern, Western and Macarthur Region

Local Planning and Council Support | Department of Planning, Housing and Infrastructure
T 4247 1821 | M 0437 548 718 | E graham.towers@planning.nsw.gov.au
84 Crown St, Wollongong NSW 2500 | PO box 5475, Wollongong NSW 2520
www.dpe.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Michaela Durston <michaela.durston@shoalhaven.nsw.gov.au>
Sent: Tuesday, 3 June 2025 3:06 PM
To: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Cc: Alex Macvean <alex.macvean@dpie.nsw.gov.au>; Nigel Smith <Nigel.Smith@shoalhaven.nsw.gov.au>
Subject: RE: Agency Letters of Support - Lower Shoalhaven River CMP

Hi Graham,

I'm just following up on our email below and request for an agency Letter of Support for the Lower Shoalhaven River CMP.

I understand that DPHI - Planning's position on the Lake Conjola CMP was that a letter of support was not required as DPHI – Planning is not identified as a lead agency for any proposed actions. DPHI – Planning also did not object to being identified as a support agency.

Could you please confirm that this is the case for the Lower Shoalhaven River CMP as well?
Similarly, the Lower Shoalhaven River CMP does not identify DPHI – Planning as a lead agency for any actions, they are listed as a support agency for several actions.

Kind Regards,
Michaela



Michaela Durston
Coast & Estuaries Officer

+61 2 4429 5205 | +61 467 222 463
Bridge Road (PO Box 42) Nowra NSW 2541
shoalhaven.nsw.gov.au

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION



From: Coastal Management <Coastal.Management@shoalhaven.nsw.gov.au>
Sent: Thursday, 17 April 2025 11:48 AM
To: Graham Towers <Graham.Towers@planning.nsw.gov.au>
Cc: Alex Macvean <alex.macvean@dpie.nsw.gov.au>; Nigel Smith <Nigel.Smith@shoalhaven.nsw.gov.au>; Michaela Durston <michaela.durston@shoalhaven.nsw.gov.au>
Subject: Agency Letters of Support - Lower Shoalhaven River CMP

Dear Graham,

Thank you for your ongoing input and feedback on the development of the Lower Shoalhaven River Coastal Management Program (CMP).

Council have now incorporated all agency and community feedback following public exhibition into the Final CMP. Council is now seeking Letters of Support for the CMP to support its adoption and certification.

All changes to the CMP following public exhibition, incorporating further community and agency feedback have been captured and provided for your information, along with the attached letter titled "Request for Letter of Support Lower Shoalhaven River Coastal Management Program". The Final Draft CMP can be accessed via the link below:

☐ [LSR CMP - Letters of Support - CMP Documents](#)

Council request that your letter of support be provided by **Friday 23 May 2025** ahead of a Council meeting where we will be reporting the CMP for adoption.

Please do not hesitate to reach out if you would like to discuss the CMP and any of the management actions included within.

Kind Regards,

Nigel Smith



Coastal Management

[1300 293 111](tel:1300293111)
Bridge Road (PO Box 42) Nowra NSW 2541
shoalhaven.nsw.gov.au

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION



Food Premises Policy

Adoption Date:	20/09/1976
Reaffirmed:	24/05/2005, 21/05/2013
Amendment Date:	21/02/2017, 01/08/2022
Minute Number:	MIN76.1362, MIN05.595, MIN09.1397, MIN13.473, MIN17.95, MIN22.510
Next Review Date:	01/12/2024
Related Legislation:	
Associated Policies/Documents:	
Directorate:	City Development
Responsible Owner:	
Record Number:	POL24/118

Food Premises Policy

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Food Premises Policy

1. Policy Purpose

This policy has been prepared as a guide for the planning and construction of food premises. The implementation of this policy will assist food businesses in achieving a satisfactory hygiene standard, to facilitate easy cleaning and maintenance to ensure safer food handling practices.

1.1. Scores on Doors

As part of Council's food inspection program, food businesses undergo a routine inspection where an authorised officer completes a Food Premises Assessment Report. The outcome of this report will determine a Scores on Doors rating where the premises is scored as either Excellent (5 Star), Very Good (4 Star), Good (3 Star), Satisfactory or Poor (No Star rating).

The Food Premises Assessment Report concentrates on issues relevant to the operation of the food premises, including:

- temperature control;
- food storage, food handling and processing;
- hand washing;
- cleaning and maintenance; and,
- pest control.

2. Objectives

2.1. Policy Statement

This policy sets general standards for the construction and alteration of food premises and requirements in connection with the installation of equipment and appliances.

2.1.1. Scope

This policy applies to all retail food premises (except butchers' shops*) within the City of Shoalhaven including: -

- | | |
|---|--------------------------|
| • Bakeries | • Health Food Shops |
| • Boarding Houses (Backpackers Hostels etc) | • Hotels |
| • Cafeterias | • Kiosks |
| • Canteens | • Milk Bars |
| • Clubs | • Motels |
| • Coffee Lounges | • Oyster Openers |
| • Confectionery | • Pastry Cooks |
| • Delicatessens | • Provision Stores |
| • Drink Bars | • Restaurants |
| • Greengrocers | • Sandwich Shops |
| • Fish Shops | • Smallgoods Shops |
| • Food Factories | • Takeaway Food Shops |
| • Food Processing Plants | • Tea Rooms, or the like |
| • Food Storage Warehouses | |

***Note:** This policy does not set standards for the construction and alteration of NSW Food Authority licensed food businesses. This includes but is not limited to ~~of~~ meat food premises,

Commented [TS1]: Delete 'of

Food Premises Policy

dairy, and seafood premises. Enquiries in relation to these types of businesses should be referred to the NSW Food Authority.

2.1.2. Related Documents

This policy should be read in conjunction with the *National Food Safety Standard 3.2.3 - Food Premises and Equipment* and *Australian Standard AS 4674-2004 - Design Construction and Fit out of Food Premises and Australian Standard AS 1668.2-2024* – *Mechanical Ventilation in Buildings*.

Commented [TS2]: AS1668.2-2024

2.1.3. Acknowledgement

Acknowledgment is made to the Environmental Health Australia whose National Code this policy is based upon.

3. Definitions

Term	Meaning
<u>all-purpose room</u>	A low temperature room which may be used for the storage of "wet" goods such as would be stored in a restaurant, butcher's shop, fish shop, smallgoods shop, food factory and similar premises.
<u>approved or approval</u>	approved by Council's Environmental Health Officer.
<u>cooking</u>	the process of converting food from a raw state to an acceptable, edible state by the application of energy in the form of heat (and in certain cases other forms of energy) and, without limitation, includes roasting, grilling, barbecuing, frying and the like and includes the reheating of precooked foods.
<u>Cove or coving</u>	having a concave curve at the junction of two surfaces – the radius of the curve is to be not less than 25mm.
<u>dry goods storage room</u>	low temperature rooms used for the storage of pre-packaged goods, cartoned goods, canned goods and food sealed in containers.
<u>exposed</u>	(in relation to food display) not protected against any likely contamination from customers where related to food display. In relation to construction material exposed means visible where related to construction material.

Commented [TS3]: Delete definition for all purpose room. This is an out dated term.

Food Premises Policy

<u>food preparation area</u>	<u>any room, compartment or place used for the purpose of preparing and serving food for sale for human consumption, and, without limitation, includes preparation and serving areas of coffee lounges, drink bars, delicatessens, provision stores and the like.</u>
<u>impervious</u>	<u>impermeable to water, moisture, or grease.</u>
<u>kitchen</u>	<u>any room, compartment or place used for the purpose of cooking and heating food for human consumption and, without limitation, includes cooking areas of clubs, shops, factories, and the like. The minimum area of a kitchen, including food preparation area shall be 20% of the dining room area or 7.5 sq m, whichever is the greater.</u>
<u>preparation – prepare – preparing</u>	<u>includes manufacture, processing, and treatment of foods for human consumption.</u>
<u>solid construction</u>	a) <u>is brick, concrete, concrete blocks, structural fibrous cement, or other similar homogeneous materials: Solid materials and solid construction are required to prevent the formation of cavities which become possible harbourages for insects and vermin.</u> b) <u>Structural fibrous cement is only suitable for free standing internal partitions where no cavities are formed, not as a lining to cavity framing.</u>

Food Premises Policy

all-purpose room means a low temperature room which may be used for the storage of "wet" goods such as would be stored in a restaurant, butcher's shop, fish shop, smallgoods shop, food factory and similar premises.

approved or approval means approved by the Council's Environmental Health Officer.

means the process of converting food from a raw state to an acceptable, edible state by the application of energy in the form of heat (and in certain cases other forms of energy) and, without limitation, includes roasting, grilling, barbecuing, frying and the like and includes the reheating of precooked foods.

cove means having a concave curve at the junction of two surfaces — the radius of the curve is to be not less than 25mm.

dry goods storage room means low temperature rooms used for the storage of pre-packaged goods, cartoned goods, canned goods and food sealed in containers.

exposed means (in relation to food display) not protected against any likely contamination from customers where related to food display. In relation to construction material **exposed** means visible where related to construction material.

food preparation area means any room, compartment or place used for the purpose of preparing and serving food for sale for human consumption, and, without limitation, includes preparation and serving areas of coffee lounges, drink bars, delicatessens, provision stores and the like.

impervious means impermeable to water, moisture, or grease.

kitchen means any room, compartment or place used for the purpose of cooking and heating food for human consumption and, without limitation, includes cooking areas of clubs, shops, factories, and the like. The minimum area of a kitchen, including food preparation area shall be 20% of the dining room area or 7.5 sq.m, whichever is the greater.

preparation — prepare — preparing includes manufacture, processing, and treatment of foods for human consumption.

a) **solid construction** is defined as brick, concrete, concrete blocks, structural fibrous cement, or other similar homogeneous materials: Solid materials and solid construction are required to prevent the formation of cavities which become possible harbourages for insects and vermin.

Food Premises Policy

- b) ~~Structural fibrous cement is only suitable for free standing internal partitions where no cavities are formed, not as a lining to cavity framing.~~

Food Premises Policy

4. Roles and Responsibilities

4.1. Provisions

PART A – CONSTRUCTION, MATERIALS AND FINISH

4.1.1. Walls

Construction

Walls of food premises including food preparation areas, kitchens, sculleries, food serveries, food display and food storage areas shall be of solid construction.

Finish

In all food preparation areas, kitchens, sculleries and the like such walls shall be finished to a height of at least 2m above floor level with:-

- a) Glazed tiles fixed in accordance with the requirements of Australian Standards AS3958.1-2007 Ceramic tiles (Part 1: Guide to the installation of ceramic tiles)
- b) Stainless steel, laminated plastics (i.e., formica, laminex, panelyte) or similar approved impervious material adhered directly to the wall.

Untiled Walls

Untiled walls are to be cement rendered, set with plaster and steel trowelled to a smooth even surface, painted with a washable gloss paint of a light colour or sealed with other approved materials.

Surface Material Fixing

The finishing materials outlined in 3.1.2 (b) are to be fixed so as to provide a smooth even surface to ensure ease of cleaning; be free of buckles, fixing screws, open joint spaces, cracks, or crevices which may permit the access of vermin or the collection of liquids, food particles, grease, or other refuse.

Commented [TS4]: Delete 'outlined in 3.2.1 (b)'

Intersections

The intersection of walls with floors and exposed plinths is to be coved to a 25mm radius.

Tiles to 450 mm

In approved positions where the business operation does not require tiling the walls to a height of 2m above floor level, the accepted alternative is tiles or similar approved materials carried to a height of 450mm above the bench tops wash hand basins and similar fittings.

Tiles to 300 mm

In special circumstances, dependant on the operation, this height may be reduced to 300mm provided the bench top and turn-up are made of stainless steel all in one piece (i.e., no joint at the wall and bench section).

Top Edge of Wall Tiles

Food Premises Policy

The wall finish between the top edge of the wall tiling and the ceiling is to be finished flush to the tiling or other approved surface or splayed with an impervious material so as not to form a ledge upon which dust or grease can accumulate (Figure 7).

Architraves

Architraves, skirting boards, picture rails or similar are not permitted.

Vertical Corners, Corridor Walls and the Like

Vertical corners, corridor walls and the like, which are likely to be damaged by trolleys, kegs or similar traffic are to be protected by stainless steel angles, rubbing strips or other approved material (applies to door openings, columns and similar).

4.1.2. Floors

Construction

Floors within food preparation areas are to be constructed of solid construction and finished with materials which are impervious, non-slip, non-abrasive, resistant to chemicals, capable of withstanding heavy duty operation, scouring with steam, hot water, soap and detergent; and include ceramic tiles of an approved size and type properly fixed, impermeable cement render or similar topping over concrete, quarry tiles, magnesite or other approved material laid to the manufacturer's specifications.

Vinyl and Similar Preformed Materials

In food display, food storage and other selected positions in food preparation areas commercial grade vinyl sheeting with welded joints or similar preformed material laid over a solid impervious base or an approved underlay is acceptable providing they are laid strictly in accordance with the manufacturer's specifications.

Finish

The floor finish is to be smooth and even, free of cracks, crevices or surface protrusions that will prevent easy cleaning, graded and drained where necessary.

Tile Joints

Floor tiles are to be butt jointed or alternatively the open joints are to be epoxy grouted and finished flush with the floor surface material.

Floor Wastes

Floor wastes shall be provided in food preparation areas and wet areas in locations where directed.

Coving

The intersections of floors with walls and exposed plinths are to be coved to a radius of 25mm. Vinyl and similar preformed material is to be continued at least 75mm up the wall or other vertical surfaces.

Food Premises Policy

Backing Piece

Where vinyl sheeting and other similar preformed material is turned up to form a cove, a fillet or backing piece is to be fitted to provide support.

Carpet

Carpet may be used as a floor finish only in areas where customers stand or sit to receive food or service.

4.1.3. Ceilings

Provision

Ceilings shall be provided over food preparation, display, or storage areas.

Construction

Ceilings are to be constructed of a rigid smooth faced, non-absorbent material and could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material painted with a washable gloss paint of a light colour.

Drop-in Panels

Drop-in removable panel ceilings are not permitted over food preparation, display, and servery areas.

Finish

The surface finish shall be free of open joints, cracks, crevices or openings in which grease, vapours or vermin may collect.

Intersections

The intersection of the walls and ceiling are to be tight jointed, sealed, and dustproof.

Ceiling Light Fittings

Ceiling light fittings are to be installed flush with the ceiling surface, or alternatively, provided with an approved diffuser cover to prevent the accumulation of dust or harbourage of vermin.

4.1.4. Window Openings, Door Openings, and Serving Hatches

Windows

Window openings in kitchens and food preparation areas are to be designed and constructed with the windowsills at not less than 300 mm above the top of any bench, table, or equipment where splashing is likely to occur.

In approved positions where benches, tables, equipment are at least 100mm clear of the wall surface and windowsills are exposed, the provisions of 3.4.1 may be varied.

Commented [TS5]: Replace 'provisions of 3.4.1' to 'above window provisions'

Splayed Sills

All windowsills are to be splayed inwards at an angle of 45° and finished with material matching the wall finish, with all vertical and horizontal edges rounded or bullnosed to a smooth even finish.

Food Premises Policy

Architraves

Window and door architraves are not permitted.

Fly Proofing

Removable fly proofing shall be provided as directed by Council's Environmental Health Officer.

Finish

Door openings, serving hatches and similar are to be finished in the same material as the wall, returned to meet the door jamb with the vertical and horizontal edges rounded or bullnosed to a smooth even surface.

Corner Protection

Where door openings are likely to be damaged by trolleys or similar traffic, the vertical corners are to be protected in an approved manner. [\(See section 3.1.10\)](#)

Commented [TS6]: Delete '(See section 3.1.10).'

Flyscreen Doors

Fly proofing to external door openings shall be provided as directed by Council's Environmental Health Officer.

4.1.5. Service Pipes, Vermin-Proofing

Concealment of Pipes

Where possible, all service pipes are to be located on the exterior of the premises or concealed in floors, plinths, walls, or ceilings.

Pipe Supports on Brackets

Where it is not possible to conceal pipes or where it is contrary to the regulations of other authorities, such pipes are to be fixed on brackets so as to provide at least 25mm clearance between the pipe and the adjacent vertical surface and 100mm between the pipe and adjacent horizontal surfaces.

Vermin-proofing of Openings

All openings in walls, floors and ceilings through which service pipes and the like, pass, shall be proofed to prevent access of vermin.

Cavities and Voids

Cavities, false bottoms, and similar hollow spaces capable of providing access and harbourage for vermin are not permitted to be formed in the construction of premises, nor in the installation of fittings and equipment, unless approved means of access are provided to such spaces, or such spaces are completely sealed in an approved manner.

Sewerage Pipes

The location of sewerage pipes in food preparation, storage of serving areas is not desirable; however, where circumstances will not permit an alternative position, cleaning eyes and access openings will not be permitted unless special precautions are taken to prevent likely

Food Premises Policy

contamination of the food in that area should any defect or leakage occur in the line. Such prevention of contamination will be conferred by Council's Environmental Health Officer.

Commented [TS7]: choke

Roller Shutters

Roller shutters and roller grilles located on external openings are to be of vermin proof design.

4.1.6. Servery Bar Construction

In situ Construction

Where counters or bars are constructed in-situ, the supporting wall shall be of solid construction finished with an approved impervious material commensurate with the use.

Timber Framing

Framing of in situ bars and counters in timber is not permitted.

Counter and Bar Tops

Counter and bar tops may be constructed in solid core timber or similar timber sheeting glued and jointed in an approved manner (Figure 5).

Exposed Surfaces

All exposed surfaces of the bar top or countertop are to be finished with a smooth impervious material.

Exposed walls

On the preparation and/or serving side, exposed wall surfaces are to be smooth, free of ledges and the surface is to be cement rendered, set with plaster, and steel trowelled to a smooth even surface and finished with a washable gloss paint, tiled, or sealed with an approved material commensurate with the use of the counter or bar (Figure 5).

4.1.7. Storerooms

Wall Construction

Walls of rooms used for the storage of food enclosed in hermetically/airtight sealed containers, dry packaged goods, vegetables, cleaning materials and equipment, shall be of solid construction finished with an approved impervious material commensurate with use.

Floor

The floors of such rooms shall be impervious and coved at the intersection with walls and plinths.

Cleaning Material Storage

Materials and equipment for cleaning are to be stored in a place physically separated from any food storage, display, or preparation area.

4.1.8. Garbage Rooms, Grease Arresters

Food Premises Policy

Garbage Storage

A room separate from the kitchen or an appropriately constructed area outside the building is to be provided for the storage of garbage. Controls are to be implemented to prevent the foraging and harbourage of vermin within garbage storage areas.

Refrigerated Garbage Rooms

Refrigerated garbage rooms must comply with the requirements of Section 3.9.

Commented [TS8]: Change 3.9 to 4.1.9

Construction

Rooms used for the storage of garbage and rooms used for the washing and storage of garbage receptacles are to be constructed of solid material and cement rendered and steel trowelled to a smooth even surface and made vermin proof.

Floor

The floor shall be of impervious material coved at the intersection with the walls, graded and drained to an approved floor waste within the room.

Storage Racks

Racks shall be provided for the storage and drainage where domestic type garbage bins are used and may be fixed or freestanding, with the lowest shelf 300mm above floor level.

Rack Construction

Racks to be constructed of galvanised piping, "T" iron, angle iron or solid flat steel or other approved material and preferably designed to be demountable for ease of cleaning.

Separate Room

Garbage receptacle washing machines and heavy-duty commercial garbage disposal units should be housed in a room separate from the garbage store and kept 300mm clear of all walls.

Ventilation

Garbage rooms shall be vented to the external air by natural or artificial means.

Hot and Cold Water

Hot and cold-water hose cocks shall be located within a garbage room or in close proximity.

Grease Arresters

The installation of grease arresters within kitchens and food preparation area is not permitted.

Internal Grease Arrester Room

Where there is no alternative but to install the grease arrester within the building, it shall be subject to the following conditions:–

Food Premises Policy

- a) Prior approval shall be obtained in each case.
- b) The arrester shall be installed in a special room.
- c) The floor, walls and ceiling of the room shall be constructed of solid material sealed to prevent the escape of odours; the walls are to be cement rendered, set with plaster and steel trowelled to a smooth even surface and finished with washable gloss paint or sealed with an approved material; all angles are to be coved.
- d) The door shall be self-closing and fitted with a rubber or other approved gaskets to provide a seal when closed; independent access to the arrester for cleaning purposes shall be provided where practicable from outside the building.
- e) Proposals to mechanically ventilate grease arrester are to be submitted for approval.

For information on grease arresters and liquid trade waste generally, advice should be sought as to the requirements specified by Shoalhaven Water prior to installation (<https://shoalwater.nsw.gov.au/your-business/liquid-trade-waste/about-liquid-trade-waste>).

4.1.9. Low Temperature Rooms, Including Cool Rooms, and Freezer Rooms

Solid Construction

All-purpose rooms may be of solid construction which includes such materials as bricks, concrete or similar approved material, cement rendered to a smooth even finish and coved to a minimum radius of 25mm at all angles.

Prefabricated Construction

All-purpose rooms may also be constructed of prefabricated wall and ceiling sections with internal and external finishes of the following material – non-corrosive aluminium, stainless steel, polyester faced or other approved materials.

Embossed Surfaces

Embossed finish is not permitted as internal lining material or panels of prefabricated low temperature rooms.

Panel Construction

The internal and external panels are to be adhered directly to the insulating material (core) to form an integral wall section.

Coving of Joints

Joints at the floor to wall intersections are to be coved and the vertical wall to wall intersections are to be finished with a cove and the edges of all joining moulds are to be tight fitting and water repellent.

Panel Finish

All panels are to be neatly cut and finished smooth to eliminate any cracks, crevices or imperfections which may provide access for vermin or be difficult to clean.

Dry Goods Storage Rooms

Approved wall and ceiling lining materials for dry goods storage rooms includes stainless steel, aluminium, polyester faced finish, hot bonded sheets, laminated plastics or other approved materials and all lining material joints are to be tight fitting and water repellent.

Food Premises Policy

Concrete Floor

A concrete floor at least 75mm thick is to be provided in all low temperature rooms, graded to the doorway, coved at the intersections with the walls and finished to be impervious to liquids.

Concrete Floor Finishes

Unless constructed of impermeable type concrete, all low temperature room floors shall be coated, topped, or otherwise finished with an impervious material.

Plinths

Where a plinth is used its dimensions shall be identical with the external face of the low temperature room so as not to protrude beyond or recede under the vertical face.

Internal Floor Wastes

Floor drains connected directly to the sewerage service are not permitted within a low temperature room.

Special Approval

Floor wastes may be permitted within a low temperature room where the room is used as a work or preparation room and shall be subject to special approval in each case.

External Floor Wastes

Where circumstances require drainage, a floor waste is to be located outside the low temperature room as near as practicable to the door opening.

Painting of Walls and Ceilings

Internal walls and ceiling surfaces are not to be painted unless the paint is of a special type prepared for use on low temperature room walls and ceilings and applied in accordance with the paint manufacturer's specification.

Sealing of Joints

The joint between the external walls of the low temperature room and the floor surface is to be sealed and finished in an approved manner.

External Wall Finish

Where the external walls of a low temperature room such as "cool room sandwich panelling" are in the kitchen, cooking or food preparation area or any other place where splashing of walls is likely to occur; the walls are to be finished with tiles or in an approved manner commensurate with the use.

Rat-proofing

All exterior surfaces including the roof of the low temperature room are to be faced with an approved rat-proof and/or vermin proof material.

Inaccessible Spaces

Food Premises Policy

Where the room is built in such a position that an inaccessible cavity is formed between the top of the low temperature room, and the ceiling above or between the low temperature room and any other wall or fixture, such cavities are to be made proof against the access of rats or other vermin.

Storage Rack Construction

Hanging bars and storage racks shall be constructed of galvanised pipe, angle iron, "T" iron, channel iron, flat metal, or other approved materials, all of which should be treated to prevent corrosion.

Rack Clearance

Racks may be fixed or freestanding; the underside of the lowest shelf or rack to be at least 150mm clear of the floor.

Refrigeration Machinery

Where possible, all machinery and equipment are to be located outside the food premises. If they cannot be located outside, -shall be installed in an approved manner with sufficient space for cleaning being provided both within and around:-

- Equipment (e.g., compressor, motor condenser, evaporator).
- Fittings (e.g., refrigeration pipes, condensate pipes).
- The floor, walls, and ceilings.

Concealment of Pipes

Where possible, all service pipes and conduits are to be concealed in floors, walls, or ceilings.

Fixing of Pipes on Brackets

Where concealment is not possible, pipes are to be fixed on brackets to provide at least 25mm clearance between the wall and pipe and 100mm between the floor and pipe. All such runs shall be kept to an absolute minimum.

Clearance from Fittings

Pipes so installed are not to run underneath fittings.

Temperature Gauge

A temperature gauge is to be provided externally to each low temperature room (including cool-rooms, chillers, freezer rooms).

Noise and Vibration

The refrigeration equipment and all associated fittings are to be installed in such a manner that the refrigeration system is capable of operating without causing noise or vibration nuisance.

Condensate Disposal

Adequate provision for the disposal of condensate shall be provided.

Condensate Discharge

Food Premises Policy

Where condensate waste discharges to the sewer, adequate disconnection or air gap shall be provided in accordance with the requirements of the local drainage authority.

Building Regulations

All low temperature rooms are to comply with the building regulation requirements regarding sizes of door openings, alarm devices and capability of being opened from within.

PART B – INSTALLATION OF FIXTURES, FITTINGS, EQUIPMENT

4.1.10. Refrigerators and Frozen Food Cabinets

Supports

Cabinets, upright or horizontal models are to be supported on wheels, plinths, legs or brackets or framework.

Metal Bases

In areas where food is not prepared, such as supermarket retail displays, cabinets with an approved metal base may be fitted directly to an impervious floor provided a complete seal is made between the floor and the metal base of the cabinet.

Seating of Metal Bases

When fitting a metal base, as referred to in Section 3.10.2, the following is required: -

- a) The seal between the floor and the metal base of a cabinet is to be of an approved silicone sealant laid on the floor in a continuous seam.
- b) Where the floor finish is of vinyl sheeting or similar preformed material the floor covering outside the cabinet is to be sealed to the floor; turned up and sealed to the base of the cabinet with a cove.
- c) Where vinyl sheeting or similar preformed material is turned up to form a cove, a fillet or backing piece is to be fitted to provide support.
- d) Where the floor finish is of terrazzo or concrete material a vinyl skirting strip is to be sealed to the floor; and to the base of the cabinet to provide a cove.

Commented [TS9]: Replace 'in Section 3.10.2' with 'above'

Cabinets Located Abutting Walls

Refrigerator and frozen food cabinets may be fitted against the wall provided all joints formed between the back of the cabinet and the wall are suitably sealed to prevent the access of vermin.

Cabinets Located Away from Walls

Where cabinets are kept clear of walls and other fixtures they shall comply with the following requirements:-

- a) Cabinets up to 6m in length are to be kept a minimum of 200mm clear of the wall.
- b) Where the cabinet exceeds 6m in length or cabinets are installed as a continuous run of more than 6m, a minimum space of 400mm is to be provided between the rear of the cabinet and the wall.

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- c) Where cabinets are kept clear of wall as specified in a) and b) above, adequate access is to be provided between the cabinets or between the cabinets and any side wall to permit easy cleaning.
- d) Where cabinets are kept clear of walls a suitable upstand or other approved means is to be provided to prevent the dislodgment of stock over the back of the cabinet or miscellaneous refuse accumulating between the wall and the cabinets.

Refrigerated Milk Bar Counters

Milk bars and similar refrigerated bar counters, where consisting of a number of refrigerated cabinets or a continuous frame in one piece, are to be designed:-

- a) With a continuous top stainless steel or other approved material either cast or welded in one piece, and are to be free of open joints, cracks, crevices, etc. which may allow liquids or food particles to collect therein.
- b) So that any space formed between the face of the counter and the cabinet is to be made proof against the access of vermin, or alternatively, provided with access for easy cleaning.
- c) So that a raised edge or lip is to be formed around each opening in the bar top to prevent foreign material falling into the food wells.
- d) So that hinged lids are to be so constructed that when they are opened any liquid that may be on top of the lid will flow off into a channel formed along the hinged portion.
- e) So that the channel is to extend the full length of the lid so that the liquid will not gain access into the food well.
- f) So that all angles, internal and external, of the cabinet are to be coved or rounded, with all joints smooth finished to allow easy cleaning.

Refrigeration Machinery

Where possible, all machinery and equipment are to be located outside the food premises.

Refrigeration Motor Units

Whether located within the cabinet, adjacent to the cabinet or remote from the cabinet, motor units are to be supported on an open metal frame at least 150mm clear of the floor or 50mm above a plinth, and the unit is to be kept clear of adjacent walls.

Motor Unit Frame Design

The frame is to be designed to permit dust, miscellaneous refuse, and similar to fall through to the floor for easy removal (Section 3.10.14).

Commented [TS10]: Delete (Section 3.10.14).

Cabinet Motors

Motor units located within cabinets supported on wheels may be mounted on an open metal frame closer than 150mm to the floor.

Top Mounted Cabinet Motors

Condensing (motor) units may be located directly on top of the cabinets, providing that all likely harbourage places for vermin beneath the unit are eliminated and adequate access for cleaning is provided at the front, rear, and sides of the unit.

Noise

Food Premises Policy

Condensing (motor) units are to be installed to operate without causing offensive noise within the meaning of relevant legislation.

Temperatures

The refrigeration system is to be capable of:-

- a) Maintaining at all times the designed temperature within the cabinet commensurate with its proposed use.
- b) Maintaining the temperature of displayed prepared food to prevent the growth of micro-organisms at temperatures prescribed by food hygiene regulation.

Ventilation Openings

Ventilation openings in cabinets are to be fitted with frames that are easily detachable.

Framework Design

When designing and fabricating angle, "T" or channel iron or flat steel for framework care is required to ensure there are no ledges or cavities formed which will permit the lodgement of dust and grease in areas accessible for cleaning.

Concealment of Pipes

Where possible, all refrigeration pipes, condensate pipes and electrical conduit are to be concealed within cabinets, or within floors, plinths, or walls.

Fixing of Pipes on Brackets

Where concealment is impossible, such pipes are to be fixed on brackets so as to provide at least 25mm clearance between the pipes and adjacent vertical surfaces and at least 100mm clearance from any horizontal surface.

Sealing of Openings

All openings around pipe work and other similar spaces are to be sealed and made vermin proof.

Restraining Devices

A suitable restraining device is to be provided to upright cabinets where stability problems exist or are likely to occur.

4.1.11. Wheels, Plinths, Legs, Brackets and Framework Design

Use of Wheels or Castors

Wheels or castors capable of adequately supporting and easily moving a fully loaded fitting may be fixed to fittings provided that:-

- a) Sufficient space is available to move such fittings so as to provide access to the floor beneath and the walls adjacent to the fittings for cleaning purposes.
- b) Suitable restraining devices are incorporated on the wheels or castors.

Plinth Construction and Design

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Plinths are to be an integral part of the floor, constructed of solid material similar to the flooring material and are to be:-

- a) At least 75mm high.
- b) Finished level to a smooth even surface.
- c) Recessed under fittings to provide a toe space of not more than 50mm.
- d) Rounded at exposed edges.
- e) Coved at the intersection with the floor and exposed walls (Figure 7).

Concealment of the Pipes

Service pipes may be concealed in plinths provided that the surface finish of the plinth is restored; service pipes are not permitted underneath fittings in the recessed toe space.

Legs

Legs are to be of non-corrosive solid or tubular metal or moulded plastic.

Tubular Steel Legs

If pipes are used, open ends are to be capped or sealed to prevent the access and harbourage of vermin.

Clearances

Legs are to be designed and securely fixed so that:-

- a) There is a clear space between the floor and the underside of the fitting of not less than 150mm.
- b) Where the fitting is located in island formation with access from two sides, the minimum space between the floor and the underside of the fitting is 150mm.
- c) Service pipes are not permitted in the space beneath fittings unless they run vertically.
- d) A clear space of not less than 25mm is provided between the finished wall surfaces and the legs supporting fittings.
- e) Alternatively, the rear legs may be omitted, and the fitting supported on brackets securely fixed onto the wall.

Brackets

Brackets are to be non-corrosive, tubular metal, solid metal or flat steel, and where tubular steel is used the open ends are to be capped or sealed to prevent the access of vermin.

Hollow brackets

Pressed metal brackets having hollow backs are not permitted..

Fixing

Supporting brackets are to be securely fixed so that:-

- a) Cracks and crevices are not formed.
- b) A clear space between the floor and the underside of the fitting of not less than 150mm is provided for all fittings up to 750mm in width.
- c) This height shall be increased by 25mm for every additional 100mm or part thereof, in width.
- d) Service pipes are not permitted in the space beneath fittings unless they run vertically.

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Framework

Framework supports are to be of non-corrosive tubular metal, solid metal, or flat steel.

Tubular Steel Framework

If pipes are used, the open ends are to be capped or sealed to prevent the access and harbourage of vermin.

Framework Design

Framework is to be designed and fixed in such a manner that easy access is available for cleaning the framework and adjacent surfaces and designed to prevent access or harbourage of vermin.

Hygienic Construction

Legs, brackets, and framework are to be:-

- a) Finished smooth.
- b) Free of angles, cavities, crevices, ledges, recesses etc. which will permit the lodgement of dust and grease or provide areas inaccessible for cleaning.

Flanges

Flanges fitted to the base of legs or framework, are to be concealed in the floor or plinth and shall not be fixed onto the surface of floors or plinths.

4.1.12. Supporting of Appliances, Equipment, Fittings, and Fixtures

Appliance Supports

Stoves, refrigerators, bain maries, stock pots, washing machines, hot water heaters, large scales, food mixers, food warmers, cupboards, counters, bars etc. are to be supported on wheels, plinths, legs, brackets, or framework as outlined in Section 3.11.

Commented [TS11]: Replace with 4.1.11

Sealing Equipment to Plinths

Where appliances, equipment fittings or fixtures are placed on plinths they are to be effectively sealed to the plinths, to prevent any floor washings, food spillage, liquids, vermin, or miscellaneous refuse from gaining access to the surface of the plinths.

Fixture Supports

Wash hand basins, sinks, draining boards, tubs, urns, boiling water units, benches and shelving are to be supported on legs, brackets, or framework as outlined in Section 3.11.

Commented [TS12]: Replace with 4.1.11

Bench or Countertop Equipment

Where appliances, equipment, fittings, or fixtures which are not easily moved by one person when fully loaded, are placed on benches or counters they are to be:-

- a) Kept at least 75mm above the bench or countertop and 75mm clear of walls or other vertical surfaces; or
- b) Sealed to the bench or countertop in such a manner as to eliminate any open joint, space, crevice or cavity which will allow liquids, food particles, grease, or other refuse to collect; or

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- c) Fitted with approved wheels or castors providing sufficient space is available to move the fittings so as to provide access to the bench or countertop beneath and the walls or other vertical surfaces adjacent to the fitting for cleaning purposes.

4.1.13. Clearances (Other than Cooking and Heating Equipment)

Butting of Fittings

Inaccessible crevices formed by the butting together of fittings or appliances are not permitted.

Flashing and Sealing

Where fittings or walls abut and/or adjoin each other, any crevice formed is to be provided with a cover flashing or sealed in such a manner as to eliminate any open joint, space, crevice or cavity which will allow liquids, food particles, grease, or other refuse to collect therein.

Space Between Fittings

Where a space is provided between fittings such clear space is to be:-

- a) For fittings up to 750mm in width – at least 75mm.
- b) For fittings over 750mm in width – at least 150mm.

Refrigeration and Frozen Food Cabinets

~~Abutting walls shall comply with Section 3.10.4, and where kept clear of the walls shall comply with Section 3.10.5.~~

Commented [TS13]: Replace sentence with 'Where refrigeration and frozen food cabinets are located next to walls, they shall comply with Section 4.1.10'

Hot Water Heaters

Floor mounted hot water heaters shall be supported above the floor and kept clear of the wall in accordance with Sections ~~3.11 and 3.12.~~

Commented [TS14]: Replace '3.11 and 3.12' with '4.1.11 and 4.1.12'

4.1.14. Clearances (Cooking and Heating Appliances)

Installation

Stoves, ranges, boiling tables, ovens, deep fryers, broilers, griddles, barbecues, and similar heating appliances are to be installed as follows:-

- a) Supported on approved wheels, plinths, legs, brackets, or framework as outlined in Section ~~3.14.~~
- b) Located at least 200mm clear of walls where such appliances do not exceed 3 metres in a continuous run and where adequate access to such space is provided from at least one end.
- c) Located at least 400mm clear of walls where such appliances exceed 3 metres in a continuous run, and access to such space, of not less than 300mm, is to be provided from both ends.

Commented [TS15]: Replace '3.11' with '4.1.11'

Alternatively, cooking appliances may be butted against walls, or other equipment (e.g., other cooking appliances) provided all joints between the appliances and walls are suitably flashed or sealed in such a manner as to eliminate any open joint, space or crevice or cavity which will allow liquids, food particles, grease, or other refuse to collect.

Provision of Space

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Where a space is provided between cooking appliances or between them and other fittings, such space is to be at least 75mm for cooking appliances up to 750mm in width.

Cover Flashing

A cover flashing of approved material and easily removable by hand may be provided to such a space (Section 3.14.2).

Commented [TS16]: Replace '(Section 3.14.2)' with 'as described above'

Greater Width

For widths over 750mm, at least 300mm clear space is required.

Abutting other fittings

Where cooking appliances are adjoin to each other or to other fittings, they are to be suitably flashed or sealed in such a manner as to eliminate any open joint, space, crevice or cavity which will allow liquids, food particles, grease, or other refuse to collect therein or vermin to harbour (i.e., a complete seal).

Wheels or Castors

Where cooking appliances are fitted with wheels or castors and provided with a flexible connection, such appliances may abut and/or adjoin the walls and each other providing sufficient space is available to adequately move the appliance for cleaning purposes.

Obstruction of Ventilation

Salamanders and similar equipment shall not be located directly above other cooking appliances where the efficiency of mechanical exhaust ventilation will be impaired.

4.1.15. Counter and Bar Fittings

Construction

Counters and bars shall be constructed in situ of solid impervious construction (Section 3.6) or a freestanding fixture.

Commented [TS17]: Replace '3.6' with '4.1.6'

Finish

Freestanding counters and bars shall be finished with glass, metal, plastic, timber sheeting or other approved material.

Timber Sheeting

Timber sheeting is to be of solid core or similar timber sheeting, glued and jointed in an approved manner and be free of cracks, crevices, or cavities.

Metal Framework

Metal framework (if required) is to be as outlined in Section 3.11.

Commented [TS18]: Replace '3.11' with '4.1.11'

Decorative Cladding

Decorative cladding to counters or bars and any space, crevice or cavity formed between the facade, fittings, equipment, walls etc. is to be made proof against the access of vermin.

Food Premises Policy

Counters and Bar Tops

In relation to counters and bar tops, the following requirements apply:

- a) Cracks, crevices, or cavities are not to be present.
- b) The finished surface of the top and edge are to be smooth, durable, and impervious.
- c) Are to be finished on the underside with a smooth, durable impervious finish which may include glass, paint, clear lacquer, or welded sheet vinyl.

Protection of Food

All food displayed on bars, counters, self-service cafeterias, smorgasbords, and similar positions, is to be adequately protected from contamination from customers' breath, handling, smoking or from flies, dust, and other contamination (Figures 8, 9, 10 and 11).

Self Service Display Designs

Glass cabinets, louvred display counters and smorgasbord protection designs shall comply with design criteria as in the appended diagrams (Figures 8,9,10 and 11).

Supports

Freestanding counters and bars may be supported on approved wheels, plinths, legs, castors, brackets, or framework, as outlined in Section 3.11.

Commented [TS19]: Replace '3.11' with '4.1.11'

Refrigerated Milk Bar Counters

Refrigerated milk bar counters and similar refrigerated bar counters are to be designed as outlined in Section 3.10.

Drink Dispensing Equipment

All drink dispensing equipment is to be installed in an approved manner. Motor units are to be supported as outlined in Section 3.11.

Commented [TS20]: Replace '3.11' with '4.1.11'

Post Mix Service

All post mix units are to be installed as outlined in Section 3.11.

Commented [TS21]: Replace '3.11' with '4.1.11'

Safety Glass

All glass used in the construction of equipment in which food is displayed is to be safety glass.

Exposed Edges

Glass shelving, sneeze guards and similar are to have exposed edges bevelled and where necessary protected to prevent chipping.

4.1.16. Cupboards and Cabinets

Construction

Cupboards and cabinets shall be constructed of glass, metal, plastic, timber sheeting or other approved material.

Timber Sheeting

Food Premises Policy

Timber sheeting is to be of solid core or similar timber sheeting, glued and jointed in an approved manner, free of cracks crevices or cavities.

Framework

Metal framework (if required) is to be as outlined in Section 3.11.

Commented [TS22]: Replace '3.11' with '4.1.11'

Backing Materials

Plywood, hardboard, and similar materials used for "backing" to cupboards and cabinets is not permitted unless the rear of the backing material is in an accessible position and coated with a smooth durable finish.

Cupboard and Cabinet Doors

Sliding doors are to be hung from the top of the door and the bottom guides or runners are to be open to permit food spillage to fall through to the floor or, alternatively, the bottom guides or runners may be terminated at least 25mm from each end of the door openings so as to permit easy cleaning.

Finish

The surface finish, both internally and externally, including doors and shelving, is to be to an approved standard commensurate with the use of the fitting.

4.1.17. Shelving

Shelving Types

Shelving shall be freestanding or fixed.

Materials

Shelving shall be constructed of glass, metal, plastic, solid core timber or other approved material.

Absorbent Materials

The use of particle board or similar absorbent material is not permitted unless the shelving is laminated on all surfaces with an approved impervious material (Section 3.15.14 and Figure 6).

Commented [TS23]: Delete '(Section 3.15.14 and Figure 6)'

Timber Framing

Timber framing of shelving shall not be permitted; metal or similar approved material shall be used.

Backing

Plywood, hardboard, and similar materials used for "backing" to shelving are not permitted unless the rear face of the backing material is in an accessible position and coated with a smooth durable finish.

Freestanding Shelving

Freestanding shelving shall be supported on wheels, legs, castors, or framework as outlined in Section 3.11.

Commented [TS24]: Replace '3.11' with '4.1.11'

Food Premises Policy

Shelf Clearances

All shelving is to be kept at least 25mm clear of walls and vertical surfaces unless the joint between the shelf and the wall or other vertical surface is sealed in such a manner as to eliminate any open joint, space, crevice or cavity which will allow liquids, food particles, grease, or other refuse to collect.

Surface Finish

The surface of shelving, including edges, is to be smooth, durable, non-absorbent, and free of cracks, crevices, or cavities.

Stainless Steel Shelving

In kitchens, food preparation areas and similar wet areas, where direct contact with food may occur shelving and supports shall be constructed only of stainless steel (-Figure 6).

4.1.18. Benches, Draining Boards and Tables

Materials

Benches, draining boards, tabletops and similar are to be of rigid smooth faced non-absorbent, durable material, free of cracks, crevices, or cavities such as stainless steel or other approved material.

Surface Finish

The surface finish is to be of an approved type, commensurate with the use.

Stainless Steel Surfaces

In kitchens, food preparation areas and similar wet areas, where direct contact with food may occur, bench and tabletops shall be constructed of stainless steel.

Food Premises Policy

PART C - WASHING FACILITIES, OTHER FACILITIES & SPECIAL REQUIREMENTS

4.1.19. Washing Facilities

Eating and Drinking Utensils Washing Facilities

The following washing facilities are to be provided for the cleaning of eating and drinking utensils:-

- a) A sufficient number of efficient dishwashing and/or glass washing machines; and/or
- b) A double bowl sink and/or two compartment tubs.

Temperature Indicator

Each dishwashing and glass washing machine shall be fitted with a thermometer which is visible to the operator and show operating temperatures as required by respective State legislation.

Rinsing Cycle

The rinsing cycles shall be operated at a temperature of not less than 80°C or at any higher temperature required by respective State legislation.

Water Temperature

One bowl of each double sink or one compartment of each two-compartment tub shall be supplied with hot water at a temperature of not less than 43°C, together with sufficient soap or detergent for effectively washing the eating and drinking utensils and the other shall be supplied with hot water at a temperature of not less than 80°C, for the final rinsing of the eating and drinking utensils or at any higher temperature required by respective State legislation.

Thermometers

In all cases in which the cleansing of eating and drinking utensils is carried out in double bowl sinks or two compartment tubs, thermometers accurate to plus or minus 1°C, shall be provided convenient to the sinks or tubs to permit frequent checks of the water temperatures.

Rinsing Basket

The bowl or tub used for rinsing shall be provided with approved facilities (e.g., wire basket with high handles) so that all surfaces of every utensil immersed in rinse water are exposed to such water for 30 seconds.

Equipment Washing Facilities

For tools of trade, benches, fittings, machinery, and utensils and implements (other than those in Section 3.19.1) a pot sink or single bowl tub shall be provided.

Commented [TS25]: Replace 'those in Section 3.19.1' with 'eating and drinking utensils'

Hot and Cold Water

Food Premises Policy

Such equipment washing facility (Section 3.19.7) is to be provided with an adequate supply of hot and cold water under pressure; the hot water temperature shall be not less than 43°C.

Commented [TS26]: Replace 'Section 3.19.7' with 'as above'

Hand Washing Facilities

Hand washing basins shall be provided in sufficient number in close proximity to where food is prepared; with hot and cold water provided to each, together with a sufficient supply of soap and hand drying facilities. Hot water shall be at a temperature of 40°C or any higher temperature required by respective State legislation.

Mixing Device

Hot and cold water shall be supplied to the hand wash basin through an approved mixing device which can be adjusted to enable hands to be washed under warm -running water.

Hand Drying Facilities

Hand drying facilities include single use towels, air dryers or other approved hand drying facilities

Location of Hand Basins

The positioning of hand wash basins is determined by the operations of each area and is subject to approval in each individual case.

Accessible Locations

Hand wash basins should be of the freestanding type and are not to be installed under benches or similar fittings and are to be readily accessible during hours of operation.

Preparation Sink

A separate sink shall be required when foodstuffs need to be prepared by immersion in water.

Capacity of Hot Water Systems

Hot water systems must be capable of supplying adequate hot water at minimum temperatures as outlined above at all times, especially at peak washing up periods.

Washing Facilities for Floors

A cleaner's sink may be required for the cleaning of floors and such a sink is to be provided with an adequate supply of hot and cold water under pressure and is to be located in a room or space away from any food preparation area.

Hose Connections

Where the floor is drained to an approved sanitary fitting, hot and cold water taps, fitted with hose connections, may be required to be installed in an approved position at least 600mm above the floor.

4.1.20. Food Conveyors (Dumbwaiters)

Vertical Lift Conveyors

Food Premises Policy

Dumbwaiters are to be constructed with an approved metal compartment with rounded internal angles and free from any cracks, open joints, and crevices capable of holding food refuse and vermin.

Cleaning Access

Any “well” formed at the bottom of a conveyor shaft capable of holding refuse, is to be constructed as to provide access for easy cleaning.

Safety Regulations

Such access shall be provided in accordance with any installation and safety regulations of the relevant authorities.

Shaft Construction

Where the walls are constructed in solid materials such as bricks, concrete, etc. these walls shall be cement rendered internally to a smooth even finish and coved at all angles.

Horizontal Food Conveyors

Horizontal food conveyors are to be constructed of angle iron, channel iron, “T” iron, tubular framing, or other approved material, with access panels to give reasonable access for maintenance and easy cleaning.

4.1.21. Oyster Opening Bays or Areas

This pertains to oyster opening bays or areas for retail restaurants and not seafood processing businesses. The latter require a Food Authority licence.

Separate Area

A separate room or area is to be provided for the hosing down and shucking/opening of oysters.

Construction

The floor and walls of any room or place used for the hosing down and the opening of oysters, shall be constructed of solid material and finished in an approved manner.

Drainage

Adequate drainage shall be provided to such room or area; grit arresters may be required.

Running Water

All sinks used in conjunction with the opening of oysters are to be provided with running potable water.

Storage Racks

Bagged oysters are to be stacked at least 300mm above the floor on approved racks or stands.

Commented [TS27]: Insert full stop

4.1.22. Window Displays

[Food Premises Policy](#)

The Display Shelf

The window display shelf shall be of rigid smooth faced non-absorbent material, free of cracks or crevices – such as stainless steel or other approved material.

Coved Intersections

Where wet foods such as meat, fish and the like are displayed, the display shelf is to be coved at all intersections and graded and drained in an approved manner.

Waste Discharge

An air gap is to be provided between the discharge wastepipe and the connection to the sewerage service.

Supports

Display shelving shall be supported on approved wheels, legs, brackets, castors, or framework or on solid construction (Section 3.11).

Commented [TS28]: Replace '3.11' with '4.1.11'

4.1.23. Staff Dressing Room Accommodation

Dressing Room or Changing Area

Adequate dressing room accommodation shall be provided for male and female staff, and sufficient lockers shall be provided for all clothing and personal effects.

Cleaning Materials and Equipment

Adequate facilities such as a cleaners' room, locker or suitable cupboard shall be provided for the storage of cleaning equipment and material (Section 3.7.1).

Commented [TS29]: Delete '(Section 3.7.1)'

4.1.24. Toilet Accommodation

Staff Toilet Facilities

Adequate toilet accommodation and handwash facilities with hot and cold water together with an adequate supply of soap (and appropriate sanitisation) and hand drying facilities shall be provided for male and female staff during hours of operation.

Air locks

Internal water-closet compartments are to be entered through an air lock.

Customer Toilet Accommodation

Adequate customer toilet facilities shall be provided in accordance with the requirements of the Building Code of Australia.

4.1.25. Ventilation

Comfort Ventilation

Ventilation is to be provided either by natural means or by an approved mechanical ventilating system.

Food Premises Policy

Kitchen Exhaust Ventilation

Where cooking or extensive heating **processed** or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical ventilating exhaust system shall be installed and operated in accordance with Australian Standard AS 1668.2-**2012** – Mechanical Ventilation in Buildings.

Commented [TS30]: processes

Commented [TS31]: Replace 2012 with 2024

Special Areas

Toilets, garbage rooms, grease arrester rooms shall be either adequately ventilated or shall be ventilated by an approved mechanical exhaust ventilating system.

[Food Premises Policy](#)

PART D - GENERAL ADVICE

4.1.26. Food Business Notification and Fees

Council's Environmental Health Officers carry out scheduled inspections of food premises and an annual inspection and administration fee is charged. A register is maintained of all food premises that have notified with Council in accordance with clause 4 to Standard 3.2.2 of the Food Standards Code.

4.1.27. Requirements for Trading

Prior to commencing trade, the following is required:-

- a) A completed Notification of Food Business form submitted to Council.
- b) A Food Safety Supervisor appointed to the food business and certificate kept on the premises.
- c) The premises must comply with the requirements of the Food Act 2003 and Food Regulation 2015 at all times.

Commented [TS32]: 2025

4.1.28. Approvals

Development consent may be required when the use of a premises changes and the sale or processing of food is involved. Contact the Duty Development Planner in Council's City Development Directorate for advice as to whether an application is required before operating or commencing any work.

DO NOT COMMENCE ANY WORK UNTIL YOUR APPLICATION HAS BEEN APPROVED

This work could involve new construction, alterations, installation of cooking equipment, mechanical ventilation systems, toilet accommodation – all of which could prove costly if you proceed without approval and proper advice.

4.1.29. Plans

Premises requiring structural alterations, or the installation of a mechanical exhaust ventilation system may require development consent and approval to construct.

Plans must be submitted to the Council and approval obtained before any work is commenced. Plans must include the following details: -

- a) A floor plan showing the location of the cooking station/exhaust ventilation, cool room/refrigeration units, dry store/pantry, hand wash facilities, toilets, floor wastes and any windows or door openings to the premises.
- b) The construction and finish treatments to walls, floors, and ceiling.
- c) The method of joining prefabricated sections, e.g., cool room panels.

Food Premises Policy

4.1.30. Advice and Assistance

The standard of construction set out herein have been designed to meet the requirements of the Food Act and Regulations for the purpose of assisting you in planning your food premises.

Council's City Development Directorate will provide advice on:

- a) Whether or not an application is required and the type of application that should be submitted.
- b) Standards for construction and fitting out the premises.
- c) Application fees.
- d) Submission of plans.
- e) Notification of Food premises.
- f) All aspects of safe food handling.

For information regarding application requirements, please contact the Development Duty Planner. For all other information regarding food shops and food handling please contact your District Environmental Health Officer on 4429 3453.

4.1.31. Liquor Licence

Should you require a liquor licence you are advised to apply to Liquor & Gaming NSW.

4.1.32. Other Authorities

Some other authorities you may need to consult are:-

Your energy provider for electricity and gas requirements/appliances.

Council's **Shoalhaven Water Utility** for water supply, sewerage availability and Liquid Trade Waste requirements.

Council's **City Services Directorate** for garbage and recycling collection.

The **NSW Food Authority** for food businesses where a licence is required

- Dairy
- Egg Production
- Meat
- Plant Products
- Seafood
- Shellfish
- Food Service to Vulnerable Persons
- Transportation Vehicles related to any of the above foods

Safe Work NSW for advice on the management of safety hazards and their appropriate mitigation.

Food Premises Policy

4.2. Implementation

The City Development Directorate is responsible for the implementation of this Policy through assessment of development applications and food premises inspections.

5. Related Legislation, Policies or Procedures

- [Food Act 2003 \(NSW\)](#)
- [Food Regulation 2025](#)
- [Chapter 3 of the Australia/New Zealand Food Standards Code](#)
- [AS 4674-2004 Design, construction and fit-out of food premises](#)
- [AS 1668.2-2024 The use of ventilation and air conditioning in buildings](#)

Commented [TS33]: List of related legislations, policies or procedures added as a mandatory requirement.

6. Risk Assessment

The “Food Premises Policy” in its current form is a somewhat outdated document that was adopted from the Australian Institute of Environmental Health’s guideline for fitting out food premises back in the 1980’s. The policy therefore has since been superseded with the following documents which are of greater relevance both for applicants setting up new or fitting out existing food premises and for council officers undertaking DA assessments.

- Australian Standard AS4674-2004 – Construction and Fit-out of Food Premises,
- Australian Standard AS1668.2-2024 – The use of Ventilation and Air Conditioning in Buildings,
- Chapter 3 of the Food Standards Code Australia/New Zealand – Standard 3.2.3 – Food Premises and Equipment. (Links below).

[AS 4674-2004 Design, construction and fit-out of food premises](#)
[Standard 3.2.3 Food Premises and Equipment.pdf](#)

With the “Food Premises Policy” now being superseded by more relevant and current standards, there is no longer a need for this policy, therefore its recommended that Council resolve to rescind the policy.

7. Data and Reporting

[The purpose of this policy is to ensure that the initial design and construction of food premises is of a satisfactory standard. This policy is therefore not linked to ongoing data and performance reporting.](#)

8. Monitoring and Review

This policy will be reviewed within one year of the election of every new ~~Council~~ [Council](#) or earlier should circumstances change to warrant a review.

9. Ownership and Approval

9.1. Public Policy

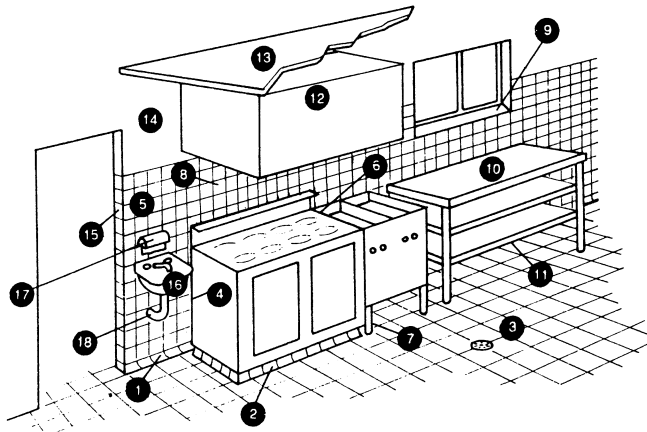
Responsibility	role
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Food Premises Policy

Directorate	Unit
Endorser	EMT or Director
Approver	Council

Food Premises Policy

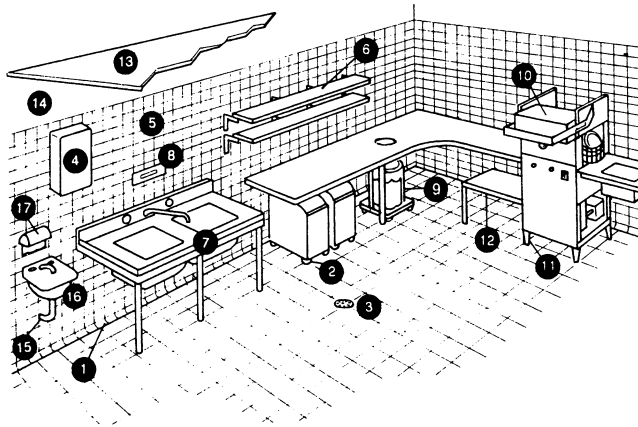
Figure 1. Requirements – Typical Food Preparation Area



- | | |
|--|--|
| 1. Floor/wall coving | 10. Preparation bench – steel framed |
| 2. Plinth not less than 75mm high | 11. Bottom shelf min. 150mm above floor |
| 3. Impervious floor graded and drained | 12. Mechanical exhaust ventilation canopy |
| 4. Fittings sealed to wall or 200mm clear | 13. Rigid smooth faced ceiling |
| 5. Walls tiled to 2000mm | 14. Smooth cement rendering |
| 6. Sealing between fittings | 15. No timber door frames |
| 7. Legs 150mm min. | 16. Hand basin, hot & cold water mixing set |
| 8. No storage shelves below canopy | 17. Soap and towel dispenser |
| 9. Splayed windowsill 300mm above prep bench | 18. Water and drainage pipes concealed in wall |

Food Premises Policy

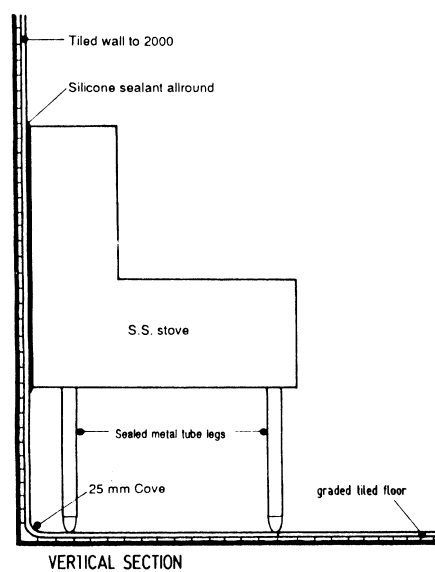
Figure 2. Requirements – Typical Wash-up Area



- | | |
|--------------------------------------|---|
| 1. Floor/wall coving | 10. Dishwasher with temperature indicating device |
| 2. Castors to under bench storage | 11. Legs 150mm min. |
| 3. Impervious floor graded & drained | 12. Bottom shelf min. 150mm above floor |
| 4. Hot water heater sealed to wall | 13. Rigid smooth faced ceiling |
| 5. Walls tiled to 2000mm | 14. Smooth cement rendering |
| 6. Shelving 25mm clear of wall | 15. Water and drainage pipes concealed into walls |
| 7. Sink unit on metal frame | 16. Hand basin, hot and cold water mixing set |
| 8. Thermometer | 17. Soap and towel dispenser |
| 9. Garbage receptacle | |

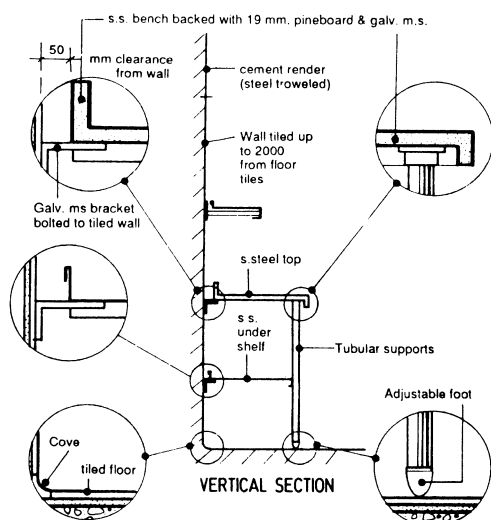
Food Premises Policy

Figure 3. Typical Arrangement – Stove to Wall



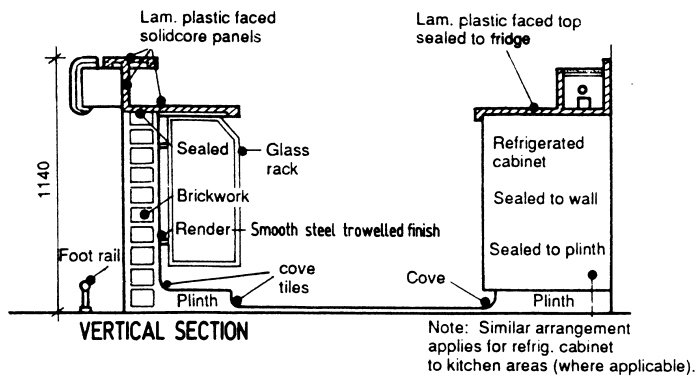
Food Premises Policy

Figure 4. Typical Arrangement – Wall Bench



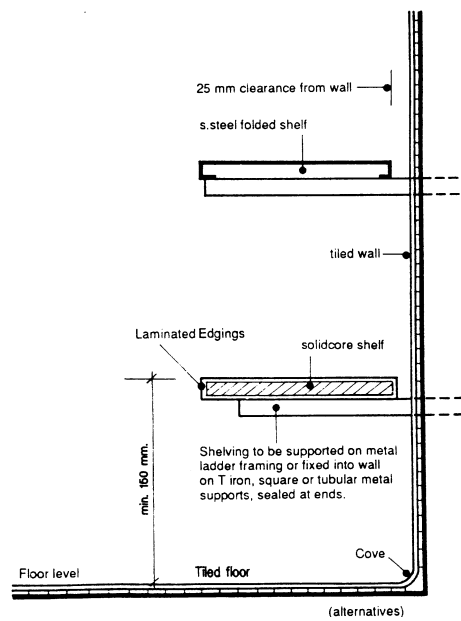
Food Premises Policy

Figure 5. Typical Bar and Plinth Arrangement



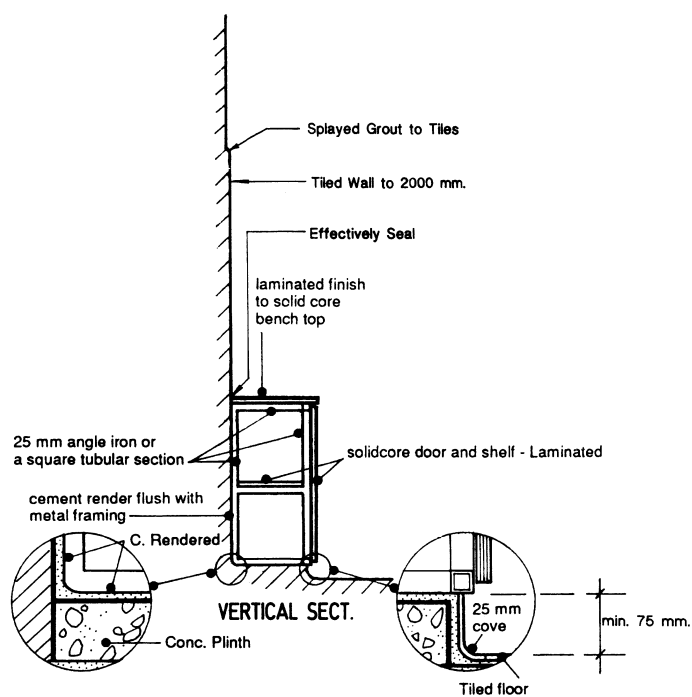
Food Premises Policy

Figure 6. Typical Arrangement – Shelving



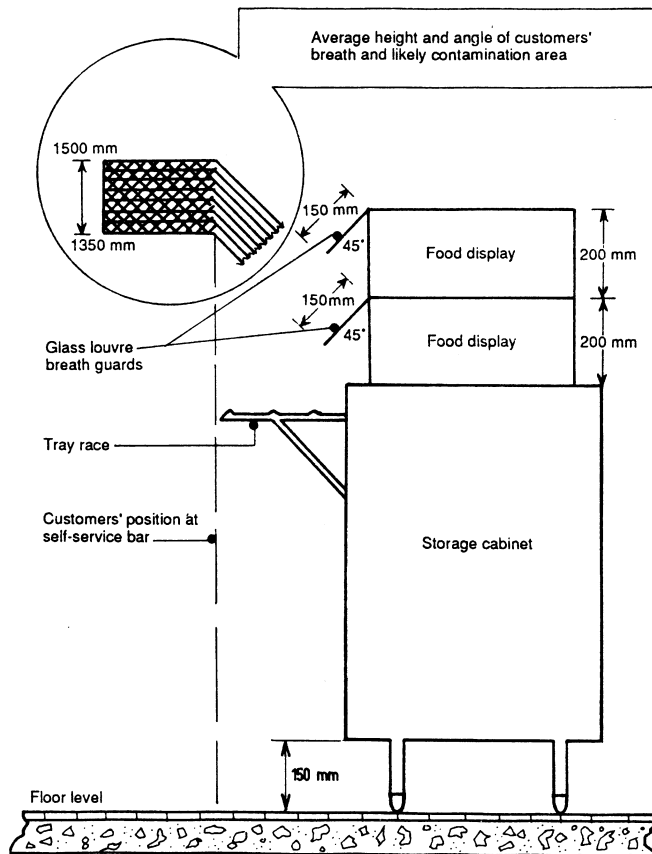
Food Premises Policy

Figure 7. Typical Arrangement – Wall Cupboard (on plinth)



Food Premises Policy

Figure 8. Cafeteria Type Self-Service Food Bar



Food Premises Policy

Figure 9. Self-Service Appliance without Tray Race

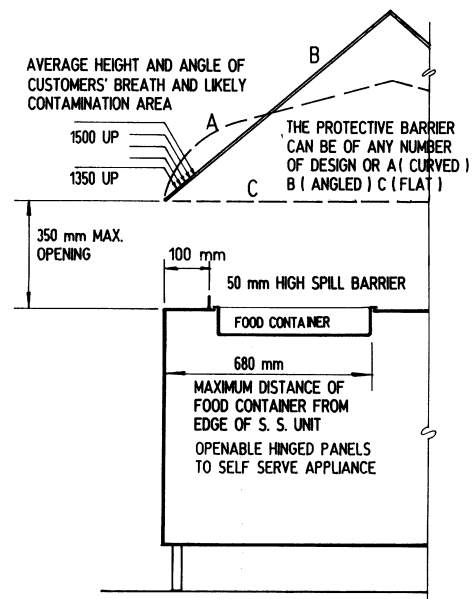
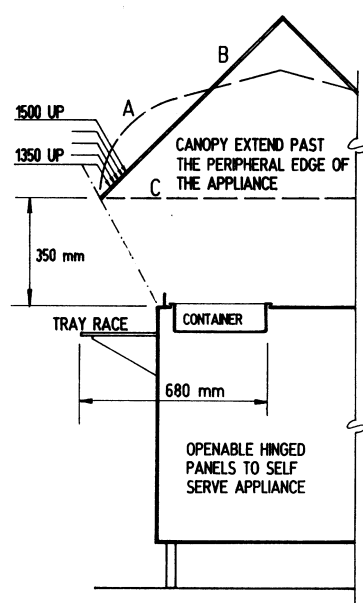


FIG. 9 SELF SERVICE APPLIANCE WITHOUT TRAY RACE

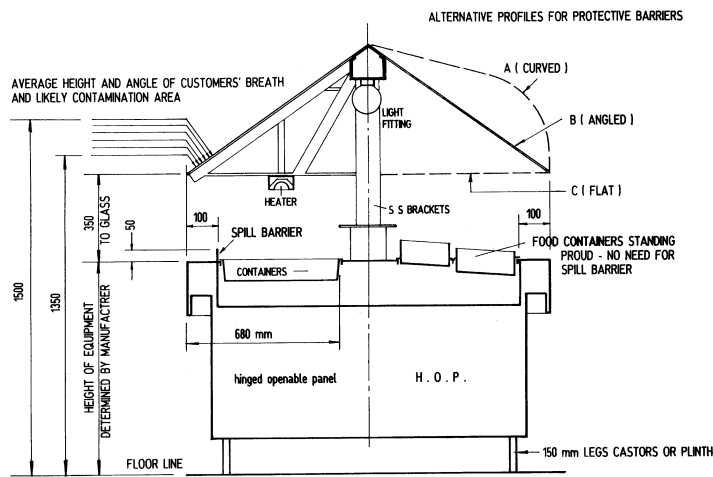
Food Premises Policy

Figure 10. Self-Service Appliance with Tray Race



Food Premises Policy

Figure 11. Self-Service Appliance without Tray Race



Food Premises Policy

Appendix 1 - Alterations/Extensions to Existing Timber Framed Food Premises

Each case will be dealt with on its merits and is subject to the specific approval of the Environmental Services Manager and the following minimum standards will apply –

1. Premises for dry food storage and/or general retailing.
 - a) Timber framed walls and ceiling to be fully lined with an approved smooth faced material.
 - b) Timber quadrant shall be installed at corner of floor covering and wall sheeting. Alternatively, the floor covering may be returned about 80mm up the inner face of wall to provide a coved effect by insertion of a timber infill, suitably shaped adjacent to wall stud surface and under the floor covering.
 - c) Floor covering shall be fixed using an adhesive recommended by the floor covering manufacturer, to the timber flooring.
 - d) As concrete plinths below fittings on timber floors are impractical, it is suggested that all fittings and shelving be supported on round legs or cantilevered from walls to provide the minimum clearances of 75mm, 150mm, 200mm, 300mm as separately detailed.
2. Premises for cooking, i.e., an existing food shop to be adapted or converted to a Refreshment Room type premises.
 - a) Cooking/food preparation area. Uncovered timber board flooring will not be approved. Floor may be either a full concrete floor as per ~~Section 2 of this Code~~, or approved wet area type floor sheeting shall be installed as follows –

Joists supporting the approved sheeting are to be fixed in accordance with the manufacturer's recommendations. Floor tiles or heavy-duty vinyl shall be installed and graded to the floor waste.

Walls shall be provided with glazed ceramic tiles (or other approved materials) to a height of 2 metres above floor level (See ~~Item 1~~). The remaining wall section shall be painted or covered with smooth faced material for ease of cleaning.

Junctions at walls and floor shall be a coved tile or rendered to a 25mm radius.
 - b) General retailing area – non-cooking/food preparation area (i.e., customer area of shop) – Timber floor shall be covered with a heavy-duty vinyl flooring material, all joints heat sealed and flooring covering glued to timber surface.

Fittings shall be supported above the floor as detailed in ~~Section 12~~.

Extension of existing timber framed food shop to provide cooking area. The entire extension, if to include the cooking/food preparation area in whole or in part, shall comply in full with the general standards of construction, i.e., concrete floor, brick walls, etc. (See ~~Sections 1 and 2~~).

All other requirements of the Policy ~~where applicable~~ still apply.

Commented [TS34]: Replace with 'Section 4 - Part A of this Policy'

Commented [TS35]: Replace 'Item' with 'Figure'

Commented [TS36]: Replace with 'Section 4 - Part B'

Commented [TS37]: Replace with 'Section 4 - Part A'

Commented [TS38]: Delete hyphen



Bushcare / Parkcare Policy

Adoption Date:	11/08/2009
Amendment Date:	20/09/2022
Minute Number:	MIN09.1049, MIN18.518, MIN22.645
Next Review Date:	1/12/2024
Related Legislation:	Work, Health and Safety Act 2011 (NSW) Local Government Act 1993 (NSW) Biodiversity Conservation Act 2016 (NSW) Biosecurity Act 2015 (NSW) Biosecurity Regulations 2017 (NSW) Coastal Management Act 2016 (NSW) Foreshore Reserves Policy (SCC) Crown Land Management Act 2016
Associated Policies/Documents:	Bushcare/Parkcare Procedures (SCC) Plan of Management – Generic Community Land – Parks – 2001 (SCC) Plan of Management – Generic Community Land - Natural Areas – 2016 (SCC)

	<u>Coastal Management Program (CMP) for the Shoalhaven Open Coast and Jervis Bay – 2024 (SCC) , and future Gazetted CMPs</u>
Directorate:	City Development
Responsible Owner:	Bushcare Coordinator and Parks Programs Officer
Record Number:	POL24/109

Bushcare / Parkcare Policy

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Bushcare / Parkcare Policy

1. Policy Purpose

The purpose of this policy is to describe the vision, aims and objectives of ~~the~~ Bushcare and Parkcare programs and to describe the roles and responsibilities of Council, staff and the volunteers involved.

2. Objectives

2.1. Policy Statement

The Shoalhaven Local Government Area (LGA) ~~possesses~~ includes landscapes of outstanding natural, cultural, aesthetic, social and economic value. Council is responsible for around 1200 public reserves that are classified as Community Land under the *Local Government (LG) Act 1993* (NSW). ~~These reserves~~ include both Council-owned and Council-managed Crown Land. Over 250 are categorised as Natural Areas, and over 500 are categorised as Parks. ~~The~~ Management of these lands is undertaken in accordance with State Government legislation.

Shoalhaven City Council's vision is that community members are engaged in partnership with Council in conserving, maintaining and increasing the resilience of Natural Areas and parklands. ~~This including includes~~ biodiversity conservation, ~~and~~ ecosystem function, and ~~and~~ social and cultural heritage, for their intrinsic values, as well as supporting liveable communities for the benefit of current and future generations.

The Shoalhaven community has conveyed to Council the high importance it places on the values of public reserves and the desire to build community connection whilst ~~participateing~~ in conserving activities and caring for local environments.

Accordingly, Bushcare and Parkcare meet the following key priorities of the Shoalhaven Community Strategic Plan 2032:

- 1.3 Support community wellbeing through fostering active and healthy communities
- 2.3 Protect the natural environment and enhance sustainability.

Bushcare

Bushcare is a program about volunteer participation in the regeneration, protection and enhancement of Natural Areas in public ownership.

Natural Areas include bushland, wetland, escarpment, watercourse and foreshore – areas of high conservation value that have a high likelihood of occurrence for threatened biodiversity. Natural Areas also have significance for their Aboriginal cultural heritage and the social heritage of the community. As such, they are critical elements of the natural and scenic values, which define the character of the Shoalhaven LGA.

The Bushcare program is a key mechanism for fostering community connection to, and caring for, the local environment. Bushcare is a collaborative approach between Council and volunteers in delivering the management, restoration and regeneration of Natural Areas. This helps foster a greater sense of stewardship to fulfil the core objectives for the management of Natural Areas.

Commented [SP1]: Covering how many hectares?
Insert #

Commented [PS2R1]: Too difficult to establish areas because of dual categorisation reserves. Liaised with GIS unit

Bushcare / Parkcare Policy

Bushcare volunteers may become involved in a variety of activities including bush regeneration, weed control, pest plant and animal control, stormwater control, track and trail construction and maintenance, flora and fauna surveys, public and school education, site assessment and environmental monitoring. The Bushcare program includes activities across a variety of natural habitat types and includes 'Dunecare' and other types of 'care' groups (see definition below).

Parkcare

Parkcare supports volunteer participation in the repair, protection and enhancement of parks in public ownership. The Parkcare program provides an opportunity for members of the community to participate in the maintenance, repair, protection and enhancement of these open spaces for which the objectives are 'to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities', and to 'provide for passive recreational activities or pastimes and for the casual playing of games' (LG Act).

Parkcare volunteers can participate in a variety of activities within designated parks including grass maintenance, landscape construction and maintenance, weed control, stormwater control, track and trail construction and maintenance, flora and fauna surveys, public education, site assessment and environmental monitoring.

3. Definitions

Term	Meaning
Bushcare	The involvement of volunteers in the management of Natural Areas as defined below. The term 'Bushcare' in this policy procedures includes volunteer groups such as Bushcare, Dunecare, school groups, rubbish clean-up groups and the like.
Bushcare Coordinator	An appropriately qualified Council staff member who is employed to coordinate the Shoalhaven Bushcare Program.
Bushcare Group	A formal group of volunteers undertaking Bushcare as per the above definition.
Bushcare Group Action Plan	A plan developed jointly between the Council and the Bushcare group which clearly outlines, amongst other information, the Group's goals and activities for each Bushcare site.
Bushcare/Parkcare Project	A project that is delivered, at least in part, by a Bushcare or Parkcare Group or combination of groups.
Council	Shoalhaven City Council.
Council Land	Land that is either owned by Council; or Crown Land for which Council is the Trust Manager or has care, control, and management responsibility.

Commented [SP3]: Insert reference to Dunecare groups and activities. Any others that work under Bushcare in Natural areas.

Commented [PS4R3]: Sentence added

Commented [SP5]: Is this the correct definition?

Commented [SP6R5]: To differentiate between Natural areas and Park areas.

Commented [PS7R5]: Additional wording added

Commented [LR8]: This heading is new to this document so I copied what was in the BC/PC Procedures that relate to this document. It says its mandatory.

Bushcare / Parkcare Policy

Term	Meaning
Group Action Plan	<u>A plan developed jointly between the Council and the Bushcare/Parkcare group which clearly outlines, amongst other information, the group's goals and activities for each Bushcare site. These are not reserve management plans, instead providing approved actions that the volunteers are willing to work on. Each action plan must not conflict with any other plans or strategies prepared for the site or surrounding areas, such as specific or generic plans of management, coastal zone management plans and programs, or applicable policies. If any potential conflict arises, these higher-level plans, programs or policies have precedence.</u>
Natural Area	Public land classified as Community Land categorised as a Natural Area in accordance with section 36 of the <i>Local Government Act 1993</i> (NSW), managed to the objectives given in section 36E of the Act; or other land areas mapped under Council's Asset Custodian Model to be managed as a Natural Area.
Natural Areas Volunteers Group	An advisory group on all matters relating to the future directions of the Bushcare program and this policy, maintaining an active dialogue with the Bushcare community in accordance with the group's Terms of Reference.
Park	Public land classified as Community Land categorised as a Park in accordance with section 36G of the <i>Local Government Act 1993</i> (NSW), managed to the objectives given in section 36G of the Act; or other land areas mapped under Council's Asset Custodian Model to be managed as a Park.
Parkcare	The involvement of volunteers in the management of Park areas, as defined above. The term Parkcare does not include volunteer involvement or management of land located in or around roads, such as that done by 'Adopt a Road' groups, except for the areas of unused roads where these are managed as parkland and are included in an approved Parkcare group action plan. The term Parkcare does not include maintaining any sports equipment/areas in a Park.
Parkcare Coordinator	An appropriately qualified council staff member who is employed to coordinate the Shoalhaven Parkcare Program.
Parkcare Group	A formal group of volunteers undertaking Parkcare as per the above definition.
Parkcare Group Action Plan	A plan developed jointly between the Council and the Parkcare Group which clearly outlines the Group's aims and objectives for the Parkcare site.

Commented [LR9]: New - This isn't in the definitions in the BC/PC Procedures but noticed it is written down below so added here.

Bushcare / Parkcare Policy

Term	Meaning
Site Risk Assessment	An assessment of the Work, Health and Safety hazards and risks associated with each Bushcare/Parkcare Group's site and the control measures to be implemented to reduce the risk associated with the identified hazards.
WHS	Work, Health and Safety
Volunteer	A person who is approved to work with Bushcare/Parkcare for no remuneration.

Commented [LR10]: New

4. Roles and responsibilities

4.1. Provisions

The mutual aims of the Bushcare and Parkcare programs are:

1. Achievement of ecologically sustainable management of the natural bushland areas, parks and reserves within the LGA through active engagement with the community.
2. Community use of parks and Natural Areas that provide enhanced positive experiences.
3. The capacity of the community to engage in the management of their local parks and Natural Areas is enhanced and maintained.
4. Recognition and protection of the Aboriginal and non-Aboriginal cultural heritage of parks and Natural Areas are accepted by the community.

Further to these mutual aims, the specific aims for Bushcare are:

1. Conservation of biodiversity and maintenance of ecosystem function in respect of land categorised as Natural Areas.
2. The restoration and regeneration of Natural Areas in accordance with accepted best practice bush regeneration techniques.
3. Public awareness, appreciation and shared vigilance of the values of Natural Areas as public land is demonstrated by community support and measurable improvement in their condition.

Bushcare/Parkcare Objectives:

1. The biodiversity, ecosystem function and connectivity, water quality and resilience, of Bushcare/Parkcare sites across the LGA are maintained, protected and regenerated using local native plants.
2. The conservation of threatened biodiversity and locally endemic flora and fauna species is to be prioritised.
3. Adopted Plans of Management for Community Land will be implemented in partnership between Council, the Natural Area Volunteers Group for Bushcare, and individual Bushcare/Parkcare groups.

Bushcare / Parkcare Policy

4. Aboriginal cultural heritage is respected, protected and maintained in consultation with Council's Aboriginal Advisory Committee, Local Aboriginal Land Councils and traditional elders and in accordance with due diligence provisions for Aboriginal Places and Aboriginal Objects.
5. The cultural, social and aesthetic values of the community are respected.
6. The understanding of the natural and cultural values of local environments and the benefits of the Bushcare and Parkcare Programs are fostered and enhanced by the community.
7. The Bushcare and Parkcare programs are continuously improved to be equitable, apolitical and inclusive, with a high level of collaboration between stakeholders (e.g., Council, Natural Area Volunteers Group and volunteers).
8. The health and wellbeing of all volunteers, staff, contractors and the public are maintained in accordance with the *Work, Health and Safety Act 2011* (NSW).
9. The awareness of the Bushcare and Parkcare programs throughout the community is increased, and the recruitment and retention of volunteers is prioritised.
10. There is high level of awareness, collaboration and cooperation with resource management and community organisations, and other environmental volunteer groups within the Shoalhaven LGA such as Landcare and Shoalhaven Riverwatch.
11. The management of the Bushcare and Parkcare programs is conducted in an effective, efficient and accountable manner.

Commented [SP11]: How are we adhering to this if we prepare the action plans?

Commented [PS12R11]: These objectives were developed by the NAVG. I think its OK. This is just saying SCC needs to facilitate collaboration with various stakeholders by communicating well.

Bushcare/Parkcare Group Action Plans

Council will promote and implement the aims and objectives of this policy through the establishment of Bushcare and Parkcare groups, in accordance with Council requirements, including approved Bushcare and Parkcare Group Action Plans.

Bushcare/Parkcare Group Action Plans outline the goals of each Bushcare/Parkcare group, the location of work sites and the required activities.

Bushcare and Parkcare volunteers will be involved in the development of group action plans. In the case of Bushcare Group Action Plans, these may be reviewed by the Natural Area Volunteers Group prior to approval by Council staff, where additional review is sought.

Commented [SP13]: Do they go to NAV for consultation before sign off?

Commented [PS14R13]: No - therefore 'may'

Work carried out by a Bushcare/Parkcare group must be carried out in accordance with a Bushcare/Parkcare Group Action Plan and the Bushcare/Parkcare Procedures unless written approval from the asset custodian is obtained, for a one-off project.

Bushcare/Parkcare Group Action Plans must not conflict with any other plans or strategies prepared for the site or surrounding areas including:

- Reserve plans of management;
- Coastal Management plans and programs; and
- Generic policies and plans.

Commented [LM15]: Remove 'plans' as the CMPs are now in effect and 'plans' no longer applicable

The action plans are a mechanism for delivering those components of generic or specific plans of management for reserves under S36 Local Government Act 1993, where they are

Bushcare / Parkcare Policy

practical and safe for volunteers to implement and where there is willingness to do so. If there is any potential conflict between a Bushcare/Parkcare Action Plan and any other plan, Council's Bushcare Coordinator or Parkcare Coordinator must be notified immediately.

4.2. Implementation

Roles and Responsibilities

The following roles and responsibilities apply for the key stakeholders involved in the Bushcare and Parkcare programs.

The Natural Area Volunteers Group:

This is an advisory group on all matters relating to the future directions of this policy, maintaining an active dialogue with the Bushcare community in accordance with the Terms of Reference for this advisory group.

Council:

The City Development Directorate has responsibility for implementation of the policy for the Bushcare program. The City Services Directorate has responsibility for the Parkcare program.

Council staff will be responsible for the overall management of the programs including program coordination, ensuring the management of work, health and safety hazards, training of staff and volunteers, providing operational support to volunteers, completion of group action plans, and insurance requirements are met.

Volunteers' Roles and Responsibilities

Bushcare/Parkcare volunteers must be registered and inducted as volunteers by Council and work in accordance with this policy and relevant Council procedures. Volunteers must work in accordance with safety and behavioural requirements described within Council's induction process.

Procedures

Procedures for the Bushcare and Parkcare programs are documented separately. Checklists will be developed as part of these procedures and used where possible to assist with implementation of this policy.

Procedures will include those for monitoring and evaluating the Bushcare and Parkcare programs. Results of monitoring and evaluation will be reported in relation to the programs' aims listed in Section 3. Indicators to be measured will include: the economic contribution of volunteers; the number of volunteers; and the area of land where management is assisted by the volunteers.

5. Related Legislation, Policies or Procedures

- Work, Health and Safety Act 2011 (NSW)
- Local Government Act 1993 (NSW)
- Plan of Management – Generic Community Land – Parks – 2001 (SCC)

Commented [LR16]: Already added to definitions

Commented [DR17R16]: This section of text is not a definition so I think it should remain in the policy document.

Commented [SP18]: Insert Coastal Management Act, Open Coast & Jervis Bay CMPs

Commented [SP19R18]: Also need to ensure this policy is consistent with the Open Coast CMP? Suggest collaboration with Nigel or the team.

Commented [PS20R18]: Added - will forward to Nigel for comment

Commented [NS21R18]: Also added on table at top of page, please double check.

Commented [PS22R18]: done

Bushcare / Parkcare Policy

- Plan of Management – Generic Community Land - Natural Areas – 2016 (SCC)
- Biodiversity Conservation Act 2016 (NSW)
- Coastal Management Act 2016 (NSW)
- Biosecurity Act 2015 (NSW)
- Biosecurity Regulations 2017 (NSW)
- Coastal Zone Management Plan for the Shoalhaven Coastline – 2018 (SCC)
- Coastal Management Program (CMP) for the Shoalhaven Open Coast and Jervis Bay – 2024 (SCC) and future Gazetted CMPs
- Bushcare/Parkcare Procedures (SCC)
- Foreshore Reserves Policy (SCC)
- National Parks and Wildlife Act 1974
- Crown Land Management Act 2016

6. Risk Assessment

The safety of volunteers is a key risk that must be managed. Bushcare/Parkcare Volunteers complete an online induction, which includes relevant WHS requirements. Each volunteer group, in consultation with Council staff complete a Site Safety Plan and Operation Risk Assessment before commencing any work, which is then also communicated at their working bees as part of their risk assessment. Implementation of this policy and the Bushcare/Parkcare Procedures provides management of cultural, social and political risks. These primarily relate to the implementation of unauthorised and/or inappropriate works by volunteers. The provision of adequate oversight and supervision by Council staff is also critical to the risk management of these volunteer groups.

7. Data and Reporting

Bushcare/Parkcare Site Record Sheets are filled in by the volunteer Group Coordinators and returned to Council regularly. The data on of volunteer hours and activity is then recorded in the relevant volunteer program database. This data is used to help inform:

- the review of Bushcare/Parkcare Group Action Plans
- to report on the volunteer effort,
- the value of the Bushcare and Parkcare Programs to Council annually, and
- Natural Areas Volunteers Group meetings.

Council's corporate reporting is completed quarterly, primarily focussed upon the review of group action plans. Other measures are maintained on a continuous basis and reported as required.

8. Monitoring and Review

This policy and related procedures will be reviewed within one year of the election of every new Council, or earlier if circumstances change to warrant a review.

9. Ownership and Approval

9.1. Public Policy

Commented [LM23]: Remove this point. CMP supersedes the CZMP. However potentially we include CMPs in draft, see below comment for proposal how this could be included.

Commented [LM24]: Propose to include "and future Gazetted Coastal Management Programs".

This would accommodate the conjola, lower shoal, sussex CMP that are very close and will be applicable.

Commented [NS25R24]: Actioned.

Commented [LM26]: Potentially worth including, we make reference to the foreshore reserves policy somewhat frequently to further support 'justification' of regen works. NPWS act for threatened species items that may come up, both for consideration.

Commented [PS27R26]: NPWS Act link is slight - have deleted otherwise all good

Commented [LM28]: Another one in consideration of Natural area classifications under the CLM act, for consideration..

Commented [PS29R28]: kept

Commented [SP30]: Did this get changed in the latest DPOP KPI review?

Commented [PS31R30]: No

Bushcare / Parkcare Policy

Responsibility	Responsible Owner
Directorate	City Development – Environmental Services – Land Management, and City Services – Works and Services
Endorsement	Not applicable
Approval/Adoption	Council

Commented [SP32]: Has City Services reviewed this document / provided input?

Commented [PS33R32]: Yes, through Leanne Richards

Natural Area Volunteers Group – Terms of Reference

Adoption Date:	20/01/2020
Amendment Date:	26/09/2022, 27/11/2023
Minute Number:	MIN20.67, MIN22.645, MIN22.673, MIN23.684
Review Date:	1/12/2024
Directorate:	City Development
Record Number:	POL24/100

Natural Areas Volunteers Group – Terms of Reference

1. Purpose

The purpose of the Natural Area Volunteers Group is to act as an advisory and representative group on all matters relating to the future directions of the Bushcare Policy and program (MIN10.1461).

2. Interpretation

For the purpose of this document:

Chairperson / Chair means the chairpersons of the group

Council means Shoalhaven City Council

CSP means the Shoalhaven City Council Community Strategic Plan

DPOP means the Shoalhaven City Council Delivery Program Operational Plan

Elected members mean the elected Councillors of Shoalhaven City Council

Group means Natural Area Volunteers Group

Member means a member of the advisory and representative group

Natural Area means land that is classified as Community Land and categorised as 'Natural Area' in accordance with the Local Government Act 1993 (NSW); or that is shown as 'Natural Area' within Council's Asset Custodian Model mapping.

3. Status of the Committee

The Group provides non-binding advice to Council for consideration.

4. Role

The Group will advise Council on strategic matters pertaining to the Bushcare Program within designated Natural Areas. This will include policies, procedures, resourcing, natural resources management, environmental restoration and preservation techniques and plans, and include community and volunteer stakeholder engagement. Natural Area volunteer groups include those managed under Council's Bushcare program that predominantly work on Natural Areas. These include Bushcare, Dunecare and similar groups.

Particularly relevant to the group are:

- [Bushcare/Parkcare Policy](#)
- [Bushcare/Parkcare Procedures](#)
- Shoalhaven City Council's Workplace Health and Safety policy and manual

5. Key strategy, Plan and Other Linkages

The purpose of this Group is linked to the achievement of the objectives and actions within the Council's Strategies, Plans and other documentation as listed in Table 1.

Natural Areas Volunteers Group – Terms of Reference

Table 1 Relevant Strategic Documents

Document	Objective / Action	Anticipated date of achievement
Shoalhaven 2032 Community Strategic Plan	2.3 Protect the natural environment and enhance sustainability Participation in environmental programs - Number of active Bushcare groups on Council managed land (60)	Ongoing
Delivery Program Operational Plan and Budget 2024-2025	2.3.03.05 Prepare new, or review existing Bushcare Group Action Plans in consultation with community (≥8)	June 2025 (Annual target)
Community and Wellbeing Strategy 2022	6.1 Sustainable management of natural resources - People can access our natural resources in a way that supports the long-term sustainability of them.	Ongoing
Sustainability and Climate Action Plan 2023-2027	2.1 Continue to implement and expand the Natural Areas Management Program to ensure conservation of remnant bushland, foreshore, wetland, and riparian areas.	Ongoing
Sustainability and Climate Action Plan 2023-2027	2.5 Continue to develop, support and resource volunteer Bushcare, Parkcare, and Dunecare groups.	Ongoing
Adaptation plan 2022 - 2025	R5 Establish priority weed management control plans ‘.... work with Bushcare teams to gather supporting data and information on pest and weed incidence’.	1-3 years

6. Delegations

The Group may make recommendations to Council on all matters within the role as outlined above. These recommendations are submitted via the minutes of each meeting to Council for consideration.

Natural Areas Volunteers Group – Terms of Reference

Substantial issues and recommendations (possibly including expenditure) raised by the Group will be reported to Council by a separate report from the Manager – Environmental Services.

The Group does not have the power to incur expenditure, or the power to bind Council.

7. Membership

The Group will be chaired by a Councillor, elected by Council. The Group is expected to act in accordance with the Role of the Group as defined above in Section 4. The Group will comprise the following:

- Appointed Chair (Councillor)
- All available Councillors (MIN22.1) *Any non-voting Councillor in attendance at any of the above Committees may act as an alternate voting member in circumstances where achievement of a quorum is required.*
- Council's CEO or nominee
- Up to ten (10) Natural Area volunteer representatives (e.g., Bushcare, Dunecare volunteers)
- South-east Local Land Services representative (optional) (non-voting)
- NSW Department of Climate Change, Energy, the Environment and Water representative (optional) (non-voting)
- Other Relevant Government Agencies, Community Organisations and Service Providers

Note: Council encourages the appointment of two (2) Indigenous representatives, male and female, on all Advisory Committee.

Councillor Representatives

Council appoints one (1) Councillor to be the voting Chair of the Group. All other Councillors are welcome to attend meetings of the Group as observers and contribute to discussions but are not entitled to vote.

If no Councillors are appointed as members, the Chief Executive Officer or nominee represents the elected member to chair the meeting.

Community Representatives

Council will seek to appoint Group representatives from across the entire region.

Where possible, a minimum of three (3) representatives are to be appointed from each of the northern, central and southern areas of the Local Government Area. In the event where nominations for vacancies are insufficient to support three (3) members from one (1) area, the membership can include more than three (3) members from other areas.

Natural Area volunteer community representatives must be a current active member of a Natural Area volunteer group.

Following an expression of interest process, the Chief Executive Officer appoints a maximum of ten (10) local community representatives that meet the following criteria:

- Experience and skills in community-based volunteering, particularly pertaining to the sustainable management of Natural Areas.
- Ability to represent a cross-section of volunteers that work within Natural Areas.
- Ability in knowledge-sharing and communication.

Natural Areas Volunteers Group – Terms of Reference

- Ability in strategic, program-level thinking.

Local knowledge of, and preferably living or working within, the Shoalhaven.

The inclusion of representation from indigenous communities and youth (between the ages of 16 and 30) is to be sought as part of the recruitment process.

Community representatives with Committee membership have voting rights upon completing an induction.

Community Representative Appointments:

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Vacancies will be advertised to all registered Natural Area volunteers by the Bushcare Coordinator.
- Council will manage the application process; and
- An assessment panel consisting of a Council staff member (Manager – Environmental Services), the Chairperson of the Group and one (1) suitably qualified independent representative will assess the applications and make recommendations for appointments to Council. Each member of the assessment panel will vote on recommendations with a majority ruling.

Natural Area Volunteers Group members who are absent for three (3) consecutive meetings of the Group without tendering an apology will be requested in formal correspondence from Council to confirm their intention regarding their membership. Failure to respond may result in removal from this Group.

Council Officers

Council officers attend meetings to provide specialist professional advice, strategic planning, development assessment and environmental management. Council officers do not have voting rights.

Government Agencies, Community Organisations and Service Providers

The Chief Executive Officer (or nominee) invites the relevant State Government agencies to nominate representatives.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members.

Chair and Deputy Chair

Council appoints one (1) Councillor to be the Chair of the Group. In the absence of the nominated Chair at a particular meeting, the members elect a Chair for that meeting.

Terms of Office

The term of the Chair will be three (3) years, which will be reviewed following the election of a new Council. Councillors continue as members of the Group until the next Local Government election, or until the Group is disbanded or completes its purpose in accordance with these Terms of Reference.

Natural Areas Volunteers Group – Terms of Reference

Community member Appointments to the Committee will be for a two (2) year term with a set commencement and finish date; with an option to re-stand for appointment for one (1) additional term.

If a representative is terminated or resigns, an early substitute will be appointed only until the fixed finish date as a casual vacancy.

Community member representatives are appointed through an Expression of Interest process.

Elected members (or their representative) continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with these Terms of Reference.

8. Group Meetings**Agenda**

Agenda will be distributed 7 days prior to the date of the meeting.

The agenda will be developed by the Director - City Development and Community Services with support from the Manager - Environmental Services in view of the prevailing issues. Councillors and members can contribute to the agenda by submitting a report on a particular issue, within the scope of the terms of reference and delegation of the committee four (4) weeks prior to the meeting. The inclusion of the item on the agenda will be subject to approval of the Chair and the Director - City Development and Community Services.

Quorum

Seven (7) provided that a minimum of one (1) Councillor as chair or acting chair with voting rights and six (6) community representatives are present. Attendance at the scheduled meeting will need to be confirmed at least two business days prior to the scheduled meeting. If it is clear that a quorum is not able to be achieved, the meeting will be postponed or other arrangements made.

Voting

It is expected that the Group, and any working group, develop recommendations by consensus. If voting is required, the Chair has a casting vote. Any votes against will be recorded in the minutes.

Meeting Schedule

In general, meeting frequency should be conducted on an as required basis.

Minutes

The Group provides advice to the Council for consideration. The Group's advice is posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Group, any resolution determined by Council, will be posted on the Council website.

Natural Areas Volunteers Group – Terms of Reference

Confidentiality And Privacy

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use, or remove any information, unless the member is authorised to do so.

Communication, Media and Public Comment

In relation to the communication functions of the Group, the following applies:

- Members of the Group are not permitted to speak to the media as Council representatives of the Group unless approved by the Chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Group and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes; and
- The Chair of the Group is the point of contact for communication between Group members and Council staff.
- Council will endeavour to utilise the Chair as the primary point of contact to communicate with Group members.

9. Council Staff Responsibility

The Committee's contact within Council is Lead – Land Management, within the City Development Directorate.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

Guiding Principles

It is expected that members will carry out their functions as members of the Community responsibly.

Members will endeavour to:

- Treat each other and those who interact with the Committee with respect and dignity.
- Recognise and respect diverse opinions.
- Give each other the space to speak.
- Listen with open minds.
- Work constructively within the group, including identifying issues and potential recommendations.
- Represent the interests of the community they support.
- Attend scheduled meetings and inform Governance in advance should they be unable to attend.

10. Code of Conduct

All members of the Group are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Group.

A meeting where conduct not in accordance with these requirements may be adjourned or closed without notice and a breach of the Code of Conduct may lead to a member being expelled from the Group.

Natural Areas Volunteers Group – Terms of Reference

11. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council or as required. Amendments to these Terms of Reference are to be reported to Council for approval. A version history (footnote on front page) is included if amendments have been approved.

12. Other Relevant Documents List

Code Of Conduct
Code of Meeting Practice
Shoalhaven 2032 Community Strategic Plan
Terms Of Reference Template

Inclusion and Access Advisory Committee – Terms of Reference

Adoption Date:	27/03/2018
Amendment Date:	22/09/2020, 11/04/2022, 26/09/2022, 14/11/2022, 5/12/2022, 13/03/2023, 14/08/2023, 25/09/2023
Minute Number:	MIN18.224, MIN20.688, MIN22.248, MIN22.673, MIN22.871, MIN22.937, MIN23.115, MIN23.435, MIN23.526
Review Date:	01/12/2024
Directorate:	City Lifestyles, City Development
Record Number:	POL24/104

CL25.382 - Attachment 1

Inclusion and Access Advisory Committee – Terms of Reference

1. Purpose

Guided by lived experience and expertise, provide advice and guidance to Shoalhaven City Council to promote an accessible, inclusive and welcoming community that respects independence and human dignity by:

- Ensuring that all residents can participate actively in all aspects of community and civic life and ensure that Council recognises and values the diversity of its community.
- Identifying and addressing barriers preventing people from participating in programs, services and facilities across the City.

And advocate for:

- Adherence to the principles of the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014 which will benefit the community.
- Inclusion in our community through recommendations to improve the built environment, changes in community attitudes and behaviours, and creating better systems and processes for meaningful participation of people of all abilities.

Strategic Plan AlignmentDisability Inclusion Action Plan (2022-26)

1. Create positive attitudes and behaviours within community
2. Create accessible and liveable communities
3. Improve access to our systems and processes
4. Support access to meaningful employment.

Community Strategic Plan 2032Resilient, Safe, Accessible and Inclusive Communities

- 1.1 - Support inclusive, safe and connected communities
- 1.2 - Preserve, support and develop cultural and creative vitality across our communities
- 1.3 - Support community wellbeing through fostering active and healthy communities

2. Interpretation

For the purpose of this document:

- *Member* means a member of the Committee
- *Council* means Shoalhaven City Council
- *Chairperson / Chair* means the chairpersons of the Committee
- *Elected members* mean the elected Councillors of Shoalhaven City Council

3. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

4. Role

To receive and disseminate information and updates to and from the community about regarding issues of accessibility and inclusion in the Shoalhaven.

To provide and receive information to Council staff and Councillors regarding the reports and presentations made to the Committee.

Inclusion and Access Advisory Committee – Terms of Reference

5. Delegations

Advisory Committees may make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

This does not include substantial issues and recommendations (possibly including expenditure or operational matters) that will be reported to Council by a separate report by the appropriate manager.

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

6. Membership

The Committee will be chaired by one Councillor or voting committee member nominated as the Chairperson at the end of each meeting and be in place for the next meeting.

The Committee will comprise the following:

- One nominated Councillor (and an alternate), additional Councillors may attend as non-voting members.

Note: Any non-voting Councillor in attendance at any of the above Committees may act as an alternate voting member in circumstances where achievement of a quorum is required, noting that this doesn't apply when quorum specifies the quorum to require community member attendance.

- Council's Chief Executive Officer (CEO) or nominee

A maximum of twelve community members which includes:

- Five community members who live with disability (with representation from across the Shoalhaven).
- A maximum of five family, friends and/or carers of people living with disability who have an interest in advocating for improved access and inclusion for all.
- An Aboriginal representative living with disability or their family, friends and/or carer of a person living with disability
- A Youth representative (18 – 25 years) living with disability

Note: Council encourages the appointment of two Indigenous representatives, male and female, on all Advisory Committees.

A maximum of thirteen non-voting Government and Non-Government Organisations which includes:

- Relevant Government Agencies ((e.g., DCJ, NSW Health, NDIA, Service NSW)
- Service providers/community organisations that support a broad range of people with disabilities (e.g., Flagstaff, Autism NSW, First Peoples Disability Network Australia and Multicultural Disability Advocacy Association).
- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama

Members must live or work within the Shoalhaven City Council Local Government Area

Councillor Representatives

One Councillor (and an alternate) will be nominated to attend the meeting as voting members, all other Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but are not entitled to vote.

Inclusion and Access Advisory Committee – Terms of Reference

Community Representative Appointments

- Parents/carers of people with disability.
- Person who has lived experience of disability
- Person who is passionate about advocating for access & Inclusion

Following an expression of interest, members will be appointed that meet the section 5 membership criteria.

- An Expression of Interest (EOI) process will be conducted to appoint new members into vacant positions.
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process.
- An assessment panel consisting of a Council staff member (Community Capacity Builder), one Councillor (voting member) and one Community member will assess the applications and make recommendations for appointments to Council based on set criteria. Each member of the assessment panel will vote on recommendations with a majority ruling.

Council Officers

Council officers may attend meetings to provide specialist professional advice in the area of inclusion and accessibility. Council officers do not have voting rights.

Government Agencies, Community Organisations and Service Providers

The Chief Executive Officer (or nominee) invites a range of Government Agencies, Community Organisations and Service Providers to nominate representatives each.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members.

Chair and Deputy Chair

The Chair will comprise of one Councillor to be appointed to the role of Chairperson and Community member as Co-Chair for 12 months with an option to renew for another 12 months. The Chair will provide a mentoring role to the Co-Chair for the duration of their term. Both positions will be nominated at the beginning of the meeting of the first sitting of the Inclusion and Access Advisory Committee for the term of the current Council and in the absence of the nominated Chair, a member with voting rights may be elected as interim Chair for that meeting.

The Chair can comprise of one Councillor (voting member) or voting Committee member to be nominated as the Chairperson at the end of each meeting to be in place for the next meeting.

A member of Council staff (Community Connections) will be available to meet with the nominated Chairperson one week prior to each meeting to coach them for the role of Chairperson.

Terms of Office

Elected members (or their representative) continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the

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Inclusion and Access Advisory Committee – Terms of Reference

Committee is disbanded or completes its purpose in accordance with these Terms of Reference.

7. Committee Meetings

Agenda

Agenda will be distributed seven days prior to the date of the meeting. Councillors and members can contribute to the agenda by writing and submitting a report on a particular issue four weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

Quorum

Quorum will be seven voting members provided that a minimum of one Councillor with voting rights and six community representatives are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

Voting

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

Meeting Schedule

~~In general, meetings should be held quarterly or otherwise as determined by the Chair and conducted either in person and/or electronically. There will be a minimum of one meeting per year. The Chairperson may call an additional meeting in consultation with the Manager Culture and Community Services or the Director of City Development. Please note As~~ required, the Committee can request to meet informally via TEAMS or in person without formal agenda or minutes for the purpose of receiving information only i.e. not making recommendation / resolution.

Minutes

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

1.1. Confidentiality And Privacy

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use, or remove any information unless the member is authorised to do so.

1.2. Communication

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by the Mayor and CEO as per Council's media policy.
- Where approval has been given by the Mayor and CEO, views and opinions expressed are those of the Committee and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

Inclusion and Access Advisory Committee – Terms of Reference

8. Council Staff Responsibility

The Committee's contact within Council is holds the position of Senior Community Capacity Builder, within the City Lifestyles-Development Directorate. This Directorate is considered to be responsible for ensuring the agenda and presentations remain relevant to the Committee's role and presenting the Action Table Report.

Reports requested by or presented to the committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate. Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

9. Code of Conduct

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

As per Councils Code of Meeting Practice, speakers addressing the meeting do not have absolute privilege with respect to comments they make, opinions they express or material presented, and need to be ware that they may be held personally liable for defamatory statements or statements contrary to any legal obligations.

10. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

11. Sunset Clause

The committee may be disbanded within one year of the election of a new Council, or earlier at the direction of Council.

12. Other Relevant Documents List

[Code Of Conduct](#)

[Code of Meeting Practice](#)

[CSP](#)

Terms Of Reference Template

[DIAP](#)

13. Review

To be reviewed within one year of the election of a new Council, or earlier at the direction of Council.

Inclusion and Access Advisory Committee – Terms of Reference

Adoption Date:	27/03/2018
Amendment Date:	22/09/2020, 11/04/2022, 26/09/2022, 14/11/2022, 5/12/2022, 13/03/2023, 14/08/2023, 25/09/2023
Minute Number:	MIN18.224, MIN20.688, MIN22.248, MIN22.673, MIN22.871, MIN22.937, MIN23.115, MIN23.435, MIN23.526
Review Date:	01/12/2024
Directorate:	City Development
Record Number:	POL24/104

Inclusion and Access Advisory Committee – Terms of Reference

1. Purpose

Guided by lived experience and expertise, provide advice and guidance to Shoalhaven City Council to promote an accessible, inclusive and welcoming community that respects independence and human dignity by:

- Ensuring that all residents can participate actively in all aspects of community and civic life and ensure that Council recognises and values the diversity of its community.
- Identifying and addressing barriers preventing people from participating in programs, services and facilities across the City.

And advocate for:

- Adherence to the principles of the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014 which will benefit the community.
- Inclusion in our community through recommendations to improve the built environment, changes in community attitudes and behaviours, and creating better systems and processes for meaningful participation of people of all abilities.

Strategic Plan Alignment

Disability Inclusion Action Plan (2022-26)

1. Create positive attitudes and behaviours within community
2. Create accessible and liveable communities
3. Improve access to our systems and processes
4. Support access to meaningful employment.

Community Strategic Plan 2032

Resilient, Safe, Accessible and Inclusive Communities

- 1.1 - Support inclusive, safe and connected communities
- 1.2 - Preserve, support and develop cultural and creative vitality across our communities
- 1.3 - Support community wellbeing through fostering active and healthy communities

2. Interpretation

For the purpose of this document:

- *Member* means a member of the Committee
- *Council* means Shoalhaven City Council
- *Chairperson / Chair* means the chairpersons of the Committee
- *Elected members* mean the elected Councillors of Shoalhaven City Council

3. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

4. Role

To receive and disseminate information and updates to and from the community about regarding issues of accessibility and inclusion in the Shoalhaven.

To provide and receive information to Council staff and Councillors regarding the reports and presentations made to the Committee.

Inclusion and Access Advisory Committee – Terms of Reference

5. Delegations

Advisory Committees may make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

This does not include substantial issues and recommendations (possibly including expenditure or operational matters) that will be reported to Council by a separate report by the appropriate manager.

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

6. Membership

The Committee will be chaired by one Councillor or voting committee member nominated as the Chairperson at the end of each meeting and be in place for the next meeting.

The Committee will comprise the following:

- One nominated Councillor (and an alternate), additional Councillors may attend as non-voting members.

Note: Any non-voting Councillor in attendance may act as an alternate voting member in circumstances where achievement of a quorum is required, noting that this doesn't apply when quorum specifies the quorum to require community member attendance.

- Council's Chief Executive Officer (CEO) or nominee

A maximum of twelve community members which includes:

- Five community members who live with disability (with representation from across the Shoalhaven).
- A maximum of five family, friends and/or carers of people living with disability who have an interest in advocating for improved access and inclusion for all.
- An Aboriginal representative living with disability or their family, friends and/or carer of a person living with disability
- A Youth representative (18 – 25 years) living with disability

Note: Council encourages the appointment of two Indigenous representatives, male and female, on all Advisory Committees.

A maximum of thirteen non-voting Government and Non-Government Organisations which includes:

- Relevant Government Agencies ((e.g., DCJ, NSW Health, NDIA, Service NSW)
- Service providers/community organisations that support a broad range of people with disabilities (e.g., Flagstaff, Autism NSW, First Peoples Disability Network Australia and Multicultural Disability Advocacy Association).
- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama

Members must live or work within the Shoalhaven City Council Local Government Area

Councillor Representatives

One Councillor (and an alternate) will be nominated to attend the meeting as voting members, all other Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but are not entitled to vote.

Inclusion and Access Advisory Committee – Terms of Reference

Community Representative Appointments

- Parents/carers of people with disability.
- Person who has lived experience of disability
- Person who is passionate about advocating for access & Inclusion

Following an expression of interest, members will be appointed that meet the section 5 membership criteria.

- An Expression of Interest (EOI) process will be conducted to appoint new members into vacant positions.
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process.
- An assessment panel consisting of a Council staff member (Community Capacity Builder), one Councillor (voting member) and one Community member will assess the applications and make recommendations for appointments to Council based on set criteria. Each member of the assessment panel will vote on recommendations with a majority ruling.

Council Officers

Council officers may attend meetings to provide specialist professional advice in the area of inclusion and accessibility. Council officers do not have voting rights unless acting as CEO nominee.

Government Agencies, Community Organisations and Service Providers

The Chief Executive Officer (or nominee) invites a range of Government Agencies, Community Organisations and Service Providers to nominate representatives each.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members.

Chair and Deputy Chair

The Chair will comprise of one Councillor to be appointed to the role of Chairperson and Community member as Co-Chair for 12 months with an option to renew for another 12 months. The Chair will provide a mentoring role to the Co-Chair for the duration of their term. Both positions will be nominated at the beginning of the meeting of the first sitting of the Inclusion and Access Advisory Committee for the term of the current Council and in the absence of the nominated Chair, a member with voting rights may be elected as interim Chair for that meeting.

Terms of Office

Elected members (or their representative) continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with these Terms of Reference.

Inclusion and Access Advisory Committee – Terms of Reference

7. Committee Meetings**Agenda**

Agenda will be distributed seven days prior to the date of the meeting. Councillors and members can contribute to the agenda by writing and submitting a report on a particular issue four weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

Quorum

Quorum will be seven voting members provided that a minimum of one Councillor with voting rights and six community representatives are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

Voting

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

Meeting Schedule

There will be a minimum of one meeting per year. The Chairperson may call an additional meeting in consultation with the Manager Culture and Community Services or the Director of City Development. As required, the Committee can request to meet informally via TEAMS or in person without a formal agenda or minutes for the purpose of receiving information only i.e. not making recommendation / resolution.

Minutes

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

1.1. Confidentiality And Privacy

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use, or remove any information unless the member is authorised to do so.

1.2. Communication

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by the Mayor and CEO as per Council's media policy.
- Where approval has been given by the Mayor and CEO, views and opinions expressed are those of the Committee and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

Inclusion and Access Advisory Committee – Terms of Reference

8. Council Staff Responsibility

The Committee's contact within Council is holds the position of Senior Community Capacity Builder, within the City Development Directorate. This Directorate is considered to be responsible for ensuring the agenda and presentations remain relevant to the Committee's role and presenting the Action Table Report.

Reports requested by or presented to the committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate. Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

9. Code of Conduct

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

As per Councils Code of Meeting Practice, speakers addressing the meeting do not have absolute privilege with respect to comments they make, opinions they express or material presented, and need to be aware that they may be held personally liable for defamatory statements or statements contrary to any legal obligations.

10. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

11. Sunset Clause

The committee may be disbanded within one year of the election of a new Council, or earlier at the direction of Council.

12. Other Relevant Documents List

[Code Of Conduct](#)

[Code of Meeting Practice](#)

[CSP](#)

Terms Of Reference Template

[DIAP](#)

13. Review

To be reviewed within one year of the election of a new Council, or earlier at the direction of Council.

Youth Advisory Committee – Terms of Reference

Adoption Date:	22/11/2016
Amendment Date:	22/08/2017, 7/02/2018, 21/08/2018, 29/06/2021, 11/04/2022, 5/12/2022, 27/03/2023
Minute Number:	MIN16.919, MIN17.748, MIN18.620, MIN21.413, MIN22.247, MIN22.937, MIN23.153
Review Date:	01/12/2024
Directorate:	City Development Lifestyles
Record Number:	POL24/122

Committee – Terms of Reference

1. Purpose

The purpose of the committee is to represent the interests and views of young people to Council and the Community.

The Committee will also seek to influence Council's support and intent in achieving their objectives for the current Shoalhaven City Council Community Strategic Plan 2032 (SCC CSP).

The purpose of this Committee is linked to the achievement of the following objectives and actions within the Council's Strategies, Plans and other documentation.

<u>Document</u>	<u>Objective / Action</u>
<u>Shoalhaven 2032 Community Strategic Plan Shoalhaven City Council</u>	<u>1.1 Support inclusive, safe and connected communities</u>
<u>Delivery Program Operational Plan Shoalhaven City Council</u>	<u>1.1.02 Support communities to become safer and stronger through positive and effective planning, partnerships and programs</u>

2. Interpretation

For the purpose of this document:

Member means a member of the Committee

Council means Shoalhaven City Council

Chairperson / Chair means the chairpersons of the Committee

Elected members mean the elected Councillors of Shoalhaven City Council

Youth/ Young People refers to people aged 12 to 25 years at time of appointment (if a Committee member turns 26 years during their term they are permitted to remain on the Committee until the end of their term).

CSP means the Shoalhaven City Council Community Strategic Plan

DPOP means the Shoalhaven City Council Delivery Program Operational Plan

Youth Advisory Committee – Terms of Reference

3. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

4. Role

- To represent the interests and views of young people to Council and the Community
- To provide an opportunity for young people to discuss issues of concern to young people
- To provide a mechanism for young people to make representations to organisations and various spheres of Government requesting appropriate action to improve facilities and services available to young people
- To give young people experience in Local Government and community affairs
- To create greater awareness and appreciation within the general community of the needs and talents of young people
- To provide a mechanism for young people to address youth issues themselves

5. Delegations

Advisory Committees may make recommendations to Council on all matters within the role outlined above.

This does not include substantial issues and recommendations (possibly including expenditure) that will be reported to Council by a separate report Manager – Community Connections.

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

6. Membership

The Committee is expected to act in accordance with the Role of the Committee as defined above in Section 4. The Committee will comprise the following:

Voting Members:

- A maximum of eighteen ~~(18)~~ Secondary School Student Representatives
- A maximum of five ~~(5)~~ Tertiary Education Student Representatives
- A maximum of six ~~(6)~~ community youth representatives

Non-Voting Members

- Representatives from other relevant Government Agencies, Community Organisations and Service Providers, with preference for youth representatives
- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama, with preference for youth representatives
- All available Councillors
- Council's Chief Executive Officer (CEO) or nominee

Secondary School Student Representatives

- A maximum of eighteen ~~(18)~~ Secondary School Student Representatives: two ~~(2)~~ students selected as voting members, and up to three ~~(3)~~ other students from each local secondary school are invited to join. Schools include: Nowra Christian School,

Youth Advisory Committee – Terms of Reference

Shoalhaven High School, Vincentia High School, St John the Evangelist High School, Nowra Anglican College, Bomaderry High School, Ulladulla High School, Nowra High School and Shoalhaven River College.

Tertiary Education Student Representatives

- A maximum of five ~~(5)~~ Tertiary Education Student Representatives: one ~~(1)~~ student representative invited to join from each of the local tertiary education institutions, including: University of Wollongong – Shoalhaven Campus, TAFE NSW Nowra and Ulladulla Campus's, Country Universities Centre Southern Shoalhaven and Kiama Shoalhaven Community College.

Community Youth Representatives

Following an expression of interest process, a maximum of six ~~(6)~~ local community youth representatives, being young people aged 12 – 25 years with representation from the North, Central and South of the LGA, will be appointed that meet the following criteria:

- A broad interest and understanding of youth issues in the Shoalhaven.
- A commitment to raising awareness and appreciation within the general community of the needs and talents of young people
- Local resident living or working within the Shoalhaven.
- Aboriginal and Torres Strait Islander people are encouraged to apply

Community representatives with Committee membership have voting rights.

Community Youth Representative Appointments:

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Appointments to the Committee will be for a two ~~(2)~~-year term with a set commencement and finish date.
- Vacancies will be advertised locally via media and Council communication networks.
- To promote and encourage a diverse, inclusive and accessible Committee of young people Expressions of Interest for new members will be widely promoted across multiple platforms to include targeted promotions to reach young people with a disability, CALD communities, Aboriginal and Torres Strait Islander young people and young people identifying as LGBTQIA+
- Council will manage the application process.
- An assessment panel consisting of a Council staff member (Manager – Community Connections), one ~~(1)~~ Committee member representative and one ~~(1)~~ suitably qualified independent representative will assess the applications and make recommendations for appointments to Council based on set criteria. Each member of the assessment panel will vote on recommendations with a majority ruling.

Government Agencies, Community Organisations and Service Providers

The Chief Executive Officer (or nominee) invites a range of Government Agencies, Community Organisations and Service Providers to nominate representatives each. Government Agencies, Community Organisations and Service Providers representatives will be invited to

Youth Advisory Committee – Terms of Reference

join, with a request to nominate a ~~youth representatives (aged 12-25 years)~~ youth representative (aged 12-25 years), this may include:

- Representatives, preference for youth representatives, from the community and social service sector, including but not limited to Headspace Youth Reference Group and Pride Space, Aboriginal Land Council's Youth Advisory Groups, Disability Service Providers, Care South, Nowra Youth Centre, Mission Australia Ulladulla Youth Centre, Firefly Bay and Basin, Defence Force Cadets, Young Parents Groups.

The nominated agency representatives provide advice in relation to their functions and areas of expertise. Government Agencies, Community Organisations and Service Providers representatives with Committee membership do not have voting rights.

Member of Parliament Representatives

- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama

The nominated representatives provide advice in relation to their functions and areas of expertise. The Member of Parliament representatives with Committee membership do not have voting rights.

Councillor Representatives

Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but do not have voting rights.

Council Officers

Council officers may attend meetings to provide specialist professional advice in relevant areas identified by the committee that relate to youth issues. Council officers do not have voting rights.

Chairperson

- A Chairperson will be voted in by the group at the end of each meeting to be in place for the next meeting.
- A member of Council staff (Community Connections) will meet with the nominated young person one week prior to each meeting to train them for the role of Chairperson; talk them through how the meetings are run, explain the ~~Agenda~~ agenda, and answer any questions they may have.

Terms of Office

The advisory committee will run on a minimum two ~~(2)~~ year term with a biennial review. The purpose of the biennial review is to ensure the Committee are still addressing the goals set by the group, as well as identifying opportunities for improvement and setting future direction.

To maintain momentum, at the end of each membership term, the membership will be reviewed to allow members to assess their membership and the committee to appoint new members in vacant positions.

Committee members who are absent for three ~~(3)~~ consecutive meetings of the YAC without submitting an apology will be requested in formal correspondence from Council to confirm

Youth Advisory Committee – Terms of Reference

their intention regarding their membership of the committee. Failure to respond may result in removal from this committee.

7. Committee Meetings

Agenda

Agenda will be distributed 7 days prior to the date of the meeting. Councillors and members can contribute to the agenda by requesting a report on a particular issue four (4) weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

Quorum

~~Five Six (6)~~ provided that the Chair with voting rights and five (5) committee representatives with voting rights (being Secondary School, Tertiary Education and Community Youth representatives) are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

Voting

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

Meeting Schedule

~~In general, meetings should be held quarterly or otherwise as determined by the Chair and conducted either in person or electronically. Meetings to be held Monday – Thursday during school terms and between 10am – 12pm or 2pm – 4pm.~~

~~Please note as required the Committee can request, via Council Staff (Community Connections), to meet informally via teams or in person without formal agenda or minutes for the purpose of receiving information only i.e., not making recommendation / resolution.~~

There will be a minimum of one meeting per year. Members or Council Staff (Community Connections) may call an additional meeting in consultation with the Manager Culture and Community Services or the Director of City Development.'

Minutes

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website. -Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

Confidentiality And Privacy

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use or remove any information unless the member is authorised to do so.

Communication

In relation to the communication functions of Committee, the following apply:

Youth Advisory Committee – Terms of Reference

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by Council Staff.
- Where approval has been given by Council Staff, views and opinions expressed are those of the Individual and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

8. Council Staff Responsibility

The Committee's contact within Council is the **Senior** Community Capacity Builder, within the City **Development Lifestyles** Directorate. This Directorate is considered to be responsible for ensuring the agenda and presentations remain relevant to the Committees role and presenting the Action Table Report.

Reports requested by or presented to the Committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate. Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

9. Code of Conduct

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

As per Council's Code of Meeting Practice, speakers addressing the meeting do not have absolute privilege with respect to comments they make, opinions they express or material presented, and need to be aware that they may be held personally liable for defamatory statements or statements contrary to any legal obligations.

10. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

11. Other Relevant Documents List

[Code of Conduct](#)

[Code of Meeting Practice](#)

[CSP](#)

[Terms Of Reference Template](#)

12. Review

Youth Advisory Committee – Terms of Reference

To be reviewed within one year of the election of a new Council, or earlier at the direction of Council.

CL25.383 - Attachment 1

Youth Advisory Committee – Terms of Reference

Adoption Date:	22/11/2016
Amendment Date:	22/08/2017, 7/02/2018, 21/08/2018, 29/06/2021, 11/04/2022, 5/12/2022, 27/03/2023
Minute Number:	MIN16.919, MIN17.748, MIN18.620, MIN21.413, MIN22.247, MIN22.937, MIN23.153
Review Date:	01/12/2024
Directorate:	City Development
Record Number:	POL24/122

Committee – Terms of Reference

1. Purpose

The purpose of the committee is to represent the interests and views of young people to Council and the Community.

The Committee will also seek to influence Council's support and intent in achieving their objectives for the current Shoalhaven City Council Community Strategic Plan 2032 (SCC CSP).

The purpose of this Committee is linked to the achievement of the following objectives and actions within the Council's Strategies, Plans and other documentation.

Document	Objective / Action
Shoalhaven 2032 Community Strategic Plan Shoalhaven City Council	1.1 Support inclusive, safe and connected communities
Delivery Program Operational Plan Shoalhaven City Council	1.1.02 Support communities to become safer and stronger through positive and effective planning, partnerships and programs

2. Interpretation

For the purpose of this document:

Member means a member of the Committee

Council means Shoalhaven City Council

Chairperson / Chair means the chairpersons of the Committee

Elected members mean the elected Councillors of Shoalhaven City Council

Youth/ Young People refers to people aged 12 to 25 years at time of appointment (if a Committee member turns 26 years during their term they are permitted to remain on the Committee until the end of their term).

CSP means the Shoalhaven City Council Community Strategic Plan

DPOP means the Shoalhaven City Council Delivery Program Operational Plan

3. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

Youth Advisory Committee – Terms of Reference

4. Role

- To represent the interests and views of young people to Council and the Community
- To provide an opportunity for young people to discuss issues of concern to young people
- To provide a mechanism for young people to make representations to organisations and various spheres of Government requesting appropriate action to improve facilities and services available to young people
- To give young people experience in Local Government and community affairs
- To create greater awareness and appreciation within the general community of the needs and talents of young people
- To provide a mechanism for young people to address youth issues themselves

5. Delegations

Advisory Committees may make recommendations to Council on all matters within the role outlined above.

This does not include substantial issues and recommendations (possibly including expenditure) that will be reported to Council by a separate report Manager – Community Connections.

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

6. Membership

The Committee is expected to act in accordance with the Role of the Committee as defined above in Section 4. The Committee will comprise the following:

Voting Members:

- A maximum of eighteen Secondary School Student Representatives
- A maximum of five Tertiary Education Student Representatives
- A maximum of six community youth representatives

Non-Voting Members

- Representatives from other relevant Government Agencies, Community Organisations and Service Providers, with preference for youth representatives
- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama, with preference for youth representatives
- All available Councillors
- Council's Chief Executive Officer (CEO) or nominee

Secondary School Student Representatives

- A maximum of eighteen Secondary School Student Representatives: two students selected as voting members, and up to three other students from each local secondary school are invited to join. Schools include: Nowra Christian School, Shoalhaven High School, Vincentia High School, St John the Evangelist High School, Nowra Anglican College, Bomaderry High School, Ulladulla High School, Nowra High School and Shoalhaven River College.

Youth Advisory Committee – Terms of Reference

Tertiary Education Student Representatives

- A maximum of five Tertiary Education Student Representatives: one student representative invited to join from each of the local tertiary education institutions, including: University of Wollongong – Shoalhaven Campus, TAFE NSW Nowra and Ulladulla Campus's, Country Universities Centre Southern Shoalhaven and Kiama Shoalhaven Community College.

Community Youth Representatives

Following an expression of interest process, a maximum of six local community youth representatives, being young people aged 12 – 25 years with representation from the North, Central and South of the LGA, will be appointed that meet the following criteria:

- A broad interest and understanding of youth issues in the Shoalhaven.
- A commitment to raising awareness and appreciation within the general community of the needs and talents of young people
- Local resident living or working within the Shoalhaven.
- Aboriginal and Torres Strait Islander people are encouraged to apply

Community representatives with Committee membership have voting rights.

Community Youth Representative Appointments:

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Appointments to the Committee will be for a two-year term with a set commencement and finish date.
- Vacancies will be advertised locally via media and Council communication networks.
- To promote and encourage a diverse, inclusive and accessible Committee of young people Expressions of Interest for new members will be widely promoted across multiple platforms to include targeted promotions to reach young people with a disability, CALD communities, Aboriginal and Torres Strait Islander young people and young people identifying as LGBTQIA+
- Council will manage the application process.
- An assessment panel consisting of a Council staff member (Manager – Community Connections), one Committee member representative and one suitably qualified independent representative will assess the applications and make recommendations for appointments to Council based on set criteria. Each member of the assessment panel will vote on recommendations with a majority ruling.

Government Agencies, Community Organisations and Service Providers

The Chief Executive Officer (or nominee) invites a range of Government Agencies, Community Organisations and Service Providers to nominate representatives each. Government Agencies, Community Organisations and Service Providers representatives will be invited to join, with a request to nominate a youth representative (aged 12-25 years), this may include:

- Representatives, preference for youth representatives, from the community and social service sector, including but not limited to Headspace Youth Reference Group

Youth Advisory Committee – Terms of Reference

and Pride Space, Aboriginal Land Council's Youth Advisory Groups, Disability Service Providers, Care South, Nowra Youth Centre, Mission Australia Ulladulla Youth Centre, Firefly Bay and Basin, Defence Force Cadets, Young Parents Groups.

The nominated agency representatives provide advice in relation to their functions and areas of expertise. Government Agencies, Community Organisations and Service Providers representatives with Committee membership do not have voting rights.

Member of Parliament Representatives

- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama

The nominated representatives provide advice in relation to their functions and areas of expertise. The Member of Parliament representatives with Committee membership do not have voting rights.

Councillor Representatives

Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but do not have voting rights.

Council Officers

Council officers may attend meetings to provide specialist professional advice in relevant areas identified by the committee that relate to youth issues. Council officers do not have voting rights.

Chairperson

- a) A Chairperson will be voted in by the group at the end of each meeting to be in place for the next meeting.
- b) A member of Council staff (Community Connections) will meet with the nominated young person one week prior to each meeting to train them for the role of Chairperson; talk them through how the meetings are run, explain the agenda, and answer any questions they may have.

Terms of Office

The advisory committee will run on a minimum two-year term with a biennial review. The purpose of the biennial review is to ensure the Committee are still addressing the goals set by the group, as well as identifying opportunities for improvement and setting future direction.

To maintain momentum, at the end of each membership term, the membership will be reviewed to allow members to assess their membership and the committee to appoint new members in vacant positions.

Committee members who are absent for three consecutive meetings of the YAC without submitting an apology will be requested in formal correspondence from Council to confirm their intention regarding their membership of the committee. Failure to respond may result in removal from this committee.

Youth Advisory Committee – Terms of Reference

7. Committee Meetings**Agenda**

Agenda will be distributed 7 days prior to the date of the meeting. Councillors and members can contribute to the agenda by requesting a report on a particular issue four weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

Quorum

Five provided that the Chair with voting rights and five committee representatives with voting rights (being Secondary School, Tertiary Education and Community Youth representatives) are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

Voting

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

Meeting Schedule

There will be a minimum of one meeting per year. Members or Council Staff (Community Connections) may call an additional meeting in consultation with the Manager Culture and Community Services or the Director of City Development.'

Minutes

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

Confidentiality And Privacy

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use or remove any information unless the member is authorised to do so.

Communication

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by Council Staff.
- Where approval has been given by Council Staff, views and opinions expressed are those of the Individual and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

Youth Advisory Committee – Terms of Reference

8. Council Staff Responsibility

The Committee's contact within Council is the Senior Community Capacity Builder, within the City Development Directorate. This Directorate is considered to be responsible for ensuring the agenda and presentations remain relevant to the Committee's role and presenting the Action Table Report.

Reports requested by or presented to the Committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate. Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

9. Code of Conduct

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

As per Council's Code of Meeting Practice, speakers addressing the meeting do not have absolute privilege with respect to comments they make, opinions they express or material presented, and need to be aware that they may be held personally liable for defamatory statements or statements contrary to any legal obligations.

10. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

11. Other Relevant Documents List

[Code of Conduct](#)

[Code of Meeting Practice](#)

[CSP](#)

12. Review

To be reviewed within one year of the election of a new Council, or earlier at the direction of Council.