

# **PUBLIC NOTICE**

## **FAIRFIELD CITY COUNCIL ORDINARY COUNCIL MEETING AGENDA**



Tonight's Council Meeting will follow the procedure of the items listed below:

- **ENTRANCE OF MAYOR**

All present to stand.

- **NATIONAL ANTHEM**

- **ACKNOWLEDGEMENT OF COUNTRY**

- **PRAYER**

Remain Standing. The Mayor will invite a Councillor to read either one of the following prayers:

"We thank thee Lord for being elected by our fellow men to this office of honour and trust. Give us grace diligently and honourably, free from private interest and prejudice, to discharge the duties entrusted to us to the common good of mankind. AMEN"

"We give thanks for being elected to this office of honour and trust. Give us grace, diligently and honourably, free from private interest and prejudice, to discharge the duties entrusted to us for the common good of mankind."

### **AGENDA ITEM 1: APOLOGIES AND LEAVE OF ABSENCE**

The Mayor will invite apologies on behalf of Councillors not in attendance.

- **REMOTE MEETING ATTENDANCE**

The Mayor will confirm if any applications have been received to participate remotely via audio-visual link.

### **AGENDA ITEM 2: CONFIRMATION OF MINUTES**

The minutes of the previous Council meeting are confirmed at this stage.

### **AGENDA ITEM 3: MAYORAL MINUTES**

The Mayor will read out Mayoral Minutes, which are matters of interest to the Council, public and media.

### **AGENDA ITEM 4: NOTICES OF MOTION**

Where a written Notice of Motion has been submitted, it is dealt with at this time.

### **AGENDA ITEM 5: QUESTIONS TO THE MAYOR**

The Mayor will invite the Councillors to present any written questions.

## **AGENDA ITEM 6: REPORTS BY STANDING COMMITTEE CHAIRPERSON**

As the following Committees have delegated powers, Council will only consider reports referred to Council by a Councillor or reports which are of such a nature that Council is unable to deal with it under delegation. The Chairperson of each Committee will present the report to Council. This includes supplementary reports relating to items from the various Committees and late items of correspondence.

- Outcomes Committee
- Outcomes Supplementary reports
- Services Committee
- Services Supplementary reports
- Traffic Committee

## **AGENDA ITEM 7: CLOSE SESSION**

The Meeting will be closed to the Public for consideration of confidential items.

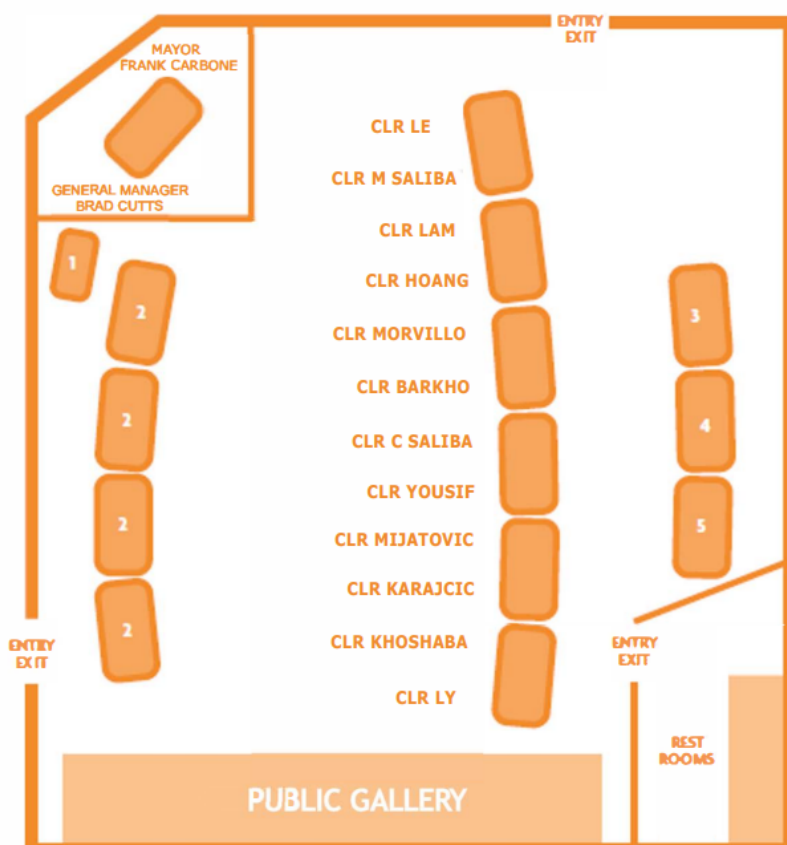
The Agenda will list all items to be considered Confidential and the reasons for the confidentiality.

## **NEXT COUNCIL MEETING**

Ordinary meetings of the Council are held in the Council Chambers at 7.00pm on the 4th Tuesday of each month, subject to possible change due to Public Holidays.

### **SEATING ARRANGEMENTS FOR THE FAIRFIELD CITY COUNCIL CHAMBERS**

1. Governance Officer
2. Executive Leadership Team
3. IT Support
4. Other Staff



**It is trusted that you will find the above explanations of assistance in following the procedure at tonight's meeting.**



# Ordinary Council



## DRAFT MINUTES

**DATE OF MEETING:** 29 July 2025

**LOCATION:** Council Chambers

**TIME:** 7.03pm

**MEETING 1572**

Administration Centre Wakeley

**MINUTES OF THE MEETING OF COUNCIL OF THE CITY OF FAIRFIELD HELD IN THE COUNCIL CHAMBERS AT THE ADMINISTRATION CENTRE, AVOCA ROAD WAKELEY ON 29 JULY 2025 AT 7.03PM.**

**PRESENT:**

His Worship Mayor Carbone (Chairperson).

Councillors Barkho, Hoang, Karajcic, Khoshaba, Le (remote), Ly, Mijatovic, Morvillo, C Saliba and M Saliba.

Also in attendance were the Acting General Manager (L Gunn), Director City Assets, Acting Director City Delivery (B Turgutoglu), Acting Director City Planning (J Healey), Director People, Culture and Strategy, Co-ordinator Land Use and Planning, Executive Manager, Governance Co-ordinator, Technical Support Officer (S Prince and S Subba), Governance Support Officer and Governance Officer (M Luongo).

**National Anthem**

All present, stood for the National Anthem.

**Webcast Announcement**

In opening the meeting, the Chairperson advised that the meeting is being livestreamed on Council's website and all present should refrain from making any defamatory statements.

**Acknowledgement of Country**

The Chairperson acknowledged the Cabrogal of the Darug nation, the traditional custodians of the land upon which the meeting was held. He acknowledged their elders, past and present, and other Aboriginal people present.

**Prayer**

The Prayer was read by Councillor Karajcic.

**APOLOGIES AND LEAVE OF ABSENCE**

Apologies were tendered and Leave of Absence requested on behalf of Councillor Lam and Councillor Yousif.

**MOTION:** (M Saliba/C Saliba)

That the apologies tendered on behalf of Councillor Lam and Councillor Yousif be accepted and leave be granted.

**CARRIED UNANIMOUSLY**

### REMOTE MEETING ATTENDANCE

The Chairperson acknowledged that Councillor Le and a Council Officer were participating remotely via audio-visual link.

**MOTION:** (Barkho/Mijatovic)

That Councillor Le participate in the Ordinary Council meeting held on 29 July 2025 by audio-visual link on the grounds of being away from the local area.

**CARRIED**

### CONFIRMATION OF MINUTES

Councillor M Saliba asked that the Minutes be amended to reflect that she had a significant pecuniary interest at the Ordinary Council Meeting held on 17 June 2025.

**MOTION:** (C Saliba/Barkho)

That:

1. The Minutes of the Ordinary Council meeting held on 17 June 2025 be confirmed including the word non-pecuniary be amended to read pecuniary for Item 85 (Renewal of Tenancy - Community First Step (CFS) trading as Fairfield Community Resource Centre for the premises known as Fairfield Youth and Community Centre (Youth Hours)).

Councillor	Type of Interest	Nature of Interest	Action Taken/Explanation Given
M Saliba	Significant Pecuniary	I am an employee of Community First Step and I will not participate.	Councillor M Saliba left and took no further part in debate or discussion.

2. The Minutes of the Outcomes Committee meeting held on 8 July 2025 and Services Committee meeting held on 8 July 2025, be confirmed.

**CARRIED UNANIMOUSLY**

### MAYORAL MINUTES

#### Fairfield City Lifetime Business Award

I am pleased to announce Just Pasta Australia as the recipient of a Fairfield City Council Lifetime Business Award. This award honours businesses in our Local Government Area that have stood the test of time, operating for more than 25 years.

Established in 1985, Just Pasta Australia quickly earned a loyal following for its handcrafted pasta, made using traditional Italian methods and premium ingredients.

Owners Claudio and Karina Colombo have been the driving force behind the business's continued success and growth, remaining true to its founding mission: to deliver exceptional, authentic pasta made with care, quality and tradition.

Claudio, a highly skilled pasta maker, brings a deep passion for traditional Italian techniques and a relentless pursuit for excellence. Together, Claudio and Karina have expanded the business's offerings to include a wide range of fresh and frozen pasta, custom menu solutions and bulk supply and distribution services, all produced locally with precision and pride. Just Pasta Australia has grown into a trusted supplier to restaurants, cafés, caterers, and distributors across New South Wales. With continued investment in modern equipment, smart packaging and streamlined logistics, the business ensures its products stay fresh and accessible to an ever-expanding customer base.

Proudly based in Fairfield's vibrant and multicultural community, Just Pasta Australia embodies the rich food culture of our region. The business attributes much of its success to the area's strong community spirit, skilled local workforce and supportive business environment. It is an inspiring example of what a family run business can achieve in Fairfield City.

Councillors, please join me in congratulating Claudio and Karina Colombo and the entire Just Pasta Australia team on 40 years of excellence, innovation and outstanding community contribution.

**MOTION:** (Barkho/Morvillo)

That the Mayoral Minute be received and noted.

**CARRIED UNANIMOUSLY**

**Capture Fairfield Visual Arts & Photography Competition - Winners**

Council's Capture Fairfield Visual Arts & Photography Competition is held annually to align with Local Government Week and aims to showcase local talent and promote the culture and character of our City.

Capture Fairfield is an opportunity for the community to explore Fairfield City's diversity and natural and built environment. Each year, the competition builds from strength to strength and this year was no exception.

Categories were photography and visual art of all physical forms.

Judges made their selection based on the skill, strong visual appeal and response to this year's 'Discover Fairfield: Festivals, Food and Family Fun!' theme.

The quality of the entries was impressive and I would like to thank everyone who entered.

Tonight, I am pleased to announce the winners and present them with their prizes, as well as a copy of the Capture Fairfield book which is also available to view on our website.

First place winning students who attend a local school also receive a prize for their school.

I encourage everyone to take the time to view the exhibition on display in the Council Chambers foyer, which will be open to the public from 4 August 2025.

Councillors, please join me in offering a warm round of applause as the winners are announced.

Photography place-getters

PRIMARY

- 3<sup>rd</sup> Place Addison Huynh – ‘Tracks of Time’  
St Johns Park Public School, Year 5
- 2<sup>nd</sup> Place Muhammad El-Chakik – ‘Friends are Family’  
Old Guildford Public School, Year 6
- 1<sup>st</sup> Place Toby Zappia – ‘Fiery Mulch and the Gate of Doom’  
Bossley Park Public School, Year 5

SECONDARY

- 3<sup>rd</sup> Place Ethan Lee – ‘Home Sweet Home’  
Bossley Park High School, Year 7
- 2<sup>nd</sup> Place Ivy Barone – ‘Moonrise over the Harvest’  
Freeman Catholic College, Year 9
- 1<sup>st</sup> Place Mylez Molo – ‘Reflective Radiance’  
Patrician Brothers College, Year 12

**The Chairperson invited Councillor M Saliba to come forward and have a photo with the 2<sup>nd</sup> place recipient.**

ADULT

- 3<sup>rd</sup> Place Joe Vo – ‘Alleys of adventure’
- 2<sup>nd</sup> Place Zayd Naeem – ‘Sunset at Fairfield Heights Park’
- 1<sup>st</sup> Place Thomas Clewett-Dang – ‘The Lion and the Laughing Spirit’

Visual Arts

PRIMARY

- 3<sup>rd</sup> Place Hunter Suksiang – ‘Deerbush Park Fun’  
St Johns Park Public School, Year 2
- 2<sup>nd</sup> Place Zachary Tarakjian – ‘Taste the Festival’  
Edensor Park Public School, Year 6
- 1<sup>st</sup> Place Edith Ghaby – ‘If you have Friends, you have Everything!’  
Governor Philip King Public School, Year 3

SECONDARY

- 3<sup>rd</sup> Place Mary Pithio – ‘Streets Of The Darug People’  
Fairfield High School, Year 10
- 2<sup>nd</sup> Place Photheany Peng – ‘Dinner with Grandpa’  
Cabramatta High School, Year 9
- 1<sup>st</sup> Place Zahirah Nelgabaz – ‘Creating Memories’  
Irfan College, Year 9

ADULT

3<sup>rd</sup> Place Melvy Connell – ‘Fairfield Showground Bring it on Youth Festival 2025’

2<sup>nd</sup> Place Louise de Marco Jelavic – ‘Heel Together’

1<sup>st</sup> Place Katrina Jelavic – ‘Fading Facades’

**MOTION:** (Mijatovic/M Saliba)

That the Mayoral Minute be received and noted.

**CARRIED UNANIMOUSLY**

Fabulous Fairfield

Council’s Fabulous Fairfield Program acknowledges Fairfield residents who take pride in maintaining exceptional gardens that contribute to the environmental quality, character and visual appeal of our City’s neighbourhoods and streetscapes.

Tonight, we proudly recognise the Fabulous Fairfield award recipients for the month of July. Their outstanding gardens featured beautiful green lawns, a handmade pond with a bridge built using recyclable materials, decorative sculptures, an impressive array of succulents and colourful seasonal flowers.

These remarkable gardens display the dedication, passion and care of our residents.

The Fabulous Fairfield award recipients for July feature gardens from Canley Heights, Edensor Park, Fairfield East and Fairfield West.

Our winners will receive potted natives prepared by the Fairfield Community Nursery volunteers along with a small financial contribution to assist in the ongoing maintenance of their gardens.

Councillors, please join me in congratulating the winners of the Fabulous Fairfield awards for July.

**MOTION:** (Khoshaba/Barkho)

That the Mayoral Minute be received and noted.

**CARRIED UNANIMOUSLY**

**QUESTIONS TO THE MAYOR**

**Question to the Mayor by Councillor Mijatovic**

*Capture Fairfield Visual Arts & Photography Book:*

File No. 25/00695

Can we get a booklet for Capture Fairfield?

**REPORT BY CHAIRPERSON OF THE OUTCOMES COMMITTEE - 8 JULY 2025**

- 67:** Public Exhibition - Heritage Review - Planning Proposal for Local Heritage Listings  
File Number: 25/06107

**MOTION:** (M Saliba/Barkho)

That:

1. Council consult with the property owners and investigate the historical significance of any nominated property in the report that has not been previously considered by Council for Heritage Listing.
2. In the event that any of the properties Council is considering as per point 1 of the Recommendation to be under threat up until the listing process is finalised, Council delegate authority to the General Manager to make an interim Heritage Order under the Heritage Act 1977.
3. Councillors receive a Councillor Briefing on this item.

**CARRIED UNANIMOUSLY**

**REPORT BY CHAIRPERSON OF THE OUTCOMES SUPPLEMENTARY REPORTS - 29 JULY 2025**

- 75:** Heritage Grants Program and Heritage Rate Relief Program 2025-2026 Funding Allocation  
File Number: 25/10497, 09/01351

**A Confidential Memorandum was circulated by the Senior Strategic Land Use Planner (K Ven) to Councillors prior to the meeting providing further information on this matter.**

Councillor	Type of Interest	Nature of Interest	Action Taken/Explanation Given
Carbone	Non-Pecuniary Significant	As I know some of the property owners.	Mayor Carbone left and took no further part in debate or discussion.
Khoshaba	Non-Pecuniary Not Significant	As I know some of the property owners.	Councillor Khoshaba left and took no further part in debate or discussion.

**Mayor Carbone vacated (7.44pm) the Chair and left the meeting.**

**Councillor C Saliba assumed (7.44pm) the Chair.**

**Councillor Khoshaba left (7.45pm) the meeting.**

**MOTION:** (M Saliba/Karajcic)

That:

1. Council accept the grant funding offered by Heritage NSW for the amount of twenty-five thousand dollars (\$25,000.00) excluding GST to support Council's Heritage Program across the 2025-26 and 2026-27 financial periods.
2. Council approve the funding allocation of the Heritage Grants 2025-2026 budget to the following heritage items as per Attachment A of the report:
  - 2.1. Grant of four thousand dollars (\$4,000.00) to 7 Houghton Street Carramar (federation Georgian house) to repair external timber cladding and re-paint the external areas of the dwelling.
  - 2.2. Grant of four thousand dollars (\$4,000.00) to 2 Canley Vale Road Canley Vale (corner shop) to undertake repairs to the roof.
  - 2.3. Grant of four thousand dollars (\$4,000.00) to 5 Chalmer Close St Johns Park (federation house) to undertake repair and replace works to the window hoods to match the historic corrugated details.
  - 2.4. Grant of four thousand dollars (\$4,000.00) to 63 Wolseley Street Fairfield (Victorian house) to re-paint external walls of the dwelling.
  - 2.5. Grant of three thousand, four hundred and fifty-four dollars (\$3,454.00) to 30 Frederick Street Fairfield (federation cottage) to re-paint external walls of the dwelling.
  - 2.6. Grant of four thousand dollars (\$4,000.00) to 62 Campbell Street Fairfield East (federation cottage) to paint the front fence and remove mould from weatherboards.
3. Council approve the Heritage Rate Relief Program for the 2025-2026 financial period to eligible heritage listed properties as per Attachment B of the report.

**CARRIED**

**Mayor Carbone returned to the meeting (7.46pm) and resumed the Chair.**

**Councillor Khoshaba returned (7.46pm) to the meeting.**

**REPORT BY CHAIRPERSON OF THE SERVICES COMMITTEE - 8 JULY 2025**

**97:** 2025 Local Government NSW (LGNSW) Annual Conference  
File Number: 24/05714

**MOTION:** (C Saliba/Barkho)

That:



1. Council appoints the following delegates to attend the 2025 Local Government NSW Annual Conference with the General Manager and staff nominated by him, being held in Penrith from Sunday 23 November to Tuesday 25 November 2025:
  - 1.1 Motions – Mayor Carbone, Councillors Barkho, Karajcic, Lam, Le, Mijatovic, Morvillo, C Saliba, M Saliba and Yousif.
  - 1.2 Board Election – Mayor Carbone, Councillors Barkho, Karajcic, Lam, Mijatovic, Morvillo, C Saliba, M Saliba and Yousif.
2. Any other interested councillors wishing to attend the Conference inform the General Manager by 7 November 2025.
3. Any voting delegate that withdraws from the Conference be replaced with non-voting delegates, to be selected by the Mayor.

**CARRIED UNANIMOUSLY**

- 98:** Dutton Plaza Performance and Operational Update  
File Number: 24/07821

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(c)(d(i)) of the Local Government Act, 1993, on the grounds that:*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and*
  - (d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

**THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR THE RESOLUTION PASSED BY COUNCIL IN CLOSED SESSION, REFER TO PAGE 13 OF THE MINUTES.**

- 99:** RFT 131-25 2025-2026 Roads Program  
File Number: 24/12778

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(d(i)) of the Local Government Act, 1993, on the grounds that:*

- (d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

**THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR THE RESOLUTION PASSED BY COUNCIL IN CLOSED SESSION, REFER TO PAGE 13 OF THE MINUTES.**

- 100:** RFT 133-25 - Polding Street and Marlborough Street Smithfield - Roundabout Improvements  
File Number: 24/12780

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(d(i)) of the Local Government Act, 1993, on the grounds that:*

*(d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

**THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COUNCIL. FOR THE RESOLUTION PASSED BY COUNCIL IN CLOSED SESSION, REFER TO PAGE 13 OF THE MINUTES.**

**REPORT BY CHAIRPERSON OF THE SERVICES SUPPLEMENTARY REPORTS - 29 JULY 2025**

- 103:** Waive Fees and Charges - Request from South Western Sydney Local Health District (SWSLHD) Public Health Unit  
File Number: 12/03512

**MOTION:** (C Saliba/Karajcic)

That Council waive the library venue hire fees and charges totalling three hundred twenty-five dollars and fifty cents (\$325.50), from August to December 2025, to support the South Western Sydney Local Health District free Friday immunisation clinics at Whitlam and Wetherill Park Libraries.

**CARRIED UNANIMOUSLY**

- 104:** NSW Department of Education Grant - Preschool Attendance Boosting Project  
File Number: 20/11570

**MOTION:** (C Saliba/Barkho)

That the grant of two hundred ninety-six thousand, two hundred ninety-two dollars (\$296,292.00 excluding GST) offered by the NSW Department of Education under the Preschool Attendance Boosting Project Grant be received into the 2025-2026 Operational Plan for the Preschool Attendance Boosting Project and its expenditure for that purpose, be voted.

**CARRIED UNANIMOUSLY**

**SUP** Transport for NSW Grant - Get Kids Active 2025-2026 Program  
**105:** File Number: 24/29075

**MOTION:** (C Saliba/Barkho)

That:

1. Council provide Transport for NSW (TfNSW) with conditional acceptance of a grant of three hundred and twenty thousand, four hundred and three dollars (\$320,403.00) offered under the Get Kids Active 2025–2026 Program, subject to TfNSW agreeing to amend the scope to 'installation of two watts profile road humps, footpath works, street lighting and set-down and pick-up areas with associated signage'.
2. Following confirmation of acceptance of the amended scope by TfNSW, the grant be received and included in the 2025–2026 Operational Plan for a new project – Homebush Street St Johns Park – upgrade of children's pedestrian crossing safety works and its expenditure for that purpose be voted.

**CARRIED UNANIMOUSLY**

**MEETING CLOSED TO THE PUBLIC**

**PROCEDURAL MOTION:** (Barkho/Karajcic)

That pursuant to Section 10A of the Local Government Act the meeting be closed to the public to consider the following confidential items 98, 99 and 100 of business and the grounds for such closure are stated hereunder:

**98:** Dutton Plaza Performance and Operational Update  
File Number: 24/07821

**CONFIDENTIAL REPORT and ATTACHMENTS**

**10A(2)(c)(d(i))**

- (1) Pursuant to Section 10A(2)(c), (d(i)) the information in the **Report and Attachments** is confidential.
- (2) The matter to be discussed Dutton Plaza Performance and Operational Update.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
  - (d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

- 99:** RFT 131-25 2025-2026 Roads Program  
File Number: 24/12778

**CONFIDENTIAL REPORT and ATTACHMENTS**

**10A(2)(d(i))**

- (1) Pursuant to Section 10A(2), (d(i)), the information in the **Report and Attachments** is confidential.
- (2) The matter to be discussed RFT 131-25 2025-2026 Roads Program.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:  
(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;  
and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

- 100:** RFT 133-25 - Polding Street and Marlborough Street Smithfield - Roundabout Improvements  
File Number: 24/12780

**CONFIDENTIAL REPORT and ATTACHMENTS**

**10A(2) (d(i))**

- (1) Pursuant to Section 10A(2) (d(i)) the information in the **Report and Attachments** is confidential.
- (2) The matter to be discussed RFT 133-25 - Polding Street and Marlborough Street Smithfield - Roundabout Improvements.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:  
(d(i)) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it;  
and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

**CARRIED UNANIMOUSLY**

**WEBCAST ANNOUNCEMENT**

In closing the meeting, the Chairperson advised that the livestream will be muted as Council enters into Closed Session and that the livestream will resume once the meeting is reopened to the public.

**MEETING OPEN TO THE PUBLIC**

**PROCEDURAL MOTION:** (Mijatovic/Barkho)

That the meeting be open to the public.

**CARRIED UNANIMOUSLY**

## WEBCAST ANNOUNCEMENT

In opening the meeting, the Chairperson advised that the livestream has been resumed.

### PROCEDURAL MOTION: (M Saliba/C Saliba)

That in accordance with Section 11(3) of the Local Government Act 1993, Council resolves that the correspondence or reports relating to Items 98, 99 and 100 of the Services Committee that were considered during the Closed Session of Council be treated as confidential and remain confidential unless otherwise determined by Council.

### CARRIED UNANIMOUSLY

#### THE DECISIONS OF THE COUNCIL IN CLOSED SESSION:

**98:** Dutton Plaza Performance and Operational Update  
File Number: 24/07821

That Council adopt the recommendations contained in the report relating to the continued leasing and management of Dutton Plaza.

**99:** RFT 131-25 2025-2026 Roads Program  
File Number: 24/12778

That:

1. Council accept the Evaluation Panel's recommendation to award the Contract to Bernipave Road Solutions Pty Ltd to complete the works for RFT 131-25 Roads Program 2025-2026 for an amount of four million six hundred ninety-two thousand five hundred and fourteen dollars and thirty-two cents (\$4,692,514.32) excluding GST as the most advantageous and best value offer received.
2. The General Manager or his nominated delegate be authorised to execute the contract and any associated documents.

**100:** RFT 133-25 - Polding Street and Marlborough Street Smithfield - Roundabout Improvements  
File Number: 24/12780

That :

1. Council accept the Evaluation Panel's recommendation to award the Contract to Ally Infrastructure Pty Ltd to complete the works for RFT 133-25 Polding Street and Marlborough Street Smithfield – Roundabout Improvements for an amount of two hundred and eighty- thousand, four hundred sixty-four dollars and fifty cents (\$280,464.50) excluding GST as the most advantageous and best value offer received.
2. The General Manager or his nominated delegate be authorised to execute the contract and any associated documents.

**CLOSURE**

There being no further business, the meeting concluded at 8.03pm.

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Chairperson

**CONFIRMATION**

These minutes were confirmed as a correct record of the proceedings at a meeting held on 29 July 2025.

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Chairperson

# **Traffic Committee**



## **DRAFT MINUTES**

**DATE OF MEETING:** 11 August 2025

**LOCATION:** Committee Rooms

**TIME:** 2.31pm

**Traffic Committee  
DRAFT Minutes**

Meeting Date: 11 August 2025

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**PRESENT:**

His Worship Mayor Carbone (Chairperson).

Councillors Barkho, Karajcic, C Saliba and Yousif.

Also in attendance were Pushpendra Kharbanda (Transport for NSW), Sergeant Grenfell (NSW Police), Director City Delivery, Manager Design Services, Manager Community Regulatory Services, Traffic & Transport Co-ordinator, Executive Manager and Senior Governance Officer.

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**APOLOGIES AND REASONS ACCEPTED**

An apology was tendered on behalf of Tanya Davies MP (State Member for Badgerys Creek) and the reason for her absence given.

**MOTION:** (C Saliba/Yousif)

That the apology and reason given for the absence tendered on behalf of Tanya Davies MP (State Member for Badgerys Creek) be accepted.

**CARRIED UNANIMOUSLY**

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**GENERAL BUSINESS**

Science in the Scrub Event - August 2025

Mr Ross Morrison (Greater Sydney Parklands) addressed the committee in relation to the Science in the Scrub event held on 10 August 2025 at Lizard Log. It was agreed that the event organisers collaborate with Council for future events.

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**CONFIRMATION OF MINUTES**

**MOTION:** (C Saliba/Yousif)

That the Minutes of the meeting held on 2 June 2025 be noted.

**CARRIED UNANIMOUSLY**

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**SECTION B**

**‘Matters submitted to the Committee for decision subject to the Right of Referral’**



- 17:** Cabramatta Moon Festival 2025 - Temporary Road Closures  
File Number: 13/05923

**MOTION:** (C Saliba/Karajcic)

That:

1. The Cabramatta Moon Festival 2025 (the event) be classified as a 'Class 2' event under the Transport for NSW (TfNSW) Guide to Traffic and Transport Management for Special Events.
2. The temporary closure of the following roads for the event, as shown in Attachment A of the report, be approved:
  - 2.1 Park Road (from John Street to Hughes Street), Arthur Street (from Railway Parade to Park Road), Cabramatta Road West (from Railway Parade to 225 Cabramatta Road West) and John Street (from Hill Street to Cabramatta Road West) from 8.00pm Saturday 27 September to 12.00pm Monday 29 September 2025.
  - 2.2 Dutton Lane (between the entries/exits of multi-storey car park) and Railway Parade (from Hughes Street to Boundary Lane) from midnight Saturday 27 September to 12.00pm Monday 29 September 2025.
  - 2.3 Hughes Street Car Park from midnight Wednesday 24 September to 12.00pm Monday 29 September 2025.
  - 2.4 Arthur Street Car Park from 12.00am Friday 26 September to 12.00pm Monday 29 September 2025 and Denton Lane at Arthur Street from 8.00pm on Friday 26 September 2025 to 12.00pm Monday 29 September 2025.
3. The temporary road closures as specified in Recommendation 2 be approved subject to the following conditions:
  - 3.1 Business proprietors, residents and other occupants in the vicinity of the event activities be notified of the event and extent of the temporary closures.
  - 3.2 Variable Message Signs shall be installed 2 weeks prior to the temporary road closures to provide details of the temporary road closures leading up to and during the event.
  - 3.3 All emergency services, local bus companies and the Taxi Council be notified at least 2 weeks prior to the event.
  - 3.4 Access for emergency vehicles be permitted at all times.

- 3.5 Adequate vehicular traffic control shall be provided for the safety of pedestrians and motorists, including the installation of signage and barricades in accordance with the TfNSW Traffic Control at work sites Technical Manual version 6.1.
- 3.6 The Applicant complies with any reasonable directive of Council's Community Regulatory Services Branch.
- 3.7 The Applicant ensures the areas used for the activities are maintained in a clean and tidy condition.
- 3.8 The event organiser must obtain Road Occupancy Licences from the Transport Management Centre for the temporary road closures within 100m of traffic control signals.
- 3.9 The event organiser submits a Detailed Transport Management Plan to TfNSW for concurrence to hold the temporary road closures.
- 4. The 'Bus Zone' and 'Taxi Zone' restrictions on Railway Parade (from Hughes Street to McBurney Road) commencing at 6.00pm Saturday 27 September 2025, as shown in Attachment B of the report, be approved.
- 5. The reinstatement of '1hour parking 8.30am – 6.00pm' and 'No Parking' Restrictions on Railway Parade (between Hughes Street and McBurney Road) commencing at midnight Sunday 28 September 2025, as shown in Attachment B of the report, be approved.
- 6. The Applicant (the Economic Development and Major Events Team) be advised of the Committee's decision.

**CARRIED UNANIMOUSLY**

- 18:** Tien Hau Temple Mazu Parade - Street Procession 2025  
File Number: 13/05923

**MOTION:** (C Saliba/Karajcic)

That:

- 1. The temporary moving road closure for the Tien Hau Temple Mazu Parade – Street Procession (Street Procession) between Tien Hau Temple (124-128 Railway Parade Canley Vale) and Cabramatta Freedom Plaza be classified as a 'Class 3' event under the Transport for NSW Guide to Traffic and Transport Management for Special Events.
- 2. The Street Procession between Tien Hau Temple and Cabramatta Freedom Plaza on Saturday 25 October 2025 (between 9.00am–10.30am and between 2.00pm–3.30pm) be approved subject to the following conditions:

- 2.1 All conditions set by NSW Police are met and a copy of the approval be forwarded to Council's Traffic and Transport Branch.
  - 2.2 A clear passage for emergency vehicles be provided and the Applicant takes all reasonable steps to minimise inconvenience to pedestrians and vehicular traffic.
  - 2.3 All emergency vehicle providers, local bus companies and NSW Taxi Council be notified of the event.
  - 2.4 The event organiser must obtain Road Occupancy Licences from the Transport Management Centre for the temporary road closures within 100m of traffic control signals.
  - 2.5 The Applicant notify the affected residents and businesses at least 2 weeks prior to the event through ethnic newspapers, advertisements and letterbox drops. A copy of the notification and advertisements be submitted to Council's Traffic and Transport Branch.
  - 2.6 The site be left in a tidy condition after the event.
  - 2.7 The Applicant comply with any reasonable directives of Council's Community Enforcement Officers.
  - 2.8 Council be indemnified against all claims for damage or injury which may result from conducting the event. A valid Public Liability Insurance of twenty million dollars (\$20,000,000.00) is required to be submitted to Council's Commercial Insurance Branch.
3. Mr Henry Wu, the Event Organiser, be advised of the Committee's decision.

**CARRIED UNANIMOUSLY**

- 19:** Smithfield Road and Cherokee Avenue Greenfield Park - Intersection Treatment Options  
File Number: 12/00329

**MOTION:** (C Saliba/Yousif)

*That the matter be referred to Council Officers for a further review and a report be submitted, if required.*

**CARRIED UNANIMOUSLY**

## **GENERAL BUSINESS**

### Homebush Street St Johns Park

The Mayor provided an update on the kiss and drop off parking proposed at Homebush Street and shared his observation of the vehicles parked in the street during school drop off. The Director City Delivery will discuss further options with the Mayor.

### Transport for NSW – Delegation to Council

The Director City Delivery advised that Council was in receipt of an updated delegation of authority from Transport for NSW and Council Officers were reviewing the advice including changes to the structure of Council's Traffic Committee moving forward.

### Humphries Road and Cabramatta Road West Intersection

The Mayor requested that Council make representations to the local Member for Cabramatta and request that the lights at the intersection of Humphries Road and Cabramatta Road West be changed to green arrow due to complaints received including reason for the red arrow.

### **MOTION:** (Carbone/C Saliba)

That Council write to the local Member for Cabramatta and request that the lights at the intersection of Humphries Road and Cabramatta Road be changed to include a green arrow for southbound right turning vehicles.

### **CARRIED UNANIMOUSLY**

### Lily Street and Polding Street Prairiewood

The Mayor requested an update on the no stopping issue along Lily Street as raised previously. Council Officers advised No Stopping approved and work instruction issued. The line marking on Lily Street approach to be reviewed.

### Torrens Street Canley Heights

The Mayor advised that he had received representation of people being booked in Torrens Street who were less than 10 metres from the corner. Council Officers to investigate providing No Stopping to delineate the 10 metre restriction at an intersection between Derby Street and Ascot Street, both sides.

### Heavy Vehicle Parking

The Mayor enquired as to frequency of Council Officers patrolling heavy vehicles parked in residential zones and that Council consider writing to the local State Members of Parliament requesting that they advocate for the infringement fee to be increased.

**Traffic Committee  
DRAFT Minutes**

Meeting Date: 11 August 2025

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**CLOSURE**

There being no further business, the meeting concluded at 3:19 pm.

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Chairperson

**CONFIRMATION**

These minutes were confirmed as a correct record of the proceedings at a meeting held on 11 August 2025.

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Chairperson

# **Outcomes Committee**



## **DRAFT MINUTES**

**DATE OF MEETING:** 12 August 2025

**LOCATION:** Staff Lunch Room

**TIME:** 6.31pm

**Outcomes Committee  
DRAFT Minutes**

Meeting Date: 12 August 2025

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**PRESENT:**

His Worship Mayor Carbone (Chairperson).

Councillors Barkho, Hoang, Lam, Le, Ly and M Saliba.

Also in attendance were the Executive Director and Chief Financial Officer, Director City Delivery, Acting Director City Planning (S Gibbeson), Director People, Culture and Strategy, Co-ordinator Land Use Planning, IT Technical Support Officer (G Joseph), IT Support Officer (F Hapani) and Senior Governance Officer.

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**WEBCAST ANNOUNCEMENT**

In opening the meeting, the Chairperson advised that the meeting is being livestreamed on Council's website and all present should refrain from making any defamatory statements.

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**APOLOGIES AND REASONS ACCEPTED**

There were no apologies tendered for this meeting.

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**REMOTE MEETING ATTENDANCE**

The Chairperson confirmed that no applications were received to participate remotely via audio-visual link.

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**CONFIRMATION OF MINUTES**

**MOTION:** (Le/M Saliba)

That the Minutes of the meeting held on 8 July 2025 be noted.

**CARRIED UNANIMOUSLY**

---

**SECTION A**

**'Matters referred to Council for its decision'**

**SECTION B**

**'Matters submitted to the Committee for decision subject to the Right of Referral'**

**76:** Western Sydney International Airport - First Runway Flightpaths  
File Number: 08/00629

**MOTION:** (M Saliba/Le)

*That the matter be referred to the Ordinary Council meeting being held on Tuesday 26 August 2025.*

**CARRIED UNANIMOUSLY**

- 77:** Public Exhibition - Fairfield Showground Local Approvals Policy  
File Number: 19/15813

**MOTION:** (Ly/Le)

*That the matter be referred to the Ordinary Council meeting being held on Tuesday 26 August 2025.*

**CARRIED UNANIMOUSLY**

- 78:** 2025/2026 Youth Advisory Committee Membership  
File Number: 25/19063

**MOTION:** (Le/M Saliba)

That:

1. The report be received and noted.
2. Membership of the 2025/2026 Youth Advisory Committee, as outlined in the report, be endorsed.

**CARRIED UNANIMOUSLY**

- 79:** Major Projects Update - July 2025  
File Number: 23/34318, 23/13402

**MOTION:** (Le/M Saliba)

That the report be received and noted.

**CARRIED UNANIMOUSLY**

- 80:** Monthly Investment Report - July 2025  
File Number: 25/23527

**MOTION:** (Le/M Saliba)

That the report be received and noted.

**CARRIED UNANIMOUSLY**



**Outcomes Committee  
DRAFT Minutes**

Meeting Date: 12 August 2025

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- 81:** Youth Advisory Committee - July 2025  
File Number: 24/14914

**MOTION:** (M Saliba/Le)

That the minutes of the Youth Advisory Committee Meeting held on Wednesday 2 July 2025 be received and noted.

**CARRIED UNANIMOUSLY**

- 82:** Divisional Update Report - Quarter 4 - Place Management  
File Number: 14/09936

**MOTION:** (M Saliba/Le)

That the report be received and noted.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

Councillor Briefing

The Chairperson reminded councillors that a Councillor Briefing would be held following the meeting.

**CLOSURE**

There being no further business, the meeting concluded at 6:39 pm.

\_\_\_\_\_  
Chairperson

**CONFIRMATION**

These minutes were confirmed as a correct record of the proceedings at a meeting held on 12 August 2025.

\_\_\_\_\_  
Chairperson

# **Services Committee**



## **DRAFT MINUTES**

**DATE OF MEETING:** 12 August 2025

**LOCATION:** Committee Rooms

**TIME:** 6.30pm

**Services Committee  
DRAFT Minutes**

Meeting Date: 12 August 2025

Page 2

**PRESENT:**

His Worship Mayor Carbone (**arrived 6.40pm during General Business**).

Councillors Karajcic, Khoshaba, Mijatovic, Morvillo, C Saliba (Chairperson) and Yousif.

Also in attendance were the General Manager, Director City Assets, Director City Development, Director City Living, Executive Manager, Manager Property Strategy & Services, IT Technician – Application Support (S Prince and S Subba) and Governance Officer (M Luongo).

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**WEBCAST ANNOUNCEMENT**

In opening the meeting, the Chairperson advised that the meeting is being livestreamed on Council's website and all present should refrain from making any defamatory statements.

---

**APOLOGIES AND REASONS ACCEPTED**

There were no apologies tendered for this meeting.

---

**REMOTE MEETING ATTENDANCE**

The Chairperson confirmed that no applications were received to participate remotely via audio-visual link.

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**CONFIRMATION OF MINUTES**

**MOTION:** (Yousif/Morvillo)

That the Minutes of the meeting held on 8 July 2025 be noted.

**CARRIED**

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**SECTION A**  
**'Matters referred to Council for its decision'**

- 106:** Transport for NSW Block Grant - 2025-2026 Regional Roads  
File Number: 11/02274

**RECOMMENDATION:** (Mijatovic/Yousif)

That:

1. Council accepts the grant of one million, three hundred and two thousand dollars (\$1,302,000.00) offered by Transport for NSW under the Block Grant Assistance – Regional Roads and Traffic Facilities Program, as identified in the 2025–2026 Operational Plan and that the expenditure be voted accordingly:
  - 1.1 The twenty-five thousand dollars (\$25,000.00) from grant be allocated to Project MPRR2663 – Elizabeth Street, replacing the existing general funding in the 2025–2026 Operational Plan.
  - 1.2 The five hundred, fifty-one thousand dollars (\$551,000.00) from grant be allocated to a new project, MPLTM2602 – Signs and Line Marking Renewal Program in the 2025–2026 Operational Plan.
2. The 2025–2026 Block Grant Assistance – Regional Roads Agreement be executed by the General Manager or their nominated delegate.

**CARRIED UNANIMOUSLY**

- 107:** Code of Conduct and Code of Conduct Procedures  
File Number: 09/01989

**RECOMMENDATION:** (Khoshaba/Morvillo)

That the Code of Conduct (Attachment A of the report) and Code of Conduct Procedures (Attachment B of the report) be adopted.

**CARRIED**

- 108:** Code of Meeting Practice  
File Number: 08/00542

**RECOMMENDATION:** (Yousif/Khoshaba)

That the Code of Meeting Practice (Attachment A of the report) be adopted.

**CARRIED**

- 109:** Leasing of Industrial Property at 396 Victoria Street Wetherill Park  
File Number: 09/04897

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(c)(d(ii)) of the Local Government Act, 1993, on the grounds that:*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and*
  - (d(ii)) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.*
- and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

**THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COMMITTEE. FOR DETAILS OF THE RESOLUTION PASSED BY COMMITTEE IN CLOSED SESSION REFER PAGE 10 OF THE MINUTES.**

- 110:** Council's Organisational Structure  
File Number: 11/04281

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(a) of the Local Government Act, 1993, on the grounds that:*

- (a) personnel matters concerning particular individuals.*

*and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

**THIS CONFIDENTIAL ITEM WAS DEALT WITH IN CLOSED SESSION OF THE COMMITTEE. FOR DETAILS OF THE RESOLUTION PASSED BY COMMITTEE IN CLOSED SESSION REFER PAGE 10 OF THE MINUTES.**

## **SECTION B**

**‘Matters submitted to the Committee for decision subject to the Right of Referral’**

- 111:** Request for Donation - Councillors Donations Fund  
File Number: 11/03083

**MOTION:** (Morvillo/Mijatovic)

That Council donate one thousand dollars (\$1,000.00) from the Councillors Donations Fund to Westmead Children’s Hospital Cystic Fibrosis Clinic towards the gala event being held on Saturday 6 September 2025.

**CARRIED**

- 112:** Request for Donation - Cultural Event Sponsorship Fund  
File Number: 25/16169

**MOTION:** (Yousif/Morvillo)

That Council donate two thousand five hundred dollars (\$2,500.00) from the Cultural Event Sponsorship Fund to Colo Colo Sports Social Club Inc. towards the Chilean Cultural Festival being held at Fairfield Showground on Sunday 21 September 2025.

**CARRIED**

- 113:** Request for Donation - Mayoral Community Benefit Fund  
File Number: 25/16199

**MOTION:** (Mijatovic/Khoshaba)

That:

1. Council donates five hundred dollars (\$500.00) from the Mayoral Community Benefit Fund to the Armenian Relief Society Arax Chapter towards their social event.
2. Council donates five hundred dollars (\$500.00) from the Mayoral Community Benefit Fund to the Cambodian Living Art and Culture (CLAC) towards the Cambodian Living Art and Cultural Social Gathering event being held on 24 August 2025 at Cabra-Vale Diggers Club.
3. Council donates five hundred dollars (\$500.00) from the Mayoral Community Benefit Fund to Indians in Sydney Welfare Incorporated towards the Indians in Sydney Annual Gala 2025 event being held on Sunday 17 August at Doltone House Bossley Park.

**CARRIED**

- 114:** Request for Donation - Mayoral Scholarship Fund  
File Number: 25/16202

**MOTION:** (Morvillo/Mijatovic)

That Council donate one thousand dollars (\$1,000.00) from the Mayoral Scholarship Fund to Liam Yeak to participate in the 2025 Australian Youth Volleyball Championships being held from 21-26 September 2025 in Perth Western Australia.

**CARRIED**

- 115:** Naming of Road - Paperbark Place Cecil Park  
File Number: 11/02519

**MOTION:** (Mijatovic/Yousif)

That in accordance with Council's Naming of Parks, Roads, Infrastructure and Buildings Policy:

1. Council endorse the naming of a new road to be Paperbark Place Cecil Park.
2. Council undertake community consultation for the new naming proposal by publishing a notice and by writing to nearby owners.
3. Consider a further report should there be any objections or advise the Geographical Names Board and other prescribed authorities of Council's endorsement of the new road name.

**CARRIED**

- 116:** Divisional Annual Report 2024/2025 - Children and Family Services  
File Number: 18/18762

**MOTION:** (Khoshaba/Yousif)

That the report be received and noted.

**CARRIED**

- 117:** Divisional Annual Report 2024/2025 - Fairfield Showground and Golf Course  
File Number: 11/01943

**MOTION:** (Mijatovic/Morvillo)

That the report be received and noted.

**CARRIED**

- 118:** Divisional Annual Report 2024/2025 - Leisure Centres  
File Number: 12/04972

**MOTION:** (Mijatovic/Morvillo)

That the report be received and noted.

**CARRIED**

- 119:** Divisional Annual Report 2024/2025 - Libraries and Museum  
File Number: 12/03512

**MOTION:** (Mijatovic/Yousif)

That:

1. The 2025-2026 Local Priority Grant from the Library Council of NSW be allocated to the Wetherill Park Library refurbishment project and a purpose-built heritage display cabinet.
2. The report be received and noted.

**CARRIED**

- 120:** Divisional Update Report - Quarters 3 & 4 - Natural Resources Management  
File Number: 12/02579

**MOTION:** (Mijatovic/Yousif)

That the report be received and noted.

**CARRIED**

- 121:** Divisional Update Report - Quarter 4 - Asset Management - Civil and Built  
File Number: 19/15433

**MOTION:** (Mijatovic/Karajcic)

That the report be received and noted.

**CARRIED**

- 122:** Divisional Update Report - Quarter 4 - Fairfield City HQ  
File Number: 21/47387

**MOTION:** (Morvillo/Mijatovic)

That the report be received and noted.

**CARRIED**



- 123:** Divisional Update Report - Quarter 4 - Social Planning and Community Development  
File Number: 12/05257

**MOTION:** (Mijatovic/Karajcic)

That the report be received and noted.

**CARRIED**

- 124:** Information Report - RFT 101-26 Road Sweeper Hire with Operator for Sustainable Resource Centre  
File Number: 25/14982

**MOTION:** (Morvillo/Karajcic)

That the report be received and noted.

**CARRIED**

**MEETING CLOSED TO THE PUBLIC**

**PROCEDURAL MOTION:** (Mijatovic/Khoshaba)

That pursuant to Section 10A of the Local Government Act the meeting be closed to the public to consider the following confidential items of business and the grounds for such closure are stated hereunder:

- 109:** Leasing of Industrial Property at 396 Victoria Street Wetherill Park  
File Number: 09/04897

**CONFIDENTIAL REPORT and ATTACHMENT**

**10A(2)(c)(d(ii))**

- (1) Pursuant to Section 10A(2)(c)(d(ii)) the information in the **Report and Attachment** is confidential.
- (2) The matter to be discussed Leasing of Industrial Property at 396 Victoria Street Wetherill Park.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;
  - (d(ii)) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council; andand dealing with the matter in Open Session would be, on balance, contrary to the public interest.

**110: Council's Organisational Structure**

File Number: 11/04281

**CONFIDENTIAL REPORT and ATTACHMENT**

**10A(2)(a)**

- (1) Pursuant to Section 10A(2)(a) the information in the **Report and Attachment** is confidential.
- (2) The matter to be discussed Council's Organisational Structure.
- (3) In relation to Section 10A(2) of the Local Government Act 1993, the reason why this part of the meeting should be closed is the matters and information is the following:
  - (a) personnel matters concerning particular individuals.and dealing with the matter in Open Session would be, on balance, contrary to the public interest.

**CARRIED**

**WEBCAST ANNOUNCEMENT**

In closing the meeting, the Chairperson advised that the livestream will be muted as the Committee enters into Closed Session and that the livestream will resume once the meeting is reopened to the public.

**MEETING OPEN TO THE PUBLIC**

**PROCEDURAL MOTION:** (Morvillo/Yousif)

That the meeting be open to the public.

**CARRIED**

**WEBCAST ANNOUNCEMENT**

In opening the meeting, the Chairperson advised that the livestream has been resumed.

**PROCEDURAL MOTION:** (Yousif/Morvillo)

That in accordance with Section 11(3) of the Local Government Act 1993, Council resolves that the correspondence or reports relating to Items 109 and 110 of the Services Committee that were considered during the Closed Session of Council be treated as confidential and remain confidential unless otherwise determined by Council.

**CARRIED**

**THE DECISIONS OF THE COMMITTEE IN CLOSED SESSION:**

- 109:** Leasing of Industrial Property at 396 Victoria Street Wetherill Park  
File Number: 09/04897

That:

1. The lease terms and methodology recommended in the report for 396 Victoria Street Wetherill Park, be adopted.
2. The rental income be placed in the Property Development Fund.
3. The Mayor and General Manager be authorised to finalise the lease and affix the Seal of Council on the documents and plans including the lease and any other relevant documents, to certify its decision for leasing of 396 Victoria Street Wetherill Park and enable the completion of the matter.
4. The Land/Lease Register and financial records, be updated.

- 110:** Council's Organisational Structure  
File Number: 11/04281

That the report be received and noted.

### **GENERAL BUSINESS**

**Mayor Carbone arrived (6.41pm) to the meeting.**

#### Councillor Briefing

The General Manager reminded councillors that a Councillor Briefing will be held following the meeting.

### **CLOSURE**

There being no further business, the meeting concluded at 6.42pm.

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Chairperson

### **CONFIRMATION**

These minutes were confirmed as a correct record of the proceedings at a meeting held on 12 August 2025.

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Chairperson

# Outcomes Committee



## REPORT BY CHAIRPERSON

**DATE OF MEETING:** 12 August 2025

**LOCATION:** Staff Lunch Room

**TIME:** 6.31pm

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Fairfield City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

ITEM	SUBJECT	PAGE
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## **SECTION A**

### **‘Matters referred to Council for its decision’**

There are no reports submitted for this section.

## **SECTION C**

### **‘Matters submitted to the Committee for decision subject to the right of referral’**

The following item has been referred by the Committee for decision by Council."

- 76:**    Western Sydney International Airport - First Runway Flightpaths  
File Number: 08/00629 ..... 4

#### **RECOMMENDATION:**

*That the matter be referred to the Ordinary Council meeting being held on Tuesday 26 August 2025.*

The following item has been referred by the Committee for decision by Council."

- 77:**    Public Exhibition - Fairfield Showground Local Approvals Policy  
File Number: 19/15813 ..... 13

#### **RECOMMENDATION:**

*That the matter be referred to the Ordinary Council meeting being held on Tuesday 26 August 2025.*

THAT CONCLUDES THE REPORT OF THE OUTCOMES COMMITTEE.

\_\_\_\_\_  
CHAIRPERSON

# Outcomes Committee



## SECTION C

**'Matters submitted to the Committee for decision subject to the right of referral'**

REPORT BY CHAIRPERSON  
OUTCOMES COMMITTEE

Meeting Date 12 August 2025

Item Number. 76

**SUBJECT:** Western Sydney International Airport - First Runway Flightpaths

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**FILE NUMBER:** 08/00629

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**PREVIOUS ITEMS:** 3 - Submission: Western Sydney Airport - Draft Environmental Impact Statement - Outcomes Committee - 13 Feb 2024

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**REPORT BY:** Andrew Mooney, Executive Strategic Planner

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**RECOMMENDATION:**

That the report be received and noted.

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**SUPPORTING DOCUMENTS:**

**AT-A** [↓](#) WSI Airport Flight Paths

2 Pages

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**CITY PLAN**

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

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**SUMMARY**

On 4 June 2025 the Federal Minister for Infrastructure, Transport, Regional Development and Local Government authorised the flight paths for the Western Sydney International (WSI) Airport first runway that were exhibited under an Environmental Impact Statement (EIS) in 2023-2024.

This report addresses questions raised at the June 2025 Ordinary Council Meeting in relation to:

- What the flight paths were previously.
- The final flight paths if they have been amended.
- The potential impact on our residents by suburb.
- How much noise pollution is generated.

In summary, the Federal Minister's decision did not make any changes to the flight paths identified in the EIS associated with the design of the first runway flight paths that were placed on public exhibition in 2023-2024. Details of the flight paths were reported to the February 2024 Outcomes Committee, where Council endorsed a submission to the EIS.

Following the August Outcomes Meeting, representatives from Airservices Australia will be providing a councillor briefing to Council regarding community engagement sessions Airservices is undertaking in relation to the approved flightpaths, including a noise abatement procedure that the Minister has required for future operations of the first runway.

## REPORT

### Previous and Approved Flight Paths

The flight paths approved by the Federal Minister for the WSI Airport on 4 June 2025 for the first runway correspond with the flight paths identified in the EIS for the first runway that was placed on public exhibition in 2023-2024 as shown in Attachment A to this report.

As part of the approval the Minister also issued a directive to Airservices Australia to prioritise '*Reciprocal Runway Operations*' (RRO) as the default operating mode at night, including the use of a specific '*noise abatement procedure*', when both are safe to do so.

As shown in the figure below, the RRO mode comprises aircraft departures and arrivals during night operations (11.00pm to 5.30am) being directed to/from the south-west of the airport over the Blue Mountains, with the aim of avoiding flights over the more populated areas of Western Sydney.

It is important to note that the ability to utilise the RRO mode depends largely on the prevailing weather conditions in particular wind direction, as well as the number of flights that can be accommodated at the airport at any one time.





It is understood that the noise abatement procedure includes monitoring of aircraft noise by several permanent noise monitoring stations to be located throughout Western Sydney, with the collected data to be made publicly available over the internet. It is understood that at this stage no permanent monitoring stations are planned to be located in the Fairfield LGA.

Further details regarding the above will be made available at the briefing by Airservices following the August Outcomes Meeting.

### **Suburbs Most Affected by Aircraft Noise**

In February 2024 Council endorsed a submission to the EIS for the identified flight paths associated with 24 hour, 7 days a week curfew-free operation of the first runway for the WSI Airport due to commence in operations in 2026. The submission highlighted that the areas of Fairfield City most affected by the first runway comprise of Horsley Park and Cecil Park.

In brief, Council's submission to the EIS highlighted concerns in relation to the impacts of aircraft noise on the residents most affected in Horsley Park and Cecil Park, and the inadequate attention and regard included in the EIS in relation to these impacts including the lack of information provided to residents.

Sections of Horsley Park and Cecil Park are also located under the 20 Australian Noise Exposure Concept (ANEC) area associated with the proposed WSI Airport second runway projected to open in 2059. As Council would be aware properties located directly under the 20 ANEC are subject to State Government planning restrictions prohibiting new residential development.

As shown in the figure below areas of Horsley Park are not affected by the 20 ANEC for the first runway until 2055 with the primary effects on properties in the northern section of Horsley Park within the Western Sydney Employment Area.



**REPORT BY CHAIRPERSON  
OUTCOMES COMMITTEE**

**Meeting Date 12 August 2025**

**Item Number. 76**

Although not located under the first runway 20 ANEC, the EIS revealed that rural residential properties in sections of Horsley Park and Cecil Park will still be impacted by several aircraft flights that will generate noise impacts up to 60 and 70 decibels (referred to N60 and N70 areas respectively). The following table provides an illustration of the equivalent noise for various decibel levels.

<b>Decibels db(A)</b>	<b>Equivalent Noise</b>
40	Quiet suburban area at night
50	Household refrigerator/moderate rainfall
60	Normal conversation at 1 metre/business office
70	Washing Machine/Vacuum cleaner
80	Hair Dryer/City Traffic

The frequency of aircraft noise impacts will also be influenced by such factors as weather conditions and aircraft noise sharing arrangements applying within the Sydney Basin. The table below provides an overview of the worst-case scenarios for the first runway N60 and N70 noise impacts on sections of Horsley Park and Cecil Park (including the potential number of properties affected), for the critical assessment years identified by the EIS.

Jet Aircraft Flights (ranging from 60-70 decibels)

<b>Year</b>	<b>Potential maximum no. of flights (24 hrs)</b>	<b>Potential maximum no. flights overnight (11.00pm – 5.30am)</b>	<b>Potential no. of rural residential properties affected</b>
2033	99	9	70
2040	190	19	80
2055	200+	4	120

The following is noted:

- The flightpath operations impacting on Horsley Park and Cecil Park comprise departures from the southwest (Runway 05) and arrivals from the north-east (Runway 23).
- Overnight flights include international (wide body) and domestic (narrow body) flights - At this stage a breakdown is not provided for the number of flights for these forms of aircraft.
- Properties affected in Horsley Park and Cecil Park are located in the northwest sections of these suburbs and generally located in proximity to Burley Road, Arundel Road, Delaware Road, Greenway Place and Garfield Road.
- During day/evening hours (5.30am-11.00pm), the majority of Horsley Park and Cecil Park (approximately 978 properties) will be affected by flights from regional (turboprop) aircraft with noise levels up to 60 decibels.

### **Other Suburbs Affected**

As shown in Attachment A and in closer detail in the figure over page, during daytime operations (5.30am – 11.00pm) the urban areas of Fairfield City east of the airport will be subject to flights arriving from an easterly direction. This flight path is over all or parts of the following 12 suburbs: Abbotsbury, Bonnyrigg, Bonnyrigg Heights, Cabramatta, Canley Heights, Canley Vale, Edensor, Greenfield Park, Lansvale, St Johns Park and Wakeley.

Based on information (below) taken from the [WSI Aircraft Overflight Noise Tool](#) the aircraft arriving will be at altitude of approximately 13,300 feet (approximately 4,000 metres) with the above suburbs experiencing 'negligible' noise levels of 45dBA or less. After crossing over the Fairfield LGA, flights will circle over the Blue Mountains or Penrith City before descending to the airport.



## **20 Australian Noise Exposure Concept (ANEC) and Australian Noise Exposure Forecast Area (ANEF)**

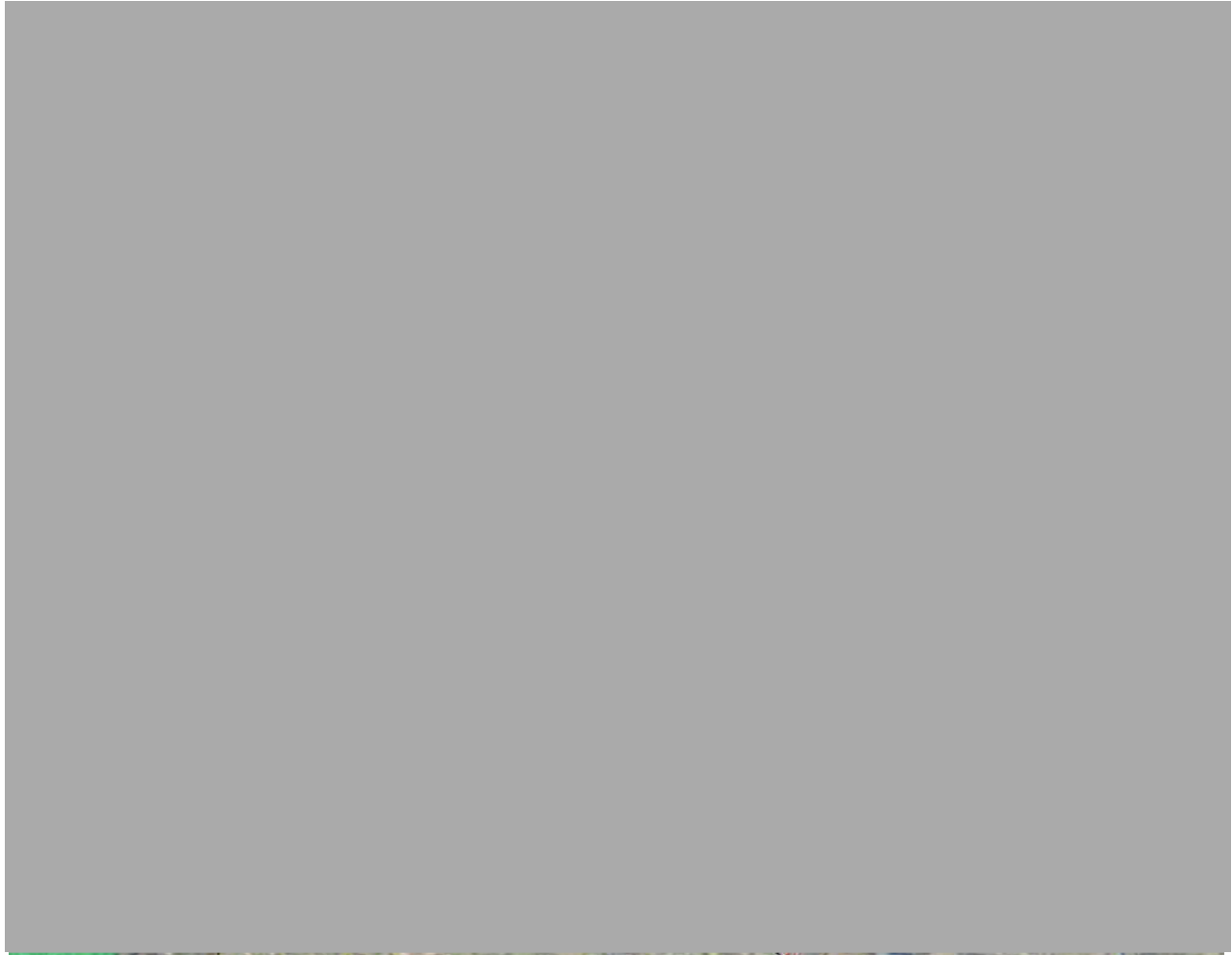
As referred to previously, sections of Horsely Park and Cecil Park are affected by State Government planning restrictions that prohibit noise sensitive development located under the 20-25 ANEC area (over page) associated with operations of the WSI Airport by 2059 that includes the proposed second runway.

REPORT BY CHAIRPERSON  
**OUTCOMES COMMITTEE**

**Meeting Date 12 August 2025**

**Item Number. 76**

The Federal Minister's approval has not resulted in any change to the footprint of the ANEC, however, because of the determination the 20 ANEC area is currently being formalised by Airservices Australia and will become the 20 Australian Noise Exposure Forecast (ANEF).



### **Public Engagement Program**

Airservices Australia has recently embarked on a public engagement program to increase public awareness of the matters outlined in this report and will include a drop-in session at the Horsley Park Community Hall on Wednesday 3 September between 3pm-7pm. Further details regarding the overall process will be provided at the councillor briefing to Council.

### **CONCLUSION**

This report provides details of the approved flight paths associated with the first runway of the WSI Airport due to commence operations in 2026 as well as impacts of aircraft noise on Fairfield City that will mainly affect the suburbs of Horsley Park and Cecil Park.

REPORT BY CHAIRPERSON  
**OUTCOMES COMMITTEE**

**Meeting Date 12 August 2025**

**Item Number. 76**

It is noted that the Federal Minister's approval included measures aimed at minimising the impacts of aircraft noise on the community of Western Sydney by prioritising 'Reciprocal Runway Operations' (RRO) as the default operating mode at night, including the use of a specific 'noise abatement procedure' when both are safe to do so.

Further details on the above will be presented by Airservices Australia following the August Outcomes Meeting.

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Andrew Mooney  
**Executive Strategic Planner**

**Authorisation:**  
Manager Strategic Land Use Planning  
Acting Director City Planning

Outcomes Committee - 12 August 2025

File Name: **OUT12082025\_7.DOCX**

\*\*\*\*\* END OF ITEM 76 \*\*\*\*\*

**ATTACHMENT A**

DAY TIME

Runway 05 (Aircraft taking off to the North East &amp; arriving from the South West)



DAY TIME

Runway 23 (Aircraft taking off to the South West &amp; arriving from the North East)



**ATTACHMENT A****NIGHT TIME**

Runway 05 (Aircraft taking off to the North & arriving from the South West)

**NIGHT TIME**

Runway 23 (Aircraft taking off to the South West & arriving from the North East)



REPORT BY CHAIRPERSON  
OUTCOMES COMMITTEE

Meeting Date 12 August 2025

Item Number. 77

**SUBJECT:** Public Exhibition - Fairfield Showground Local Approvals Policy

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**FILE NUMBER:** 19/15813

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**REPORT BY:** Kerren Ven, Senior Strategic Land Use Planner

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**RECOMMENDATION:**

That:

1. Council endorse minor amendments to the Fairfield Showground Local Approvals Policy (Attachment A of the report) and that it be placed on public exhibition for a period of 42 days in accordance with Section 160 of the Local Government Act 1993.
  2. Following public exhibition, Council seek the consent of the NSW Office of Local Government for the Part 1 exemptions of the Fairfield Showground Local Approvals Policy prior to adoption in accordance with Section 162 of the Local Government Act 1993.
  3. Subject to obtaining consent of the NSW Office of Local Government for Part 1 of the Fairfield Showground Local Approvals Policy, the feedback received from community consultation and any changes to the Fairfield Showground Local Approvals Policy be reported back to Council.
- 

**SUPPORTING DOCUMENTS:**

<b>AT-A</b> <a href="#">↓</a>	Draft Fairfield Showground Local Approvals Policy (2025 Review)	22 Pages
<b>AT-B</b> <a href="#">↓</a>	Fairfield Showground General Hire Agreement Form	11 Pages

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**CITY PLAN**

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

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**SUMMARY**

This report seeks Council's endorsement to publicly exhibit the draft Fairfield Showground Local Approvals Policy (the Policy) following a periodic review.

The Policy sets out the criteria for low impact activities to occur within the Fairfield Showground as applied within Section 68 of the Local Government Act 1993.

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The proposed amendments to the Policy are minor updates to ensure legislative references are current.

## **Background**

The Policy was adopted by Council in May 2020 under Section 68 of the Local Government Act 1993 (the LG Act).

The Policy is a different approval process from Part 4 of the Environmental Planning and Assessment Act 1979 that covers development applications. The Policy includes criteria and requirements for specified activities to be evaluated against when seeking approval from Council.

The main purpose of a Local Approvals Policy is to specify:

<b>Part 1</b>	The circumstances in which a person would be exempt from the necessity to obtain a particular approval for an activity from Council under Section 68 of the LG Act.
<b>Part 2</b>	The criteria that Council must take into consideration in determining an application for a specific activity.
<b>Part 3</b>	Other matters to be considered to both exempt and activity approvals from Council.

Under Section 165 of the Local Government Act the Policy ceases to have effect 12 months after a Local Government (LG) election, unless re-adopted by the new Council.

## **Discussion**

The Policy for the Fairfield Showground was established for approval types under s68 of the LG Act for various activities and events to take place.

The purpose of the Policy is to streamline the approvals process by identifying which events and activities at the Showground site are 'exempt' from the requirement for Council approval under Section 68 of the LG Act, subject to a range of specified criteria set in the Policy being met.

Most of these exempt activities in Part 1 of the Policy (small and larger scale community activities, concerts, festivals, sporting activities, conferences, weddings, markets and outdoor cinemas) are authorised by the current Fairfield Showground Plan of Management, managed through a Hire Agreement and are exempt from the need for development consent under the applicable planning instruments of the Environmental Planning and Assessment Act 1979.

An internal audit was undertaken in May 2025 of Council's local approvals (including the Policy) to ensure local activities are meeting the statutory requirements under the LG Act. The audit found that the Policy is operating efficiently for current and future activities on the site and does not identify the need for Council to consider any major amendments or updates to the approvals framework.

It is proposed to re-adopt the Fairfield Showground Local Approvals Policy (Attachment A) with only minor amendments to the legislative references within the Policy.

### **Consultation & Timing**

The amendments to the Fairfield Showground Local Approvals Policy have been reviewed in collaboration with the Strategic Land Use Planning Team and Leisure Centres, Showground and Golf Course Team.

The Policy is required to be placed on public exhibition for at least 42 days to provide an opportunity for the community to provide feedback. This is consistent with Section 160 of the Local Government Act and Council's Community Engagement Strategy 2024.

It is noted that the exempt activities specified in Part 1 of the Policy require consent from the Office of Local Government for adoption under Section 162 of the LG Act. This applies to any Local Approvals Policy that include the exemptions to ensure that they align with the provisions outlined within the LG Act. In this regard, it is recommended following exhibition that Council obtain consent of the Chief Executive Officer of NSW Office of Local Government for Part 1 exemptions of the Fairfield Showground Local Approvals Policy.

A further report will be prepared following the exhibition period and once consent has been obtained from the Office of Local Government for Council's consideration prior to adoption of the Policy.

### **CONCLUSION**

Under Section 165 of the Local Government Act 1993, the Fairfield Showground Local Approvals Policy must be endorsed by the new Council within 12 months of the election.

The changes to the Policy are not considered to have any significant impacts on the environment and will continue to support the streamlined approval framework for activities at Fairfield Showground.

It is recommended that the minor amendments to the Fairfield Showground Local Approvals Policy be placed on public exhibition and be reported back to Council for adoption following community consultation.

REPORT BY CHAIRPERSON  
**OUTCOMES COMMITTEE**

**Meeting Date 12 August 2025**

**Item Number. 77**

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Kerren Ven  
**Senior Strategic Land Use Planner**

**Authorisation:**

Coordinator Strategic Planning  
Manager Strategic Land Use Planning  
Acting Director City Planning

Outcomes Committee - 12 August 2025

File Name: **OUT12082025\_4.DOCX**

\*\*\*\*\* END OF ITEM 77 \*\*\*\*\*

# Fairfield Showground

## Local Approvals Policy



## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

Fairfield Showground Local  
Approvals Policy

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## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

## Fairfield Showground Local Approvals Policy



## SECTION 1 - INTRODUCTION

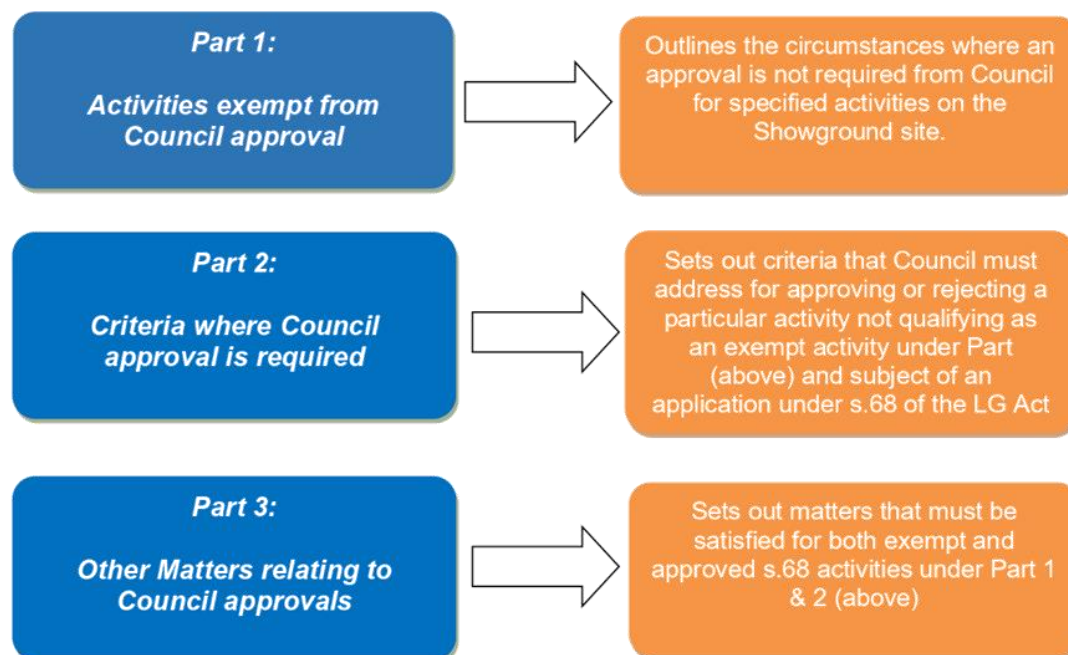
**BACKGROUND & HOW THIS POLICY WORKS**

In 2018, Council adopted a range of amendments to the Fairfield Showground Plan of Management (POM) to reflect a new master plan prepared for the site that will see the Showground evolve into a major recreation and events hub.

Works associated with the master plan will result in the capacity of the site growing to accommodate a range of new or expanded activities (including festivals, community activities, community and sporting events) that are authorised under the new POM and permissible on the site under relevant provisions of the Fairfield LEP 2013.

This policy has been prepared in accordance with provisions of section 158 of the Local Government (LG) Act 1993, which allows Council to prepare a local approvals policy, removing the requirement for an approval from Council under s.68 of the LG Act for a range of specified activities (e.g. musical or other entertainment for the public) taking place on community land.

These exemptions are subject to a number of specified criteria (as set out in this policy) relating to particular activities being met. Section 2 contains the key components of this policy relevant to obtaining either an exemption or approval from Council to comply with the requirements of the three parts of s.158 the LG Act that Council must address as follows;

How to Use this Policy - Section 2 Parts 1,2 & 3



## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

## Fairfield Showground Local Approvals Policy

**OBJECTIVES**

This policy seeks to:

- a) Encourage recreational, social and cultural activities at Fairfield Showground that enhance the vitality and cosmopolitan character of the site;
- b) Support and encourage public and private activities whilst ensuring public safety, amenity and public property are protected;
- c) Establish a fair and transparent framework for activities and outline the criteria for those activities where approval is required without adversely impacting on the amenity of the Showground or surrounding neighbourhood.

**LEGISLATIVE CONTEXT**

This policy has been prepared to address other relevant legislation, including;

- *Environmental Planning and Assessment Act 1979*
- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Fairfield Local Environmental Plan 2013*
- *Occupational Health and Safety Regulation 2001*
- *Protection of the Environment Operations Act 1997*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *Work Health and Safety Act 2011.*

**LAND TO WHICH THIS POLICY APPLIES**

This Local Approval Policy applies to land to which the Fairfield Showground POM 2018 applies as shown in Figure 1. This includes the Parklands Function Centre, central arena, grandstands, amenity buildings, under cover awning structures and surrounds including the Deerbush Park and Nalawala community complex and nursery.



**Figure 1. Location of Fairfield Showground**

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

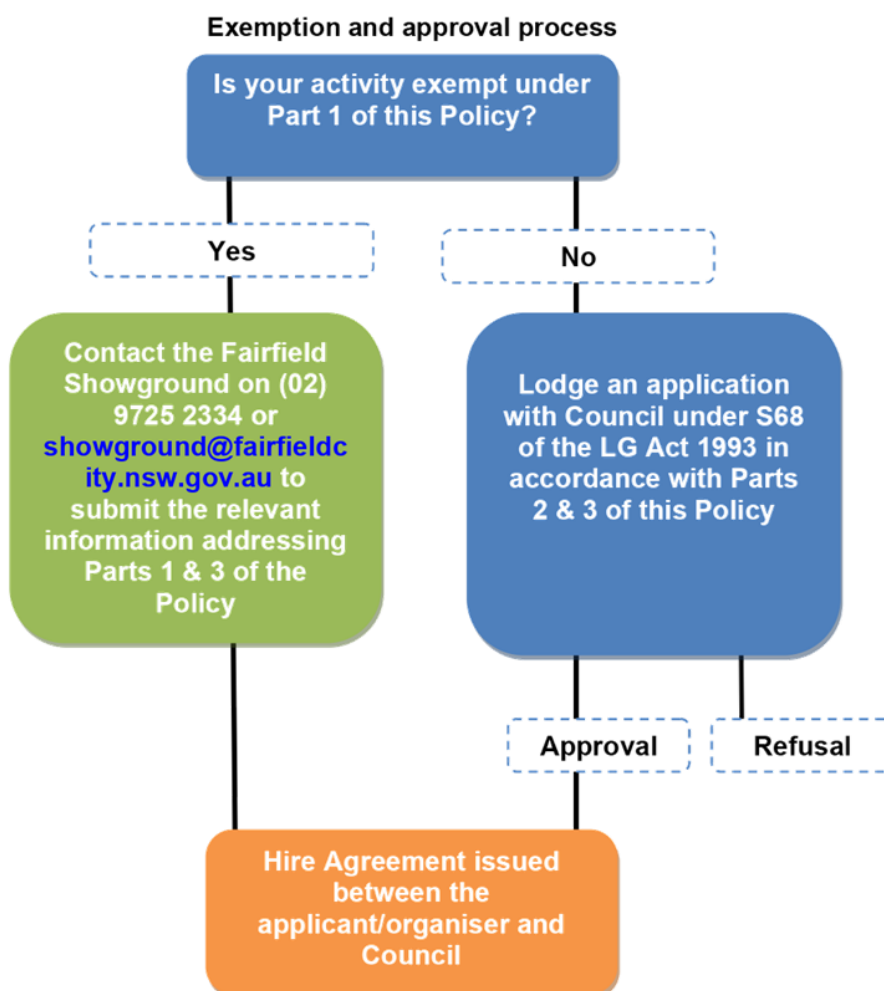
## Fairfield Showground Local Approvals Policy

**ROLE OF COUNCIL**

Council has 2 roles in considering activities at the Fairfield Showground. As the landowner, Council will enter into a hire agreement with proponents for exempt/approved activities at the Showground. The requirements and conditions for hire agreements are set out in Part 3 of this Policy.

Council also has a regulatory role in approving certain activities under s.68 of the LG Act on the Showground site. Some activities are exempt from the need for that approval as set out in Section 2 - Part 1 of this Policy.

See under Section 2 - Part 2 to determine whether an application for approval is required. Contact Council for more information. The following flow diagram shows how the above processes work.





## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

## Fairfield Showground Local Approvals Policy

**UNSUITABLE ACTIVITIES AT FAIRFIELD SHOWGROUND**

Council will not consider the following activities on the site:

- Activities that are considered to significantly impact or damage the local flora and fauna.
- Activities that are considered unsafe and/or have inappropriate impacts on the community.

**DEFINITIONS**

Activity/Term	Definition
Amusement Device	Means device for amusement purposes that is high risk plant.
Authorised Person	An appropriate delegated employee of Fairfield City Council or police officer.
Busker	A person who actively provides a performing arts act with the intention of receiving a donation from the public.
Event	Refers to a range of occasions for recreation eg. ceremonies, competitions, meetings, conventions, festivals, parties, sporting events, cinematics, concerts and exhibitions.
Exempt	Is an activity or activities that comply with the standards specified and requirements of Section 2, Part 2 of this Policy.
Function Centre	Means a building or place used for the holding of events, functions, conferences.
Hire Agreement	A contract agreement that grants a right to occupy and use land under a license, lease, hire agreement or permit for a particular purpose.
Market	An open-air area, or existing building used for the purpose of selling, or offering goods or materials for sale by independent stall holders for an intermittent or occasional basis.
Mobile Food Vending Vehicle	Is the carrying out of the retail sale of food, drinks and related products on community land from a mobile outlet such as a food truck, van, cart or other similar vehicle.
Outdoor Training	The use of a qualified trainer to provide guidance and instruction of fitness activities.
Recreational activity	Means an activity whether indoor or outdoor used for the purpose of recreation that include gymnasium, tennis, sporting activities or the like open to the public.
Temporary structures	Include open and enclosed structures that can be dismantled and removed off-site that include food trucks, circus tents, stalls and stages.

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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## Fairfield Showground Local Approvals Policy



## SECTION 2 - POLICY

**PART 1: ACTIVITIES EXEMPT FROM APPROVAL UNDER S.68(1) OF THE LG ACT**

The following activities are exempt from the need to obtain an approval under s.68 of Local Government Act 1993 subject to compliance with relevant requirements of Part 1 & 3 of this Policy.

S68(1) Table Approvals	Exempt Activities
<p>Part A – Structures or places of public entertainment</p> <ul style="list-style-type: none"> <li>Install a manufactured home, moveable dwelling or associated structure on land</li> </ul>	<ul style="list-style-type: none"> <li>Busking</li> <li>Markets that include food markets, night markets, Saturday markets, bazaar markets etc.</li> <li>Events and festivals that may occur over several days</li> </ul> <p><i>Examples include cultural ceremonies, trade shows, car shows, trailer boat shows, exhibitions, concerts, carols, rodeo shows, Easter show, fair or circus, corporate parties, outdoor cinemas etc.</i></p>
<p>Part C – Management of waste</p> <ul style="list-style-type: none"> <li>Place a waste storage container in a public place</li> </ul>	
<p>Part D – Community land</p> <ul style="list-style-type: none"> <li>Engage in a trade or business</li> <li>Direct or procure theatrical, musical or other entertainment for the public</li> <li>Construct a temporary enclosure for the purpose of entertainment</li> <li>For fee or reward, play a musical instrument or sing</li> <li>Set up, operate or use a loudspeaker or sound amplifying device</li> <li>Deliver a public address or hold a religious service or public meeting</li> </ul>	
<p>Part F – Other activities</p> <ul style="list-style-type: none"> <li>Install or operate amusement device</li> <li>Use a standing vehicle or any article for the purpose of selling any article in a public place</li> </ul>	
	<ul style="list-style-type: none"> <li>Community club training or meetings with agreement with Council</li> </ul> <p><i>Example of existing club meetings held at Fairfield Showground include Central Cumberland Racing Pigeon Federation Inc, Deerbush Dog Training Club, Fairfield and District Gemstone Club Inc, Fairfield Poultry Club and Rare Breed Society, Pigeon Fanciers Society of NSW, Sydney Wyandotte Fanciers Aust and the Australian Pouter and Cropper Club, Western District Live Steamer Co-op Ltd and Western Sydney Cycling Club.</i></p> <ul style="list-style-type: none"> <li>Wedding or corporate functions</li> <li>Annual waste disposal drop off held by Fairfield City Council</li> <li>Organised sporting events that include outdoor training, fun runs, school carnivals, obstacle courses etc.</li> </ul>

**\*Note: Any activities not listed as exempt under the Policy and or does not comply with the exempt criteria will require an application for approval from Council.**



## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

## Fairfield Showground Local Approvals Policy

**EXEMPT PROVISIONS**

Exempt activities must comply with Part 1 and Part 3 of this Policy.

**Hours of Operation**

The hours permitted for activities to be exempt are specified in the table below.

Activity	Exempt hours of operation
Markets	<b>Monday to Sunday:</b> 5:00am to 10:00pm
Events	<b>Friday and Saturday:</b> 9:00am to 11:30pm (all amplified noise must cease at 10:00pm) <b>Sunday:</b> 9:00am to 10:00pm (all amplified noise must cease at 10:00pm)
Functions within Parklands or other buildings	<b>Monday to Sunday:</b> 9:00am to 1:30am
Sporting events	<b>Monday to Sunday:</b> 9:00am to 10:00pm

- At the end of each day of the activity, all customers have 1 hour to locate off site.
- Cleaning activities must be completed within 1 hour once customers have located off site.
- Dismantling of any structures or amusement devices must be completed and removed off site by 12:00am midnight.
- Lighting (including flood lighting) at the Showground is managed by Council staff and will be switched off at the end of the activity each day, in accordance with the approved hours of operation for an activity.

**Vehicle Parking & Transport**

The Fairfield Showground can be accessed from the main primary entrance along Smithfield Road or from the secondary entrance at Moonlight Road with formal car spaces and overflow parking areas available for activities.

A Parking Plan must be provided demonstrating that parking for activities will be maintained predominantly on site and minimise impact on the surrounding streets.

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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## Fairfield Showground Local Approvals Policy



### Noise Amplification

Noise operation of activities or events that involve amplified noise must be conducted to avoid unreasonable noise or vibration in accordance with the *Protection of the Environment Operations Act 1997*; and must not cause interference to the surrounding neighbourhood.

All activities must comply with the *Event Noise Management Plan, S180086RP2, Rev A prepared by Resonate Consultants dated 27 June 2019* as detailed below:

- Noise emissions from any amplified stage is to be set to an allowable maximum level measured at relevant distances from the Front of House mixing desk as shown in the table below:

Distance (m)	Adjustment (dB)	Mixing Desk Level (dB(C))		
		Category 1 (up to 300 attendees)	Category 2 (up to 2,000 attendees)	Category 3 (2,000+ attendees)
20	+2	82	87	102
25	+1	81	86	101
30	-	80	85	100
35	-1	79	84	99
40	-2	78	83	98

- Noise mitigation measures must be implemented in order to minimise the potential noise impact to surrounding areas through the following:
  - Equipment selection
  - Event management such as noise monitoring by an acoustic engineer
  - Community notification
  - Procedures for noise complaints etc.

### Signage

Signage must be provided for events to demonstrate directions and designated areas such as:

- Toilet facilities
- Waste & recycling receptacles
- Designated smoking area
- Customer Service Centre etc.

### Temporary Structures

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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Approvals Policy

Temporary structures must be installed, constructed and commissioned in a manner that ensures that the structure is without risk to health and safety of persons for its proper use.

It is the constructors, installers and commissioner's responsibility to:

- Ensure the structure having regard to the information provided by the designer, manufacturer, importer or supplier, and competent person, to install the structure under the Australian Building Code Board Standards for Temporary Structures 2015
- Consult and provide all relevant safety information to subcontractors engaged to build, maintain and use the structure
- Have competent people undertake this work
- Manage risks of construction
- Not restrict any vehicular, pedestrian access or utility service to or from the land or entry to any building on the land
- Not have the structure located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land and not result in any damage to public property on the land or on adjacent land
- Ensure sign-off from engineers on temporary structures

### Amusement Devices

Amusement devices must comply with the relevant provisions under the Local Government Regulation 2021 and Work Health and Safety Regulation 2017.

All devices must comply with the following:

- The ground or surface on which the device is erected on is sufficiently firm to sustain the device while it is in operation and is not dangerous for any other reason
- Amusement devices must be registered with SafeWork NSW under the Work Health and Safety Regulation 2017
- The device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that Regulation
- That there exists for the device a current logbook within the meaning of Chapter 5 of that Regulation, and
- Evidence of a contract of insurance or indemnity that indemnifies to and not less than \$10,000,000.00 for each device.

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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## Fairfield Showground Local Approvals Policy



### Food Related Businesses

Activities associated with food businesses must comply with *the Food Act 2003*, *Food Regulation 2015*, *Australia New Zealand Food Standards Code* and the NSW Food Authority *Guidelines for Food Businesses at Temporary Events*.

Prior to an event, all food related businesses must obtain a Food Safety Supervisor Certificate from the NSW Food Authority and submit a Food Business Registration Form to Council with evidence of an inspection of being undertaken by Council.

Food that is prepared or sold on site must:

- Set up on sealed ground, unsealed floor surface must be covered with suitable material, away from drainage lines, toilet and garbage areas to avoid cross contamination and maintain stall cleanliness,
- Multi day events that remain omitted to trading regardless of weather conditions require floor coverings that must be easily cleaned and non-absorbent, and
- Open side stalls must not face prevailing winds to prevent dust, odour and insect problems.

### Advertising Signage

Temporary advertising signs must comply with *Appendix C – Advice for Designing Advertising Signs of the Fairfield Citywide Development Control Plan (DCP) 2024*.

Advertising signage must not be displayed earlier than 14 days before the event and must be removed within 2 days after the event.

### Other Relevant Approvals

All associated activities that require a license from a relevant authority are to be obtained prior to the event or activity such as for the service of liquor, animal welfare and fireworks (*refer to Part 3 of the Policy*).



## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

Fairfield Showground Local  
Approvals Policy**PART 2: CRITERIA FOR APPROVAL OR REFUSAL OF OTHER ACTIVITIES**

This section focuses on the criteria and matters Council will have regard to in determining whether to approve or refuse an activity that does not qualify an exempt activity under Part 1 of this policy.

**Relationship with Section 68 Local Activity Approval**

Activities not eligible under the exemption provisions of Part 1 of this policy may still be considered for approval from Council under Section 68 of the Local Government Act 1993 (listed in Appendix A of the Policy).

**DEVELOPMENT ACTIVITY PROVISIONS****Hours of Operation**

If the activity is proposed outside those hours identified in Part 1, an Event Plan of Management must be submitted to Council as part of an application demonstrating how the activity will not affect the amenity of the surrounding area in terms of noise and traffic (*refer to Part 3, Event Plan of Management for detailed requirements*).

**Transport and Parking**

Activities that have more than 8,000 people in attendance a day will require a Traffic Management and Control Plan (TMCP) to be submitted as part of an application. The TMCP must:

- Identify the number of estimated attendees and vehicles parking on site at one time for the duration of the entire activity
- Include strategies to minimise the impact of overflow parking on surrounding streets to ensure the safety of the activity does not disrupt normal traffic
- Address the organisers responsibilities with respect to traffic management
- Specify how traffic and parking conditions will be managed
- Provide details of the traffic control provider and organiser for the activity

**Noise Management**

If noise amplification is proposed that exceeds the levels identified in Part 1, then an acoustic report prepared by a qualified acoustic consultant is to be submitted as part of an application and must comply with Part 4, Division 7 of the *Protection of the Environment Operations (Noise Control) Regulation 2017* that must address the following:

- a) Noise measurements taken at the most sensitive noise locations
- b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria and the Acoustic Report
- c) Complaints handling system and register of all complaints received from local residents in relation to the operation of the activity

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

Fairfield Showground Local  
Approvals Policy

- d) Recommendations to how noise emissions can be satisfactorily reduced to comply with the assessment criteria and recommendations provided shall be implemented fully.

### Signage

Temporary advertising signage that does not comply with *Appendix C – Advice for Designing Advertising Signs of the Fairfield Citywide Development Control Plan (DCP) 2024* will be assessed on merit and must address the *State Environmental Planning Policy (Industry and Employment) 2021*.

### Notification

All applications for approval require Council to notify the affected properties within a 200-metre radius of the subject site in accordance with Council's Community Engagement Strategy 2040.





## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

Fairfield Showground Local  
Approvals Policy**PART 3: OTHER MATTERS RELATING TO APPROVALS**

This section of the Policy requires all activities (whether or not exempt under Part 1 or requiring an approval under Part 2) to submit the following documentation to Council as part of the hire agreement for consideration. It is the applicant/ organiser's responsibility to enter into an agreement with Council for the use of the site 6 weeks before operation of the activity.

**Hire Agreement**

A Hire Agreement over community land between the event organiser and Fairfield City Council for the duration of an activity is required under the LG Act 1993.

All activities must be consistent with the guidelines that meet the requirements under the Local Approvals Policy and the Fairfield Showground Plan of Management.

All conditions outlined in the Fairfield Showground Hire Agreement shall be strictly complied with. The approval will automatically become void if any of the conditions outlined in the Policy or Hire Agreement are breached.

**Public Liability Insurance**

A current public liability insurance policy must be provided and in force at all times that the agreement is in operation for the activity. The following conditions apply:

- Public risk insurance to the minimum value of \$20,000,000.00 (twenty million dollars) must be taken out by the event organiser noting Fairfield City Council as an interested part.
- Public risk insurance to a minimum value of \$10,000.00 (ten million dollars) for each device must be taken out by the event organiser or amusement device operator noting Fairfield City Council as an interested party.

Note: Failure to comply with this condition will not permit an activity to occur on Council land.

**Notification to Relevant Authorities**

The applicant/ organiser is responsible to notify the relevant authorities such as the local Police, Fire Brigade, emergency services prior to entering into an agreement with Council. All conditions set by the relevant authorities must be met.

**Liquor License**

If the event wishes to serve alcohol on community land, a liquor license must be obtained from Service NSW. To obtain a liquor license for an event, the event organiser must apply through Service NSW website at <https://www.service.nsw.gov.au/transaction/apply-limited-liquor-licence-single-function>.

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

## Fairfield Showground Local Approvals Policy

**Fireworks Approval**

In pursuant to Council's Public Fireworks Display & Associated Street Processions Policy, a license must be obtained for the display of fireworks under the NSW Explosives Act 2003 and must comply with the following conditions:

- A Notification to Council of Outdoor Firework Display form must be submitted to Council.
- Three (3) adults must be available at all times during the display to maintain crowd control and provide safety distances.
- Crowds are to be kept 30 metres away using a protective barrier endorsed by SafeWork NSW.
- Crowds for firecrackers are to be kept away at distance of 6 metres.
- Remove all fireworks that fail to explode immediately and arrange safe disposal by having 2 large buckets of water and 2 adults available to dispose of any non-exploded fireworks/crackers immediately after and destroy any unexploded/unfired fireworks.
- Nearby parked vehicles shall be protected in a suitable manner (non-flammable material) so as to prevent damage to paintwork by firecrackers.
- Activities shall not interfere with pedestrian and vehicular traffic.
- No waste papers or the like are to litter Council's streets or footpaths and shall be removed off-site.
- Ensure that a first aid kit is available.
- Council requires a minimum of \$20 million Public Liability Insurance.
- The event organiser must advise the public/adjoining properties within a 200-metre radius by letter box drop or newspaper advertisement 1 week before the fireworks display if the fireworks are to be displayed after 9pm.
- Permission is automatically cancelled in the event of a total prohibition on the lighting of fires in the open being proclaimed.

For more information on obtaining a Fireworks License, visit the SafeWork NSW website at <https://www.safework.nsw.gov.au/licences-and-registrations/licences/explosives-and-fireworks-licences/fireworks>.

**Animal Management**

Activities that involve animal welfare such as zoos or circuses must obtain a license, permit or approval by NSW Department of Primary Industries under *Part 3 of the Exhibited Animals Protection Act 1986*.

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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## Fairfield Showground Local Approvals Policy



For more information, visit the NSW Department of Primary Industries website at <https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/exhibit/licensing/getting-approval-to-exhibit>.

### Event Plan of Management

An Event Plan of Management is to be provided to Fairfield City Council 6 weeks prior to an activity that addresses a range of considerations such as:

- Accessibility
- Transport management
- Safety and security
- Lighting
- Risk & Emergency
- First Aid
- Waste management
- Amenity facilities
- Temporary structures
- Amusement operator requirements
- Service of food or liquor
- Signage/ advertising
- Advertising promotion
- Fireworks



The event plan must include a site plan that provides an overview of the event of where structures will be staged, displayed entrances and exits, facilities, and approvals needed for the event.

### Accessibility

When planning an event, it is a legal requirement to consider the access needs of people with a disability. Promoting an event's accessibility may also be an attractive prospect for supporting partners or sponsors.

Things to consider making your event accessible include:

- Wheelchair access,
- Hearing loops or Auslan (sign language),
- Special parking areas for people with a disability,
- Accessible toilet facilities,
- Special viewing areas,

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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## Fairfield Showground Local Approvals Policy



- Large printed information etc.

**Safety & Security**

The event organiser is responsible to provide appropriate measures such as security to ensure the safety of the public. Crowd management security measures must be put in place that include:

- Details safety or security officers with provided roles and responsibilities of security staff,
- Identification of authorised personnel,
- A Risk Management Plan detailing the procedures, actions and steps to minimise risks.
- information of the emergency services and location of emergency area for access and when required

**Structures**

It is the event organiser or manager's responsibility to:

- only use the structure for the purpose for which it was designed,
- maintain the structure as necessary to prevent safety hazards to people in or near it,
- obtain necessary information that is required to use and maintain the structure safely,
- Ensure workers who work at, inspect and maintain the structure are provided with all necessary information to work safely.

**Lighting**

If the event occurs past 7:00pm, areas that are not lit require non-permanent lighting on site that does not result in lighting pollution to nearby properties.

**Risk & Emergency**

A Risk Management Plan is required for all activities held at the Fairfield Showground to ensure that all patrons and attendees enjoy the activity in a safe and secure environment.

A Risk Management Plan must include:

- Identifying hazards
- Assessing risks
- Implement controls and actions to remediate
- Monitor performance

The event organiser is liable if inadequate safety control measures were in place and not managed appropriately.



## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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## Fairfield Showground Local Approvals Policy

**First Aid**

All activities must have qualified first aid officers and adequate facilities on site to administer first aid in the event of a potential emergency.

**Waste Management**

Waste services must be set in place with a management plan in place detailing how waste will be managed on site that includes:

- The types of waste storage available for the activity. Details of what waste it can store, quantity of volume it may hold and location of those waste storage.
- Details of frequency of emptying the waste storage and operational issues such as how waste vehicles will be able to access the area of the event.
- Recycling receptacles to divert waste from landfill.
- Signage to assist in waste separation.

**Note. A cleaning deposit is required. The deposit is refundable once the location/site has been cleaned to Council's satisfaction upon completion of the display.**

The organiser is responsible for supplying bins for rubbish generated at the event site and surrounding area.

- Adequate waste service and facilities such as garbage disposal and collection services must be provided on site.
- The site must be kept and left in a clean and tidy condition. Rubbish is to be removed from the site at the completion of the event.
- The activity must be conducted to not interfere with the amenity of the surrounding area.

Council may provide standard rubbish wheelie bins at the event site and collect the bins post event in accordance with Council's Fees and Charges Policy. Damaged bins will be charged to the organiser.

**Toilet Facilities**

Adequate number of toilet facilities must be provided to accommodate the number of expected attendees. If there are not enough permanent toilet facilities, the event organiser may require portable toilet facilities to be provided on site.

Where Council public amenities are being used during an event a cleaning fee/bond is required as part of an event.

**Advertising and Promotion**

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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## Fairfield Showground Local Approvals Policy



It is recommended that a Marketing or Communications Plan be taken into consideration for promoting an event. Social and digital media are important to event marketing and communications.

Planning ahead assists organisers in selecting the most appropriate platform and conversation to have with the event audience.

### Access for Emergency Services

Clear passage for emergency vehicles must be provided.

### Noise Amenity

Music, noise or occupation of the activity must be controlled at all times to not distract or disturb nearby residents in accordance with *Protection of the Environment Operations Act 1997*. Any direction of Council in this regard shall be complied with immediately.

### Work Health and Safety

Activities are required to comply with the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017 administered under SafeWork NSW.

This is to ensure that safe systems are implemented for risk management. Further information can be found on SafeWork NSW website at <https://www.safework.nsw.gov.au/home>.

### Lodgement of an Application

In assessing applications, additional information may be needed if information provided is unclear. It is recommended that an activity be lodged to Council 6 weeks before the event. An application may be rejected within 14 days of receipt if it is not clear as to the approval sought or the application is not easily legible.

### Determination

Once determined a notice will be issued advising whether the application has been approved or refused.

If the activity during the nominated time, then the approval may lapse. In such cases, and depending on the circumstances, the event organiser can seek to lodge a new application or alternatively request to modify / extend an existing application.

### Refund

Limited refunds may apply depending on the level of assessment associated with the application. Cancellation fees also apply for some bookings.

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

Fairfield Showground Local  
Approvals Policy**Fees and Charges**

The fees and charges payable under this document will be applied as prescribed under the Annual Fees and Charges available on Council's website.

**Record of Approval**

A record of approvals is required to be kept under s113 of the *Local Government Act 1993*. This record is available to the public.

**Enforcement Action**

An approval may be revoked or modified in any of the following circumstances:

- a) if the approval was obtained by fraud, misrepresentation or concealment of facts
- b) for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval (or not to have granted it in the same terms)
- c) for any failure to comply with a requirement made under the Local Government Act 1993 relating to the subject of the approval
- d) for any failure to comply with a condition of the approval

## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

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Fairfield Showground Local  
Approvals Policy**SECTION 3 - GOVERNANCE*****RELATED POLICIES/PROCEDURES***

Policy Number	0-059 – Approval of Public Fireworks Display and Street Processions
Policy Number	Fairfield Showground Plan of Management adopted April 2018
Policy Number	Fairfield City Council Disability Inclusion Action Plan 2022-2026
Policy Number	Fairfield Citywide Development Control Plan 2024

***RESPONSIBILITY***

Policy Owner	Leisure Centres and Showground Management
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**VERSION CONTROL AND CHANGE HISTORY**

Version Number	Approval Date	Approved by	Amendment
01	12 May 2020	Council	Nil
02	TBA	Council	Local approvals policy review.

The management of Council reserves the right to cease, modify or vary this Policy and will do so in accordance with Council's established consultation processes.

***REVIEW DATE***

This Policy will be reviewed in conjunction with the Fairfield Showground Plan of Management and Part 3 of the Local Government Act 1993.

***AUTHORISATION***

This Policy was adopted by Council resolution on 12 May 2020 Item No 37 in Council's Outcomes Committee File No. 19/15813.



## FAIRFIELD CITY COUNCIL – Strategic Land Use Planning

POLICY NO 0-126

## Fairfield Showground Local Approvals Policy



## APPENDIX A – SECTION 68 LOCAL ACTIVITIES

TYPES OF ACTIVITIES	PROVISIONAL CONTROLS
<b>Part A – Structures or places of public entertainment</b>	1. Install a manufactured home, moveable dwelling or associated structure on land
<b>Part B – Water supply, sewerage and stormwater drainage work</b>	<ol style="list-style-type: none"> <li>1. Carry out water supply work</li> <li>2. Draw water from a council water supply or a standpipe or sell water so drawn</li> <li>3. Install, alter, disconnect or remove a metre connected to a service pipe</li> <li>4. Carry out sewerage work</li> <li>5. Carry out stormwater drainage work</li> <li>6. Connect a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer</li> </ol>
<b>Part C – Management of Waste</b>	<ol style="list-style-type: none"> <li>1. For fee or reward, transport waste over or under a public place</li> <li>2. Place waste in a public place</li> <li>3. Place a waste storage container in a public place</li> <li>4. Dispose of waste into a sewer of the Council</li> <li>5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility</li> <li>6. Operate a system of sewerage management (within the meaning of Section 68A)</li> </ol>
<b>Part D – Community land</b>	<ol style="list-style-type: none"> <li>1. Engage in a trade or business</li> <li>2. Direct or procure theatrical, musical or other entertainment for the public</li> <li>3. Construct a temporary enclosure for the purpose of entertainment</li> <li>4. For fee or reward, play a musical instrument or sing</li> <li>5. Set up, operate or use a loudspeaker or sound amplifying device</li> <li>6. Deliver a public address or hold a religious service or public meeting</li> </ol>
<b>Part E – Public roads</b>	<ol style="list-style-type: none"> <li>1. Swing or hoist goods across or over any part of a public road by means of lift, hoist or tackle projecting over the footway</li> <li>2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang with an article beneath an awning over the road</li> </ol>
<b>Part F – Other activities</b>	<ol style="list-style-type: none"> <li>1. Operate a public car park</li> <li>2. Operate a caravan park or camping ground</li> <li>3. Operate a manufactured home estate</li> <li>4. Install a domestic oil or soil fuel heating appliance, other than a portable appliance</li> <li>5. Install or operate amusement devices</li> <li>6. (Repealed)</li> <li>7. Use a standing vehicle or any article for the purpose of selling any article in a public place</li> <li>8. (Repealed)</li> <li>9. (Repealed)</li> <li>10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations</li> </ol>



# HIRE AGREEMENT

443 Smithfield Road Prairiewood 9725 0334  
showground@fairfieldcity.nsw.gov.au

Hirer: \_\_\_\_\_ Date: \_\_\_\_\_  
(Incorporated Body or Person Name Only)

Club or Organisation Name (if unincorporated) \_\_\_\_\_

Note: If the ground/area is intended to be hired by an unincorporated club or association, the Hirer named above must be a natural person who agrees to be bound by the terms of this Agreement.

Address: \_\_\_\_\_

Post Code: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Telephone (H): \_\_\_\_\_ (W): \_\_\_\_\_

(Fax): \_\_\_\_\_ (M): \_\_\_\_\_

(Email): \_\_\_\_\_

Name of Event: \_\_\_\_\_

Date of Event: \_\_\_\_\_

Anticipated Attendance: \_\_\_\_\_

Ground/Area Hired: \_\_\_\_\_

## FEES & CHARGES

As at 1/7/2025

Booking Fee: **\$ 600.00** Date: \_\_\_\_\_ Receipt No: \_\_\_\_\_  
*To be paid at date of booking to secure the booking, non-refundable.*

Ground Hire: **\$6300.00** Date: \_\_\_\_\_ Receipt No: \_\_\_\_\_  
*To be paid at least 15 working days before the booked date, non-refundable.*

\* Charges Bond: **\$2200.00** Date: \_\_\_\_\_ Receipt No: \_\_\_\_\_  
*To be paid at least 10 working days before the booked date.*

\* Operations Control Bond: **\$2200.00** Date: \_\_\_\_\_ Receipt No: \_\_\_\_\_  
*To be paid at least 10 working days before the booked date.*

\*Refundable after deduction of charges e.g. electricity, water & cleaning etc.



**ADDITIONAL FACILITIES**

	Yes	No	Notes
Markets Office Area, Foyer and Back Office			
Exhibition Hall			Additional Charges apply
Turn Stiles - Southern			
- Northern			
A.T.M			Hire Charge, minimum \$200
First Aid Facilities	✓		Compulsory
Rubbish Removal			Charge applies for Council to remove.
Other			

**ELECTRICITY & WATER**

Meters will be read before setting up and after the event and the Hirer will compensate Council for usage.

**SETTING UP**

	Date	Commencement Time	Completion Date/Time
Setting Up Saturday		7:30 pm	
Dismantling			

**EVENT OPERATING HOURS**

The standard operating hours for events are 10.00am to 10.00pm, however earlier opening times may be negotiated, depending on the nature of the event.

Opening and Closing Hours of Event (*Advertised times to Public*): \_\_\_\_\_

Committee Members arrival times on event day: \_\_\_\_\_

Will there be representatives staying overnight?: \_\_\_\_\_

## ENTERTAINMENT

Please indicate what entertainment has been organised for the event including but not restricted to music, singing, dancing, refreshments, stalls and amusement rides:

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Carnival and sideshow operator: \_\_\_\_\_

Contact Number: \_\_\_\_\_

**A copy of the operator's public liability insurance and a SafeWork registration certificate for each ride must be supplied to Council at least seven (7) days before the Event.**

## SECURITY

Name of Security Company: \_\_\_\_\_

Contact Number: \_\_\_\_\_

Has the Licensing Officer at Fairfield Police Station  
been provided with the Police Notification Form?  
If YES attached is a copy of Police Notification Form

☐ YES

☐ NO

## PUBLIC LIABILITY INSURANCE

Hiring fees do not include public liability insurance cover which is the responsibility of the Hirer.

Public Liability Insurer: \_\_\_\_\_

Amount of Cover: \_\_\_\_\_

- Council requires all Hirers to attach a copy of the current Public Liability Insurance Policy to this form before approval can be granted. The level of cover must not be less than \$10,000,000. Fairfield City Council must be named as an interested party on that policy for the duration of the hire period.

## CLEANING

The fees paid for the hire of grounds or areas do not include the cost of cleaning those grounds or areas and the improvements erected thereon. Keeping the grounds or areas and the improvements erected thereon to a standard of cleanliness required by the Council is the responsibility of the Hirer.

Cleaning Company: \_\_\_\_\_

Contact Number: \_\_\_\_\_

## FIRST AID

Have First Aid Officers been  
organised? *(Please provide confirmation)*

☐ YES

☐ NO

## SALE OF FOOD

Is it your intention to have temporary food stalls? ☐ YES

☐ NO

Has the Fairfield Council Community Health Branch been notified?

☐ YES

☐ NO

## SALE OF ALCOHOL

Is it your intention to sell alcohol?

☐ YES

☐ NO

If YES permission must be obtained from Council, and the Hirer must obtain a licence from Liquor & Gaming NSW.

## FIREWORKS DISPLAY

Is it your intention to conduct a fireworks display? ☐ YES

☐ NO

If YES approval for the display must be obtained from both SafeWork NSW and Showground management. Council requires that a Firework Application Form be submitted to obtain approval for a fireworks display no later than three (3) weeks prior to the event. For further details, please contact Showground management on 9725 0334.

## GOODS AND SERVICES TAX (GST)

The Hire of this site is subject to 10% GST. The Hirer of this site is responsible for the payment of all GST on this transaction. All GST is payable to Fairfield City Council. The Hire Fees shown is inclusive of GST.

## GENERAL CONDITIONS

1. All bookings must be made on the required Hire Agreement form.
2. The Hirer agrees to pay to the Council the fees and charges for the use of the Showground facilities as determined by the Council from time to time and agrees the Council may alter such fees and charges at any time.
3. All fees & charges for hire must be paid as set out on the front page of the hire agreement and if no date is set out not less than seven (7) days before the event.
4. The Bonds paid may be forfeited if the Hire Agreement is breached. The onus is on the Hirer to ensure volunteer workers, subcontractors and employees observe the Hire Agreement.
5. Any loss or damage suffered by the Council will be deducted from the bond. If this is insufficient to cover the cost of any loss or damage, the difference will be payable by the Hirer upon demand by the Council.
6. If the Showground facilities are intended to be used by an unincorporated Club or Association, the Hirer shall pay and be personally liable to pay to the Council the full amount of Council's fees and charges for the booking of such facility. Unless the Hirer obtains the consent in writing from Council, the Hirer remains liable for the full amount due notwithstanding that the Hirer ceases to have any membership of or connection with such unincorporated Club or Association.
7. Compliance with the provisions of the Local Government Act shall be deemed to be incorporated in and form part of the Conditions of Hire.
8. The use of the grounds or area is subject to the provisions of any noise control legislation.
9. The standard operating hours for events are 10.00am to 10.00pm, however opening times may be negotiated, depending on the nature of the event.
10. The Hirer shall not cause or permit any assembling, erecting, dismantling or transporting of equipment onto or from the

grounds or area or the cleaning of the grounds or area after midnight or before 6.00 am.

## **PUBLIC LIABILITY INSURANCE**

11. Hirers for the use of Council grounds or areas must have a current Public Liability insurance Policy of not less than \$10,000,000. Fairfield City Council must be named as an interested party on that policy for the duration of the hire period. Evidence of that cover must be produced upon request by Council.

## **CANCELLATION**

12. If it is decided by the Hirer to cancel a booking, due to sudden or unforeseen circumstances, notice in writing 14 days before the proposed event shall be given to the Council. Council may in its sole discretion refund the fee paid less the BOOKING FEE and any amount to cover any expense incurred by Council. No refund of any fees will be made in any other situation.

## **RESPONSIBILITY**

13. The Hirer will be a responsible person or organisation and will be liable to Council for the cost of repair of any damage to any part of the ground or area, including shrubs, trees, flowers, turf, pipes and fittings, equipment, seats, playground equipment, buildings, sheds, facilities and all contents, furniture and fittings.
14. The Hirer shall be held responsible for the satisfactory conduct of all persons using the Showground site and for the safe custody and proper use of the improvements, furniture, fittings and appliances. The Hirer shall report any breakages or problems to the Council as soon as possible.

## **SUBLETTING**

15. The Hirer shall not assign or sublet or grant any licences in respect to the grounds or area without the consent in writing of the Council.

## **FOOD STALLS**

16. It is the Hirer's responsibility to ensure that all temporary food stallholders have read the "Guidelines for Food Businesses at Temporary Events" prepared by the NSW Food Authority, dated June 2016. The food stall/s may be inspected by Fairfield City Councils Environmental & Public Health Compliance Section on the day of the event. An inspection fee of \$111.65 will apply to each stall inspected and one overall invoice will be sent to the Hirer of the Showground for payment by the Hirer.
17. It is the Hirer's responsibility to complete Councils Temporary Food Event Notification form and forward it to Fairfield City Councils Environmental & Public Health Compliance Section at Fairfield City Council PO Box 21 Fairfield NSW 1860. This form shall be completed two weeks prior to the event. If the notification is not received then the event may not be permitted to sell food.

## **SALE OF ALCOHOL**

18. If Hirer wishes to sell alcoholic beverages at the Showground: -
- 20.1 Permission must be obtained from Council, and
  - 20.2 The Hirer must obtain a licence from Liquor & Gaming NSW.

## **ENTERTAINMENT**

19. Including but not restricted to, music, singing, dancing and similar activities, sale of refreshments and the operation of amusement rides and stalls, must cease at the time stated for the festival to finish. Sale of tickets for amusement rides must cease one half hour before the time stated for completion.
20. The Hirer has to provide Council with full details of the carnival and sideshows operators to be used during the event. A copy of the operator's public liability insurance and a SafeWork registration certificate for each ride is required.

### **CARNIVALS & SIDESHOWS**

21. The provider of amusements must not set up any stall or equipment without first obtaining the consent of Council in respect to the location to be used.

### **FIREWORKS**

22. If you intend conducting a fireworks display as part of this application, approval for the display must be obtained from both SafeWork NSW and Showground management.
23. Council requires that a Firework Application Form be submitted to obtain approval for a fireworks display no later than three (3) weeks prior to the event. For further details, please contact Showground management on 9725 0334.

### **EXITS**

24. All exits must be maintained clear and useable without hindrance.

### **CLEANING**

25. The grounds or area must be left in a clean state, and all refuse, decorations and debris must be removed after use. If not, Council will carry out such cleaning at the cost of the Hirer. Please note that the grounds or area includes improvements erected thereon and any car parking areas, toilets, lawns and the open area of both grandstands. Refer to attached cleaning specifications for Council requirements.

### **TRAFFIC MANAGEMENT**

26. The Hirer is responsible for managing traffic movement and parking within the grounds and area. The Hirer must take all reasonable measures to ensure that traffic management procedures within the grounds or area do not cause avoidable delay in traffic flow along access roads to the site.
27. The Hirer is responsible to ensure that dedicated parking is available and accessible to Fairfield City Councillors attending the subject event, within the VIP parking area adjacent to the main entry gates.

### **COMPLIANCE**

28. The Hirer must comply with any direction given by the Council or its authorised officer or any Police Officer in the course of his or her duty.
29. Under no circumstances are copies to be made of keys for the Showground complex. Any Hirer or organisation failing to observe this requirement will be barred from future use of any Showground facility.
30. The sale or use of aerosol silly string or any other entertainment product capable of leaving a residue within the grounds is strictly prohibited.
31. Only washable, non-permanent marking materials (e.g., chalk or washable markers) are permitted on any hard surfaces, including but not limited to floors, and pavements. The use of any paint, permanent markers, or any material that may cause lasting damage or require special removal is strictly prohibited.
32. The Hirer shall inspect the subject ground/area hired on each day prior to the commencement of their use and shall not,

without the consent in writing of the Council, permit the use there of if any hazardous or dangerous condition is found to exist at such ground/area hired or it is in any other way unfit for use.

33. The Hirer indemnifies the Council its officers, servants and agents from and against all damage, costs, charges, expenses, actions, claims and demands which may be sustained, suffered, recovered or made by any person for any injury such person may sustain when using or entering or near any portion of the subject facility, where such injury arises or has arisen as a result of the negligence or wilful act of or as a result of the creation of some dangerous thing or state of affairs by the Hirer or by any member agent or employee of any unincorporated Club or Association named in this Agreement or by the Hirer's failure to observe the Hirer's obligations under the Hire Agreement.
34. The Hirer shall, as soon as practicable, inform the Council in writing of the occurrence of an event that may give rise to a claim under a policy of insurance and shall ensure that the Council is kept fully informed of subsequent action and developments concerning the claim.
35. If the Hirer fails to observe and ensure the observance of any of these conditions or fails to remove any person who has committed any breach of these conditions from the ground/area hired, this agreement may be terminated forthwith by the Council without any liability being incurred by Council and any monies held by the Council shall be forfeited to it.

## EXTRA CONDITIONS

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Each Hirer expressly acknowledges and agrees that despite his/her licence to hire, he/she is nonetheless subject to and must fully comply with the Terms and Conditions of Entry to the Fairfield Showground, in force from time to time.

A copy of the Terms & Conditions of Entry to Fairfield Showground currently in force is attached to and forms part of this Hire Agreement.

In the event of an inconsistency between the Hire Agreement and the Terms & Conditions of Entry to Fairfield Showground, the Terms & Conditions of Entry to the Fairfield Showground will prevail over the Hire Agreement, which will then be deemed to have been amended accordingly, to allow for any such inconsistency.



## ATTACHMENT B

Item: 77

Fairfield Showground General Hire Agreement Form

Page 8 of 10

The Hirer has read the Conditions of Hire attached hereto and agrees to be bound by those Conditions.

**UNLESS OTHERWISE STATED HEREIN THE HIRER'S CONTACT AT COUNCIL IS SHOWGROUND MANAGEMENT –  
TELEPHONE 9725 0334**

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature of Hirer

\_\_\_\_\_  
Witness Signature

*(Where the Hirer is a company or an incorporated association, execution of this Hire Agreement must be under seal of the incorporated association and witnessed by the relevant officers AS SET OUT BELOW)*

***If a company:***

Executed by the Hirer in accordance with section 127  
of the Corporations Act 2001 (C'th):

\_\_\_\_\_  
Director/Secretary [if not Sole Director]

\_\_\_\_\_  
Director/Sole Director

\_\_\_\_\_  
Name [BLOCK LETTERS]

\_\_\_\_\_  
Name [BLOCK LETTERS]

***If an incorporated association:***

Executed by  
in accordance with the Associations Incorporation Act  
2009:

\_\_\_\_\_  
Public Officer

\_\_\_\_\_  
Other Committee Member

\_\_\_\_\_  
Name [BLOCK LETTERS]

\_\_\_\_\_  
Name [BLOCK LETTERS]

**Council is not bound by this hire agreement and the booking has not been confirmed unless and until it is signed below and a copy provided to the Hirer.**

\_\_\_\_\_  
Accepted by/for and on behalf of the Council  
(Authorised Delegate of the Council)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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**POLICE NOTIFICATION**  
**FOR AN EVENT HELD AT FAIRFIELD SHOWGROUND**

**This notification form must be emailed to [FAPACEVENTS@police.nsw.gov.au](mailto:FAPACEVENTS@police.nsw.gov.au) 8 weeks prior to the event being held. An acknowledgement email will be send to the email address provided below**

Date of Event: \_\_\_\_\_

Name of Event: \_\_\_\_\_

Club or Organisation Name *(if unincorporated)* \_\_\_\_\_

Address: \_\_\_\_\_

Post Code: \_\_\_\_\_

**PRIMARY CONTACT PERSON DETAILS**

Name \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (H): \_\_\_\_\_ (W): \_\_\_\_\_

(Fax): \_\_\_\_\_ (M): \_\_\_\_\_

(Email): \_\_\_\_\_

Anticipated Attendance: \_\_\_\_\_

Sale of Alcohol? ☐ YES ☐ NO

Name of Security Company: \_\_\_\_\_

Number of Guards: \_\_\_\_\_

Contact Name &amp; Number: \_\_\_\_\_

Description of the Event:

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## FAIRFIELD SHOWGROUND

### TERMS AND CONDITIONS OF ENTRY (November 2017)

Entry to Fairfield City Showground is conditional on all visitors or other persons complying with these terms and conditions:

1. Council as owner reserves the right to refuse entry to any person at any time or to remove persons who display disruptive or disorderly conduct.
2. For safety and security reasons, all persons must obey all signs around the Showground and all reasonable requests by staff.
3. Council is not responsible for loss or theft of or damage to personal property.
4. All children under the age of five (5) years entering the site must be accompanied and supervised by a person over the age of sixteen (16) at all times.
5. No person is permitted to smoke in the areas within the Showground Complex, identified as, "Smoke Free Zones".
6. No person entering the Fairfield Showground shall carry out any form of commercial and/or business activity and/or enterprise within the Showground Complex unless consent for this has first been obtained in writing from Council. If Council provides its consent to any form of commercial and/or business activity or enterprise, the person carrying out or responsible for the commercial and/or business activity or enterprise shall ensure that he complies with the terms of the consent issued by Council.
7. No person is permitted to sell alcohol unless supplied by the holder of a licence from Liquor & Gaming NSW authorising it to supply alcohol within the Showground Complex.
8. No person is permitted to use or sell illegal drugs within the Showground Complex.
9. No person is permitted to hand out flyers/leaflets or surveys within the Showground Complex or to approach any stall holder to attend other markets or events.
10. Bags and any other items used to carry objects may be searched upon entry or at any time within the Showground Complex.
11. All persons consent to being filmed and recorded by surveillance cameras at all times and their images being used for the enforcement of any law.
12. In consideration of being granted entry to the Showground each such person expressly acknowledges and agrees that (subject only to gross negligence on the part of Showground staff or management being the direct cause of any loss, damage or injury to occur), each person will enter upon the Showground premises and surrounds and/or will participate in the programs, utilise the equipment and/or take advantage of the services offered therein, absolutely at his or her own risk, such that each person RELEASES AND DISCHARGES Council, its management, staff and contractors from all liability for loss, damage or injury which may be sustained by each such person in such manner or under such circumstances.

**Section 660 of the Local Government Act 1993 provides that (among other things) it is an offence for any person to wilfully obstruct, by way of example, an employee of a council in the exercise of that person's functions under the Local Government Act.**

**Section 670 provides that any person that fails to comply with the terms of a notice or sign will be guilty of an offence as long as the sign is clearly legible and is exhibited at every entrance to the land or in a conspicuous place or if the land contains buildings as exhibited either inside or at or near the entrance to the building.**

***Council reserves the right to alter these terms and conditions at any time.  
Council reserves the right to take action to enforce these terms and conditions, including by prosecution.***



Phone: 02 9725 0222  
 Website: [www.fairfieldcity.nsw.gov.au](http://www.fairfieldcity.nsw.gov.au)  
 Email: [mail@fairfieldcity.nsw.gov.au](mailto:mail@fairfieldcity.nsw.gov.au)

### *Hirer Request for Refund to Nominated Account*

Banking Details – Please ensure all details provided are correct	
<i>I/we request Fairfield City Council to arrange for funds to be refunded to my/our nominated account at the financial institution shown below.</i>	
NAME ON ACCOUNT	<input type="text"/>
NAME OF FINANCIAL INSTITUTION	<input type="text"/>
BSB NUMBER	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
ACCOUNT NUMBER	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Name: <i>(Applicants Name please print)</i> <input type="text"/>	
Signature: <input type="text"/> Date: <input type="text"/> / <input type="text"/> / <input type="text"/>	

# Services Committee



## REPORT BY CHAIRPERSON

**DATE OF MEETING:** 12 August 2025

**LOCATION:** Committee Rooms

**TIME:** 6.30pm

### Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Fairfield City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

ITEM	SUBJECT	PAGE
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## SECTION A

### ‘Matters referred to Council for its decision’

<b>106:</b>	<u>Transport for NSW Block Grant - 2025-2026 Regional Roads</u>	
	File Number: 11/02274 .....	6

#### **RECOMMENDATION:**

That:

1. Council accepts the grant of one million, three hundred and two thousand dollars (\$1,302,000.00) offered by Transport for NSW under the Block Grant Assistance – Regional Roads and Traffic Facilities Program, as identified in the 2025–2026 Operational Plan and that the expenditure be voted accordingly:
  - 1.1 The twenty-five thousand dollars (\$25,000.00) from grant be allocated to Project MPRR2663 – Elizabeth Street, replacing the existing general funding in the 2025–2026 Operational Plan.
  - 1.2 The five hundred, fifty-one thousand dollars (\$551,000.00) from grant be allocated to a new project, MPLTM2602 – Signs and Line Marking Renewal Program in the 2025–2026 Operational Plan.
2. The 2025–2026 Block Grant Assistance – Regional Roads Agreement be executed by the General Manager or their nominated delegate.

<b>107:</b>	<u>Code of Conduct and Code of Conduct Procedures</u>	
	File Number: 09/01989 .....	9

#### **RECOMMENDATION:**

That the Code of Conduct (Attachment A of the report) and Code of Conduct Procedures (Attachment B of the report) be adopted.

<b>108:</b>	<u>Code of Meeting Practice</u>	
	File Number: 08/00542 .....	92

#### **RECOMMENDATION:**

That the Code of Meeting Practice (Attachment A of the report) be adopted.

\*\*\*\*\* **CONFIDENTIAL** \*\*\*\*\*

'It is recommended that the Press and Public be excluded from the meeting in regard to the following item.'

**109: Leasing of Industrial Property at 396 Victoria Street Wetherill Park**

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(c)(d(ii)) of the Local Government Act, 1993, on the grounds that:*

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and*
  - (d(ii)) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the council.*
- and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

File Number: 09/04897 ..... 143

**RECOMMENDATION:**

That:

1. The lease terms and methodology recommended in the report for 396 Victoria Street Wetherill Park, be adopted.
2. The rental income be placed in the Property Development Fund.
3. The Mayor and General Manager be authorised to finalise the lease and affix the Seal of Council on the documents and plans including the lease and any other relevant documents, to certify its decision for leasing of 396 Victoria Street Wetherill Park and enable the completion of the matter.
4. The Land/Lease Register and financial records, be updated.

\*\*\*\*\* **CONFIDENTIAL** \*\*\*\*\*

'It is recommended that the Press and Public be excluded from the meeting in regard to the following item.'

**110: Council's Organisational Structure**

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(a) of the Local Government Act, 1993, on the grounds that:*

- (a) personnel matters concerning particular individuals.*
- and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

File Number: 11/04281 ..... 276

**RECOMMENDATION:**

That the report be received and noted.

## **SECTION C**

**‘Matters submitted to the Committee for decision subject to the right of referral’**

There are no reports submitted for this section.

THAT CONCLUDES THE REPORT OF THE SERVICES COMMITTEE.

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CHAIRPERSON



# **Services Committee**



## **SECTION A**

**‘Matters referred to Council for its decision’**

REPORT BY CHAIRPERSON  
SERVICES COMMITTEE

Meeting Date 12 August 2025

Item Number. 106

**SUBJECT:** Transport for NSW Block Grant - 2025-2026 Regional Roads

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**FILE NUMBER:** 11/02274

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**REPORT BY:** Zahid Hassan, Asset Manager (Civil and Built)

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**RECOMMENDATION:**

That:

1. Council accepts the grant of one million, three hundred and two thousand dollars (\$1,302,000.00) offered by Transport for NSW under the Block Grant Assistance – Regional Roads and Traffic Facilities Program, as identified in the 2025–2026 Operational Plan and that the expenditure be voted accordingly:
    - 1.1 The twenty-five thousand dollars (\$25,000.00) from grant be allocated to Project MPRR2663 – Elizabeth Street, replacing the existing general funding in the 2025–2026 Operational Plan.
    - 1.2 The five hundred, fifty-one thousand dollars (\$551,000.00) from grant be allocated to a new project, MPLTM2602 – Signs and Line Marking Renewal Program in the 2025–2026 Operational Plan.
  2. The 2025–2026 Block Grant Assistance – Regional Roads Agreement be executed by the General Manager or their nominated delegate.
- 

**SUPPORTING DOCUMENTS:**

There are no supporting documents for this report.

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**CITY PLAN**

This report is linked to *Theme 2 Places and Infrastructure* in the Fairfield City Plan.

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**SUMMARY**

This report recommends the acceptance of the annual Regional Roads Block Grant from Transport for NSW (TfNSW) and proposes to allocate the funding towards the nominated projects funded within the 2025-2026 Operational Plan.

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**REPORT BY CHAIRPERSON  
SERVICES COMMITTEE**

**Meeting Date 12 August 2025**

**Item Number. 106**

## **Background**

Block Grant is an ongoing program. This funding is provided to supplement the maintenance funding of 'Regional Roads' within the Fairfield Local Government Area.

On 21 July 2025 TfNSW advised Council of the approved allocations under the Block Grant for the financial year 2025/2026 as follows:

<b>Project Description</b>	<b>TfNSW Allocation</b>
Block Grant <b>ROADS Component</b> (regional roads)	\$614,000.00
Block Grant <b>SUPPLEMENTARY ROAD Component</b> (regional roads)	\$137,000.00
Block Grant <b>TRAFFIC FACILITIES Component</b> (regional and local roads – signs and lines)	\$551,000.00
<b>TOTAL 2025-2026 ALLOCATION</b>	<b>\$1,302,000.00</b>

The approval of this grant was received after the Operational Plan 2025-2026 was approved by Council. However, Council prepared the Operational Plan 2025-2026 expecting that this grant will be received. The projects expected to be funded from the Regional Roads Block Grant are detailed below.

## **2025-2026 Operational Plan**

The 2025-2026 Operational Plan projects that were proposed to be funded are:

<b>2025-26 Roads Component - Block Grant Program \$614,000.00</b>				
<b>Suburb</b>	<b>ID No.</b>	<b>Street Address</b>	<b>Project Description</b>	<b>Funding Type</b>
<b>Cabramatta West</b>	Operational Plan Project MPRBG2628	<b>St Johns Road</b> From Hatfield Road to Cumberland Highway	Provide sub soil drainage, repair pavement failures and resurfacing with hot mix asphalt (72m).	Grant
<b>Wetherill Park</b>	Operational Plan Project MPRBG2664	<b>Elizabeth Street</b> From Victoria Street to Hargraves Place	Pavement failures and resurfacing with hot mix asphalt (275m).	Grant
<b>Wetherill Park</b>	Operational Plan Project MPRR2663	<b>Elizabeth Street</b> From Frank Street to Davis Road	Repair pavement failures where required in multiple locations and re line marking (480m).	Grant/General

REPORT BY CHAIRPERSON  
SERVICES COMMITTEE

Meeting Date 12 August 2025

Item Number. 106

**2025-26 Supplementary Road Component - (3 x 3 Program) \$137,000.00**

Suburb	ID No.	Street Address	Project Description	Funding Type
Edensor Park	Operational Plan Project MPRMS32616	Mimosa Road From Comanche Road to Apache Road	Repair pavement failures and resurfacing with hot mix asphalt (220m).	Grant/General

**2025-26 Traffic Facilities Component - (Signs/Lines Renewal Program) \$551,000.00**

Suburb	ID No.	Street Address	Project Description	Funding Type
City Wide	Operational Plan Project MPLTM2602	City Wide	Renewal of Signs and Lines.	Grant

**Traffic Facilities component**

It is proposed that the grant of \$551,000.00 for the project MPLTM2602 – Signs and Line Marking be allocated as an expenditure budget for this project.

**CONCLUSION**

Council has been advised of its Block Grant for Regional Roads with a total grant allocation of \$1.302 million for the 2025-2026 financial year.

It is recommended that the Block Grant funding be received into Council's 2025-2026 Operational Plan for the projects as outlined in this report. Further, that the Agreement for Block Grant - Regional Roads, be executed by the General Manager or nominated delegate on behalf of Council.

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Zahid Hassan  
**Asset Manager (Civil and Built)**

**Authorisation:**  
Director City Assets

Services Committee - 12 August 2025

File Name: **CSC12082025\_13.DOCX**

\*\*\*\*\* END OF ITEM 106 \*\*\*\*\*

REPORT BY CHAIRPERSON  
SERVICES COMMITTEE

Meeting Date 12 August 2025

Item Number. 107

**SUBJECT:** Code of Conduct and Code of Conduct Procedures

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**FILE NUMBER:** 09/01989

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**PREVIOUS ITEMS:** 146 - Model Code of Conduct and Code of Conduct Procedures - Services Supplementary Reports - 22 Sep 2020

---

**REPORT BY:** Sonja Drca, Manager Governance and Legal

---

**RECOMMENDATION:**

That the Code of Conduct (Attachment A of the report) and Code of Conduct Procedures (Attachment B of the report) be adopted.

---

**SUPPORTING DOCUMENTS:**

<b>AT-A</b> <a href="#">↓</a>	Fairfield City Council Code of Conduct	46 Pages
<b>AT-B</b>	Fairfield City Council Code of Conduct Procedures	34 Pages

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**CITY PLAN**

This report is linked to *Theme 5 Good Governance and Leadership* in the Fairfield City Plan.

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**SUMMARY**

Council's current Code of Conduct was adopted on 22 September 2020 and was based on the Model Code of Conduct for Local Councils in NSW previously issued by the Office of Local Government (OLG) on 7 August 2020.

**Model Code of Conduct**

The Model Code of Conduct is made for the purposes of Section 440 of the Local Government Act 1993 which requires all councils adopt a Code of Conduct that incorporates the provisions of the Model Code.

**Background**

Council is required under Section 440(7) of the Local Government Act 1993 (the Act) to review its Code of Conduct within the first 12 months after each local government election (by September 2025). The Code of Conduct must incorporate the provisions of the Model Code of Conduct (Model Code) prescribed by the OLG pursuant to Section 180(1) of the Local Government (General) Regulations 2021.

OLG released the Councillor Conduct and Meeting Practices Discussion Paper in September 2024. As part of this process, the OLG foreshadowed that it will prescribe a new Model Code but has not indicated when this will occur.

### **Review**

Given the potential introduction of a new Model Code to be prescribed in 2025, Council officers are not proposing any amendments to Council's current Code of Conduct as part of this review round which concludes by September 2025.

Following notification by the OLG of the new Model Code of Conduct along with detailed guidance and the relevant transitional arrangements, Council officers will initiate a further review of the Code.

### **Implementation**

Following adoption by Council, the full version of the Code of Conduct will be published on Council's website, intranet (FirstCall) and Stellar Library.

To maintain staff awareness, Council has an ongoing Code of Conduct training program. All new employees must attend Staff Induction, where they receive an introduction to the Code and its principles followed by targeted training on the Code of Conduct delivered by internal staff. Additionally, all current staff are required to participate in refresher training sessions.

### **Conclusion**

In accordance with Section 440 of the Local Government Act 1993, it is recommended that Council adopt the appended Code of Conduct and associated Procedures (Attachments A and B).

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REPORT BY CHAIRPERSON  
**SERVICES COMMITTEE**

**Meeting Date 12 August 2025**

**Item Number. 107**

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Sonja Drca  
**Executive Manager**

**Authorisation:**  
Director People Culture and Strategy

Services Committee - 12 August 2025

File Name: **CSC12082025\_9.DOCX**

\*\*\*\*\* END OF ITEM 107 \*\*\*\*\*



# Code of Conduct

Adopted by Fairfield City Council  
on **26 August 2025**





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## PART 1 INTRODUCTION

This *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct") is made under Section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

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

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

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

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

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

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

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

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

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

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

**PART 2 DEFINITIONS**

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA

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Fairfield City Council's Code of Conduct – adopted 26 August 2025

LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

The term 'you' used in this Code refers to council officials.

**PART 3 GENERAL CONDUCT OBLIGATIONS**General conduct

3.1 You must not conduct yourself in a manner that:

- a) is likely to bring the council or other council officials into disrepute
- b) is contrary to statutory requirements or the council's administrative requirements or policies
- c) is improper or unethical
- d) is an abuse of power
- e) causes, comprises or involves intimidation or verbal abuse
- f) involves the misuse of your position to obtain a private benefit
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.

3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:

- a) is not wanted by the person
- b) offends, humiliates or intimidates the person, and
- c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:

- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
- b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:

- a) aggressive, threatening or intimidating conduct
- b) belittling or humiliating comments
- c) spreading malicious rumours
- d) teasing, practical jokes or ‘initiation ceremonies’
- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

#### Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.



Land use planning, development assessment and other regulatory functions

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

Binding caucus votes

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

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
- b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
- c) deliberately seek to impede the consideration of business at a meeting.

**Fraud and Corruption**

3.23 Council is committed through its processes to preventing, detecting and investigating all forms of fraudulent and corrupt conduct. Council through its practice of good governance strives to maintain a zero tolerance towards fraud and corruption. You must not engage in any form of fraudulent or corrupt activity and must report any suspicion or knowledge of fraud or corruption to management. All reports will be treated confidentially and thoroughly investigated, with appropriate action taken in accordance with legislation and council policies.

**Note: Council resolution on 27 May 2025 (Item 53 Ordinary Council Meeting)**



**PART 4 PECUNIARY INTERESTS**What is a pecuniary interest?

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

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

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

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- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

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

What disclosures must be made by a designated person?

4.8 Designated persons include:

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

4.9 A designated person:

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

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

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

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

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

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

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

**Note:** The Staff Conflict of Interest Declaration Form is available from the Governance and Legal Division upon request.

What disclosures must be made by council advisers?

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

What disclosures must be made by a council committee member?

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

What disclosures must be made by a councillor?

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

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
  - (b) 30 June of each year, and



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- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
  - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

#### Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
  - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:

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

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

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

- (a) the matter is a proposal relating to:
  - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
  - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

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

What disclosures may be made by the spouse/de facto partner of a Councillor?

4.40 To assist Council in ensuring transparency of decisions and that regulatory decisions are made consistently and without bias and to increase public confidence in Council decisions, Councillors are encouraged to request their Spouse or De-facto Partner to disclose in writing their interests in real property in Australia, sources of income, interests and positions in corporations and dispositions of property (as each are defined under the Regulation). Such written disclosure should be submitted to the City Manager annually at the same time as the Disclosure of Interest Returns and if received, will be kept as part of the Disclosure of Interest Register. A Disclosure Form is available from Council upon request.

**Note: Council resolution on 26 November 2013 (Item 302 Services Committee)**

**PART 5 NON-PECUNIARY CONFLICTS OF INTEREST**What is a non-pecuniary conflict of interest?

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

Managing non-pecuniary conflicts of interest

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



- a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

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

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

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

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

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

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- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

#### Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) the major political donor has a matter before council,

you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

- 5.17 For the purposes of this Part:

- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
- b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.

- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

#### Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

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

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

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

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

#### Other business or employment

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

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

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

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

5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:

- a) conflict with their official duties
- b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
- c) require them to work while on council duty
- d) discredit or disadvantage the council
- e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

#### Personal dealings with council

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

**PART 6 PERSONAL BENEFIT**

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

Gifts and benefits

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

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

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser



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- g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

#### Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$100 in value.

#### Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

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

Improper and undue influence

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

**PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS**Obligations of councillors and administrators

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

Obligations of staff

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



Inappropriate interactions

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

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

**PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES**Councillor and administrator access to information

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

Councillors and administrators to properly examine and consider information

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

Refusal of access to information

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

Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:

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

Use and security of confidential information

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

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

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

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

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

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

#### Internet access

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

#### Council record keeping

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

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

[Councillor access to council buildings](#)

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



**PART 9 MAINTAINING THE INTEGRITY OF THIS CODE**Complaints made for an improper purpose

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

Detrimental action

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

Compliance with requirements under the Procedures

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

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

Disclosure of information about the consideration of a matter under the Procedures

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

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

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

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

9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

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

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

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

### Part 1: Preliminary

#### Definitions

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

*address* means:

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

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

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

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

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

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

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



*occupation* includes trade, profession and vocation.

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

*property* includes money.

*return date* means:

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

*relative* includes any of the following:

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

*travel* includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

- 2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
- 3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
- 4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returnsReal property

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

Gifts

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

Contributions to travel

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

- a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
- b) the dates on which the travel was undertaken, and
- c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

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

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

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

Interests and positions in corporations

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

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

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

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

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17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

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

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

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

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

Positions in trade unions and professional or business associations

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

Dispositions of real property

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

Sources of income

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

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:

- a) in relation to income from an occupation of the person:
  - (i) a description of the occupation, and
  - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
  - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
- b) in relation to income from a trust, the name and address of the settlor and the trustee, or
- c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

- a) on the return date, and
- b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.



33. A liability to pay a debt need not be disclosed by a person in a return if:

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

#### Discretionary disclosures

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

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

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

Important information

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

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

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

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

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



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

as at *[return date]*

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

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

*[date]*

#### A. Real Property

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

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#### B. Sources of income

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

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

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

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

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
<hr/>	<hr/>
<hr/>	<hr/>

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

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

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

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#### C. Gifts

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

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#### D. Contributions to travel

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

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## E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

## G. Positions in trade unions and professional or business associations

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

## H. Debts

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

## I. Dispositions of property

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

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

## J. Discretionary disclosures

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

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

Important information

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

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

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

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

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

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

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

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

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

to be held on the      day of      20      .

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

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

Councillor's signature

Date

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

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

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

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# **Procedures for the Administration of the Code of Conduct**

**Adopted by Fairfield City Council  
on 26 August 2025**

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**PART 1 INTRODUCTION**

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

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

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

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

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

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

**Note:** In adopting the Model Code Procedures, count councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

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



**PART 2 DEFINITIONS**

In these procedures the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
LGA	the <i>Local Government Act 1993</i>
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to

**PART 3 ADMINISTRATIVE FRAMEWORK**The establishment of a panel of conduct reviewers

- 3.1 The council must establish a panel of conduct reviewers.
- 3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
- a) an understanding of local government, and
  - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
  - c) knowledge and experience of one or more of the following:
    - i) investigations
    - ii) law
    - iii) public administration
    - iv) public sector ethics
    - v) alternative dispute resolution, and
  - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
- a) a councillor, or
  - b) a nominee for election as a councillor, or
  - c) an administrator, or
  - d) an employee of a council, or
  - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
  - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

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

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

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

3.21 The role of the complaints coordinator is to:

- a) coordinate the management of complaints made under the council's code of conduct
- b) liaise with and provide administrative support to a conduct reviewer
- c) liaise with the Office and
- d) arrange the annual reporting of code of conduct complaints statistics.

**PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?**What is a code of conduct complaint?

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

When must a code of conduct complaint be made?

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

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

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

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

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

**PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?**Delegation by general managers and mayors of their functions under this Part

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

Consideration of complaints by general managers and mayors

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

What complaints may be declined at the outset?

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

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

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.



- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

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

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.

5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:

- a) censure
- b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
- c) prosecution for any breach of the law
- d) removing or restricting the person's delegation
- e) removing the person from membership of the relevant council committee.

5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:

- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
- b) the person must be given an opportunity to respond to the allegation, and
- c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

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

5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their complaint in writing.

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

5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:

- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
- b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
- c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
- d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

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

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
  - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
  - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

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

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

Referral of code of conduct complaints to external agencies

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

- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
  - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
  - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
  - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
  - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

#### Special complaints management arrangements

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.

5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:

- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
- b) impeded or disrupted the effective administration by the council of its code of conduct, or
- c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:

- a) the code of conduct complaints the arrangement relates to, and
- b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

**PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS  
ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT  
REVIEWERS**

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

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

- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
  - b) comply with a lawful and reasonable request by the complaints coordinator, or
  - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

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

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
  - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
  - d) to refer the matter to an external agency
  - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.



- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
  - b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, , and
  - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
  - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
  - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence

- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.
- 6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
  - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
  - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
  - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
  - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency

- f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
- g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
- h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
- i) any previous proven breaches of the council's code of conduct
- j) whether the conduct complained of forms part of an ongoing pattern of behaviour
- k) whether there were mitigating circumstances giving rise to the conduct complained of
- l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
- m) the significance of the conduct or the impact of the conduct for the council
- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

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

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

How are investigations to be commenced?

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

- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
  - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
  - c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice.

#### Written and oral submissions

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

#### How are investigations to be conducted?

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

establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

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

7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.

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

#### Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
  - b) make a determination that the conduct investigated either,
    - i. constitutes a breach of the code of conduct, or
    - ii. does not constitute a breach of the code of conduct, and
  - c) provide reasons for the determination.
- 7.36 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
  - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
  - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
  - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means

- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:

- a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or
- b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or
- c) in the case of a breach by a councillor, that the council resolves as follows:
  - i) that the councillor be formally censured for the breach under section 440G of the LGA, and
  - ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.

7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.



- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.
- 7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.

Consideration of the final investigation report by council

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

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

**PART 8 OVERSIGHT AND RIGHTS OF REVIEW**The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

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

Practice rulings

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

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
  - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
  - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed. Where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and

- b) the council must:
  - i. review its decision to impose the sanction, and
  - ii. consider the Office's recommendation in doing so, and
  - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

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

#### **PART 9 PROCEDURAL IRREGULARITIES**

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

#### **PART 10 PRACTICE DIRECTIONS**

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

**PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER**

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

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

**PART 12 CONFIDENTIALITY**

- 12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.
- 12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.
- 12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.
- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
  - b) the complaints coordinator
  - c) the Office, and
  - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

REPORT BY CHAIRPERSON  
SERVICES COMMITTEE

Meeting Date 12 August 2025

Item Number. 108

**SUBJECT:** Code of Meeting Practice

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**FILE NUMBER:** 08/00542

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**PREVIOUS ITEMS:** 46 - Code of Meeting Practice - Services Committee - 10 May 2022

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**REPORT BY:** Sonja Drca, Manager Governance and Legal

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**RECOMMENDATION:**

That the Code of Meeting Practice (Attachment A of the report) be adopted.

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**SUPPORTING DOCUMENTS:**

**AT-A** [↓](#) Code of Meeting Practice

48 Pages

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**CITY PLAN**

This report is linked to *Theme 5 Good Governance and Leadership* in the Fairfield City Plan.

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**SUMMARY**

Council's current Code of Meeting Practice was last adopted on 24 May 2022 and was based on the Model Code of Meeting Practice for NSW Local Councils as prescribed under the Local Government (General) Regulation 2021 and previously issued by the Office of Local Government (OLG).

**Model Code of Meeting Practice**

The Model Code of Meeting Practice (Model Meeting Code) was introduced in 2019 and provides a standard set of provisions on how councils in NSW should run their council and committee meetings.

**Background**



Council is required under Section 360(3) of the Local Government Act 1993 to review its Code of Meeting Practice within the first 12 months after each local government election (by September 2025). The Code of Meeting Practice must incorporate the mandatory provisions of the Model Meeting Code prescribed by the OLG pursuant to Section 360(2) of the Local Government Act 1993 following public exhibition and consultation.

The OLG has completed its assessment of submissions received regarding the Consultation Draft of the new Model Code of Meeting Practice for Local Councils in NSW and is currently underway to finalise the new Model Meeting Code.

### **Public Exhibition**

Before adopting a new Code of Meeting Practice, Section 361 of the Local Government Act 1993 requires that it be placed on public exhibition for at least 28 days and provide members of the community at least 42 days in which to comment on the draft Code of Meeting Practice.

### **Review**

As the new Model Meeting Code has not been prescribed, Council officers are not proposing to make changes to or place on public exhibition Council's current Code of Meeting Practice as part of this review round (by September 2025).

Following notification by the OLG of the new Model Meeting Code and detailed guidance and the relevant transitional arrangements, Council officers will commence a further review of its Code of Meeting Practice including to place on public exhibition and consultation.

### **Implementation**

Following adoption, the Code of Meeting Practice will be accessible on Council's intranet site (Firstcall), website and Stellar Library.

### **CONCLUSION**

In accordance with Section 362(2) of the Local Government Act, it is recommended that Council adopt the appended Code of Meeting Practice (Attachment A).

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REPORT BY CHAIRPERSON  
**SERVICES COMMITTEE**

**Meeting Date 12 August 2025**

**Item Number. 108**

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Sonja Drca  
**Executive Manager**

**Authorisation:**  
Director People Culture and Strategy

Services Committee - 12 August 2025

File Name: **CSC12082025\_10.DOCX**

\*\*\*\*\* END OF ITEM 108 \*\*\*\*\*



# CODE OF MEETING PRACTICE

Adopted by Fairfield City Council on  
**26 August 2025**

**~~Effective from 1 June 2022~~**

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## 1 INTRODUCTION

This Code of Meeting Practice is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) prescribed 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 councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

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

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

The mandatory provisions of the Model Meeting Code are indicated in **black font**. Those that are not mandatory in the Model Meeting Code are indicated in **red font** and supplementary Council provisions are indicated in **purple font**.

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

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

## 2 MEETING PRINCIPLES

### 2.1 Council and committee meetings should be:

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

### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

- 3.1 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 3.2 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

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

#### Extraordinary meetings

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

**Note: Clause 3.3 reflects Section 366 of the Act.**

- 3.3.1 The Mayor or the General Manager may by a written notice call an extraordinary meeting to deal with:
- (a) a notice of motion to rescind a resolution of council, or Note: refer to Clauses 17.3-17.11.
  - (b) any adjourned, deferred or otherwise unconcluded business from former meetings, or
  - (c) any business which, in his or her opinion, is necessary or urgent.

#### Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.
- Note: Clause 3.4 reflects Section 9(1) of the Act.**
- 3.5 For the purposes of Clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.6 For the purposes of Clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

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

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

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

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

Notice to councillors of extraordinary meetings

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

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

- 3.9.1 The Mayor or the General Manager may determine what constitutes an emergency.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted *no later than 4.00pm on the Tuesday of the week before the meeting date or no later than 4.00pm five (5) business days before the meeting is to be held.*

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

- 3.12 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

- 3.13 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under Clause 3.10, ask a question for response by the General Manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under Clause 3.14 that comprises a complaint against the General Manager or a member of staff of the council, or a question that implies wrongdoing by the General Manager or a member of staff of the council.

- 3.16 The General Manager or their nominee may respond to a question with notice submitted under Clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The General Manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.18 The General Manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
  - (b) if the Mayor is the Chairperson – any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under Clause 3.10.
- 3.19 Nothing in Clause 3.18 limits the powers of the Mayor to put a mayoral minute to a meeting under Clause 9.6.
- 3.20 The General Manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under Section 10A(2) of the Act relevant to the item of business.

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

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



Statement of ethical obligations

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

Availability of the agenda and business papers to the public

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

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

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

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

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

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

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

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

Agenda and business papers for extraordinary meetings

- 3.28 The General Manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.29 Despite Clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the Chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.30 A motion moved under Clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.31 Despite Clauses 10.20–10.30, only the mover of a motion moved under Clause 3.29(a) can speak to the motion before it is put.
- 3.32 A motion of dissent cannot be moved against a ruling of the Chairperson under Clause 3.29(b) on whether a matter is of great urgency.

Agenda and business papers for committee meetings

- 3.32.1 A committee agenda shall include a Section A and or a Section B if there are matters to be included in the agenda that fall within the definitions of those Sections.

Note: Refer to Part 22 Definitions

Supplementary Reports

- 3.32.2 Circumstances may necessitate the distribution of supplementary reports either prior to or at council and committee meetings. Where the supplementary reports:
- (a) are distributed prior to the meeting, no additional time will be allowed for councillors to read the report unless the meeting decides otherwise, or
  - (b) are distributed at the meeting, the Chairperson shall determine a period of time to allow councillors to read the report, prior to the item being discussed or determined.
- 3.32.3 Supplementary reports, other than those relating to confidential business, will be available to the public as soon as practicable after they have been printed but in any event will be available on the night of the meeting.

Councillor Briefings

- 3.33 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 3.34 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 3.35 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 3.36 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 3.37 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 3.38 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 3.38.1 Where the Mayor and/or the General Manager organise or convene workshops, discussion groups or other gatherings including one or more councillors together with staff for the purposes of discussion and the exchange of information concerning operational issues and which do not have any decision-making authority, these gatherings are not meetings for the purposes of this Code.

- 3.38.2 Lists of matters for discussion at these gatherings whether or not called 'agendas' and records of discussions at these gatherings, whether or not called 'minutes', do not constitute agendas or minutes for the purposes of this Code.

#### 4 PUBLIC FORUMS

- 4.1 Public Forum session is held prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on matters of policy, the delivery of services, regulatory functions or issues of community concern. A person during the Public Forum cannot speak to an item listed on the agenda/business paper for consideration at the council meeting that evening.

- 4.2 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

**Note:** Members of the public wanting to participate in the Public Forum must attend in person subject to the provisions of a Public Health Order. If public attendance is not permitted, Council may consider questions which have been submitted in accordance with Clause 4.1.

- 4.3 Public Forum session is chaired by the Mayor or their nominee.

- 4.4 To ask a question of council, a person must first submit on a duly completed and signed application form to the General Manager or Public Officer. Applications to speak at the Public Forum must be received by 12 noon on the day of the ordinary meeting of council.

- 4.5 Each speaker will be limited to asking 1 (one) question to which they will receive a written response.

- 4.6 Representatives acting on behalf of others are not permitted to speak at Public Forum unless they provide their name, address, contact telephone number and signed authorisation from the person they are representing when applying to speak at the meeting.

- 4.6.1 The Chairperson will only allow questions to be asked that are consistent with this Code and may refuse an application to speak at Public Forum. The Chairperson must give reasons in writing for a decision to refuse an application.

- 4.6.2 The Public Forum session is limited to 30 minutes.

- 4.7 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

- 4.8 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

- 4.9 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

- 4.10 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

- 4.11 Approved speakers at the Public Forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the Public Forum and to identify any equipment needs no more than 12 noon on the day of the ordinary meeting of council. The General Manager or their delegate may refuse to allow such material to be presented.
- 4.12 The General Manager or their delegate is to determine the order of speakers at the Public Forum.
- 4.13 Each speaker will be allowed 5 (five) minutes to address the council. This time is to be strictly enforced by the Chairperson.
- 4.14 Speakers at Public Forums must not digress from the question they have applied to address the council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
- 4.15 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 4.16 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 4.17 Speakers at Public Forums cannot ask questions of the council, councillors or council staff.
- 4.18 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 4.19 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 4.20 When addressing the council, speakers at Public Forums must comply with this Code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's Code of Conduct or making other potentially defamatory statements.
- 4.21 If the Chairperson considers that a speaker at a Public Forum has engaged in conduct of the type referred to in Clause 4.20, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at Public Forums in accordance with the provisions of Part 15 of this Code.
- 4.23 Where a speaker engages in conduct of the type referred to in Clause 4.20, the Chairperson may refuse further applications from that person to speak at Public Forums for such a period as the Chairperson considers appropriate.

4.24 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

## 5 COMING TOGETHER

### Attendance by councillors at meetings

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

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

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this Code.

5.3 *This provision from the Model Code of Meeting Practice does not apply to Fairfield City Council.*

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

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

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

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

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

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

5.8.1 *The seating arrangements of Councillors at meetings of the council and committees is determined by the Mayor/General Manager.*



The quorum for a meeting

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

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

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

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

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

Motions for Adjournment

- 5.15.1 No discussion will be permitted by the Chairperson on any motion for adjournment of a meeting of the council or a committee of Council.
- 5.15.2 If the motion for adjournment is lost, the subject then under consideration, or next on the business paper, is to be considered.

- 5.15.3 No Councillor is to move a motion for adjournment of a meeting of the council or a committee of council until half an hour has elapsed since the previous motion for adjournment was lost.

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 in consultation with the General Manager determines that the meeting should be held by audio-visual link due to unforeseen circumstances.
- 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) advise all councillors that the meeting is to be held by audio-visual link, and
  - (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and
  - (c) cause a notice to be published on the council's website and in such other manner the General Manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This Code applies to a meeting held by audio-visual link under Clause 5.16 in the same way it would if the meeting was held in person.

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

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under Clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

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



Entitlement of the public to attend council meetings

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

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

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

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

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

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

**Note: Clause 15.14 authorises chairpersons to expel any person, including a Councillor, from a council or committee meeting.**

- 5.33.1 Members of the public may address committee meetings of council on matters which affect them. The procedure for addressing a meeting is set out below:
- 5.33.2 Persons or organisations wishing to appear as formal deputations before a meeting of council or a committee must make an application to the General Manager at least 48 hours prior to the meeting at which they wish their deputation to be received, stating the subject matter that they intend to address.
- 5.33.3 On receipt of an application for a deputation, the General Manager shall advise the Mayor or committee Chairperson, as appropriate, and the Mayor or committee Chairperson may approve the application.
- 5.33.4 Where an application for a deputation is not approved by the Mayor or committee Chairperson and the applicant still wishes to proceed with the application, the General Manager shall submit the application to the appropriate meeting which may approve the application and fix a date for the deputation's attendance.
- 5.33.5 Where an application for a deputation is received after the business paper for a council or committee meeting, has been prepared, and the deputation wishes to address a matter which is not listed on the business paper for consideration, the deputation will, as a general rule, be scheduled for a subsequent meeting so as to allow the proper notification of the deputation's subject on the agenda for consideration.
- 5.33.6 Where a deputation addresses itself to any matter which is not on the agenda for the meeting at which the deputation is received, such matter will be referred to the appropriate council officers for report back to a subsequent meeting before any decision is made by the council or a committee.

- 5.33.7 Except with the leave of the council or the committee, each deputation shall be limited to 2 speakers.
- 5.33.8 Except with the leave of the council or committee, each speaker shall be limited to five (5) minutes speaking time.
- 5.33.9 Members of a deputation may answer questions put to them by members of the council or committee, but must not enter into a debate with the Councillors.
- 5.33.10 Provided that adequate notice is given, interpreter services will be arranged if necessary.
- 5.33.11 On approval being given for a deputation, the General Manager will ensure that members of the deputation are directed to a copy of this Code.
- 5.33.12 In general, the order of business will be suspended, where appropriate, to allow items which are the subject of a deputation to be dealt with at the beginning of a meeting so that the members of the deputation and their supporters may then leave the meeting if they wish.
- 5.33.13 Persons or organisations may be invited to address ordinary, extraordinary or committee meetings of council. These will be arranged by council officers in consultation with General Manager and Mayor.

#### Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the Chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
  - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
  - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with Section 10A of the Act.
- Note: Clauses 5.34 – 5.38 reflect Section 236 of the Regulation.**
- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the General Manager and other staff at meetings

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

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

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

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

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

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

- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the General Manager.

- 5.44 The General Manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager, *as per the Remote Meeting Attendance – Technology Failure Policy*.

## 6 THE CHAIRPERSON

The Chairperson at meetings

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

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

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

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

Election of the Chairperson in the absence of the Mayor and Deputy Mayor

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

- 6.4 The election of a Chairperson must be conducted:
- (a) by the General Manager or, in their absence, an employee of the council designated by the General Manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a Chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of Clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.
- 6.8 Any election conducted under Clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

#### Chairperson to have precedence

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

## **7 MODES OF ADDRESS**

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

#### Dress Code

- 7.5.1 The Mayor, Councillors and staff of Fairfield City Council may not be permitted to remain in meetings of council unless they are wearing appropriate business attire.

- 7.5.2 Members of the public may not be permitted to remain in meetings of council and committee meetings of council unless they are dressed in appropriate attire.

## 8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 8.1 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

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

National Anthem  
Mayoral Welcome  
Acknowledgement of Country  
Apologies and Applications for a Leave of Absence or Attendance by Audio-visual Link by Councillors  
Confirmation of Minutes  
Mayoral Minutes  
Notices of Motion  
Questions to the Mayor  
Reports and Supplementary Items  
Confidential Reports to Council  
Close of Meeting

### Note 1: Mayoral Welcome

As a matter of practice, the Mayor will open the ordinary meeting of council by welcoming all those present in Council's Chamber, greeting delegates and special guests in the gallery and acknowledging the traditional owners past and present of the land on which the meeting is being held.

Following the Mayor's welcoming address, the Mayor will ask all present to be upstanding and will ask a Councillor to say the Prayer.

### Explanatory Note: Declaration of Interests

Declarations of Interests are made by Councillors immediately before a Motion is considered. The Chairperson of the meeting will provide ample time and opportunity for Councillors to declare their interests in the matter to be considered prior to the commencement of discussions. Councillors are required to declare their interests in writing by completing a Conflicts of Interest Form which is to be handed to the Committee Clerk on the occasion of the meeting. Refer to Part 16 (Conflicts of Interest) of this Code.

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

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

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



## 9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

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

### Mayoral minutes

- 9.6 Subject to Clause 9.9, if the Mayor is the Chairperson at a meeting of the council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 9.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a mayoral minute put by the Mayor is, so far as it is adopted by the council, a resolution of the council.

- 9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.10 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

#### Staff reports

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

#### Reports of committees of council

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

#### Questions

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with Clauses 3.10 and 3.14.
- 9.15 A councillor may, through the Chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the General Manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The Chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

#### Questions to the Mayor

- 9.19.1 Questions without notice are generally not permitted.

9.19.2 At each ordinary council meeting, Councillors will be permitted to address questions to the Mayor. These questions will be treated as questions on notice. The questions must be related to the function and business of Council and be limited to:

- matters raised on behalf of members of the community, or
- matters which propose or may result in a change in current policy or practice, or
- matters which may require a reallocation of funds or additional expenditure, or
- matters which may incur a considerable amount of research and subsequently a reallocation of staff priorities, or
- matters which are demonstrably of current public concern.

9.19.3 The questions asked must be submitted in writing at the ordinary council meeting. The Chairperson will ask the Councillor if the question is in writing. Questions that are not submitted in writing will not be accepted as questions and will not be recorded in the minutes. Statements that are not questions will not be recorded in the minutes whether or not they are submitted in writing. The Chairperson must rule out of order any submission made under this Clause that is not in writing or that is not a question.

9.19.4 Questions submitted under this Clause will not be debated, discussed or replied to at the meeting of Council at which they are submitted, except if a motion is passed to have the question dealt with at the meeting and the Chairperson rules the matter to be of great urgency, in accordance with Clause 9.3 of this Code.

9.19.5 The Chairperson may, in their discretion, rule a question out of order if it is their opinion that it will divert significant time and resources of staff, is vague, trivial, overly detailed, offensive, or does not relate to the function and business of council as set out in sub-clause 9.19.2.

9.19.6 A schedule of unanswered questions will be distributed to Councillors each month for their information.

## **10 RULES OF DEBATE**

### Motions to be seconded

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

### Notices of motion

10.2 A councillor who has submitted a notice of motion under Clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

10.3 If a councillor who has submitted a notice of motion under Clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.



- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the Chairperson, move the motion at the meeting, or
  - (b) the Chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

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

Motions requiring the expenditure of funds

- 10.9 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

Amendments to motions

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the Chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.

- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

#### Foreshadowed motions

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

#### Limitations on the number and duration of speeches

- 10.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite Clause 10.22, the Chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite Clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite Clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
  - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

- 10.26 The Chairperson must immediately put to the vote, without debate, a motion moved under Clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under Clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the Chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this Code, remain silent while another councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the Chairperson must not allow further debate on the matter.

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

- 10.31 *This provision from the Mode Code of Meeting Practice does not apply to Fairfield City Council.*

## 11 VOTING

### Voting entitlements of councillors

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

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

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

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

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

- 11.4 *This provision from the Mode Code of Meeting Practice does not apply to Fairfield City Council.*

### **Explanatory Note:**

Although a councillor does not have to vote, voting at council meetings is one of the responsibilities of a councillor and should be regarded seriously.

Councillors who are not present for the vote are not counted as having voted. A Councillor will be absent from voting if he or she has physically left the meeting room. If a Councillor is in the room, but chooses not to vote or say that he or she abstains from voting, the Councillor is taken to have voted against the motion (Clause 11.6). This will be the case even if the Councillor is sitting away from the meeting table.

Councillors with a pecuniary interest in a matter cannot be present at, or in sight of, the meeting that is considering the matter or voting on it (Section 4.29 of the Code of Conduct). The only exception to this is where the Minister has given permission for such a councillor to be present in the meeting and to vote on the issue (Section 4.38 of the Code of Conduct). This sub-clause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

#### Voting at council meetings

- 11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- 11.6 If a councillor who has voted against a motion put at a council meeting so requests, the General Manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- 11.7 The decision of the Chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.
- 11.8 When a division on a motion is called, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.
- 11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with Clause 11.5 of this Code.
- 11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for Mayor or Deputy Mayor is to be by secret ballot.
- 11.11 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

#### Voting on planning decisions

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

- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

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

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

## 12 COMMITTEE OF THE WHOLE

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

**Note: Clause 12.1 reflects Section 373 of the Act.**

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

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

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

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

## 13 DEALING WITH ITEMS BY EXCEPTION

- 13.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

- 13.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under Clause 13.1, the Chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the Chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 13.3 The council or committee must not resolve to adopt any item of business under Clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

- 13.4 Where the consideration of multiple items of business together under Clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with Clause 8.3.



- 13.5 A motion to adopt multiple items of business together under Clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under Clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under Clause 13.1 in accordance with the requirements of the council's Code of Conduct.

#### 14 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

##### Grounds on which meetings can be closed to the public

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

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

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

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

##### Matters to be considered when closing meetings to the public

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

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

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

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

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

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

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

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

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

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

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

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

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

Notice of likelihood of closure not required in urgent cases

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

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

**Note: Clause 14.8 reflects Section 10C of the Act.**

Representations by members of the public

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

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

- 14.10 A representation under Clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under Clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under Clause 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by **two (2) business days** before the meeting at which the matter is to be considered.
- 14.12 The General Manager (or their delegate) may refuse an application made under Clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than **2** speakers are to be permitted to make representations under Clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under Clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under Clause 14.9, the General Manager or their delegate is to determine who will make representations to the council.
- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under Clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the Chairperson is to invite representations from the public under Clause 14.9 after the motion to close the part of the meeting is moved and seconded. The Chairperson is to permit no more than **two (2)** speakers to make representations in such order as determined by the Chairperson.



- 14.17 Each speaker will be allowed 5 minutes to make representations, and this time limit is to be strictly enforced by the Chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

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

Obligations of councillors attending meetings by audio-visual link

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

**Note:** This provision applies to Council staff who may be attending the meeting by audio-visual link.

Information to be disclosed in resolutions closing meetings to the public

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

**Note:** Clause 14.21 reflects Section 10D of the Act.

Resolutions passed at closed meetings to be made public

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

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

## **15 KEEPING ORDER AT MEETINGS**

### Points of order

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

### Questions of order

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

### Motions of dissent

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

Acts of disorder

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

- (a) contravenes the Act, the Regulation or this Code, or
- (b) assaults or threatens to assault another councillor or person present at the meeting, or
- (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

**Note: Clause 15.11 reflects Section 182 of the Regulation.**

15.12 The Chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in Clauses 15.11(a), (b), or (e), or
- (b) to withdraw a motion or an amendment referred to in Clause 15.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in Clauses 15.11(d) and (e).

**Note: Clause 15.12 reflects Section 233 of the Regulation.**

How disorder at a meeting may be dealt with

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

Expulsion from meetings

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

15.15 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

15.16 Clause 15.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under Section 10(2)(a) of the Act.

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

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

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

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

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

Use of mobile phones and the unauthorised recording of meetings

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

- 15.26 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## **16 CONFLICTS OF INTEREST**

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

## Conflicts of Interest Guide

Type of Conflict	Action 1	Action 2	Action 3
Pecuniary (Appreciable financial gain or loss)	Declare nature of interest	Leave the room and sight of the meeting – Code of Conduct 4.29	
Non-pecuniary - significant (Particularly close relationship eg. relative, close friend, business relationship, directorship or affiliation with an organisation, sporting body, club, corporation or association that is particularly close)	Declare nature of interest 1	1) Remove, divest or reallocate the conflict – Code	
		2) *Leave the room – Code of Conduct 4.29	
Non-pecuniary - not- significant (Know the applicant but relationship is not close, no financial benefit or loss)	Declare nature of interest	Explain why you don't have to divest or leave the room – Code of Conduct 5.11	
Political Donation (Political contribution that directly benefits your campaign)	Declare nature of interest	**If over \$1,000: Leave the room – Code of Conduct 5.16	
		If under \$1,000: Determine if relationship is significant – Code of Conduct 5.18 Nature, strength, duration of relationship	**If yes, leave the room – Code of Conduct 4.29
			If no, explain relationship – Code of Conduct 5.11

\* Councillors may participate in a decision to delegate the decision to a third party – Code of Conduct 5.19

\*\* Councillors may participate in a decision to delegate the decision to a third party – Code of Conduct 5.19

## Procedures for Disclosure of Interest

16.3.2 Councillors who declare a conflict of interests must disclose that interest in writing even if it is not significant.



- 16.3.3 A Conflict of Interest Form will be forwarded to Councillors at the same time that the agenda and business papers are forwarded so that Councillors have the opportunity to complete the form prior to the date or commencement of the meeting.

A Conflict of Interest Form will also be available at council and committee meetings.

- 16.3.4 Councillors are required to present the completed form to a Committee Clerk on the occasion of the meeting to ensure all such disclosures can be recorded in the minutes accurately.

- 16.3.5 If there is an inconsistency between a disclosure made during the meeting (whether made verbally or in any other form) and the content of the completed form, the disclosure made during the meeting will prevail and the Councillor will be asked to adjust the written disclosure to comply with the actual disclosure. The Committee Clerk is entitled, to the extent of the inconsistency, to record the disclosure made during the meeting as the definitive disclosure to be recorded in the minutes.

## 17 DECISIONS OF COUNCIL

### Council decisions

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

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

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

### Rescinding or altering council decisions

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

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

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

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

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

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

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

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

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

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

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

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

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

- 17.10 If a notice of motion to rescind a resolution is given after the meeting at which the resolution is carried and the notice of motion is received by the General Manager no later than 12pm on the next day after the date on which the resolution is carried, the General Manager shall suspend implementation of the resolution that is the subject of the notice of motion until the Council has considered the notice of motion.

- 17.10.1 For the purposes of this sub-clause an identical motion, even if signed separately will be sufficient.

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

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

- 17.12 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

- 17.13 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

- 17.14 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*

Recommitting resolutions to correct an error

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

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

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



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

## 18 TIME LIMITS ON COUNCIL MEETINGS

- 18.1 Meetings of the council and committees of the council are to conclude no later than 11.00pm.
- 18.2 If the business of the meeting is unfinished at 11.00pm, the council or the committee may, by resolution, extend the time of the meeting to 11.45pm.
- 18.3 If the business of the meeting is unfinished at 11.00pm, and the council does not resolve to extend the meeting, the Chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
  - (b) adjourn the meeting to a time, date and place fixed by the Chairperson.
- 18.4 Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under Clause 18.3 or 18.4, the General Manager must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

## 19 AFTER THE MEETING

### Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

- 19.7.1 A motion or discussion with respect to minutes shall only be in order if, in the opinion of the Chairperson, it relates to the accuracy of the minutes as a record of the proceedings of the meeting of the council or committee as the case may be, and not the merits of the matters which were the subject of the proceedings.

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

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

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

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

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

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

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

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

Implementation of decisions of the council

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

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

## **20 COUNCIL COMMITTEES**

Application of this Part

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

Council committees whose members are all councillors

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

Functions of committees

- 20.5 The council must specify the functions of each of its committees when the committee is established but may from time to time amend those functions.
- 20.5.1 At the time of adoption of this Code the council has, by prior resolution, adopted the committee structure (with the functions specified below) pursuant to Clause 20.5 above:

Services Committee

To implement and review the operational activities within Council's strategic direction as expressed in the Operational Plan.

**Outcomes Committee**

To develop the policies, priorities, plans and strategic direction in achieving the Community's vision as expressed in the Fairfield City Plan through implementation of the Delivery Program.

**Traffic Committee**

To consider those matters relating to Council's functions under the Roads Act and the regulations made, those matters relating to Council's functions in respect to public roads under the Local Government Act and those matters contained in the Roads and Maritime Services Delegation to Councils Regulation of Traffic dated 31 October 2011.

**Sister City Committee**

To encourage friendships between the people of Fairfield and its Sister Cities. To promote international understanding and provide opportunities for residents to experience the culture of the Sister Cities so that they develop greater awareness, tolerance and understanding of other cultures. To give young people the opportunity to develop leadership skills and experience different cultures. To develop business and economic relationships between the Sister Cities and Fairfield so the City and community benefit financially.

**Delegated authority of Committees**

- 20.5.2 Council may delegate to each committee of council the authority to make decisions in relation to certain types of matters, which relate to the particular committee's function.
- 20.5.3 A decision made by a committee in relation to a particular matter so delegated shall be deemed to be the decision of council on the matter at 12 noon on the Monday immediately following the meeting of the committee at which such matter was considered, unless a Councillor exercises his or her right of referral set out in Clause 20.5.4 of this Code.
- 20.5.4 Such committee does not have authority to exercise any of the functions identified in Section 377(1) of the Act as not being able to be delegated.

**Right of Referral to Council Meeting**

- 20.5.5 Subject to Clause 20.5.6, a Councillor may choose to have any matter that has been considered by a committee referred for further consideration at a meeting of council.
- 20.5.6 In order to exercise this option of referral, a Councillor must advise the General Manager in writing. This must be received by the General Manager not later than 12 noon on the Monday immediately following the meeting of the committee at which such matter was considered ('the referral period'), unless a change to Council's meeting schedule has been made in which case the referral period may also be changed in order to meet deadlines for the distribution of business papers. All Councillors must be advised of any changes to the referral period.

20.5.7 A Councillor may withdraw or cancel his or her option of referral under Clause 20.5.5 by giving written notice to the General Manager provided that:

- (a) The Councillor provides written notice of the withdrawal or cancellation to all other Councillors at the same time as the notice to the General Manager.
- (b) If the notice of withdrawal or cancellation is provided on the last day of the referral period, the deadline for other Councillors to exercise a right of referral concerning the same matter will be extended to 5.00pm on the last day of the referral period.
- (c) The withdrawal or cancellation of an option of referral will be of no effect if it is received after the applicable referral period.

#### Notice of committee meetings

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

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

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

20.7.1 The Mayor or the General Manager may determine what constitutes an emergency.

#### Order of Business for Committee meetings

20.7.2 The order of business for a meeting of a committee of council in accordance with this Code is to be:

Apologies and Reasons Accepted  
Confirmation of Minutes  
Reports from Council Officers  
Confidential Items  
Close of Meeting

#### Attendance at committee meetings

20.8 A committee member (other than the Mayor) ceases to be a member of a committee if the committee member:

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

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



Non-members entitled to attend committee meetings

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

Chairperson and deputy Chairperson of council committees

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

Procedure in committee meetings

- 20.15 Subject to any specific requirements of this Code, each committee of the council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with Clause 20.15.
- 20.17 *This provision from the Model Code of Meeting Practice does not apply to Fairfield City Council.*
- 20.18 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

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

Disorder in committee meetings

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

Minutes of council committee meetings

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this Code.
- 20.24 *This discretionary provision from the Model Code of Meeting Practice was not adopted by Fairfield City Council.*
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.



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

## 21 IRREGULARITIES

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

**Note: Clause 21.1 reflects Section 374 of the Act.**

### Liability of Councillors, employees and other persons

- 21.1.1 A matter or thing done by the Minister, the Departmental Chief Executive, the council, a Councillor, a member of a committee of council or an employee of the Council or any person acting under the direction of the Minister, the Departmental Chief Executive, the council or a committee of council does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, the Departmental Chief Executive, the council or a committee of council, subject a councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand.

**Note: Clause 21.2 reflects Section 731 of the Act.**

### Proceedings in cases not provided for

- 21.1.2 Where any matter arises at a council meeting which is, in the opinion of the Mayor, not provided for by this Code, the Mayor has the discretion, observing the principles of fairness, to deal with the matter. The rules, forms and usages of the Legislative Assembly of New South Wales may be used as guide.

**22 DEFINITIONS**

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in Clause 15.11 of this Code
Agenda and business paper	Means meeting reports, agendas including supplementary reports and agendas
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
Chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by Section 369 of the Act and Clauses 6.1 and 6.2 of this Code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by Clause 20.11 of this Code
this Code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with Clause 20.2 of this Code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under Clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under Clause 11.7 of this Code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under Clause 10.18 of this Code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under Clause 10.17 of this Code during debate on an original motion
General Manager	means City Manager of Fairfield City Council
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 order	improvement	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
Section A		means: (a) The portion of an agenda of a council meeting that includes matters that are to be determined by council (including matters that cannot be delegated by Council under Section 377(1) of the Act, matters determined under Section A of committee meeting and referred to council, or supplementary reports to council that have not been submitted to a committee), or (b) The portion of an agenda of a committee meeting that includes matters that must be determined by council because the committee does not have the delegated power to deal with such matters.
Section B		means the portion of an agenda of a committee meeting that includes matters that can be dealt with under delegated authority from council but are subject to a councillor's right of referral under Clause 20.5.5 of this Code
Section C		means the portion of an agenda of a council meeting that includes matters that have been referred to council by a councillor or committee pursuant to Clause 20.5.5. of this Code
the Regulation		means the <i>Local Government (General) Regulation 2021</i>
webcast		a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year		means the period beginning 1 July and ending the following 30 June

# Services Supplementary Reports



## REPORT BY CHAIRPERSON

**DATE OF MEETING:** 26 August 2025

**LOCATION:** Council Chambers

**TIME:** 7.00pm

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Fairfield City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

## **SECTION A**

### **‘Matters referred to Council for its decision’**

\*\*\*\*\* **CONFIDENTIAL** \*\*\*\*\*

'It is recommended that the Press and Public be excluded from the meeting in regard to the following item.'

**125: RFT 101-26 Road Sweeper Hire with Operator for Sustainable Resource Centre**

*CONFIDENTIAL - It is recommended that the Council resolve into Closed Session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2)(d(i)) of the Local Government Act, 1993, on the grounds that:*

*(d(i)) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

*and dealing with the matter in Open Session would be, on balance, contrary to the public interest.*

File Number: 25/14982 ..... 4

### **RECOMMENDATION:**

That Council accept the recommendation of the Tender Evaluation Panel in relation to the Request for Tender RFT 101-26 Road Sweeper Hire with Operator for Sustainable Resource Centre, as outlined in the report.

## **SECTION C**

### **‘Matters submitted to the Committee for decision subject to the right of referral’**

There are no reports submitted for this section.

THAT CONCLUDES THE REPORT OF THE SERVICES SUPPLEMENTARY REPORTS.

\_\_\_\_\_  
CHAIRPERSON

# Services Supplementary Reports



## SECTION A

**‘Matters referred to Council for its decision’**

# Traffic Committee



## REPORT BY CHAIRPERSON

**DATE OF MEETING:** 11 August 2025

**LOCATION:** Committee Rooms

**TIME:** 2.31pm

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Fairfield City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.



**REPORT BY CHAIRPERSON**  
**Traffic Committee**  
**Meeting Date: 11 August 2025**

**ITEM**

**SUBJECT**

**PAGE**

**SECTION A**

**‘Matters referred to Council for its decision’**

There are no reports submitted for this section.

**SECTION C**

**‘Matters submitted to the Committee for decision subject to the right of referral’**

There are no reports submitted for this section.

THAT CONCLUDES THE REPORT OF THE TRAFFIC COMMITTEE.

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CHAIRPERSON