



ATTACHMENTS

GENERAL MEETING

**Wednesday 10 December 2025
at 6:30 PM**



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ATTACHMENT/S

REPORT NO. CS66/25

ITEM 2

1. CODE OF MEETING PRACTICE FOR ADOPTION



POLICY REGISTER

POLICY TITLE:	CODE OF MEETING PRACTICE
FOLDER NUMBER:	F2007/00307
POLICY OWNER / DIVISION:	Corporate Support Division
POLICY OWNER / BRANCH:	Governance and Customer Service
FUNCTION:	Governance
RELEVANT LEGISLATION:	Section 360 of the Local Government Act, 1993
POLICY ADOPTION/AMENDMENT DATE:	10 December 2025 REPORT NUMBER: CS66/25
REVIEW YEAR:	2027
AMENDMENT HISTORY:	12 August 1998 (Report CC96/98) 24 November 1999 (Report CC108/99) 9 August 2000 (Report CC59/00) 28 March 2001 (Report CC22/01) 11 September 2002 (Report CC71/02 & Memo CA96/02) 9 March 2005 (Report CC5/05) 10 August 2005 (Report CC52/05) 8 March 2006 (Report CC15/06) 11 April 2007 (Report CC11/07) 12 March 2008 (Report CC27/08) 8 April 2009 (Report CC12/09) 21 April 2010 (Report CC24/10) 18 August 2010 (Report CC39/10) 20 April 2011 (Report CC10/11) 21 March 2012 (Report CC9/12) 17 April 2013 (Report GM2/13) 18 September 2013 (Report CS40/13) 8 April 2015 (Report CS6/15) 8 August 2018 (Report CS33/18) 10 April 2019 (CS8/19) 8 June 2022 (CS38/22) 9 APRIL 2025 (CS3/25)
RELATED POLICIES:	Hornsby Shire Council Code of Conduct

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1. INTRODUCTION

This Code of Meeting Practice (the Code) is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) issued by the Office of Local Government in 2025. It is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation). This Code applies to all Meetings of Council and Committees of Council of which all the members are Councillors (Committees of Council).

This Code does not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code. Where supplementary provisions have been included in this Code they are noted as separated clauses and prefaced as "Additional Clause adopted by Council".

Where Clauses in this Code are reflective of provisions within the Local Government Act, a reference to the relevant clause is provided as follows (S1.1).

2. MEETING PRINCIPLES

2.1 Council and Council 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.

Additional Point Adopted by Council

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

3. BEFORE THE MEETING

Timing of ordinary council Meetings

3.1 Council shall, by resolution at its September General Meeting (or as soon as possible thereafter), set the frequency, time, date and place of its ordinary Meetings (defined below).

Additional Clause Adopted by Council

3.1(a) Ordinary Meetings of Council are defined as:

General Meetings which are held at 7.00pm on the second Wednesday of each month (excluding January) to consider all relevant matters.

Workshop Meetings which are held at 7.00pm on the first, third, fourth and/or fifth Wednesdays of each month as required (excluding January) to consider all relevant matters, especially those where a presentation by Council staff or an external person or organisation is required

Note: Under section 365 of the Act, Council is 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 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. (S366)

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 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 Council. (S9(1))

3.5 For the purposes of clause 3.4, notice of a Meeting of Council and of a Committee of council is to be published before the Meeting takes place. The notice must be published on Council's website, and in such other manner that 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 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. (S367(1))

3.8 The notice and the agenda for, and the business papers relating to, the Meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form. (S367(3))

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 Council in cases of emergency. (S367(2))

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 Council at its next ordinary Meeting by way of a Notice of Motion. To be included on the agenda of the Meeting, the Notice of Motion must be in writing and must be submitted by 5pm on the Friday nine business days before the Meeting is to be held.

Additional Clause Adopted by Council

- 3.10(a) If the General Manager considers that a Notice of Motion submitted by a councillor for consideration at an ordinary Meeting of Council has legal, strategic, financial or policy implications which should be taken into consideration by the Meeting, the General Manager may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the Meeting at which the Notice of Motion is to be considered by Council.
- 3.10(b) A Notice of Motion for the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the Notice of Motion. If the Notice of Motion does not identify a funding source, the General Manager must either:
- i. prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the Meeting at which the Notice of Motion is to be considered by Council, or
 - ii. by written notice sent to all Councillors with the business papers for the Meeting for which the Notice of Motion has been submitted, defer consideration of the matter by Council to such a date specified in the notice, pending the preparation of such a report.
- 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 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 Council or orally at the Meeting.

Agenda and business papers for ordinary Meetings

- 3.15 The General Manager must cause the agenda for a Meeting of Council or a Committee of 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 Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous Meetings of 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 Council 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 under clause 9.7.
- 3.18 The General Manager must not include in the agenda for a Meeting of 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 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.
- (S9(2A)(a))
- 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.

Additional Clause Adopted by Council

Statement of ethical obligations

- 3.20(a) Business papers for all ordinary and extraordinary meetings of the Council and Committees of the Council must contain a statement reminding Councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Availability of the agenda and business papers to the public

- 3.21 Copies of the agenda and the associated business papers, such as correspondence and reports for Meetings of Council and Committees of council, are to be published on 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 Council, at the relevant Meeting and at such other venues determined by Council. (S9.2 and 9.4)
- 3.22 Clause 3.21 does not apply to the business papers for items of business that the General Manager has identified under clause 3.19 as being likely to be considered when the Meeting is closed to the public.(S9(2A)(b))
- 3.23 For the purposes of clause 3.21, copies of agendas and business papers must be published on 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. (S9(3))
- 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. (S9(5))

Agenda and business papers for Extraordinary Meetings

- 3.25 Council must ensure that the agenda for an Extraordinary Meeting of 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 3.29on whether a matter is of great urgency.

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 FORUM

- 4.1 Council will 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 and non-agenda items, commencing at 5:30pm. 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.
- 4.4 Council will allocate time prior to the Meetings for the purpose of hearing addresses by members of the public in accordance with the following:

Additional Clauses Adopted by Council

- 4.4(a) All Councillors must make reasonable efforts to attend Public Forum Meetings either in person or by audio-visual link.
- 4.4(b) Where a councillor is unable to attend one or more Public Forum Meetings, the councillor should submit an apology, if practicable, identify (by date) the Meetings from which the councillor intends to be absent and the grounds which caused the absence.
- 4.5 Items on the Agenda
- (a) Generally, on any given item there will be a maximum of four speakers, usually two speakers for and two speakers against. The number of speakers on any one item may be limited or increased by Council.

- (b) The Mayor/Chairperson is to ensure that each person is given a maximum of three (3) minutes to speak on an item, unless the number of speakers for any one item is such that a reduction in the maximum time allowed is considered appropriate by Council.

4.6 Non-agenda Items

- (a) Persons who wish to speak on matters which are not included on the agenda will be permitted to do so after all items on the Business Paper, in respect of which there is a Public Forum speaker, have been finalised by Council.
- (b) The Mayor/Chairperson is to ensure that each person is given a maximum of three (3) minutes to speak on any subject, unless the number of speakers at any one Meeting is such that a reduction in the maximum time allowed is considered appropriate by Council.

4.7 General Procedures

- (a) To speak at Public Forum a person should register with Council prior to the day of the Public Forum meeting and must identify the item of business on the agenda which they wish to speak on and are encouraged to provide a copy of the address to Council.
- (b) Persons who wish to speak who have not registered prior to the Public Forum Meeting should contact the Meeting Attendant immediately upon arrival at the Public Forum Meeting to have their name and item number or subject matter recorded on a Speaker's registration form.
- (c) Generally, preference will be given to speakers who have pre-registered with Council.
- (d) Public Forum speakers are not entitled to ask questions of Council, Councillors or staff.
- (e) Information recorded on Speaker's registration forms may be included in Council's official minutes of the Public Forum Meeting.
- (f) Persons who have registered to speak on a particular agenda item must raise their hand when the item is called by the Mayor/Chairperson.
- (g) The person is to be asked by the Mayor/Chairperson to introduce themselves prior to commencing to speak, and if they are speaking on behalf of a community group, to be invited to provide details of:
 - the name of the group
 - what position they hold in the group
 - the number of members in the group
 - the authorisation by the group to make representation to Council on the matter
 Such details are to be recorded on a Speaker's registration form available from the Meeting Attendant.
- (h) Once all speakers for a topic have finished speaking, the Mayor/Chairperson may call for questions to the speakers from Councillors. Questions put to a speaker must be direct, succinct, and without argument. Speakers are under no obligation to answer the question/s. Any answers by the speaker are to be limited to one minute for each question put. Once these questions are addressed, the speakers are directed to resume their seats.
- (i) The Mayor/Chairperson is responsible for maintaining order. Speakers must obey any direction given by the Mayor/Chairperson. Speakers should confine their remarks to matters relevant to the issue at hand and must refrain from making personal comments or criticisms.
- (j) Public Forum speakers will be permitted to circulate photographs or printed material at Public Forum Meetings of Council and Committees. This shall be done via the Meeting Attendant only.

- (k) If a member of the public wishes to have electronic material displayed on the screens during the Public Forum Meeting they must submit this material to Council by 4pm on the day before the Meeting.

5. COMING TOGETHER

Attendance by Councillors at Meetings

- 5.1 All Councillors must make reasonable efforts to attend Meetings of Council and of Committees of Council of which they are members.

Note: A councillor may not attend a Meeting as a councillor (other than the first Meeting of 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 Council may determine standards of dress for councillors when attending meetings.
- 5.3 A councillor cannot participate in a Meeting of Council or of a Committee of Council unless personally present at the Meeting, unless permitted to attend the meeting by audio-visual link under this Code.
- 5.4 Not Applicable.
- 5.5 Where a councillor is unable to attend one or more ordinary Meetings of 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 Council grant them a leave of absence from the relevant Meetings.

Additional clause adopted by Council

- 5.5 (a) The application should be made in writing (via email is acceptable) to the General Manager.
- 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 Council without prior leave of Council, or leave granted by Council at any of the Meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because Council has been suspended under the Act, or as a consequence of a compliance order under section 438HA. (S234(1)(d))

Additional clause adopted by Council

- 5.8(a) A councillor who intends to attend a Meeting of Council despite having been granted a leave of absence should, if practicable, give the General Manager at least two (2) days' notice of their intention to attend.

The quorum for a Meeting

- 5.9 The quorum for a Meeting of Council is a majority of Councillors of Council who hold office at that time and are not suspended from office. (S368(1))
- 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 Council. (S368(2))
- 5.11 A Meeting of 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 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 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 Council's website and in such other manner that 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 Council or at an Extraordinary Meeting called under clause 3.3.

Meetings held by audio-visual link

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

manager and, as far as is practicable, with each councillor.

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

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

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

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

Attendance by councillors at meetings by audio-visual link

5.19 Councillors may attend and participate in meetings of the Council and Committees of the Council by audio-visual link with the approval of the Council or the relevant Committee 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 Council and Committees of Council. The council must ensure that all Meetings of Council and Committees of Council are open to the public. (S10(1))
- 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 Council or a Committee of Council if expelled from the Meeting:
- (a) by a resolution of the Meeting, (S10(2)(a)) or
 - (b) by the person presiding at the Meeting if Council has, by resolution, authorised the person presiding to exercise the power of expulsion (S10(2)(b)).

- 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 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:
- (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.
- 5.38 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.

Additional Clause Adopted by Council

- 5.38(a) In line with Clauses 5.36-38, all Council Meetings will be video streamed live via Council's website and also audio recorded for the purposes of: providing a record of public comment at the Meeting, supporting the democratic process, broadening knowledge and participation in community affairs, and demonstrating Council's commitment to openness and accountability. The audio and video recordings of the non-confidential parts of the Meeting will be made available on Council's website once the Minutes have been finalised.
- 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 and 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. (S236 of the Regulation)
- 5.41 Recordings of meetings may be disposed of in accordance with the State Records Act 1998.

Attendance of the General Manager and other staff at Meetings

- 5.42 The General Manager is entitled to attend, but not to vote at, a Meeting of Council or a Meeting of a Committee of Council of which all of the members are Councillors. (S376(1))
- 5.43 The General Manager is entitled to attend a Meeting of any other Committee of Council and may, if a member of the Council Committee, exercise a vote. (S376(2))

- 5.44 The General Manager may be excluded from a Meeting of Council or a Council Committee while Council or Council Committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager. (S376(3))
- 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.

Additional Clause Adopted by Council

- 5.45(a) The General Manager and other Council staff may attend meetings of the Council and Committees of the Council by audio-visual link. Attendance by Council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager 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 Council. (S369(1))
- 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 Council. (S369(2))

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

- 6.3 If no Chairperson is present at a Meeting of 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 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 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' or 'Madam 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 its September General Meeting (or as soon as possible thereafter), the Council will determine its general order of business for the ensuing 12 months.
- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular Meeting of Council if a motion to that effect is passed at that Meeting. Such a motion can be moved without notice.

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

- 8.3 Despite any other provisions 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

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Date printed:

- 9.1 The council must not consider business at a Meeting of 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 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 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 Council at which all councillors are present even though due notice has not been given of the business to the Councillors if 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.

Additional Clause Adopted by Council

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

9.8 A mayoral minute, when put to a Meeting, takes precedence over all business on 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 Council, a resolution of Council.

Staff reports

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

Reports of Committees of council

9.11 The recommendations of a Committee of Council are, so far as they are adopted by Council, resolutions of Council.

9.12 If in a report of a Committee of Council distinct recommendations are made, Council may make separate decisions on each recommendation.

Questions

9.13 A question must not be asked at a Meeting of 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.

Additional Clause adopted by Council

9.13(a) Clause 9.13 does not apply to questions asked of Public Forum speakers in line with Clause 4.7(h).

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

9.15 A councillor may, through the 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 Council.

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

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

Additional Clause Adopted by Council

Petitions

- 9.19. A Councillor may without notice present a petition to the Council during that part of the Meeting designated for the presentation of petitions.

10. RULES OF DEBATEMotions 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 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 Council.

Chairperson's duties with respect to motions

- 10.5 It is the duty of the Chairperson at a Meeting of 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.

Additional Clause Adopted by Council

Motions requiring the expenditure of funds

- 10.7(a) A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in Council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the

motion does not identify a funding source, Council must defer consideration of the matter, pending a report from the General Manager on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 10.8 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 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 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 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 Not Applicable.

11. VOTING

Voting entitlements of Councillors

- 11.1 Each councillor is entitled to one (1) vote. (S370(1))
- 11.2 The person presiding at a Meeting of Council has, in the event of an equality of votes, a second or casting vote. (S370(2))
- 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 Not Applicable.

Voting at council Meetings

- 11.5 A councillor who is present at a Meeting of Council but who fails to vote on a motion put to the Meeting is taken to have voted against the motion.
- 11.6 Not Applicable.
- 11.7 Not Applicable.
- 11.8 Not Applicable.
- 11.9 Not Applicable.
- 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, 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.

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 Not Applicable.
- 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. (S375A)

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 Council Committee to consider any matter before Council. (S373))

- 12.2 All the provisions of this code relating to Meetings of Council, so far as they are applicable, extend to and govern the proceedings of 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 Council designated by the General Manager, is responsible for reporting to 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 Council's minutes. However, 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 Council or Council 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 Council 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 Not Applicable.
- 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 PUBLICGrounds on which Meetings can be closed to the public

14.1 The council or a Committee of 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 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 Council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of 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 Council's code of conduct.

(S10A(1),(2))

14.2 Council or a Committee of 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. (S10A(3))

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 Council or Council Committee concerned is satisfied that discussion of the matter in an open Meeting would, on balance, be contrary to the public interest.

(S10B(1))

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 Council or Council Committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice, and

(d) are subject to legal professional privilege.

(S10B(2))

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. (S10B(3))

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 Council or Council Committee concerned, or to Councillors or to employees of Council, or
 - (ii) cause a loss of confidence in Council or Council Committee.

(S10B(4))

14.7 In deciding whether part of a Meeting is to be closed to the public, Council or Council Committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government. (S10B(5))

Notice of likelihood of closure not required in urgent cases

14.8 Part of a Meeting of Council, or of a Committee of Council, may be closed to the public while Council or Council 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) Council or Council 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.

(S10C)

Representations by members of the public

14.9 The council, or a Committee of 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. (S10A(4))

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 Council in the approved form. Applications must be received by 6.30pm before the Meeting at which the matter is to be considered.

Additional Clauses adopted by Council

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

14.12(b) No more than two speakers are to be permitted to make representations under clause 14.9.

14.12(c) If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to Council.

14.12(d) The General Manager (or their delegate) is to determine the order of speakers.

14.12(e) Where Council or a Committee of Council proposes to close a Meeting or part of a Meeting to the public in circumstances where the matter has not been identified in the agenda for the Meeting under clause 3.21 as a matter that is likely to be considered when the Meeting is closed to the public, the Chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the Meeting is moved and seconded. The Chairperson is to permit no more than two speakers to make representations in such order as determined by the Chairperson.

14.12(f) Each speaker will be allowed three 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

14.13 If a Meeting or part of a Meeting of Council or a Committee of 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 Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the Meeting.

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.

(S10D)

Resolutions passed at closed Meetings to be made public

- 14.17 If 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 MEETINGSPoints 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 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 Council or a Committee of 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 Council or the Council Committee, or addresses or attempts to address Council or the Council 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.

(S182 of the Regulation)

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) or (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).

(S233 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 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 Not Applicable.

15.16 All Chairpersons of Meetings of Council and Committees of 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 Council or the Council Committee of Council.

- 15.17 Clause 15.16, does not limit the ability of Council or a Committee of Council to resolve to expel a person, including a councillor, from a council or Council 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 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 Councillor for the act of disorder concerned. (S233(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 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 Council is being held immediately after they have been expelled a police officer, or any person authorised for the purpose by Council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the Meeting.

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 Council and Committees of 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 Council or a Committee of Council without the prior authorisation of Council or the Council 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 be expelled from the Meeting as provided for under section 10(2) of the Act.
- 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 Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the Meeting.

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 any conflicts of interest they may have in matters being considered at Meetings of Council and Committees of Council in accordance with 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 may 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 COUNCILCouncil decisions

- 17.1 A decision supported by a majority of the votes at a Meeting of Council at which a quorum is present is a decision of Council. (S371)
- 17.2 Decisions made by 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 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. (372(1))

Additional Clause Adopted by Council

- 17.3(a) If it is proposed to move a further motion in the event that a rescission motion is carried, the motion proposed to be moved should be foreshadowed at the same time as the Notice of Rescission Motion is lodged.
- 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. (372(2))
- 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. (S372(3))
- 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. (372(4))
- 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. (372(5))
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment. (372(7))
- 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 Not Applicable.
- 17.11 A motion to alter or rescind a resolution of Council may be moved on the report of a Committee of Council and any such report must be recorded in the minutes of the Meeting of Council. (372(6))
- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
 - (b) 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 Council and Committees of Council are to conclude no later than 11pm.

18.2 If the business of the Meeting is unfinished at 11pm, and 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 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 Council or a Committee of 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:

- (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 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 Council. (S375(1))
- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in 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 Council. (S375(2))
- 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.

Additional Clauses Adopted by Council

- 19.4(a) Wherever possible, a Councillor who believes or suspects that any part of a set of minutes to be confirmed at a Meeting of the Council is not full or accurate, must notify the Governance and Customer Service Branch prior to the Meeting at which the minutes are to be confirmed to enable the fullness and accuracy of the minutes to be clarified.
- 19.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent Meeting. (S375(2))
- 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 Council's website. This clause does not prevent 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 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. (S11(1))

- 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. (S11(2))
- 19.10 Clause 19.8 does not apply if Council or the Council 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. (S11(3))
- 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 Council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of Council. (S335(b))

Additional Clause Adopted by Council

- 19.12(a) Any resolution of Council that has not been substantially implemented within two (2) months is to be detailed in a quarterly report to Council (in February, May, August and November) which outlines the reasons for not being finalised and/or any impediments to the implementation of the resolution.

20. COUNCIL COMMITTEES

Application of this Part

- 20.1 This Part only applies to Committees of 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 Council is to consist of the mayor and such other Councillors as are elected by the Councillors or appointed by Council.
- 20.4 The quorum for a Meeting of a Committee of Council is to be:
- (a) such number of members as Council decides, or
 - (b) if 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 Council Committees when the Committee is established but may from time to time amend those functions.

Notice of Committee Meetings

- 20.6 The General Manager must send to each councillor, regardless of whether they are a Committee member, at least three (3) days before each Meeting of the Committee, a notice specifying:

- (a) the time, date and place of the Meeting, and
- (b) the business proposed to be considered at the Meeting.

20.7 Notice of less than three (3) days may be given of a Council 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 Council is entitled to attend, and to speak at a Meeting of the Committee. However, 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 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 Council, or
- (c) if 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 Council as deputy Chairperson of the Committee. If 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 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 Council. If the Chairperson is unable or unwilling to preside, the deputy Chairperson (if any) is to preside at the Meeting, but if neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the Meeting.

Procedure in Committee Meetings

20.13 Subject to any specific requirements of this code, each Committee of Council may regulate its own procedure. The provisions of this code are to be taken to apply to all Committees of 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 Council or the Committee determines otherwise in accordance with clause 20.13.

20.15 Not Applicable.

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 Council to the public in the same way they apply to the closure of Meetings of Council to the public.

20.19 If a Committee of 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 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 Council in the same way as they apply to Meetings of Council.

Minutes of council Committee Meetings

20.24 Each Committee of 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.
- 20.25 All voting at Meetings of Committees of 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 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 that 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 Council must be published on Council's website. This clause does not prevent Council from also publishing unconfirmed minutes of Meetings of Committees of 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 Council's code of conduct, or
 - (e) a failure to comply with this code.

(S374)

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 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 Council's adopted code of Meeting practice
Committee of Council	means a Committee established by Council in accordance with clause 20.2 of this code (being a Committee consisting only of Councillors) or 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 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 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

ATTACHMENT/S

REPORT NO. CS67/25

ITEM 3

- 1. HSC INVESTMENT SUMMARY REPORT OCTOBER
2025**
- 2. HSC BORROWING SUMMARY REPORT OCTOBER
2025**



Investment Summary Report
October 2025

ATTACHMENT 1 - ITEM 3

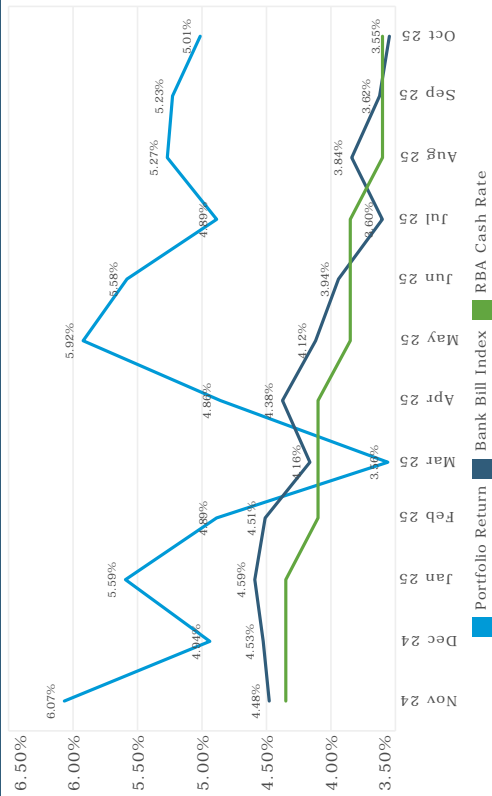
Hornsby Shire Council Executive Summary - October 2025



Investment Holdings

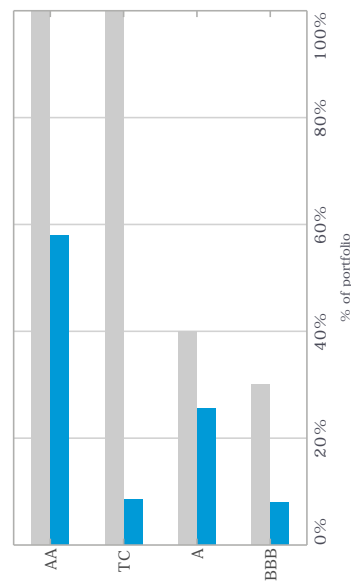
	Face Value (\$)	Current Value (\$)	Current Yield (%)	FYTD Yield (%)
Cash	67,320,965	67,320,965	3.7864	3.8401
Floating Rate Note	36,950,000	37,274,209	4.1693	4.2261
Managed Funds	26,660,866	26,660,866	12.3488	12.0394
Term Deposit	183,309,000	186,001,005	4.6336	4.7798
	314,240,831	317,257,045	5.0138	5.0982

Investment Performance

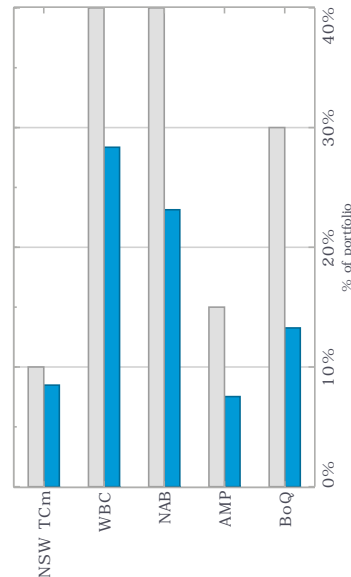


Investment Policy Compliance

Total Credit Exposure



Individual Institutional Exposures



Term to Maturities

	Face Value (\$)	Policy Max *
Between 0 and 0.25 years	85,979,965	27%
Between 0.25 and 1 years	74,100,000	24%
Between 1 and 2 years	43,500,000	14%
Between 2 and 5 years	84,000,000	27%
Between 5 and 10 years	26,660,866	8%
	314,240,831	

* Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook

g Portfolio Exposure Investment Policy Limit



ATTACHMENT 1 - ITEM 3

Hornsby Shire Council

Investment Holdings Report - October 2025



Cash Accounts

Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Current Value (\$)
25,709.82	4.2000%	Westpac Group	AA-	25,709.82
480,910.66	3.4000%	Bendigo and Adelaide Bank	A-	480,910.66
1,688,050.48	3.9000%	Macquarie Bank	A+	1,688,050.48
18,651,419.57	4.2500%	AMP Bank	BBB+	18,651,419.57
20,797,810.75	3.6000%	Westpac Group	AA-	20,797,810.75
25,677,063.30	3.6000%	Bank of Queensland	A-	25,677,063.30
67,320,964.58	3.7864%			67,320,964.58

Managed Funds

Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Funds Name	Current Value (\$)
26,660,866.15	12.3488%	NSW T-Corp (MT)	TCm	Medium Term Growth Fund	26,660,866.15
26,660,866.15	12.3488%				26,660,866.15

Term Deposits

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Book Value (\$)	Current Value (\$)
28-Sep-25	28-Dec-25	91	61,000.00	2.6500%	Westpac Group	AA-	61,000.00	61,146.15
28-Sep-25	28-Dec-25	91	198,000.00	2.6500%	Westpac Group	AA-	198,000.00	198,474.39
6-Jan-26	6-Jan-26	365	5,000,000.00	4.9500%	AMP Bank	BBB+	5,000,000.00	5,202,746.58
10-Sep-25	10-Jun-26	273	8,000,000.00	4.2000%	National Australia Bank	AA-	8,000,000.00	8,047,868.49
7-Aug-25	7-Aug-26	365	5,000,000.00	4.1600%	National Australia Bank	AA-	5,000,000.00	5,049,008.22
19-Aug-25	20-Aug-26	366	10,000,000.00	4.1000%	National Australia Bank	AA-	10,000,000.00	10,083,123.29
22-Aug-25	22-Aug-26	365	50,000.00	3.5500%	Westpac Group	AA-	50,000.00	50,345.27
28-Aug-25	28-Aug-26	365	5,000,000.00	4.0700%	National Australia Bank	AA-	5,000,000.00	5,036,239.73
5-Mar-26	9-Sep-26	553	5,000,000.00	4.6600%	ING Bank (Australia)	A	5,000,000.00	5,153,843.84
11-Sep-25	11-Sep-26	365	30,000,000.00	4.2100%	National Australia Bank	AA-	30,000,000.00	30,176,473.97
4-Feb-25	3-Feb-27	729	5,000,000.00	4.6300%	ING Bank (Australia)	A	5,000,000.00	5,171,246.58
16-Aug-23	16-Aug-27	1461	8,000,000.00	5.1500%	ANZ Banking Group	AA-	8,000,000.00	8,084,657.53



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Hornsby Shire Council Investment Holdings Report - October 2025



Purchase Date	Maturity Date	Term Days	Face Value (\$)	Current Rate (%)	Institution	Credit Rating	Book Value (\$)	Current Value (\$)
23-Aug-23	23-Aug-27	1461	5,000,000.00	5.2200%	ING Bank (Australia)	A	5,000,000.00	5,048,624.66
30-Aug-23	30-Aug-27	1461	8,000,000.00	5.2800%	Westpac Group	AA-	8,000,000.00	8,074,064.66
3-Sep-25	3-Sep-27	730	10,000,000.00	3.9000%	National Australia Bank	AA-	10,000,000.00	10,063,041.10
6-Feb-23	7-Feb-28	1827	10,000,000.00	4.1300%	Westpac Group	AA-	10,000,000.00	10,303,243.84
6-Feb-23	7-Feb-28	1827	5,000,000.00	4.1200%	Westpac Group	AA-	5,000,000.00	5,151,254.79
6-Feb-23	7-Feb-28	1827	10,000,000.00	4.0900%	Westpac Group	AA-	10,000,000.00	10,300,306.85
28-Jul-23	28-Jul-28	1827	8,000,000.00	5.3200%	Bank of Queensland	A-	8,000,000.00	8,111,938.63
9-Aug-23	9-Aug-28	1827	8,000,000.00	5.2200%	Bank of Queensland	A-	8,000,000.00	8,093,816.99
4-Sep-23	4-Sep-28	1827	15,000,000.00	5.2800%	Westpac Group	AA-	15,000,000.00	15,125,852.05
4-Sep-23	4-Sep-28	1827	15,000,000.00	5.2800%	Westpac Group	AA-	15,000,000.00	15,125,852.05
19-Feb-25	18-Feb-30	1825	8,000,000.00	5.1500%	Rabobank Australia	A	8,000,000.00	8,287,835.62
			183,309,000.00	4.6336%			183,309,000.00	186,001,005.28

Floating Rate Notes

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Current Rate (%)	Security Name	Credit Rating	Book Value (\$)	Current Value (\$)
2-Dec-20	2-Dec-25	1826	3,400,000.00	4.0935%	BEN Smr FRN (Dec25) BBSW+0.52%	A-	3,408,448.00	3,423,177.60
9-Dec-20	9-Dec-25	1826	10,000,000.00	4.0616%	MAC Smr FRN (Dec25) BBSW+0.48%	A+	10,002,548.70	10,060,525.36
24-Feb-21	24-Feb-26	1826	2,100,000.00	4.0047%	SUN Smr FRN (Feb26) BBSW+0.45%	AA-	2,108,457.00	2,116,297.70
24-Aug-21	24-Aug-26	1826	4,700,000.00	3.9647%	NAB Smr FRN (Aug26) BBSW+0.41%	AA-	4,688,031.00	4,736,642.56
15-Sep-21	15-Sep-26	1826	4,250,000.00	4.0602%	SUN Smr FRN (Sep26) BBSW+0.48%	AA-	4,249,405.00	4,274,004.86
23-Sep-21	23-Dec-26	1917	6,000,000.00	3.9680%	CBA Green Smr FRN (Dec26) BBSW+0.41%	AA-	5,964,948.60	6,024,645.86
10-Feb-22	10-Feb-27	1826	1,500,000.00	4.6577%	NPBS Smr FRN (Feb27) BBSW+1.00%	BBB+	1,516,875.00	1,521,035.81
11-Nov-22	11-Nov-27	1826	5,000,000.00	4.8877%	WBC Smr FRN (Nov27) BBSW+1.23%	AA-	5,057,605.00	5,117,878.78
			36,950,000.00	4.1693%			36,996,318.30	37,274,208.53

Total Investments



ATTACHMENT 1 - ITEM 3

Hornsby Shire Council
Investment Holdings Report - October 2025



Face Value (\$)	Current Value (\$)
314,240,830.73	317,257,044.54

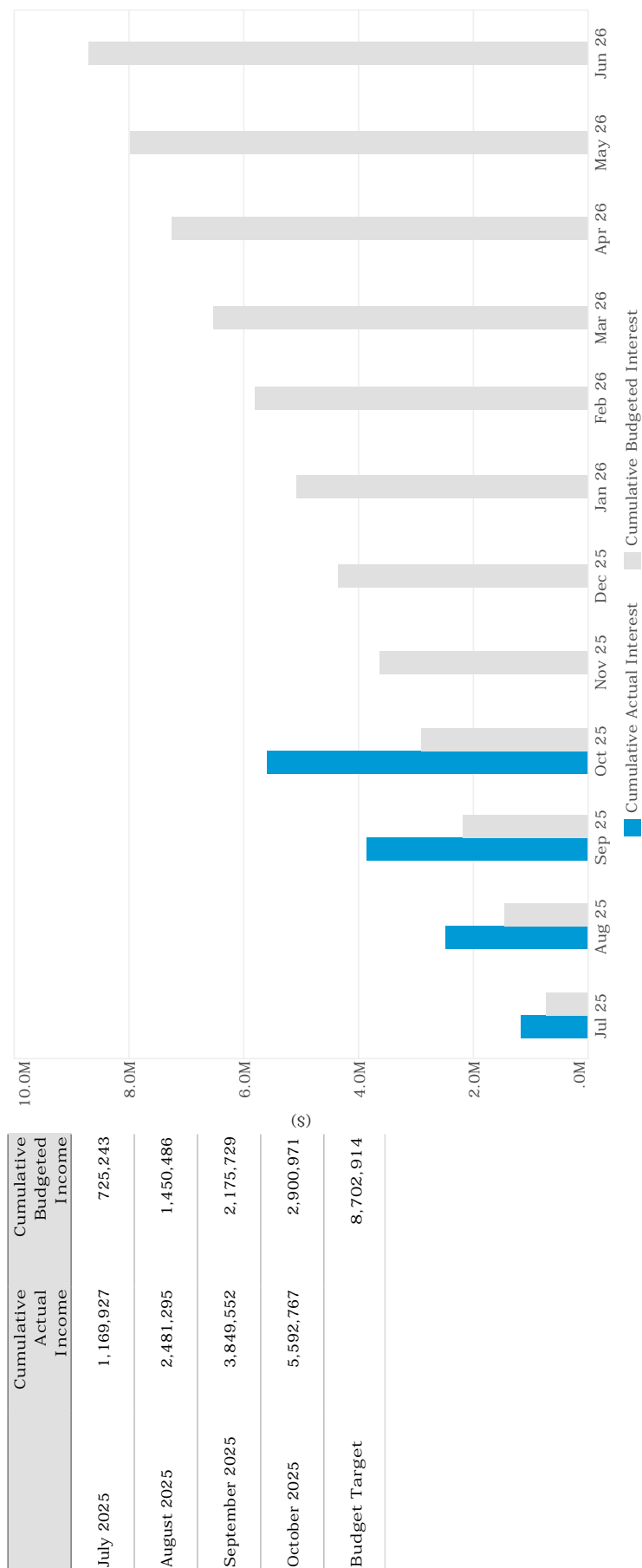


ATTACHMENT 1 - ITEM 3



Hornsby Shire Council Investment Budget Report - October 2025

Budgeted vs Actual Returns



ATTACHMENT 1 - ITEM 3

Hornsby Shire Council Environmental Commitments Report - October 2025



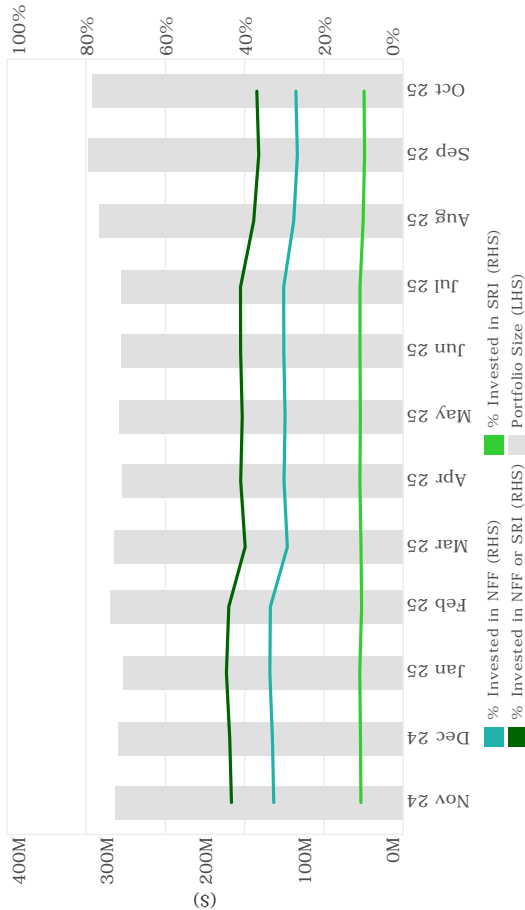
Current Breakdown

ADI Lending Status *	Current Month (\$)	Previous Month (\$)
Fossil Fuel Lending ADIs		
ANZ Group	8,000,000	8,000,000
ING Bank Australia	15,000,000	15,000,000
Macquarie Bank	11,688,050	11,682,478
National Australia Bank	72,700,000	72,700,000
Westpac Group	64,132,521	68,360,117
	171,520,571	175,742,595
	55%	55%
Non Fossil Fuel Lending ADIs		
AMP Bank	23,651,420	23,584,338
Bank of Queensland	41,677,063	41,598,794
Bendigo and Adelaide Bank	3,880,911	3,879,526
Newcastle Greater Mutual Group	1,500,000	1,500,000
Rabobank Australia	8,000,000	8,000,000
Suncorp Bank	6,350,000	6,350,000
	85,059,394	84,912,658
	27%	27%
Other		
NSW T-Corp (MT)	26,660,866	26,398,508
	26,660,866	26,398,508
	8%	8%
Socially Responsible Investment		
CBA (Green)	6,000,000	6,000,000
Westpac Group (Green TD)	25,000,000	25,000,000
	31,000,000	31,000,000
	10%	10%
	314,240,831	318,053,761

* source: Marketforces

Percentages may not add up to 100% due to rounding

Historical Portfolio Exposure to NFF Lending ADIs and SRI s



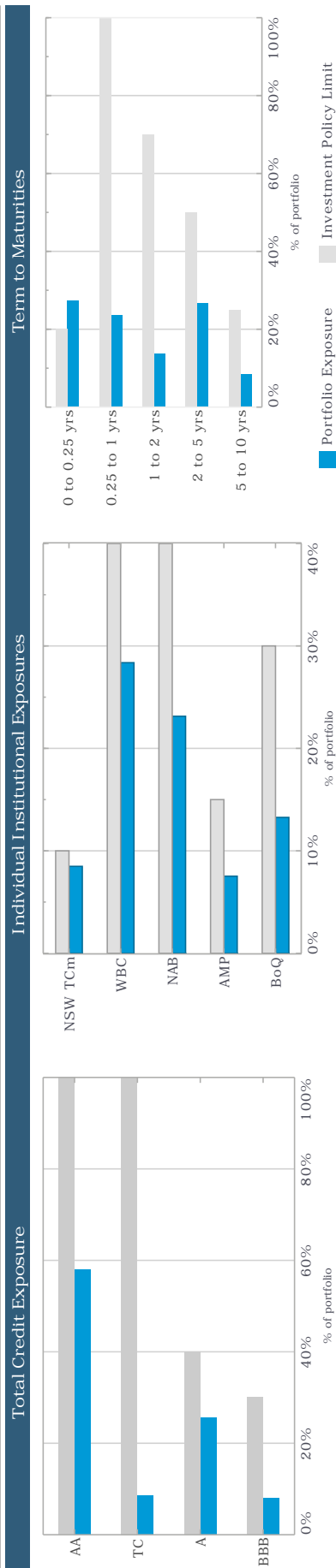
Green Products Summary

	Current Month (\$)	Previous Month (\$)
AMP Bank	23,651,420	23,584,338
Bank of Queensland	41,677,063	41,598,794
Bendigo and Adelaide Bank	3,880,911	3,879,526
CBA (Green)	6,000,000	6,000,000
Newcastle Greater Mutual Group	1,500,000	1,500,000
Rabobank Australia	8,000,000	8,000,000
Suncorp Bank	6,350,000	6,350,000
Westpac Group (Green TD)	25,000,000	25,000,000
	116,059,394	115,912,658
	37%	36%
	314,240,831	318,053,761



ATTACHMENT 1 - ITEM 3

Hornsby Shire Council Investment Policy Compliance Report - October 2025



Credit Rating Group	Face Value (\$)	Policy Max
AA	182,182,521	58%
TC	26,660,866	8%
A	80,246,024	26%
BBB	25,151,420	8%
	314,240,831	

Specific Sub Limits	Face Value (\$)	Policy Max
BBB+	25,151,420	8%
		30%

Institution	% of portfolio	Investment Policy Limit
NSW T-Corp (TCm)	8%	10%
Westpac Group (AA-)	28%	40%
National Australia Bank (AA-)	23%	40%
AMP Bank (BBB+)	8%	15%
Bank of Queensland (A-)	13%	30%
ING Bank Australia (A)	5%	30%
Macquarie Bank (A+)	4%	30%
Rabobank Australia (A)	3%	30%
ANZ Group (AA-)	3%	40%
Suncorp Bank (AA-)	2%	40%
Commonwealth Bank of Australia (AA-)	2%	40%
Bendigo and Adelaide Bank (A-)	1%	30%

	Face Value (\$)	Policy Max*
Between 0 and 0.25 years	85,979,965	27%
Between 0.25 and 1 years	74,100,000	24%
Between 1 and 2 years	43,500,000	14%
Between 2 and 5 years	84,000,000	27%
Between 5 and 10 years	26,660,866	8%
	314,240,831	

* Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook

a = compliant
r = non-compliant



ATTACHMENT 1 - ITEM 3



HORNSBY SHIRE COUNCIL SCHEDULE OF BORROWINGS AS AT 31 OCTOBER 2025

1. LOANS			\$'000	\$'000	\$'000	2025/26 YTD Repayments Principal	\$'000	%
Lender	Date Drawn	Maturity Date	Amount Borrowed	01/07/2025 Opening Balance			Closing Balance	Fixed Interest Rate %
None								

2. OPERATING LEASES			\$'000	\$'000	\$'000	2025/26 Repayments YTD	\$'000	
Lessor	Date Executed	Expiry date	Total Lease Payments	01/07/2025 Opening Balance	New Leases			Closing Balance
Vestone Capital Pty Ltd (118)	15-Aug-22	15-May-26	34	8		2		6
Vestone Capital Pty Ltd (119)	15-Nov-22	15-Aug-27	64	28		3		25
Vestone Capital Pty Ltd (120)	15-Aug-23	15-Aug-28	31	19		2		17
Vestone Capital Pty Ltd (121)	15-Nov-23	15-Nov-28	453	292		22		270
Vestone Capital Pty Ltd (122)	15-Nov-23	15-Nov-27	134	75		8		67
Vestone Capital Pty Ltd (123)	15-May-24	15-Feb-27	37	21		3		18
Vestone Capital Pty Ltd (124)	15-Aug-24	15-Aug-27	77	53		6		47
Vestone Capital Pty Ltd (125)	15-Feb-25	15-Nov-28	69	60		4		56
Vestone Capital Pty Ltd (126)	15-May-25	15-Feb-29	42	42		3		39
Vestone Capital Pty Ltd (127)	15-May-25	15-Feb-29	69	69		4		65
Vestone Capital Pty Ltd (128)	15-Aug-25	15-May-30	105		105	5		100
TOTAL			1,115	667	105	62		710

ATTACHMENT 2 - ITEM 3

ATTACHMENT/S

REPORT NO. PC19/25

ITEM 4

1. CHERRYBROOK REZONING SUBMISSION



OFFICE OF THE GENERAL MANAGER

10 December 2025

Brendan Metcalfe
 Director – State Rezoning
 Department of Planning, Housing and Infrastructure
 Locked Bag 5022
 Parramatta NSW 2124

Via email: cherrybrook@planning.nsw.gov.au
brendan.metcalfe@planning.nsw.gov.au

Dear Brendan

Submission - Cherrybrook Precinct State-led rezoning proposal

Thank you for the opportunity to provide feedback on the exhibited Cherrybrook Precinct state-led rezoning proposal.

At its meeting on 10 December 2025, Council considered Director's Report No. PC19/25 and resolved to forward this submission on the state-led rezoning proposal.

The concept of development in proximity to the Cherrybrook Metro Station is supported in principle as a means to deliver a sustainable and accessible centre. However, a number of issues need to be resolved prior to finalisation.

As you are aware, Hornsby Shire Council officers have been involved in working groups over the past several years in relation to planning for Cherrybrook and made officer level submissions raising a number of concerns as part of the pre-exhibition stakeholder process. Each submission has raised concerns regarding implications for Cherrybrook residents and issues with respect to liveability, transport infrastructure, delivery of community facilities, built form, connectivity to the surrounding Cherrybrook area and open space provision for the projected Cherrybrook population.

Based on a review of the currently exhibited state-led rezoning proposal documentation, substantial changes have been made to the finalised Place Strategy in response to the NSW Government's priority to deliver housing. Council maintains a number of concerns raised in previous submissions and has identified additional issues which need to be addressed as summarised below.

Strategic justification for the increased dwelling yields

- **Recommendation:** Reduce the yield of the Precinct to be compatible with the capacity and servicing constraints of the area and the original vision for Cherrybrook in proportion to other town centres.

Since the 2022 Place Strategy was finalised, the dwelling capacity for the Precinct has increased from 3,200 dwellings to over 9,350 (with 4,256 of these to be located with the Hornsby Shire). Overall, this represents an increase of 292%. No strategic justification or evidence has been provided to support the increase other than the need for more housing to address the housing crisis.

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Furthermore, the Hornsby Town Centre (TOD) was recently rezoned for an additional 6,000 dwellings and commercial development to enable an additional 2,900 jobs. Cherrybrook is anticipated to enable capacity of over 9,350 new dwellings and only provide 210 jobs. The housing opportunity for Cherrybrook exceeds Hornsby Town Centre by nearly double, without the associated employment opportunities that Hornsby Town Centre will provide.

Exclusion of Neighbourhood 6 from the overall dwelling capacity

- **Recommendation:** Do not rezone Neighbourhood 6 as part of the Precinct, or if it is rezoned, include the dwelling capacity in the total dwelling capacity and update the provision of supporting infrastructure to reflect the updated dwelling capacity for the precinct.

Review of the exhibition documentation has highlighted that the area known as Neighbourhood 6 (within Hornsby Shire) has not been master planned and is not included in the total dwelling capacity figures for the Precinct. It is estimated that this Neighbourhood could yield around an extra 2,000 new dwellings. Therefore, should the dwelling capacity of the Cherrybrook precinct be fully realised the total dwelling capacity is closer to 11,341 new dwellings. This has significant implications for the adequacy of necessary supporting infrastructure upgrades including but not limited to open space provision, traffic and transport infrastructure, provision of schools and other community facilities.

Affordable Housing

- **Recommendation:** The 10% affordable housing proposed for the government land be provided in perpetuity.

While the increased affordable housing provision on government land is supported, the limitation of this provision to 15 years is not adequate. Given the large increase in yield this rezoning provides on government owned land, the State government should be leading by example in the provision of affordable housing and providing increased amounts of affordable housing stock in perpetuity.

Community and library facilities provisions and funding

- **Recommendation:**
 - Re-calculate of the size of the community and library facilities based on the full yield of the precinct (inclusive of Neighbourhood 6)
 - Provide further consideration and advice on how development contributions funds collected by The Hills Shire Council will be provided to Hornsby Shire for the fit-out and embellishment of the facilities.
 - Identify the establishment of library resources (such as books, digital records, cultural and educational resources) as a required inclusion in the draft Infrastructure Schedule.
 - Request that the ongoing running costs for the library and community facilities are shared by between the Hills and Hornsby Shire Council.

The inclusion of a multi-purpose community facility and library within the Precinct is supported. However, the adequacy of the size of these facilities to meet the needs of the new population is uncertain.

The exhibition material proposes the inclusion of a combined multi-purpose community and library facility of 3,000m². However, based on the benchmarks used to calculate the size of these facilities for the 2022 rezoning package, and the updated provision of 9,350 new dwellings within the Precinct, the size of these facilities should be closer to 3,200m². Further to this, the omission of 2,000 dwellings from Neighbourhood 6 in the overall dwelling capacity means that the size should be reinvestigated to ensure its adequacy to meet future needs.

Notwithstanding the above, the proposed mechanism to deliver these facilities is through incentive provisions for the delivery of the "cold shell" to Council with development contributions collected to fund the fit out and embellishment.

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The costs associated with the fit out of this facility are contained within the draft Infrastructure Schedule for both the Hills Shire Council and Hornsby Council. Council needs to be provided with some assurances that the funds raised by The Hills Shire will not be diverted to a separate nearby facility and will be provided directly to Hornsby Shire to enable the timely realisation of the fit-out and embellishment costs.

Additionally, the facility will have significant ongoing running costs which cannot be funded from development contributions and for which Hills Shire residents will benefit from. For example, the provision of updated books, digital records, cultural and educational resources. The cost sharing aspect of this needs to be further considered.

Adequacy of commercial floor space and jobs

- **Recommendation:** The provision of commercial floor space be reinterrogated to ensure an adequate quantum is planned to support the Precinct, including consideration of Neighbourhood 6.

It is unclear from the exhibited documentation how much commercial floor space is proposed as different figures are quoted ranging from 5,400m² up to 8,250m². Notwithstanding this, when compared to the 6,000 new homes, 101,500m² of commercial/retail floor space and 2,900 new jobs provided via the Hornsby Town Centre TOD rezoning proposal, the proposal for Cherrybrook appears to have a significant shortfall in the provision commercial floor space (approximately 8,250m²) and 210 new jobs to service the 9,350 new dwellings. It is essential that the Precinct accommodate appropriate levels of access to retail, business and service facilities, ideally so residents do not have to travel to other centres to have day to day shopping or services needs met.

Public plaza and associated public domain works

Recommendation:

- Provide Council with clarification of the method of delivery of the public plaza and who is responsible for its ongoing management it into the future.
- Ensure careful planning and design of the public plaza and public domain considerate of the existing natural topography and user needs which should be factored in including urban play equipment and public toilets.

There is very little detail is included as part of the exhibition rezoning material to understand how this area will be designed and function. Due to the natural topography of the site, significant design treatments such as external lifts and ramps will be required to enable adequate functionality and usability of this public area. There also needs to be careful planning and design to ensure that the active frontages along the adjacent buildings are achieved and contribute to positive public domain/streetscape outcomes. It is also unclear from the exhibition material who is responsible for developing this public plaza, how it will be delivered and if this will be an asset managed by Council or the landowner.

Quality and adequacy of open space

- **Recommendation:**
 - Provide Council with clarification as to the future ownership and management of the OSD basin in Park 01.
 - Investigate the potential impacts of any new development on the health and integrity of the Blue-Gum High Forest with further consideration of the need for possible offsets to mitigate the impacts of any low impact walking trails included through this area.
 - Relocate Park 03 to the corner of and Edward Bennett Drive and to Curtis Close to provide three street frontages for enhanced safety, passive surveillance, visibility and permeability.

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- That land under the transmission easement, adjacent to the commuter car park be considered as an area to provide an off leash dog park.

The provision of quality open space to support the Precinct will be an important factor in the liveability of the area and should be provided in accordance with DPH's Greener Spaces Guide. The quantum of open space being provided within the precinct is minimal compared to the proposed number of residents. It is essential that the open space provided be of a high quality and usability for future residents. The provision of playgrounds, space for off leash dogs, fitness equipment and picnic facilities (tables, seats and shelters) are critical.

There are a number of issues for each of the proposed open spaces proposed within the Hornsby Shire LGA as follows:

Park 01: This park is largely constrained by the existing onsite detention (OSD) basin which was originally built to service the Sydney Metro land. It is difficult to see how this water body can be converted into a feature for recreation or any other function suitable for a local park. It also limits the design of the land and restricts the creation of useable local open space capable of meeting the needs of future residents.

The basin is currently an asset of Transport for NSW. It is not clear whether there is an intention to shift the ownership away from the State. The OSD basin currently only serves the Metro Station and should not become an asset for Council to maintain as part of the any redevelopment. Either undergrounding or beautification of the OSD basin should be considered as part of incentive provisions for new development with 100% of this cost attributed to the developer.

Park 02: This park contains a significant amount of Blue Gum High Forest. This area will offer little value in terms of useable public recreation space and concern is raised with this area being included as part of the Precinct's overall open space provision. Council's previous submissions have suggested that the provision of low impact walking trails on raised boardwalks could be included to allow for public access. However, the potential impact of any new built infrastructure on this Critically Endangered Ecological Community would need to be further considered and possible offsets provided.

Park 03: As proposed in the draft Master Plan, this park is irregular in shape with a small frontage to Curtis Close. For enhanced safety, passive surveillance, visibility and permeability, the boundaries of Park 03 should be review and extended to the corner of Edward Bennett Drive and to Curtis Close to provide an open space with three street frontages.

Due to the increase in pet ownership in apartments and pet ownership generally, Council is under increased pressure to provide off leash dog parks. To service this demand, it would be appropriate to consider the land located under the transmission line easement and adjoining the commuter car park for an off leash dog park.

Provision of offsite playing fields

- **Recommendation** – An updated Social Infrastructure Needs Assessment be prepared which considers the full development yield of the Precinct (inclusive of Neighbourhood 6), so that it is possible to cross-reference where the calculations for community infrastructure come from and whether this would be adequate to support the Precinct.

Council understands that the provision of community infrastructure for the rezoning proposal is based on 9,341 additional dwellings, with provision of playing fields based on the need for one field per 4,000 people (referenced from the 2022 exhibition – *Cherrybrook Station Government Land State Significant Precinct Social Infrastructure Needs Assessment, Cred, May 2022*). This benchmark is generally supported by Council. However, with the potential dwelling capacity of the precinct being closer 11,341 (inclusive of Neighbourhood 6) this means that over six playing fields would be required to adequately service the Precinct's population.

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Preservation of Blue Gum High Forest

- **Recommendation** – Reconsider the proposed zoning of the Blue Gum High Forest area in Park 02 from C2 Environmental Conservation to C3 Environmental Management based on the intended management activities and future use of the area.

The rezoning proposal appropriately recognises the presence of Blue Gum High Forest (BGHF) as a critically endangered ecological community within the Precinct and has proposed to integrate these areas into the proposed open space network, with additional areas on private land flagged for protection or restoration. While the intent to retain and enhance BGHF is clear, the rezoning proposal documentation does not identify enforceable buffers, limits on recreation, lighting, and hard surfaces, or mechanisms for long-term management and funding of these areas. Council's previous feedback has consistently highlighted the need for a precinct-wide, enforceable ecological management plan for the BGHF, with clear objectives, performance measures, and adaptive management triggers for conservation, restoration, and recreation management.

Further, the proposed approach to bushfire management for these areas, as outlined in the Strategic Bushfire Study, proposes that BGHF areas adjacent to new development be managed as "low threat" vegetation or within Asset Protection Zones (APZs), potentially requiring regular fuel reduction and modifications of structure. This approach risks degrading the ecological integrity of BGHF and is inconsistent with the avoidance hierarchy required under the BC Act and the strategic intent of Planning for Bushfire Protection 2019.

While the original intent of the protection of the BGHF is admirable, the proposed passive open space usage and hence management of this area is not in keeping with the stated protection intentions outlined in the rezoning package. The proposed zoning of C2 Environmental Conservation for Park 02 should be changed to C3 Environmental Management if DPHI continues to see the BGHF as an area not being used or managed purely for environmental conservation purposes.

Transport and infrastructure

- **Recommendation**
 - Undertake remodelling of the traffic generated from the Precinct based on the ultimate dwelling yield (including Neighbourhood 6) and use this information be used to inform and update the Infrastructure Schedule.
 - Augmentation of the metro commuter car park be included in the Infrastructure Schedule and identified as a State responsibility.
 - That legacy issues with New Line Road be resolved and funding allocated separately by the State Government to fix the existing road network issues.

Council's previous submissions have raised concerns with the ability of the existing road network to accommodate densification within the Precinct and how any required traffic and infrastructure upgrades will be delivered and managed into the future. This concern remains a critical issue for the state-led rezoning proposal.

It is acknowledged that the Traffic and Transport Study prepared by Bitzios has been updated. However, the Study only necessitates road upgrades based on the 3,200 dwelling model, with some additional upgrades which could be provided to support a medium growth scenario of approximately 5,200 new dwellings (if dwelling yields exceeded 3,200 in the future).

It is critical that traffic and transport infrastructure planning for the Precinct (as well as community facilities and commercial offering) are based on the total permissible dwelling capacity for the precinct (now also including Neighbourhood 6).

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It is also not clear if the updated Traffic and Transport Study has considered the wider traffic network issues which are likely to be exacerbated by growth within the Cherrybrook Precinct. For example, the potential cumulative traffic impacts further along New Line Road may be significant, given Cherrybrook Station is the closest Metro station for many rural areas to the north.

Issues with the broader regional road network should be identified now, with solutions identified and programmed in conjunction with the current rezoning proposal. The State Government should commit to any funding shortfall should the rezoning proposal be supported, given the wider implications on the surrounding area and the legacy issues with New Line Road.

No commuter parking is identified in the Infrastructure Schedule. An additional deck on the existing metro commuter car park to accommodate demand generated by the rezoning should be identified to be provided by the State.

Capacity of the Metro line

- Recommendation- Include further evidence to demonstrate the additional housing capacity that could realistically be supported by the Metro line.

It is not clear from the documentation whether the capacity of the existing metro line to support the additional population has been taken into consideration as part of the rezoning proposal. While the strategic merit for some additional development around the Cherrybrook Metro station is supported, the increase in yield over and above the finalised 2022 Place Strategy and whether the Metro can cope with the proposed increases, particularly considering that cumulative impact of existing and planned new development at Showground, Norwest and Castle Hill, has not been demonstrated.

Infrastructure provision and funding

- Recommendation
 - Update the draft Infrastructure Funding and Delivery Schedule to include detailed descriptions of each item and the associated costings.
 - Update the draft Infrastructure Schedule to include the potential dwelling capacity of Neighbourhood 6 and the infrastructure upgrades that an additional 2000 new dwellings may have on the infrastructure needs for the Precinct.
 - Organise a workshop with The Hills Shire Council and Hornsby Shire Council to discuss the mechanism for transfer of funds and the apportionment of monetary contributions with The Hills Shire Council prior to the draft s7.12 plans being finalised.
 - Provide assistance with identifying alternate mechanisms to support the timely delivery of essential infrastructure required to ensure high standards of urban amenity within the Cherrybrook Precinct, given the lag in collection of development contributions.

The rezoning proposal includes a draft Infrastructure Funding and Delivery Schedule. However, the draft Schedule lacks detailed descriptions of each item and the associated costings. Council acknowledges the separate work that is currently underway to prepare s7.12 Plans to support the delivery of necessary infrastructure to support the Precinct. However, the contributions framework (both local and state) needs to be in place prior the rezoning being finalised. Details of the supporting financial strategy including clear identification of the essential works list, timing for delivery, funding sources and responsible authority are required.

A key concern is the funding arrangement for the fit out and embellishment of the community facility, library and cultural facilities. While these facilities will be located within land located in the Hornsby LGA, the facilities will be used and directly benefit residents of The Hills Shire Council as well. The delivery of these facilities should be prioritised with adequate funding mechanisms in place to expedite their completion. Council's preferred approach is to have funds for the fit out collected across s7.12 plans for both The Hills Shire and

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Hornsby Shire Council areas. We would welcome the opportunity to workshop the mechanism for transfer of funds and the apportionment of monetary contributions with DPHI and The Hills Shire Council prior to the draft s7.12 plans being finalised.

Concern remains that the increased density proposed for the Precinct is a significant variation to the finalised Place Strategy. There is no strategic justification or evidence included as part of the exhibited material to support that the inclusions in draft Infrastructure Funding and Delivery Schedule will be appropriate to cater to the current and future needs of the Precinct. Further, with Neighbourhood 6 dwelling yields not considered in the total dwelling capacity for the Precinct and the traffic study recommending infrastructure upgrades based on 3,200 new homes, the effectiveness of the proposed infrastructure to support the ultimate yield of the Precinct is questioned.

With infrastructure provision included through State and local contributions, there will be a significant time lag for the new infrastructure to be delivered. Alternate mechanisms should be considered and incorporated to assist and support in the timely delivery of essential infrastructure required to support the growing population.

Heritage

- Recommendation: Lower the maximum building height incentives on and around the heritage items to minimise any adverse impacts on these items and their landscape setting.

The rezoning proposal includes two heritage listed items in Neighbourhood 3 located within the grounds of the Inala School. The rezoning material includes provision for buildings of between 6 to 20 storeys on or around these heritage listed properties. The Statement of Heritage Impact, (SHI) prepared by Artefact Heritage, states that the proposed new maximum building heights would have physical and visual impacts on these items and their settings.

Integrated Water Cycle Management (IWCN)

- Recommendation – Prepare a single integrated water management plan to be applied across the Precinct. The plan should identify priority areas for water sensitive urban design, sets quantitative targets for stormwater retention, reuse, or water quality, or links water management to open space and biodiversity outcomes.

The rezoning documents focus IWCN and Water Sensitive Urban Design on individual lot-based controls, rather than producing a single integrated water management plan that identifies priority areas for WSUD, sets quantitative targets for stormwater retention, reuse, or water quality, or links water management to open space and biodiversity outcomes.

The exhibited Master Plan does not clearly identify or secure land for regional bio-retention basins, constructed wetlands, or daylighted watercourses, and the open space network is not explicitly designed to function as part of the stormwater management system. There is also little detail provided on how overland flow paths, detention basins, or riparian buffers will be protected or enhanced, and no clear mechanism for ensuring that WSUD and IWCN measures are delivered, maintained, and monitored over time.

A comprehensive single IWCN plan should identify priority areas for water sensitive urban design, sets quantitative targets for stormwater retention, reuse and quality.

Road width and design to enable waste collection services

- Recommendation – Consider areas for waste collection within the Master Plan's "Movement and Access Networks" and the Design Guide for the precinct.

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Garbage collection and rigid truck circulation whether onsite or from the street, is often overlooked when master planning new developments. Consideration of street width, on-street parking provision and building design are factors which influence the ability of Council's contractor to be able to service developments.

Accuracy and adequacy of the documentation to support the rezoning proposal

- **Recommendation** – Allocate additional time prior to finalisation of the rezoning proposal to undertake the essential updates to the technical evidence base for the rezoning proposal to determine the appropriate levels of supporting infrastructure required to service the Precinct.

Many of the exhibited documents are presented as updates to the 2022 Place Strategy. This makes it difficult to fully understand and interpret what potential dwelling capacities have been used to determine the infrastructure needs. The exhibition material also lacks a sound evidence base to support the commercial and retail floor space offerings as well as the social and community infrastructure required to support the Precinct. Given the substantial increase to the dwelling capacity, it is crucial that there is appropriate justification and a sound evidence base to support the increases and ensure the Precinct will be provided with adequate amounts of supporting infrastructure.

Given the issues raised above, the rezoning proposal is not ready for implementation and requires refinement. Further consideration needs to be given to the strategic justification for the increased dwelling yields and the adequacy of the associated infrastructure provision to support the Precinct.

We would welcome the opportunity to discuss these issues further prior to the finalisation of the project.

Should you wish to discuss Council's submission, please do not hesitate to contact Katherine Vickery, Acting Director Planning and Compliance on 9847 6744 or kvickery@hornsby.nsw.gov.au

Yours faithfully,

Glen Magus

Acting General Manager

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