

Services Committee



AGENDA

DATE OF MEETING: 9 June 2026

LOCATION: Committee Rooms

TIME: 6:30 PM

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.

AGENDA
Services Committee
Meeting Date: 09 June 2026

ITEM	SUBJECT	PAGE
-	APOLOGIES AND REASONS ACCEPTED	
-	CONFIRMATION OF MINUTES	
-	CONFLICT OF INTEREST	

SECTION A
‘Matters referred to Council for its decision’

82:	<u>Mayor and Councillor Fees for 2026-2027</u> File Number: 09/00692	9
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84:	<u>Powhatan Park - Registration of Positive Covenant</u> File Number: 23/14067	149

***** **CONFIDENTIAL** *****

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

85:	<u>Compulsory Acquisition of Council Land at 95 Waterside Crescent Carramar by Sydney Water.</u> <i>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:</i> (c) <i>information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and</i> (d(i)) <i>commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>and dealing with the matter in Open Session would be, on balance, contrary to the public interest because the disclosure of this information would diminish the competitive commercial value of any information to any person.</i>	183
	File Number: 23/31256	

AGENDA
Services Committee
Meeting Date: 09 June 2026

***** **CONFIDENTIAL** *****

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

86: Occupation Agreements with TPG Telecom (Vodafone) for Various Telecommunication Sites

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 11/04256 376

***** **CONFIDENTIAL** *****

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

87: Procurement Exemption - ICT Software Renewal Strategy

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 25/19471 389

AGENDA
Services Committee
Meeting Date: 09 June 2026

***** **CONFIDENTIAL** *****

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

88: RFT 117-26 Fairfield Showground Construction of Rear Carpark, Roads and Site-wide Infrastructure

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 26/00264 393

***** **CONFIDENTIAL** *****

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

89: RFT 118-26 Fairfield Showground Bin Wash and Collection Bay

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 26/02262 405

***** **CONFIDENTIAL** *****

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

90: RFT 125-26 Supply and Delivery of Library English Language Material including Cataloguing & Processing Services

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 25/36243 415

AGENDA
Services Committee
Meeting Date: 09 June 2026

***** **CONFIDENTIAL** *****

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

- 91:** RFT 127-26 Supply and Installation of Gross Pollutant Trap at Maggiotto Place Mount Pritchard

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 26/02254 430

SECTION B

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

- 92:** Request for Donation - Language and Cultural Awareness Fund
 File Number: 15/02954 442

- 93:** Request for Donation - Mayoral Donation Fund
 File Number: 25/16200 446

- 94:** Request for Donation - Mayoral Scholarship Fund
 File Number: 25/16202 450

- 95:** Audit, Risk and Improvement Committee (ARIC) Report - Quarter 4

AT-A - Draft ARIC Minutes 15 May 2025 - *RESTRICTED* - *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) 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 dealing with the matter in Open Session would be, on balance, contrary to the public interest because the disclosure of this information would prejudice any person’s legitimate business, commercial, professional or financial interests..

File Number: 19/33579 454

- 96:** Divisional Update Report - Quarter 3 - Design Services
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- 97:** Information Report - Fairfield Local Planning Panel (FLPP) Membership - Community Representatives
 File Number: 13/05033 485

AGENDA
Services Committee
Meeting Date: 09 June 2026

***** **CONFIDENTIAL** *****

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

- 98:** Air Bridge Licence Agreement connecting Dutton Plaza Car Park and 101-103 John Street Cabramatta

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 22/03914 487

***** **CONFIDENTIAL** *****

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

- 99:** Information Report - Purple Flag Readiness Grant Program

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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 24/21340 493

AGENDA
Services Committee
Meeting Date: 09 June 2026

***** **CONFIDENTIAL** *****

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

100: Information Report - Sydney Water Construction of Odour Control Unit at Fairfield Leisure 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 because the disclosure of this information would diminish the competitive commercial value of any information to any person.

File Number: 23/31257 495

Services Committee



SECTION A

'Matters referred to Council for its decision'

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 82

SUBJECT: Mayor and Councillor Fees for 2026-2027

FILE NUMBER: 09/00692

REPORT BY: Sonja Drca, Manager Governance and Audit

RECOMMENDATION:

That in accordance with the Local Government Remuneration Tribunal's determination, the fees for councillors and the Mayor be fixed at thirty-six thousand one hundred and ten dollars (\$36,110.00) per annum for councillors and one hundred and five thousand two hundred and twenty dollars (\$105,220.00) per annum for the Mayor (which is in addition to the councillor fee), effective from 1 July 2026.

SUPPORTING DOCUMENTS:

AT-A [↓](#) 2026 Local Government Remuneration Tribunal Determination 86 Pages

CITY PLAN

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

SUMMARY

The Local Government Remuneration Tribunal (Tribunal) sets the range of fees for all councillors and mayors in NSW annually. The Tribunal sought general submissions as part of the 2026 review period. A total of 26 submissions were received with 25 submissions submitted by individual councils and 1 submission submitted by Local Government NSW (LGNSW) on behalf of all NSW councils.

In determining the increase, the Tribunal took into consideration key economic indicators (including Consumer Price Indexes), submissions received and views of the assessors. An increase of 3.7% per annum in the fees for councillors and mayors for 2026/2027 was determined by the Tribunal. The increase is effective from 1 July 2026.

Category Classification

The Tribunal last reviewed the categories and allocation of categories to councils in 2023. The Tribunal's next comprehensive review of categories will take place in 2027.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 82

The Tribunal's 2017 Determination pursuant to Section 239 of the Local Government Act classified Fairfield City Council (Council) as a General Purpose Council – Metropolitan Large. Council did not make a submission to the Tribunal as it is satisfied that the current classification as Metropolitan Large category is the most appropriate category for Council due to its population, size and diversity.

In accordance with Section 248 of the Local Government Act, Council must fix its annual fees for councillors and the Mayor. The new annual fee for Metropolitan Large councils is set at a maximum of \$36,110.00 per annum for councillors and \$105,220.00 per annum for the Mayor (which is in addition to the councillor fee) for 2026/2027.

Superannuation

Council at its Ordinary meeting of 26 April 2022, resolved to make payment of superannuation contributions for the Mayor and councillors in accordance with Section 254B of the Local Government Act 1993, for those who choose to receive the superannuation payment. This became effective from 1 July 2022 and will be included in the 2026/2027 Budget.

Conclusion

In accordance with the Tribunal's determination (Attachment A of the report), it is recommended that the fees for councillors and the Mayor be fixed at \$36,110.00 and \$105,220.00 per annum respectively, as outlined above. This excludes the payment of superannuation contributions for the Mayor and councillors.

Sonja Drca
Manager Governance and Audit

Authorisation:
Acting Director People Culture and Operations

Services Committee - 9 June 2026

File Name: **CSC09062026_7.DOCX**

***** END OF ITEM 82 *****

Local Government Remuneration Tribunal

Annual Determination

Report and determination
under sections 239 and 241 of the
Local Government Act 1993

23 April 2026



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Executive Summary

Functions of the Tribunal

1. Section 241 of the *Local Government Act 1993* (**the Act**) requires the Local Government Remuneration Tribunal (**the Tribunal**), by 1 May each year, to determine for each of the categories of Councils determined under s 239, the maximum and minimum fees to be paid to Mayors and Councillors in the following year. As well as those of Chairpersons and members of County Councils: s 400. The Tribunal may also amend a determination it has made for fees to be paid to the appointed Chairperson and appointed Councillors of a council designated as a Rural and Remote Council: c 12(c), sch 11.
2. Section 239(1) of the Act requires the Tribunal to determine the categories of Councils and mayoral offices at least once every three years. It must then also place each Council and mayoral office into one of those categories. There are presently 135 Councils in the State, including County Councils, which are allocated into 15 different categories, with Central Darling Council being the subject of a 2025 Special Determination.
3. The Tribunal must also report its determination to the Minister within seven days: s 244. The Tribunal's Annual Determination takes effect from 1 July each year.
4. All of the Tribunal's functions must be undertaken in accordance with the purposes of the Act, specified in s 7 to be:
 - (a) *to provide the legal framework for the system of local government for New South Wales,*
 - (b) *to set out the responsibilities and powers of Councils, Councillors and other persons and bodies that constitute the system of local government,*
 - (c) *to provide for governing bodies of Councils that are democratically elected, or for certain rural and remote Councils, part elected and part appointed,*

Executive Summary

(d) to facilitate engagement with the local community by Councils, Councillors and other persons and bodies that constitute the system of local government,

(e) to provide for a system of local government that is accountable to the community and that is sustainable, flexible and effective.

Fees

5. For reasons explained below, the Tribunal has determined that from 1 July 2026 there must be a **3.7%** increase in the current minimum and maximum fees applicable to each category of Council, as well in the fees of the appointed Chairperson and appointed Councillors of Central Darling Shire Council. That reflecting increases in the cost of living. Relevant indicators since the 2025 adjustment, including:
- Consumer Price Index for the 12 months to February 2026 of 3.7%;
 - Wage Price Index for the 12 months to December 2025 of 3.4%;
 - Full-time average weekly ordinary time earnings for the 12 months to November 2025;
 - NSW Public Sector Salaries increases for FY 2025/26 of 3%;
 - Local Government State Award increases for FY 2025/26 of 3%;
 - IPART Rate Peg Base Cost Change for FY 2025/26 of 3.6%;
 - The 2025 Public Service Senior Executive remuneration determinations of the Statutory and Other Offices Remuneration Tribunal; and
 - The 2025 State Members of Parliament Basic Salary remuneration determination of the Parliamentary Remuneration Tribunal.
6. The Tribunal has also taken note of the current war in the Middle East, which is likely having an adverse impact on the cost of living. But takes the view that its effects and their potential impact on fee adjustment, cannot reliably be determined at this point.

Executive Summary

7. What was advanced in submissions included that not only should there be a cost of living increase in 2026. But that there should be a much more significant increase in fees, to reflect that current fees no longer adequately reflect the challenging work which Mayors and Councillors must undertake in their important elected offices. With the result that fees should be increased to reflect those determined by the Tribunal for the Chairperson and appointed Councillors of the Central Darling Council in its 2025 Special Determination. As well as the remuneration and allowances paid to Mayors and Councillors in Queensland and Victoria.
8. The Tribunal accepts that it has the discretion to determine that fees should justly be increased, by more than a cost of living adjustment, as was urged. That permitting its consideration of the adequacy of current fees, given the work which Mayors and Councillors are elected to perform and how that has changed over time.
9. That is because while s 242A of the Act requires the Tribunal to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under s 146C of the *Industrial Relations Act 1996* (NSW) when making or varying awards or orders relating to the conditions of employment of public sector employees. That section has now been repealed, that removing the prior fetter on the Tribunal's discretion to adjust fees in the way urged on this review.
10. The Tribunal also accepts that a greater increase than that which it has determined, may be warranted. But has concluded that the amount of any such increase requires further consideration in light of changes which have taken place over time. Not merely in the amount of the fees fixed by past Determinations, but also in the work Mayors and Councillors have to perform in their elected offices.
11. Understandably, some submissions sought to draw comparisons with the fees fixed by the 2025 Special Determination for the appointed Councillors and Chairperson for the Central Darling Shire Council and those fixed for other Mayors, as well as with payments made to Councillors and Mayors in other States.

Executive Summary

12. When such comparisons are drawn, consideration can not only be given to the amount of such fees and remuneration. It must also be given to matters such as the nature of the appointments, the work required and the hours and nature of the work performed as a result. As well as to how that compares to what is required of Mayors and Councillors of Local and County Councils in this State and the fees which they receive, as a result. That also requiring an understanding of the applicable statutory schemes and the reasons for the past fixation of the fees and remuneration relied on.
13. The Tribunal was provided with little information or submissions about such matters and so is unable to come to conclusions about whether increases based on the comparisons sought to be drawn, can be entertained.
14. Other submissions about desirable fee adjustment depend on the NSW Parliament amending the Act, to provide for Mayors and Councillors to receive remuneration or salary, rather than a fee for office.
15. Even if such comparisons are presently available to be made, the differences in the statutory regimes, which were not addressed, as well as similarities and differences in the work being compared, would have to be considered. Conclusions about such matters cannot rest merely on opinions advanced in submissions.

Categories

16. In its 2026 Annual Review, as it has done in past three yearly reviews, the Tribunal undertook a s 239 determination, having invited and received submissions about proposed changes. As a result, it has concluded that it is necessary to rectify a criteria anomaly identified in the Regional Strategic category established by the 2023 Annual Determination, as well as adjusting the population criteria for the Major Strategic Area category, from 300,000 to 200,000.

Executive Summary

17. The Tribunal also identified that Dungog Shire Council has met the population threshold and Councillor to population ratio criteria for Rural Large and will, as a result, be placed in the Rural Large category.
18. The Tribunal also concluded that in 2026 there should be no other change to the present categories, which will thus continue to be:

Metropolitan	Non-Metropolitan	County Councils
Principal CBD	Major Regional City	Water
Major CBD	Major Strategic Area	Other
Metropolitan Major	Regional Strategic Area	
Metropolitan Large	Regional Centre	
Metropolitan Medium	Regional Rural	
Metropolitan Small	Rural Large	
	Rural	

2027 Annual Review

19. For reasons explained further below, in the 2027 Annual Review the Tribunal will invite further submissions from every Council, Local Government NSW and the Minister, about the current categories, criteria and fee structure and whether they remain fit for their statutory purpose. That will provide an opportunity for reliable information and submissions to be provided about claimed changes and available comparisons.
20. The Tribunal will then give further consideration to the current structure of the categories by reference to which it must fix minimum and maximum fees. That consideration may also have an impact on further fee adjustment in 2027, given that the submissions advanced on this review have raised the question of whether the current system of categories and the criteria by which Councils are allocated to them, remain fit for their purpose.

Executive Summary

21. The new structure and criteria will reflect the requirements of the Act, as will the new criteria adopted and Councils' allocation to the revised categories. The Tribunal will also determine which criteria individual Councils satisfy, which they will have an opportunity to address, having been invited to provide the Tribunal with the relevant, reliable information.

Section 1 – Introduction

Methodology

22. The Tribunal's inquiries are regulated by s 243 of the Act, which permit it to make such inquiry as it thinks necessary, before making a determination.
23. Section 248 requires Councils to pay Councillors fees which are fixed by reference to the minimum and maximum fees determined by the Tribunal. Section 239 also requires the Tribunal, at least once every 3 years, to determine categories for Councils and mayoral office and to place Councils into those categories.
24. The Tribunal's 2026 Annual Review commenced in October 2025 with the assistance of its Secretariat, when all Councils and the Association were invited to provide submissions about fees and categorisation. Its invitation asked that submissions be endorsed by Councils. All submissions received from Councils were endorsed. The Tribunal also received a submission from some individual Councillors and the Association.
25. Some twenty-five submissions were received from Councils, only some of which addressed fee increases. In its submissions the Association addressed proposed fee increases, as well as problems with the Determination flowing from the operation of the Act, proposed alterations to Council categories and the criteria by which they are allocated.
26. The Tribunal later met with representatives of 19 Councils, seven Councillors and the Association, who addressed written submissions and, in some cases, provided further data to support the submissions advanced. Not all of that provided was sourced from publicly available sources such as the Australian Bureau of Statistics and its reliability was thus not able to be assessed.
27. The Tribunal also had regard to the other information referred to in this report.

Section 1 – Introduction

Summary of submissions

28. Most of the submissions received focused on the inadequacies of the fees and the statutory system which requires them to be fixed as they are. Issues raised including that:

- The remuneration which the fees generate being grossly inadequate, not adequately compensating for the skills, knowledge and responsibilities the Act requires Councillors and Mayors in urban, regional and rural contexts to have and exercise;
- There has been significant, increasing complexity in the work which has to be undertaken, as well as an increase in the time it requires, without a change in remuneration to compensate for these changes;
- That including as the result of changes to the Code of Meeting Practice which Councils have to observe, which has resulted in increased expenses having to be born, for which there is no compensation;
- There is a need for a Deputy Mayor fee to be implemented, to reflect what this role now requires;
- That the current fee structure and meeting requirements act as a barrier to desirable skilled representation in local government, as well as to desirable diversity in that representation;
- It has also driven the loss of able and experienced representatives;
- The existing differences in fees received by Councillors and Mayors in Metropolitan Councils, by comparison to those received by those in Regional and Rural Councils, did not reflect the similarities in their roles and responsibilities. Nor the additional responsibilities which have to be undertaken in Regional and Rural Councils;
- The Determination drives politicisation of Councils, by requiring them to set their own fees within the minimum and maximum set by the Tribunal, which also put them into an undesirable position of conflict: ss 239 and 248; and

Section 1 – Introduction

- Fees were out of step with those which are paid to Board members and those who accept appointments to advisory committees, with which comparisons were also sought to be drawn, but no concrete information was provided about.
29. On this review the Tribunal was urged to undertake a similar assessment of fees to that undertaken in 1995 and not to limit its consideration of what fee increase a cost of living adjustment would warrant. It was also urged to also consider the range of factors it has taken into account in the past, in determining what a cost of living adjustment should be.
30. Various submissions also urged the desirability of various other proposed legislative changes. For example:
- Introducing a new model of remuneration for Mayors and Councillors to replace the current fee based structure;
 - Removing the Tribunal's obligations to fix maximum and minimum fees for Mayors and Councillors;
 - Introducing a separate fixed fee for the Deputy Mayor position;
 - Deputy Mayors receiving mayoral fees while acting as Mayor, but Mayors still continuing to be paid their Mayoral fees;
 - Indexed pro rata remuneration; and
 - Recognition that the work of Mayors and Councillors involves a full time job. As to which, it must be noted, no information provided to the Tribunal established this to be the case.
31. These matters are not within the Tribunal's control, but they will be drawn to the attention of the Minister.
32. The Tribunal accepting the importance of the various views raised by Councils, Councillors and the Association and as a result, will draw them to the attention of the Minister. But that

Section 1 – Introduction

it has power to act on some of them on this review, has not been established, given the current statutory scheme.

33. The Tribunal also notes that consideration of future expected developments when Councils are categorised was also urged by some submissions. While others expressed satisfaction with the Council's current categorisation, as the basis for fixing its fees, while not addressing whether it still satisfied the applicable criteria. This will have to be revisited in the 2027 Annual Review.
34. If further submissions are then advanced, which provide a basis for different conclusions being arrived at about any of the above matters, they will of course be considered by the Tribunal. And if the Act is amended in response to what has been urged, the Tribunal will then undertake whatever statutory tasks it is given.

Section 2 – 2025 Determinations

2025 Annual Determination

35. In 2025, the Tribunal received sixteen written submissions, which included two requests for re-categorisation. As a result, it reviewed population and other data relating to those Councils, to ensure categorisation was consistent with the applicable criteria.
36. The Tribunal found that the then current allocation of the Councils remained appropriate, with the exception of Mid Coast Council. As a result of it meeting the population benchmark, it was re-categorised from Regional Centre to Regional Strategic Area: 2025 Annual Determination report at [58]-[59].
37. The Tribunal also determined that the minimum and maximum fees applicable to each category would increase by 3% from 1 July 2025.

2025 Special Determination

38. The Tribunal also made a Special Determination in 2025, following the introduction of the *Local Government Amendment (Rural and Remote Councils) Act 2024* and the *Local Government (General) Amendment (Rural and Remote Councils) Regulation 2025*. Having on 6 June 2025 received a direction from the Minister for Local Government under s 242 of the Act, to determine the maximum and minimum fees for Appointed Councillors and the Chairperson for Central Darling Shire Council.
39. The effect of the legislation was to insert Schedule 11 into the Act, cl 3 permitting a Council to be designated as a Rural and Remote Council by regulation, as the Central Darling Shire Council was, when the Minister recommended that it met criteria specified by the regulation: cl 3(2). The Regulations now provide that a Council may be designated as a Rural and Remote Council if, at the time of designation, its area has a population of 5,000 persons or fewer as recorded in data series 1410.0–Data by Region published by the Australian Bureau of Statistics: r 413F.

Section 2 – 2025 Determinations

40. Central Darling Shire Council is designated as a Rural and Remote Council for 10 years: r 413G. With the result that it must have six Councillors, one elected from each ward, as well as three appointed by the Minister r 413G(3).
41. The Minister must also appoint an appointed Councillor as chairperson of the Council: cl 10(1) sch 11. The Tribunal's determinations under s 241 do not apply to appointed Councillors: cl 12(2)(a) sch 11. But it must determine their maximum and minimum fees and may at any time amend such a determination: cl 12(2)(b) and (c) sch 11.
42. In its Special Determination the Tribunal determined a minimum fee of \$13,830 and a maximum of \$13,930 for appointed Councillors and a minimum of \$72,080 and a maximum of \$72,180 for the appointed Chairperson.
43. This Determination was relied on in this review to advance the Association's submissions that the functions of the appointed chairperson of Central Darling Shire Council are substantially the same as those of Mayors of other Rural Councils. With the result that their fees should be increased to similar amounts. That was supported by submissions advanced by some Councils.

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The relevant history

44. The submissions advanced require not only a consideration of the current fees and what the statutory scheme provides for, but also of the history by which they have been arrived at. As well as the impact of changes which have occurred.
45. The history was not addressed by the submissions advanced.
46. Relevantly, it includes that in 1994 the Tribunal undertook wide ranging consultations to establish what was then involved in the roles and functions of elected representatives of local government, conducting public hearings to obtain a representative cross section across the State.
47. It then examined matters such as Councillors' backgrounds and experience; community activities engaged in before and after election; time spent on meetings as well as preparation time; Council's functions and the issues and problems they had to deal with. As well as remuneration levels and ratios between Councillors and Mayors. The Tribunal having received submissions from 66 Councils, 7 County Councils, associations and the public: at page 3 – 5 of the 1994 Determination.
48. The functions of Councils and the roles of their elected officials under the Act were explained, with contrasts drawn with the predecessor 1919 legislation. Under which members of Councils "*were regarded in effect, as performing honorary community roles, with some provision for recompense for prescribed incurred expenses*": at 11 of the 1995 Determination.
49. Existing fees were then found not to adequately recompense those elected for the performance of their duties at regular Council meetings, special community and committee meetings, communication with the community and representing Council at functions: at 11

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of the 1995 Determination. That requiring lengthy periods to be spent on Council business and associated interviewing, reading and preparation: at 12 of the 1995 Determination.

50. The Tribunal had regard to all such activities in setting fees under the 1993 Act, at a time when they were performed in addition to Mayors and Councillor's normal occupations: at 12 of the 1995 Determination. It then being the common experience that the substantial majority of Councillors and Mayors were involved in some other employment or engagement, either full-time or part-time.
51. The fees then fixed were based on an assumption that Councillors would also be recompensed for expenditure reasonably incurred in relation to their Council duties. That being a matter of discretion for each Council, according to the particular circumstances of that Council. That allowing them to determine the extent of any absorption of expenses in fees: at 16 of the 1995 Determination.
52. The minimum fees were determined on the basis that Councillors and Mayors were *"performing a community service in addition to their normal occupations"*: at 16 of the 1995 Determination. The usual practice being *"to programme the attendance of councillors and mayors outside normal business hours for meetings and other activities to accommodate their other time commitments. Their duties not requiring continuous attendance during the course of each working day."*: at 16 – 17 of the 1995 Determination.
53. And that *"The duties performed as mayor attract an additional fee for extra delegated duties and functions actually performed"*: at 17 of the 1995 Determination. It was further explained at 19 of the 1995 Determination:

"The minimum fees determined provide the statutory minimum payment for councillors and mayors. They are based on an assessment of the average council in each category. As - with any averaging, the fees may be generous for some councils but modest for others. The maximum fees provide the necessary ambit of discretion to enable each council to assess its performance compared with other councils in its category. Such discretion

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enables each council to determine whether its performance as a whole compared with the other councils justifies a payment in excess of the minimum to its councillors and/or mayor. It is conceivable that because of significant delegations by a council to the mayor, this situation may warrant a fee greater than the minimum for the mayor, but not for councillors. The reverse situation could also apply.”

54. What was then being evaluated by the Tribunal being *“the knowledge, skills and community interests of councillors and mayors”*: at 19 of the 1995 Annual Determination.
55. This Determination also explained, in detail, how the categories were then arrived at. With various distinctions drawn between Metropolitan and Non-metropolitan Councils, with consideration of matters such as their size, population, assets and expenditure, amongst other factors. Consideration also then being given to the unique position of the Council of the City of Sydney.
56. It also explained how this related to the fees determined, given the relevant history. Which included a change from the original position under the 1919 Act, that Local Government elected officials had traditionally been seen as civic minded citizens providing a voluntary service to the community, being born in mind. As well as what had been recognised when the *Local Government (Payment of Fees) Amendment Act 1993 (NSW)* was introduced. It recognising payment of a fee for attending to Council business, i.e., meetings, inspections, etc, which did not involve the payment of salaries: at 64-66 of the 1995 Annual Determination.
57. Consideration was also given to the statutory roles and responsibilities of Councils in other States and overseas, as well as of comparisons then sought to be drawn with members of Parliament.
58. It was not then accepted that local government representation had progressed to the status of an independent career. Even though some elected officers chose to spend their time, full time, on Council duties: at 69-70 of the 1995 Determination.

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59. It was also explained that the minimum and maximum fee range fixed required Councils to each evaluate the functions and responsibilities which were actually performed by their Councillors: at 76 of the 1995 Determination.
60. After 1995, over time the fees fixed by the Determination have been increased by the Tribunal, to reflect changes it made to the categories of Councils which the Act required it to review regularly, in order to fix appropriate maximum and minimum fees.
61. In 2017 the Tribunal noted that what the Act required was “a categorisation model in which Councils with the largest number of features in common can be grouped together for remuneration purposes. This is not straightforward, as each Council has challenges and issues which are unique”: at [16].
62. It then found that while the then existing criteria continued to provide an equitable and transparent model by which to differentiate Councils for the purposes of determining remuneration, there was some scope to refine the criteria to address a number of anomalies and to better reflect the composition of Councils after amalgamations: at [18] – [19] 2017 Annual Report.
63. It also sought to improve consistency and transparency in the allocation of Councils into categories, with the result that a number were either recategorised into an existing category, or a new category: at [19].
64. Fees were determined for the new categories, having regard to relativities between the existing groups: [54].
65. Fees were later increased to reflect not only cost of living increases, but also changes which the Tribunal made to Council categories and the applicable criteria. But for a time, the Tribunal’s powers to increase fees were frozen and at other times available fee increases were capped, as the result of steps taken by Governments.

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66. These changes to its discretions were explained in the Tribunal's various Annual Determinations. They help explain the complaints received on this review about the current fees, which it must be accepted, as a result, do not reflect all increases in the cost of living over time.
67. On the Association's approach, this has resulted in fees which no longer accurately reflect what the Tribunal first assessed, independently, in 1995.
68. In 2020 the Tribunal considered recategorisation proposals it received in 2019, about which it sought and received submissions: at [13]-[19] 2020 Annual Report. Then creating the new category of Regional Centre; renaming Regional City to Major Regional City and also adopting some changed criteria. As well as reordering the Regional Strategic Area criteria, considering that it warranted further differentiation.
69. It also altered the criteria for Metropolitan Medium and Metropolitan Large categories, with resulting changes for other categories: at [23]-[30]. In some cases, additional criteria being significant enough to warrant some Councils' categorisation into a group with a higher population: at [30]. Fees were set to reflect resulting activities: at [69].
70. In 2023 the Tribunal sought to improve consistency of the criteria and also adopted non-resident population criteria for some categories, with resulting reclassification of some Councils: at [23]-[25] 2023 Annual Report. As well as creating two new categories, Rural Large and Metropolitan Major, to bridge identified gaps: [26]-[36].

2026 Annual Review process - Fees

71. As explained, this year's submissions pursued various concerns about the current fees. They not being considered to adequately compensate for the skills and knowledge Councillors and Mayors are required to exercise, or the time they have to spend in performing the duties of their offices, given considerable changes over time. In

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considerable part this having been driven by population increases and changes introduced by Governments.

72. The view repeatedly urged being that current fees result in a considerable barrier to desirable diversity in representation in local government, as well as problems in attracting and retaining suitably qualified people to stand for and remain in office, when elected.
73. The Tribunal accepts that there are such problems, given the information and submissions it has received.
74. There were various submissions that an increase was necessary, given the increased cost of living. But few submissions addressed the quantum of the increase. Narrabri Council urging a 10% increase and Lake Macquarie a 3-4% increase. Another that fees should be doubled. Other submissions urging that Mayoral fees be increased substantially to reflect the 2025 Special Determination. The Association and some Councils also seeking increases which resulted in fees similar to the remuneration paid in Queensland and Victoria.
75. The City of Sydney Council did not seek such increase in the fees payable to the Lord Mayor, but urged very substantial increases for Councillors. Some Councillors also providing, late, further information which the Tribunal did not have the opportunity to give adequate consideration to, given all they have raised and the time frame in which this review must be completed.
76. Some submissions also urged an increase in fees of rural and regional Councillors and Mayors, to assist in addressing low candidature numbers.
77. The Association also urged that a significant increase in fees was needed to:

“1. Ensure that Councillors and Mayors in New South Wales do not continue to experience fee erosion flowing from the former NSW Public Sector Wages Policy;

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2. Reflect the current economic climate in New South Wales and adjust fees according to recent and relevant economic data; and

3. Recognise the increasing demands and time commitment required of elected local government representatives.”

78. The Association noting that the repeal of s 146C of the *Industrial Relations Act 1996* (NSW) had the result that the Tribunal is no longer constrained by a cap when awarding fee increases. And urging that the Tribunal accept that current fees were manifestly inadequate, not properly reflecting as they needed to, the current responsibilities and role of elected Council officials. That preventing Councils' financial stability and also deterring quality candidates, of all backgrounds, pursuing civic office, which was not in the public interest.
79. It also submitting that fees should now be assessed on the basis that the work of elected officials was valued at more than 8 hours per week, at the rate of the national minimum wage. It also advanced economic and wage data to support these arguments
80. The submissions thus drew comparisons with:
- The salary paid to members of parliament under the *Parliamentary Remuneration Act 1989* (NSW);
 - Remuneration which Mayors and Councillors of Queensland Councils are paid under the *Local Government Act 2009* (QLD) and the *Local Government Regulation 2012* (QLD); and
 - Allowances which Victorian Mayors and Councillors receive, fixed by the Victorian Independent Remuneration Tribunal under s 39 of the *Local Government Act 2020* (VIC).

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81. Specific examples were also relied on. Including, for example, that Councillors in Townsville are paid a maximum remuneration of \$135,123, while those in Liverpool are paid a maximum fee of only \$34,820. While in the case of Mayors the comparison was \$225,206 to \$136,290.
82. The difficulty with such comparisons is that the other legislative schemes relied on, do not provide for a fee based structure of the kind for which the Act provides for NSW Mayors and Councillors.
83. Parliamentarians in this State, for example, receive a basic salary and an electoral allowance payable as compensation in respect of all incidents of the performance of their parliamentary duties (other than those compensated or reimbursed by other additional entitlements): s 4 and 10(2B) of the *Parliamentary Remuneration Act 1989* (NSW).
84. Still, some submissions relied on an observation in the 2024 Parliamentary Remuneration Tribunal Annual Report, where I, in my capacity as Parliamentary Remuneration Tribunal, said at [28] that:
- “Not only should Members of Parliament be fairly remunerated for their important and challenging work, within the State’s means, but it must also be remembered that such remuneration and the other conditions and entitlements provided by the Determination play a real role in attracting people of high intellect, integrity and vigour to stand for election to the Parliament. People who have the necessary skills to perform such work well and who are prepared to devote their time to serving the public interest, rather than only their own interests. Appropriate salary and conditions also help to ensure that such people are also prepared to continue seeking re-election in order to continue performing the important work of their offices.”*
85. The view urged being that those observations also apply to NSW Councillors and Mayors, given the valuable, time consuming and challenging work which their roles now require them to perform.

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86. While the Tribunal was not provided with information which would provide a basis for the acceptance of these opinions, support for them can be found in s 232 of the Act, which explains the important roles which Councillors play. As well as in s 233A, which specifies the oath of office which they must take after election. By which they promise to undertake the duties of their office in the best interests of the people of their Council area and that they will faithfully and impartially carry out their functions, powers, authorities and discretions.
87. Despite this and no matter how earnestly held, it is not presently apparent how these views can be acted on by the Tribunal, given the current legislative scheme. All of them seeming to depend on the Parliament amending this State's Act, to provide for Mayors and Councillors to receive remuneration or salary, rather than a fee for office.
88. As has been explained in past Annual Determinations, that is not a matter within the Tribunal's control.
89. The 20 May 1993 Second Reading speech to the Act explains how its terms were arrived at. As the result of a lengthy bipartisan reform process, following enquiry into changes required to be made to the then frequently amended predecessor 1919 legislation: Hansard p 2414. The Tribunal's 1994 Determination explains the process by which it initially fixed fees and the subsequent Annual Determinations, how they have been increased over time.
90. Tribunal Determinations have thus explained that Mayors and Councillors are paid a fee for the services which they volunteer to provide when they are elected, not a salary. Section 241 still obliges the Tribunal to fix such a fee. It follows that it does not have the power to determine that they should be paid a salary, or remuneration.
91. Little Information was provided on this review to support the submissions which urged the view that the current statutory fee model is no longer appropriate. The significantly increased and more responsible work which it is widely considered now falls to Councils

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to perform and what that requires of its Mayor and Councillors, helps explain why it is also widely considered that legislative change is now desirable.

92. Such information is relevant to the determination of an increase in fees. But the Tribunal has no power to act on the view that the current statutory fee based model no longer remains appropriate. Nor to determine that a remuneration based model such as that contained in the Queensland and Victorian legislation should be adopted in this State. Nor what such remuneration should be.

Conclusions about general fee increase in 2026

93. The Tribunal has considered all it has received, together with the other matters referred to in this report, having been assisted by its two assessors: s 236. Meeting with them to consider their views about the submissions the Tribunal received and the exercise of its functions on this review.

94. The result is the Tribunal's conclusions that:

- All fees should be adjusted from 1 July 2026 by **3.7%** to reflect changes in the cost of living, in the expectation that there will be further increases in those costs, driven by the consequences of the war in the Middle East, which is already having adverse impacts on the entire Australian community;
- To make no other adjustments to fees on this review, but to invite the submissions further explained below, in the 2027 Annual Review. The Tribunal accepting that changes have occurred which ought to be reflected in the fees fixed by the Determination. But also considering that further information and consideration is required, before conclusions can be arrived at about how those changes can be fairly reflected by a further fee adjustment.

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95. The Tribunal thus accepts that it is time to undertake a review of the kind the Association proposed, but has concluded that it cannot be undertaken in this review. That explaining the process which the Tribunal proposes to undertake in 2027, explained in section 4.

The same fee structure for all Mayors and Councillors

96. Remuneration for a Mayor or Councillor not being based on geographical location was also urged by submissions advanced. A number contending that the role of a Mayor and Councillor was fundamentally the same, requiring the same skills, knowledge, experience and responsibilities regardless of location. With the result that the fees of Regional and Rural Mayors should be increased to that of their Metropolitan colleagues.
97. These submissions cannot be accepted. The Act requiring the Tribunal to fix appropriate categories of Council, having regard to specified criteria. The Determination's history and criteria helping to explain differences recognised by the categories. Which the Tribunal must reflect in the minimum and maximum fees fixed for each category.
98. These submissions did not pay necessary regard to these statutory requirements, which are not for the Tribunal to ignore or abandon.
99. The Act does not permit the Tribunal to fix the same fees for all Mayors and Councillors, irrespective of their category. If it were to be found that the fees for Mayors and Councillors of different categories ought to be completely the same, that would necessarily reflect that those Councils ought to fall within the same category.

Fees for Deputy Mayors

100. The Act also does not permit the Tribunal to fix a separate fee for Deputy Mayors. Despite which the issue of a distinct fee within the Determination for the role of Deputy Mayor was once again pressed, as it has been on past reviews. That being supported on this review

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by reports of Mayors being unable to perform the functions of their offices, which had to be taken on by Deputy Mayors, without receiving any resulting additional fees.

101. One submission was that Deputy Mayors undertake significant responsibilities, which the Act fails to adequately recognise or remunerate. Another that a Deputy Mayor must also step in to represent the Mayor when unavailable, chairs committees and plays a pivotal role in decision making and advocacy.
102. The submissions thus urged that the fee structure recognise the additional workload and responsibility that comes with the role of Deputy Mayor.
103. The issue of fees for the role of Deputy Mayor was explained in the 2024 Annual Determination at [53]-[55] and in the 2025 Annual Determination at [62]- [65]. What was there explained was not addressed in the submissions.
104. Section 249 (5) still permits a Council to “pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor’s annual fee.” That requires a decision of Council and cannot be dictated by either the Mayor or a Deputy.
105. The submissions advanced reveal that some Councils have chosen not to exercise this power. With the result that the Deputy Mayor who took on functions the Mayor was unable to perform for a period, received no additional fees to reflect the increased duties taken on. That is an available outcome under the Act and remains a matter for each Council to determine. It is not within the control of Mayors.
106. Still, there having been no change to the Act which would permit the Tribunal to determine a distinct fee for the position of Deputy Mayor, must result in the submissions advanced being rejected. It will, however, draw the issues raised to the Minister’s attention.

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Setting of Fees by Councils

107. Concerns regarding the setting of minimum and maximum fees by Councils, still required by s 241, was also again raised by some submissions. A number calling on the Tribunal to set only one mandatory fee for each category. Another suggesting that the Tribunal could increase the minimum fees to the same amount as the maximum fee level. Another, advocating repeal of s 241 of the Act.
108. Such change was urged because it was considered that this would result in desirable equality of fees and remove the potential for politicisation of fee setting, and potential conflicts of interest. That also enhancing relationships with the community.
109. In the same way as the Court of Appeal recently explained in *Director of Public Prosecutions (NSW) v President of the Legislative Council of New South Wales* [2026] NSWCA 20 [57], the Tribunal is satisfied that it cannot do indirectly, what the Act does not permit it to do directly.
110. It follows that these submissions must also be rejected. But this issue will also be drawn to the Minister's attention.
111. In the 2027 Annual Review, submissions will be invited about the appropriate range between the minimum and maximum fees for the categories then determined.

2026 Annual Review process – category review

112. In determining Council categories, the Tribunal is required to have regard to the matters specified in s 240 of the Act, namely:
- The size of areas;
 - The physical terrain of areas;

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- The population of areas and the distribution of the population;
 - The nature and volume of business dealt with by each Council;
 - The nature and extent of the development of areas;
 - The diversity of communities served;
 - The regional, national and international significance of the Council;
 - Such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and
 - Such other matters as may be prescribed by the regulations.
113. The categories of County Councils also require regard be paid to the functions of County Councils: s 240(2). They are specified in s 394 of the Act to be any one or more of the functions of a Council under the Act or any other Act, in accordance with a proclamation made for the purpose of Part 5 of the Act.
114. The Tribunal last reviewed the categories of Councils and mayoral offices in 2023. The current categories in 2026 attracting the increased minimum and maximum fees earlier explained. With the result that some of them continue to overlap considerably, others being but little different and some not readily able to be reconciled.
115. This helps explain why the Tribunal has concluded that limited change is warranted on this review, without the more extensive review of categories, criteria and resulting appropriate fees which will be undertaken in 2027. In order to ensure that the statutory intent is achieved by the Determination. On that review all Councils will be asked to provide reliable, comparable and publicly available data, on which the Tribunal's decisions can then fairly be made.
116. The purpose of the categories and the specified criteria is to enable the Tribunal to annually determine the maximum and minimum amounts of fees to be paid to Mayors and Councillors in each of the categories it determines: s 239.

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117. They having no other statutory purpose, it is difficult to see the reason for a number of current categories attracting overlapping fees; there being limited differences between the fees attracted by other categories, while fees for the Chairperson of the Darling Shire Council are very substantially higher than those paid to very many Mayors.
118. This and the submissions advanced also raise the question of whether the categories and criteria provided by the 2023 Annual Determination, adjusted in the limited way explained by this Determination, adequately reflect the requirements of the Act. As well as whether they continue to remain appropriate and fit for purpose or require further review.
119. The matters specified in s 240(1) driving the need to take into account relevant statistical and demographical data, such as that sourced from the Australian Bureau of Statistics and the Office of the Local Government and Planning NSW, to which regard has been paid in the past. As well as to data provided by Councils about their particular areas and operations, which also have to be taken into account.
120. One of the difficulties on this review was that the Tribunal had no up to date data about the position of the majority of Councils, which would enable it to determine whether the current category and criteria continue to be fit for purpose, given the requirements of s 240. As well as whether the categories into which Councils are currently placed, remain appropriate.
121. The history of the categories established by past Determinations began in 1994, when there were more Councils in existence and fees were fixed having regard to past history. In 1995, 5 categories were established, with three special categories then also continuing, S1 – Sydney City Council, S2 Newcastle and Wollongong City Councils and S3 – County Councils.
122. In the Tribunal's ongoing 3 yearly reviews since then, categories have been altered, merged and increased for various reasons, including to reflect Council mergers. A new model being adopted in 2017 when the number of Councils was reduced to 128. That

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having established 5 Metropolitan categories and 4 Non Metropolitan categories. In 2020 criteria for some categories were altered, two new categories created and one renamed.

123. In 2023 a further two new categories were created, three Councils which met the criteria thresholds for existing categories were reclassified and criteria consistency improved by the inclusion of the non-resident population, for a number of categories. A consideration permitted by s 240(1), which enables the Tribunal to have regard to such matters as it considers relevant to the provision of efficient and effective local government. The County Council categories remaining unchanged.
124. Submissions advanced in 2026:
- Sought the creation of 2 new categories;
 - Proposed recategorisation of 7 Councils - Parramatta, Lake Macquarie, Murray River, Port Macquarie-Hastings, Randwick, Shellharbour and Willoughby Councils;
 - Sought that one category revert to a previous name;
 - questioned the suitability of current criteria; and
 - Urged the Tribunal to take into account other matters which Council now consider to be relevant to the determination of categories and their categorisation. Visitor numbers, being the best example.
125. If accepted, these submissions require consideration of how these aims could properly be reflected in the category criteria, which the submissions did not address.
126. It also appears that there may, in 2026, be further Council demergers, which will also necessitate consideration of the categories and Council allocations, in order that appropriate fees are fixed for their Councillors and Mayors in 2027.

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127. This all helped drive the Tribunal's conclusion that further change is required to current categories and criteria. But that the submissions and information it has received on this review, did not enable final views to be formed about what those changes should justly be. That will be revisited in the 2027 Annual Review.

Correction of an identified anomaly

128. The current category allocations and criteria appear in the 2025 Annual Determination at Section 5 and Appendix 1 respectively.
129. One required change which has been identified results from an anomaly. The criteria for the category Regional Strategic contains the following sentence:

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of Council operations will be greater than Regional Centre Councils.

130. This is incorrect. There currently being 5 Councils classified as Regional Strategic: Lake Macquarie, Maitland, Mid-Coast, Shoalhaven, and Tweed. As a result, this erroneous statement has been removed from Appendix 1 of the 2026 Annual Determination.

Proposed renaming of “Principal CBD” as the “Principal City”

131. This change in name was urged in order to revert to a prior category name, the Council submitting that this would properly recognise its regional, national and international significance, which extended beyond the Sydney CBD. As well as reflecting significant increases in the roles and responsibilities of its Councillors, in Australia's only global city and to ensure that fees they receive appropriately reflect their responsibilities.
132. The submission explained alterations, over time, to the area which the Council covers. It now having eight distinct economic precincts, as the result of the area added to the City in

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2004: the Harbour, City North, Pyrmont, City South, Eastern Creative, Tech Centre West, Entertainment and Recreation and Southern Enterprise. That having had an impact on representation and other matters relied on to advance a proposed significant increase in Councillors' fees.

133. It was in 2017 that the name change from Principal City to Principal CBD was introduced as part of a restructure which reflected the evolving shape of local government in the State. That retaining the Council of the City of Sydney in its own category, while recognising the emergence of the second CBD in Sydney at Parramatta.
134. The Tribunal can see no disadvantage from the proposed name change. But is still not persuaded that it should now be adopted, without consideration being given to such a change within the wider review proposed for 2027.
135. No change having been proposed to either the criteria which apply to this category, or to the Major CBD category into which only the Council of the City of Parramatta falls. It recognising Parramatta to be the secondary CBD, which some submissions urged was no longer appropriate.

Proposed reclassification of City of Parramatta Council from Major CBD to Principal CBD

136. Council sought to be recategorised from the Major CBD to Principal CBD category, to better reflect its size, rate of growth, economic influence, operational budget and strategic and geographical importance.
137. Council also submitting that it plays a leading role in Greater Sydney's advancement. With factors relied on including:
- 30% of Australia's top 500 companies have offices located in Paramatta;

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- The city is accessible to 2.3 million people within 45 minutes, by car or public transport;
- Creative and cultural institutions such as Riverside Theatre, Olympic Park and the upcoming Powerhouse Paramatta museum are located there;
- As is a large Health and research precinct which includes six (6) universities and Westmead Hospital;
- The Engineering and Innovation Hub, as well as Western Sydney Startup Hub also being located within the LGA; and
- It having the second largest economy, which generates a gross regional product of \$32.88 billion, and 33,000 businesses with over 202,000 jobs.

138. What was advanced did not accord with submissions advanced by some other Councils.

139. The Tribunal is not persuaded that the City of Parramatta Council is incorrectly categorised or satisfies the criteria of Principal CBD, which reflect the unique position of the Council of the City of Sydney. Nor did it advance any changed criteria which would fairly capture both its position and that of the Council of the City of Sydney. That the two can fairly be equated, has also not been established.

140. The Determination has long recognised the distinct role which the Council of the City of Sydney plays, with the result the higher fees its Mayor and Councillors receive, which is reflected in the current criteria:

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

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The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of Metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other Councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

141. The submission and data advanced did not establish that Parramatta satisfies these criteria. Nor a basis for the conclusion that its Mayor and Councillors should receive the same fees as those received by the Mayor and Councillors of the City of Sydney.

142. The criteria which apply to its category, Major CBD, being:

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to Metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

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The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

143. The assumptions reflected in these criteria were challenged by other Councils as no longer being correct. Blacktown Council relying, for example, on data which showed that its residential population in 2024 was considerably greater than that of Parramatta, 274,956 to 438, 843. As was its total population, including workers not residing within its area.
144. The data received helped drive the conclusion that the current criteria may no longer be fit for purpose. And that further consideration needs to be given to what appropriate categories now are and what criteria should apply to them.
145. But the reclassification proposed on this review, cannot be accepted.

Proposed new Metropolitan Major – High Growth Category

146. Blacktown City Council sought the creation of a new category, Metropolitan Major – High Growth, for which it did not advance either criteria, or proposed fees.
147. It is now classified as a Metropolitan Major Council, together with Canterbury Bankstown. They having both last been assessed as falling below the Major CBD category, into which only the City of Parramatta falls. The current criteria for the Metropolitan Major category are:

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Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum*
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities*
- significant industrial, commercial and residential centres and development corridors*
- high population growth.*

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other Metropolitan Councils.

148. Blacktown contended that the proposed new category would recognise larger, more complex Councils which exceed the criteria of Metropolitan Major. It being relevant that it would continue to outstrip Parramatta in various respects, given its current and expected ongoing growth. This new category thus facilitating fair and appropriate adjustments to the remuneration payable to Mayors and Councillors.

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149. The Council relying on data such as population, budget and asset growth, as well as 'transformational' projects and ongoing developments which had driven further change and challenges for it and its officers, reflective of its strategic planning and economic sphere of influence. It claiming now to be the fourth largest economy in NSW, with significant plans for further growth to 2041.
150. It also relied on comparisons which it sought to draw with Canterbury-Bankstown, from which it said it is now differentiated by a range of factors, which it is not necessary to explain.
151. What was not advanced was either proposed criteria for the new category sought, nor fees which might fairly attach to it. The Council placing reliance on what parliamentarians are paid in NSW, a reliance which I have explained is not available under the current statutory scheme.
152. The difficulty with what was proposed is also revealed by the limited difference between the maximum and minimum fees for the existing categories, which reflects an assessment that the work involved cannot be significantly differentiated.
153. Nor can it be accepted that it is appropriate for criteria to be based on anticipated growth in population, infrastructure, assets or budgets, as this and some other submissions urged. That is not embraced by s 240 of the Act. Nor can anticipated developments be accepted to be a reliable basis on which decisions can fairly be made about categories or criteria, depending as they do on assumptions.
154. The basis of what is anticipated at a particular point in time being unlikely to be able to be established by independent, reliable and publicly available data, which will allow relevant comparisons to be drawn. And the adoption of such criteria giving rise to the difficulties which will result, if what is anticipated, does not come to pass.

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155. It may also not be overlooked that when the submissions were received, Major CBD Mayoral fees ranged from \$44,840 to \$126,320, while those in Metropolitan Major Councils ranged from \$44,840 to \$114,300. This helps explain why the view has to be taken that there is little purpose to be served by the adoption of the proposed new category, which would sit between the existing categories.
156. Particularly without identification of criteria which reflect its true differentiation from the existing categories. That such differentiation does not exist, is reflected in the current small differences in fees for the existing categories.
157. The result is that the Tribunal has not been persuaded that the proposed new category can be established.
158. If in the 2027 review the establishment of new categories is pursued, the Tribunal should be provided with a proposal which addresses not only the name of the proposed category, but also appropriate criteria, together with the maximum and minimum fees which are proposed. They will have to have appropriate relationships with other categories, which will also have to be explained by the submission.
159. As will the consequences of their adoption for other Councils which may be affected. Such Councils will also have to be given an opportunity to be heard, before the Tribunal comes to any conclusions about proposed new categories. That will be achieved by service of the proposed change on other affected Councils.

Metropolitan Major

160. No Council sought any alteration to the criteria or recategorisation to this category.

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Metropolitan Large

161. Both Randwick and Willoughby Councils sought to be recategorised as Metropolitan Large Councils, currently being categorised as Metropolitan Medium. Despite neither satisfying the population threshold, although Randwick does satisfy the revenue criteria. Their total populations as at 1 July 2025 being, 176,656 and 133,052 respectively, including non-resident workers.
162. Randwick City Council sought to be reclassified from Metropolitan Medium to Metropolitan relying on:
- Population estimates as at 1 July of 201,000, comprising of 156,000 residents and 45,000 non- resident working population;
 - A high population growth that regularly exceeds the Sydney average;
 - An operating revenue of \$221 million;
 - A Gross Regional Product of \$10.55 billion for the year ending June 2024;
 - The provision of regional services, including major education, health, sporting, recreation and cultural facilities; and
 - Significant industrial, commercial and residential centres and development corridors.
163. Willoughby City Council contending that it exceeded the functions of a typical Metropolitan Medium Council, relying on:
- A population as at 30 June 2024 of 79,634 with a growth rate of 5.47% between 2022 and 2024;
 - A forecast for continued population growth due to the planned construction of additional dwellings, the likely impact being an increase of 15,000 to 20,000 people in coming years;

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- A high daily visitation rate driven by the employment and commercial hub of Chatswood with opal data showing in excess of 50,000 entries and exits per day at Chatswood station;
- Total revenue of \$187.9 million for the 2025/2026 financial year;
- A Gross Regional Product of \$13.11 billion for the year ending June 2024; and
- The provision of regional services in health, education, culture, transport and two (2) large retail precincts.

164. The current criteria are:

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- *total operating revenue exceeding \$200M per annum*
- *the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities*
- *significant industrial, commercial and residential centres and development corridors*
- *high population growth.*

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Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other Metropolitan Councils.

165. It follows that the recategorisation sought by Randwick and Willoughby Councils cannot be accepted, given the current population requirements.
166. The data also suggested that the Inner West Council may no longer satisfy the applicable criteria, it having been reclassified in 2020 from Metropolitan Medium, but having in 2024 non-resident workers of only 43,100 and a residential population of 193,125. In the 2027 review this Council will thus be invited to establish which criteria it then satisfies.
167. The data also shows that Campbelltown Council has a total population over the threshold for the Metropolitan Large category, but that it does not satisfy the non-resident working population criteria and so it also cannot be reclassified.

Metropolitan Medium

168. No changes were sought to the criteria, which are:

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum*

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- *services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities*

- *industrial, commercial and residential centres and development corridors • high population growth.*

The sphere of economic influence, the scale of Council operations and the extent of regional servicing would be below that of Metropolitan Large Councils.

169. Canada Bay, a Metropolitan Small Council, does satisfy the revenue criteria and has a total population of over 100,000, but it does not satisfy the non-resident working population criteria and so also cannot be recategorised.

Proposed new Metropolitan Small – Fast Growing category

170. Burwood Council, categorised as a Metropolitan Small Council, proposed the creation of this new category, in which it sought to be included. It proposing that it be 'aligned' to the Metropolitan Medium category, to recognise its scope, scale and strategic importance, given the challenges of rapid population growth and increasing service demands it faced.

171. The criteria for the Metropolitan Small Council are:

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other Metropolitan Councils include:

- *total operating revenue less than \$150M per annum.*

While these Councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium Councils the overall sphere of economic

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influence, the scale of Council operations and the extent of regional servicing would be below that of Metropolitan Medium Councils.

172. Burwood Council pointed to the criteria for Metropolitan Major, Large and Medium categories, which were considered to have regard to population growth, economic influence and impact of services, as well as considerations such as strategic importance. While Metropolitan Small criteria were confined to population size and operating revenue. It contending that its inclusion in the proposed new category was warranted due to:
- Its recognition by the NSW Government as a designated strategic centre;
 - Increased complexity in planning, service delivery, and intergovernmental coordination;
 - A population that is expected to double in the next 10 years due to major developments in the town centre and in close proximity to the new metro station; and
 - Its economic growth and influence across Greater Sydney, specifically its night time economic initiatives.
173. The Tribunal has not concluded that the creation of this proposed new category is warranted, given the existing criteria and the resulting fees which the current categories attract.
174. Given the existing overlap in the fees of the Metropolitan Small and Medium categories and how their criteria are structured, the Tribunal is not persuaded that an intervening category is needed.
175. These submissions did help shed light on the inherent difficulties of the existing fee structures. Which has to be considered in light of the overlaps and small differences in the fee ranges between the differing categories. But that still precludes the adoption of this proposed new category.

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Metropolitan Small

176. No change to the criteria was proposed. They are:

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other Metropolitan Councils include:

- *total operating revenue less than \$150M per annum.*

While these Councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium Councils the overall sphere of economic influence, the scale of Council operations and the extent of regional servicing would be below that of Metropolitan Medium Councils.

Major Regional City

177. This category applies to Newcastle and Wollongong, and no change was sought to the criteria, which are:

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These Councils:

- *are metropolitan in nature with major residential, commercial and industrial areas*
- *typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.*

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- *provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region*
- *have significant transport and freight infrastructure servicing international markets, the capital city and regional areas*
- *have significant natural and man-made assets to support diverse economic activity, trade and future investment*
- *typically contain ventures which have a broader State and national focus which impact upon the operations of the Council.*

The proposed change to the Major Strategic Area criteria

178. Lake Macquarie Council proposed a change to the criteria of this category, which would result in its reclassification from Regional Strategic Area to the Major Strategic Area category. By reducing the population threshold from 300,000 to 200,000. That proposal not impacting any other Council.
179. The submissions it advanced were one of the few which directed required attention to matters which have to be considered by the Tribunal, when considering change to categories and criteria. Including the relevant history, the consequences of changes earlier made, relevant comparisons between positions of Councils in the affected category and the consequences of the proposed further change.
180. The current criteria for the two categories are:

Major Strategic Area

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Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included. Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community*
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres*
- total operating revenue exceeding \$250M per annum*
- significant visitor numbers to established tourism ventures and major events that attract state and national attention*
- a proximity to Sydney which generates economic opportunities.*

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other Non-metropolitan Councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from Councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included. Other features may include:

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- *health services, tertiary education services and major regional airports which service the surrounding and wider regional community*
- *a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres*
- *total operating revenue exceeding \$250M per annum*
- *significant visitor numbers to established tourism ventures and major events that attract state and national attention*
- *a proximity to Sydney which generates economic opportunities.*

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of Council operations will be greater than Regional Centre Councils.

181. In 2023 the Tribunal determined that the population criteria threshold for the Regional Strategic Area had to be adjusted from 200,000 down to 100,000, that resulting in Lake Macquarie Council no longer being the only Council in this category. Council reiterated its views, urged in 2024 and 2025, that this change had distorted the distinction between the Major Strategic Area and Regional Strategic Area categories, given the other Councils which now also fell into the Regional Strategic category.
182. The Council's population statistics in 2024 were of 221,859 residents, plus a non-resident working population of 23,769, totalling 246,095. It drew a comparison with that of the Central Coast Council, which has 354,803 residents, plus a non-resident working population of 11,043, totalling 365,846. While of the four other Councils categorised as Regional Strategic Areas, the greatest total population was Shoalhaven, which has 115,435.

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183. The Council also relied on it having similar gross regional product to Wollongong Council, a Major Regional City. As well as more than double that of the other Councils now in the Regional Strategic category. Its case that the population threshold for Major Strategic Area should be revised from 300,000 down to 200,000 also being supported by:

- Its population, now making it the second largest Non-metropolitan Council after Central Coast with proximity to Sydney and tourist numbers similar to that Council;
- Its density of some 338/sqm, being considerably more than Maitland at 245, Tweed and 76 and Shoalhaven only 24, while Central Coast was 211 and even Wollongong 324;
- Its predicted population growth to 2046, with resulting ongoing building demand;
- The impact of major NSW Government projects within its LGA, including the Low and Mid-rise Housing reform announced in February 2025;
- The Renewable energy zone and Transport Oriented Development Program;
- An annual economic output of \$30.03 billion, (approximately 20% of the Hunter economy);
- 14,768 active businesses;
- A Gross Regional Product of \$17.39 billion;
- A tourism industry that sees 1.65 million tourists per year; and
- University, shopping, airport and art facilities, as well as Australia's largest power station.

184. The Council thus urged acceptance that its output and scale of operations were now significantly greater than that of other Councils in its category and more akin to Central Coast Council, with the result that the population threshold for the Major Strategic Area category should be reviewed.

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185. The Tribunal has concluded that the Council's submissions should be accepted. The 2023 changes having had unintended consequences, which ought now to be addressed, rather than awaiting the 2027 further review.
186. The submissions which this Council and some others made, also drew attention to the considerable impact of significant daily visitor numbers, not taken into account by the criteria. This is a matter which should be addressed in the 2027 Annual Review, so that the Tribunal can consider whether and how that might sensibly be reflected in category criteria.

Regional Strategic Area

187. No change to the criteria was proposed.
188. Port Macquarie-Hastings and Shellharbour sought to be recategorised as Regional Strategic Areas, but neither satisfy the population criteria. Having populations in 2024 respectively of only 92,772 and 89,967 respectively, including non-resident workers. They both still satisfying the criteria for their current category, Regional Centre, which are:

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment*
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community*

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- *a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres*
- *total operating revenue exceeding \$100M per annum • the highest rates of population growth in regional NSW*
- *significant visitor numbers to established tourism ventures and major events that attract state and national attention*
- *a proximity to Sydney which generates economic opportunities.*

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

189. Port Macquarie-Hastings Council contended that it met the criteria for Regional Strategic Area, relying on:

- An expectation that Council did exceed the population threshold when non-resident working population was included;
- A projected total operating revenue of \$276 million in 2025/26;
- Gross Regional Product of \$13.287 million;
- An economic output this is underpinned by healthcare, retail, construction, education and training, tourism, professional and technical services;
- Tier 1 regional health services that services a catchment area beyond their LGA boundary;
- Four (4) tertiary education institutions;
- The Council operated Port Macquarie regional airport that services Sydney, Brisbane and Lord Howe Island and a total of 5,013 flights annually;

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- A tourism industry that attracts over 1.7 million visitors per annum and contributing \$540 million to the economy; and
- Regional commercial and cultural services that include a performing arts theatre, an art gallery, courthouse and major hospitality, entertainment and conference venues.

190. Shellharbour City Council's proposal relied on:

- A residential and non-residential working population in 2024 of approximately 90,000, with expectations that the residential population will hit 100,000 by 2035;
- An annual population growth rate in excess of 1.8%;
- An expected operating revenue of \$262 million in 2025/26;
- A Council owned and operated regional airport;
- A Council owned marina;
- A Tertiary training campus; and
- Construction of the new Shellharbour Hospital which will deliver improved health facilities for the Illawarra Shoalhaven Local Health District.

191. The criteria do not encompass categories being allocated on the basis of anticipated growth in population and revenues and so the recategorisations sought must be refused.

192. It also appears that Armidale Council does not meet the population threshold, but in earlier reviews the Tribunal concluded that it should remain in this category, for specified reasons. In the 2027 Annual Review it will be invited to make a submission about its appropriate categorisation, given the criteria which it then satisfies.

Regional Centre

193. No change to the criteria was proposed. They are:

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Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment*
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community*
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres*
- total operating revenue exceeding \$100M per annum*
- the highest rates of population growth in regional NSW*
- significant visitor numbers to established tourism ventures and major events that attract state and national attention*
- a proximity to Sydney which generates economic opportunities.*

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

194. Broken Hill Council also no longer satisfies the criteria of this category, which it submitted it should maintain, its population in 2024 only being 17,839. In the 2027 Annual Review it

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will be invited to address its appropriate categorisation, to ensure that it is then placed into the appropriate category, given the criteria which it then satisfies.

195. The applicable criteria for this category being:

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages*
- health services, tertiary education services and regional airports which service a regional community*
- a broad range of industries including agricultural, educational, health, professional, government and retail services*
- large visitor numbers to established tourism ventures and events.*

196. Murray River Council sought to be recategorised as Regional Rural, it being currently classified as Rural Large, despite not satisfying the population criteria, its population in 2025 still only totalling 16,042. It relied on large visitor numbers to support its submissions, which had increased over time, as well as other changes. Referring to matters such as:

- An annual population growth rate of 8-11% in the main centre of Moama, with predicted population numbers reaching over 18,000 by 2046;
- A growing tourism, accommodation and food industry that supports 14.1% of the employment figures in their LGA;

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- Tourist visitation growing on average by 10% per annum, with the average number of visitors in 2023 and 2024 of 481,595; and
- Significant growth in education, training, health and retail service employment categories.

197. Despite this, the Tribunal has concluded that this submission cannot be accepted. Population is an important aspect of the categorisation system which cannot routinely be overlooked when Councils are categorised. The Act not contemplating subjective categorisation.

Rural Large

198. No changes were proposed to the criteria, which are:

Councils categorised as Rural Large will have a residential population greater than 10,000, and a Councillor to resident ratio of at least 1 to 1200.

Other features may include:

- *one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre*
- *a limited range of services, facilities and employment opportunities compared to Regional Rural Councils*
- *local economies based on agricultural/resource industries.*

199. The Tribunal has identified that Dungog Shire Council now has a residential population greater than 10,000 and a Councillor to resident ratio greater than 1 to 1,200. As a result,

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Dungog Shire Council will be classified as a Rural Large Council in the 2026 Annual Determination.

Rural

200. No changes were proposed to these criteria, which are limited to “Councils categorised as Rural will typically have a residential population less than 10,000”.
201. Although Glenn Innes Severn Council observed that this review provided an opportunity to “recalibrate the remuneration and categorisation system to ensure its contemporary, fair, capable of supporting the expectation and responsibilities placed on elected representatives.”

County Councils

202. A summary of County Council functions produced by the Tribunal Secretariat is:

Castlereagh Macquarie County Council

A local government authority for weed management control in the Walgett, Coonamble, Waren, Gilgandra and Warrumbungle Shire Council areas.

Central Tablelands Water

Central Tablelands Water is the trading name adopted by Central Tablelands County Council, a water supply authority constituted under NSW Local Government Legislation.

Central Tablelands County Council was first proclaimed in 1944. The county area embraces the Shires of Blayney, Cabonne and Weddin. Bulk water is also supplied to Cowra Shire Council to service rural consumers and the villages of Woodstock and Gooloogong.

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Goldenfields Water

It is responsible for water supply functions within the local government areas of Bland, Coolamon, Junee, Temora, and parts of Cootamundra-Gundagai, Hilltops and Narrandera.

It also supplies water in bulk to Hilltops and Cootamundra-Gundagai Councils, which distribute the water directly to residents in parts of their local government area.

Approximately 11, 974 properties are connected directly to its drinking water supply network in Bland, Coolamon, Junee, Temora and parts of Cootamundra-Gundagai and Narrandera.

The facilities it owns and operate include:

- 34 water pumping stations (including river extraction and Jugiong Water Treatment Plant Pumping Station)*
- 72 water supply reservoir sites with approximately 115 reservoirs*
- Eight bores*
- Six re-chlorination stations*
- 2100 km of water mains*

Western Sydney Weeds Authority (formerly Hawkesbury River County Council)

Western Sydney Weeds Authority (formally Hawkesbury River County Council) is a special purpose Council, its goal being to administer the Biosecurity Act 2015 (NSW) throughout our Council areas of Blacktown, Hawkesbury, Penrith and the Hills Shire. That involving

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weed management, detection of new incursions and containment of high-risk plant species that impact on biodiversity, agriculture, and property.

Riverina Water County Council

It is responsible for the provision of safe, reliable water at the lowest sustainable cost. over an area of approximately 15,400 square kilometres with a population of more than 77,000 people.

Rous County Council

Its experts and advisors supply the Northern Rivers with water, weed biosecurity, and rural flood mitigation. It sources, stores, treats and supplies water to the Ballina, Byron, Lismore and Richmond Valley Councils, which on-sell water to their communities.

Protecting the region's biodiversity by managing and eradicating high-risk weed species. Working closely with communities and Councils in Ballina, Byron, Lismore, Richmond Valley, Kyogle and Tweed Shire regions.

And also managing the rural flood mitigation for the Richmond River floodplain. Including monitoring and managing an 80km network of levees, 750 floodgates, and 180km of drains to reduce inundation and divert flood waters.

Upper Hunter County Council

It is the registered trading name of Upper Hunter County Council a single purpose Council which is a Local Control Authority for invasive plants under the NSW Biosecurity Act, 2015 (NSW).

Its present area of operation is the local government areas of Upper Hunter, Muswellbrook and Singleton located at the northern end of the Hunter Valley, New South Wales.

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It provides weed management systems utilizing technology to prevent, contain or reduce the biosecurity risk of invasive plants to the environment, economy and community within the area of operation of the County Council.

Upper Macquarie County Council

It is a local control authority for the Biosecurity Act 2015. Two Councillors are delegated from each of four constituent Councils to form an eight Member Central Tablelands Weeds Authority Council. Its core function being to detect priority weeds and actively encourage landholders to correctly manage the identified priority weed in accordance with the Central Tablelands Local Lands Services Strategic Weed Management Plan.

It carries out its functions across Bathurst Regional Council, City of Lithgow Council, Blayney Shire Council and Oberon Council.

County Councils – Water

203. No change was proposed for the criteria, which are “County Councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.”
204. The current list of these Councils is accurate.

County Councils – Other

205. No change was proposed for the criteria which are “County Councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015 (NSW).”
206. Two County Councils – Other have been removed from the 2026 Annual Determination, being the Central Murray and the New England Tableland County Councils. The New

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England Tableland County Council was dissolved on 16 June 2025, by the *Local Government (Dissolution of New England County Council) Proclamation 2025*. The Central Murray County Council was dissolved on 1 July 2019, by a proclamation made under s 397 of the *Local Government Act*, as noted in NSW Government Gazette No 65-2205 of 27 June 2019.

207. The result is that only four Councils now fall into this classification.

Section 4 – The 2027 Annual Review

Structure and fee considerations

208. In the 2026 Annual Review, it has come to light that:

- There has been considerable change which has affected the work of those elected or appointed to Council offices, in part driven by Government decisions which have affected Councils over time. Including in the case of Metropolitan Councils those explained in the Governments draft 2026 Sydney Plan and in the case of Non-metropolitan Councils, by various regional plans;
- They and submissions advanced raise for consideration whether the current number of categories remain necessary. Reliance having been placed on Victoria, for example, where there are only 4 categories;
- The current criteria, first fixed in 2017 and amended since then in various Annual Determinations, do not accord entirely with the requirements of s 240, which specifies the matters by which the Tribunal **must** determine the categories of Councils and Mayors;
- Some of the current criteria could better assist transparent classification of Councils into categories;
- There has not for some time been an overall assessment of whether Councils continue to satisfy the criteria of the categories into which they have been placed over time;
- Changes in the fee structure, over time, have resulted in a considerable overlap between the maximum and minimum fees payable in various categories, which may no longer be appropriate, given submissions advanced;
- Some light on which was also shed by the conclusions arrived at in the 2025 Special Determination, in relation to the Central Darling Shire Council, on which reliance has been placed.

Section 4 – The 2027 Annual Review

209. The results are best explained by the following snapshot of the current categories, fees, overlaps and ratios. It having to be understood that Mayors and Chairpersons are paid both the Councillor fee, as well as the separate fee fixed for their offices. This also helps explain the Tribunal's decision to undertake the further review in 2027.

Table 1 – Table of Councillor and Mayoral fees, by Council categories

Category	Mayoral/Chairperson Additional Fees (Effective 1 July 2025)		Councillor Fees (Effective 1 July 2025)		Ratio (Mayor: Councillor)	
	Min	Max	Min	Max	Min	Max
Principal CBD	\$193,650	\$254,810	\$31,640	\$46,420	6.1:1	5.5:1
Central Darling Shire Council - Appointed Chairperson	\$72,080	\$72,180	\$13,830	\$13,930	5.2:1	5.2:1
Major CBD	\$44,840	\$126,320	\$21,120	\$39,100	2.1:1	3.2:1
Metropolitan Major	\$44,840	\$114,300	\$21,120	\$36,970	2.1:1	3.1:1
Major Regional City	\$44,840	\$114,300	\$21,120	\$36,690	2.1:1	3.1:1
Major Strategic Area	\$44,840	\$114,300	\$21,120	\$36,690	2.1:1	3.1:1
Metropolitan Large	\$44,840	\$101,470	\$21,120	\$34,820	2.1:1	2.9:1

Section 4 – The 2027 Annual Review

	Mayoral/Chairperson Additional Fees (Effective 1 July 2025)		Councillor Fees (Effective 1 July 2025)		Ratio (Mayor: Councillor)	
Regional Strategic Area	\$44,840	\$101,470	\$21,120	\$34,820	2.1:1	2.9:1
Metropolitan Medium	\$33,630	\$78,480	\$15,830	\$29,550	2.1:1	2.7:1
Regional Centre	\$32,940	\$68,800	\$15,830	\$27,860	2.1:1	2.5:1
Regional Rural	\$22,420	\$50,680	\$10,530	\$23,220	2.1:1	2.2:1
Metropolitan Small	\$22,420	\$50,650	\$10,530	\$23,220	2.1:1	2.2:1
Rural Large	\$16,820	\$40,530	\$10,530	\$18,890	1.6:1	2.1:1
Rural	\$11,210	\$30,390	\$10,530	\$13,930	1.1:1	2.2:1
Water	\$4,490	\$19,080	\$2,090	\$11,620	2.1:1	1.6:1
Other	\$4,490	\$12,670	\$2,090	\$6,930	2.1:1	1.8:1

Section 4 – The 2027 Annual Review

The conduct of the 2027 Annual Review

210. In 2027, the Tribunal intends to commence its review earlier than usual, in order to accommodate the detailed review of the Determination's categories which it has concluded it is necessary to pursue. Together with a consideration of appropriate criteria which reflect the requirements of s 240 of the Act. In order to facilitate the adoption of fees appropriate for the revised structure, also having regard to demonstrated change over time, as well as current responsibilities of Mayors and Councillors.
211. That will also require a review of the category into which each Council should then be placed, which s 239 of the Act requires must be undertaken at least once every three years.
212. Submissions will thus be invited in a two stage process.
213. The first, to determine how the Determination should be amended to achieve the category and criteria structure which the Act envisages, as well as the appropriate maximum and minimum fees. That, it must be observed, will not necessarily result in the current number of categories being retained.
214. In the second stage submissions about Councils' placement into the new structure will be sought.
215. The Tribunal will then ask Councils to provide reliable data to support their submissions about which category they fall into. Addressing each of the applicable criteria adopted, as well as relevant comparisons which they seek to draw with other Councils.
216. Categorisation having to be as transparent and fair as possible, the Tribunal intends to rest its decisions on reliable data such as that available from ABS statistics and budgets which Councils adopt year to year. The Tribunal will thus invite those who make submissions to provide reliable data and information, on which its decisions can be made. Not merely the expression of unsupported opinions.

Section 4 – The 2027 Annual Review

217. As it has in the past, the Tribunal will thus also ask Councils, when inviting submissions, to confirm that the information and submissions advanced have been endorsed by a Council vote.
218. It will thus invite submissions and information which will enable it to examine and determine whether the current categories and criteria remain fit for purpose. Given the requirements of the Act, the data on which the Tribunal's decisions must be based and the problems to which this report has drawn attention, which it will seek to address.
219. If it is considered that categories require adjustment, submissions should address what form the new categories and criteria should take, to reflect the statutory purpose of the categories of Councils and mayoral offices and their role in the fair determination of fees. As well as addressing proposed criteria which adhere to the requirements of s 240(1) of the Act, which will help the Tribunal to determine the maximum and minimum fees appropriate for the new structure, which should thus also be addressed.
220. At the first stage of this process, Councils will be asked to serve proposals which will affect other Councils, on all affected Councils, so that they may have a fair opportunity to address such proposals in their submissions.
221. What is proposed in order to adjust fees to reflect cost of living increases should also be identified at the first stage. As well as the final fees proposed. The submissions should also address changes relied on to warrant their adoption. With reliable information which supports the claimed changes, also being provided.
222. An example of potential revised criteria for the current Metropolitan Major category, which has regard to all of the requirements of s 240 of the Act, as well as to matters which the Tribunal has in the past identified to be relevant to the determination of the category into which Councils follows.

Section 4 – The 2027 Annual Review

223. What the Tribunal envisages in the 2027 review including the adoption of a structure which, if dollar figures are specified, may have to be adjusted over time, in order to reflect changes over time. As may specified population sizes.

224. A revised category for Metropolitan Major Councils, if it is retained, which has regard to the s 240 requirements, could thus provide:

Metropolitan Major

Councils categorised Metropolitan Major;

(1) must have a minimum residential population, or a combined residential and non-resident working population (of at least 50,000), which exceeds 400,000.

(2) will typically serve:

(a) a dense population occupying a built up physical terrain;

(b) a widely diverse community

(c) an area at least as large as those of Metropolitan Large Councils of ?,

(d) industrial, commercial and residential development which is both at least as significant and as extensive as that of Metropolitan Large Councils, with established development corridors;

(3) will also have:

(a) to manage a significant volume of business, consistent with its assets and budgets, which is at least as significant and varied as that of Metropolitan Large Councils;

Section 4 – The 2027 Annual Review

(b) operating revenue exceeding, for example, \$394,617,030 per annum, that being \$300 million adjusted by December CPI since December 2016;

(c) a sphere of economic influence and significance beyond the Council area, nationally as well as regionally, reflective of their service of:

(i) natural and/or developed attractions within the Council area, including sport, recreational and cultural facilities, which daily attracts significant tourism and/or visitors from outside the Council area; and

(ii) major health, education and other facilities which support the greater Sydney population; and

(d) a continuing high rate of population growth and development for which the Council is planning, evidenced by ?.

225. After submissions have been received in the second stage, the Tribunal will make its 2027 Annual Determination, which will include the new categories, criteria and increased fees the Tribunal has determined will take effect from 1 July 2027. As well as identifying the category into which each Council will then be placed.

Local Government Remuneration Tribunal



The Hon Acting Justice M Schmidt

Dated: 23 April 2026

Section 5 – Determinations

Determination No. 1 – Allocation of Councils into each of the categories as per section 239 of the Act effective 1 July 2026

General Purpose Councils – Metropolitan

Principal City (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

Section 5 – Determinations

General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (2)

- Central Coast
- Lake Macquarie

Regional Strategic Area (4)

- Maitland
- Mid-Coast
- Shoalhaven
- Tweed

Regional Centre (22)

- | | |
|-------------------|---------------------------|
| • Albury | • Hawkesbury |
| • Armidale | • Lismore |
| • Ballina | • Orange |
| • Bathurst | • Port Macquarie-Hastings |
| • Blue Mountains | • Port Stephens |
| • Byron | • Queanbeyan-Palerang |
| • Cessnock | • Shellharbour |
| • Clarence Valley | • Tamworth |
| • Coffs Harbour | • Wagga Wagga |
| • Dubbo | • Wingecarribee |
| • Eurobodella | • Wollondilly |

Regional Rural (14)

- | | |
|---------------------|------------|
| • Bega | • Griffith |
| • Broken Hill | • Hilltops |
| • Goulburn Mulwaree | • Kempsey |

Section 5 – Determinations

- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (17)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Dungog
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (37)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling*
- Cobar
- Coolamon
- Coonamble
- Edward River
- Forbes
- Gilgandra
- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee

Section 5 – Determinations

- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

* Designated as a Rural and Remote Council by the *Local Government (General) Regulations 2021*

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (4)

- Castlereagh-Macquarie
- Upper Hunter
- Upper Macquarie
- Western Sydney Weeds Authority
(formerly Hawkesbury River)

Section 5 – Determinations

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the Act effective from 1 July 2026

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2026 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 1: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2026

Category	Minimum	Maximum
Principal City	32,810	48,140
Major CBD	21,900	40,550
Metropolitan Major	21,900	38,340
Metropolitan Large	21,900	36,110
Metropolitan Medium	16,420	30,640
Metropolitan Small	10,920	24,080

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2026

Category	Minimum	Maximum
Principal City	200,820	264,240
Major CBD	46,500	130,990
Metropolitan Major	46,500	118,530
Metropolitan Large	46,500	105,220
Metropolitan Medium	34,870	81,380
Metropolitan Small	23,250	52,520

Section 5 – Determinations

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2026

Category	Minimum	Maximum
Major Regional City	21,900	38,050
Major Strategic Area	21,900	38,050
Regional Strategic Area	21,900	36,110
Regional Centre	16,420	28,890
Regional Rural	10,920	24,080
Rural Large	10,920	19,590
Rural	10,920	14,450

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2026

Category	Minimum	Maximum
Major Regional City	46,500	118,530
Major Strategic Area	46,500	118,530
Regional Strategic Area	46,500	105,220
Regional Centre	34,160	71,350
Regional Rural	23,250	52,560
Rural Large	17,440	42,030
Rural	11,620	31,510

County Councils

Councillor/Member Annual Fee (\$) effective 1 July 2026

Category	Minimum	Maximum
Water	2,170	12,050
Other	2,170	7,190

Section 5 – Determinations

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2026

Category	Minimum	Maximum
Water	4,660	19,790
Other	4,660	13,140

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

Section 5 – Determinations

Determination No. 3 - Fees for appointed Councillors and Chairperson as per clause 12(c), Schedule 11 of the Act effective from 1 July 2026

Councils designated as 'rural and remote Councils'

The annual fees to be paid to appointed Councillors and the Chairperson of councils designated as a rural and remote Council on and from 1 July 2026, as per clause 12(c), schedule 11 of the *Local Government Act 1993* are determined as follows:

Table 2: Fees for appointed Councillors and Chairpersons of rural and remote Councils

Appointed Councillor Annual Fee (\$) effective 1 July 2026

Council	Minimum	Maximum
Central Darling Shire Council	14,340	14,450

Appointed Chairperson Additional Fee** (\$) effective 1 July 2026

Council	Minimum	Maximum
Central Darling Shire Council	74,750	74,850

**This fee must be paid in addition to the fee paid to the Chairperson as an appointed Councillor (s.249(2)).

Local Government Remuneration Tribunal



The Hon Acting Justice M Schmidt

Dated: 23 April 2026

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of Metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other Councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Appendices

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to Metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Appendices

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- Total operating revenue exceeding \$300M per annum
- The provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- Significant industrial, commercial and residential centres and development corridors
- High population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other Metropolitan Councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- Total operating revenue exceeding \$200M per annum

Appendices

- The provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- Significant industrial, commercial and residential centres and development corridors
- High population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other Metropolitan Councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- Total operating revenue exceeding \$100M per annum
- Services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- Industrial, commercial and residential centres and development corridors
- High population growth.

The sphere of economic influence, the scale of Council operations and the extent of regional servicing would be below that of Metropolitan Large Councils.

Appendices

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other Metropolitan Councils include:

- Total operating revenue less than \$150M per annum.

While these Councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium Councils the overall sphere of economic influence, the scale of Council operations and the extent of regional servicing would be below that of Metropolitan Medium Councils.

Appendices

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City.

These Councils:

- Are metropolitan in nature with major residential, commercial and industrial areas
- Typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- Provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- Have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- Have significant natural and man-made assets to support diverse economic activity, trade and future investment
- Typically contain ventures which have a broader State and national focus which impact upon the operations of the Council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 200,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- Health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- A full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres

Appendices

- Total operating revenue exceeding \$250M per annum
- Significant visitor numbers to established tourism ventures and major events that attract state and national attention
- A proximity to Sydney which generates economic opportunities.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from Councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- Health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- A full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- Total operating revenue exceeding \$250M per annum
- Significant visitor numbers to established tourism ventures and major events that attract state and national attention
- A proximity to Sydney which generates economic opportunities.

Appendices

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- A large city or town providing a significant proportion of the region's housing and employment
- Health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- A full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- Total operating revenue exceeding \$100M per annum
- The highest rates of population growth in regional NSW
- Significant visitor numbers to established tourism ventures and major events that attract state and national attention
- A proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Appendices

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- A large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- Health services, tertiary education services and regional airports which service a regional community
- A broad range of industries including agricultural, educational, health, professional, government and retail services
- Large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a Councillor to resident ratio of at least 1 to 1200.

Other features may include:

- One or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- A limited range of services, facilities and employment opportunities compared to Regional Rural Councils
- Local economies based on agricultural/resource industries.

Appendices

Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County Councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County Councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Biosecurity Act 2015*.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 83

SUBJECT: Code of Meeting Practice

FILE NUMBER: 08/00542

PREVIOUS ITEMS: 196 - Post Exhibition - Code of Meeting Practice - Services Supplementary Reports - 09 Dec 2025

REPORT BY: Sonja Drca, Executive Manager

RECOMMENDATION:

That:

1. The 2025 Code of Meeting Practice, be rescinded due to the NSW Legislative Council on 26 May 2026 passing a motion to disallow the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025.
 2. Council's previously adopted (26 August 2025) Code of Meeting Practice (Attachment A of the report) be adopted.
-

SUPPORTING DOCUMENTS:

AT-A [↓](#) Code of Meeting Practice (version as at 26 August 2025) 48 Pages

CITY PLAN

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

SUMMARY

The purpose of this report is to rescind the 2025 Code of Meeting Practice and reinstate Council's previously adopted Code of Meeting Practice containing the mandatory provisions of the 2021 Model Code of Meeting Practice.

Background

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 83

From December 2024, the Office of Local Government (OLG) revised the Model Code of Meeting Practice (Model Code) following extensive consultation. On 5 September 2025, the *Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025* was prescribed under the *Local Government Act 1993* and councils were required to make administrative arrangements in preparation for the commencement of the new 2025 Code of Meeting Practice from 1 January 2026.

On 28 November 2025, notification was received from the OLG advising that the Legislative Council at its meeting on 25 November 2025 considered a motion to disallow the *Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025*.

On 26 May 2025, a motion introduced by Dr Amanda Cohn of the Greens to disallow the 2025 Model Code of Meeting Practice was passed by the Legislative Council. As a result, the 2025 Model Code has been disallowed and is no longer in effect.

Actions from Motion to Disallow 2025 Model Code of Meeting Practice

Council is in receipt of advice from the OLG advising all councils to rescind its resolution adopting the 2025 Model Code of Meeting Practice (9 December 2025 - Services Item 196). This will have the effect of reinstating Council's previously adopted Code of Meeting Practice (24 May 2022 - Services Item 46 and 26 August 2025 - Services Item 108) containing the mandatory provisions of the 2021 Model Code of Meeting Practice (Attachment A).

Because more than 3 months have passed since Council adopted its 2025 Code of Meeting Practice, the signatures of 3 councillors are not required to rescind the resolution adopting the Code of Meeting Practice.

Council is advised that meetings of the council and committees comprising only of councillors (Extraordinary and Ordinary Council, Outcomes Committee, Services Committee and Traffic Committee) should be conducted in accordance with the reinstated version of Council's Code of Meeting Practice until such time as it is amended.

The disallowance of the Amendment Regulation does not prevent Council from including supplementary provisions in the reinstated version of the previous Code of Meeting Practice based on the provisions of the 2025 Model Code of Meeting Practice provided the supplementary provisions are not inconsistent with the mandatory provisions of the 2021 Model Code of Meeting Practice. Should Council wish to make amendments to the reinstated version of its previous Code of Meeting Practice, it will be required to prepare and exhibit a Draft Code of Meeting Practice in accordance with Section 361 of the *Local Government Act 1993*.

It is recommended that the 2025 Model Code of Meeting Practice be rescinded, the previous Code of Meeting Practice be adopted (Attachment A) and the following practices which are yet to be included in Council's Code of Meeting Practice (subject to public exhibition) continue:

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 83

1. Outcomes Committee and then Services Committee be held in the Council Chambers and each committee consist of all councillors, effective 1 July 2026 as resolved by Council on 19 May 2026 (Services Item 80).
2. The Conflict of Interest section be held after the Confirmation of Minutes section of the meeting (Memorandum to Council and resolved by Council on 19 May 2026 as part of Services Item 80).

Timeline of Events

Date	Model Code Status
24 May 2022	Council adopted 2021 Model Code effective from 1 June 2022
December 2024	OLG review
26 August 2025	Council adopted 2021 Model Code (review following elections)
5 September 2025	2025 Model Code prescribed under Local Government Act
25 November 2025	NSW Legislative Council consider motion to disallow 2025 Model Code
9 December 2025	Council adopted 2025 Model Code effective from 1 January 2026
*1 January 2026	Meetings held in accordance with 2025 Model Code
26 May 2026	NSW Legislative Council pass motion to disallow 2025 Model Code
	OLG reviewing 2026 Model Code
16 June 2026	Council rescind 2025 Code of Meeting Practice Council adopt 2021 Model Code effective from 17 June 2026
From 17 June 2026	2021 Model Code applies plus newly introduced FCC practices
	Once 2026 Model Code received from OLG, staff to review and place on public exhibition

* Council practices were compliant at each stage of the Codes.

Implementation

Following the Ordinary Council meeting being held on 16 June 2026, the following practices will be reinstated:

- Councillor Briefings will be held as required
- Remote attendance will include circumstances where a Councillor is outside the local area
- Public Forum will be held only prior to the Ordinary Council meeting and will not relate to items listed on the agenda
- Members of the public will be permitted to address Committee meetings on matters on the agenda
- A Register of confidential items will no longer be required
- Meetings will be livestreamed via audio recording, no visual

These changes will not affect the adopted 2026 Schedule of Meetings. The Register of confidential items maintained for the period 1 January 2026 to 16 June 2026 has been retained.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 83

Next Steps

The OLG is examining the feedback received from Dr Cohn MLC, the Country Mayors Association and Local Government NSW (LGNSW) on the 2025 Model Code of Meeting Practice and will provide formal advice on a new 2026 Model Code of Meeting Practice when the drafting is complete.

Following receipt of this advice, a review of Council's Code of Meeting Practice will be undertaken including placing the Draft 2026 Code of Meeting Practice on public exhibition before formal adoption by Council.

CONCLUSION

Following the disallowance motion passed in NSW Parliament on 26 May 2026, Council is required to ensure it has a Code of Meeting Practice.

It is recommended that Council rescind the 2025 Code of Meeting Practice and reinstate Council's previously adopted Code of Meeting Practice containing the mandatory provisions of the 2021 Model Code of Meeting Practice (Attachment A).

Sonja Drca
Manager Governance and Audit

Authorisation:
General Manager

Services Committee - 9 June 2026

File Name: **CSC09062026_18.DOCX**

***** END OF ITEM 83 *****



CODE OF MEETING PRACTICE

Adopted by Fairfield City Council
on ~~26 August 2025~~
16 June 2026

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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.*

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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 MEETINGSBusiness 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 MEETINGSPoints of order

- 15.1 A councillor may draw the attention of the Chairperson to an alleged breach of this Code by raising a point of order. A point of order does not require a seconder.
- 15.2 A point of order 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

ATTACHMENT A

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 COMMITTEE

Meeting Date 9 June 2026

Item Number. 84

SUBJECT: Powhatan Park - Registration of Positive Covenant

FILE NUMBER: 23/14067

REPORT BY: Aelina Truong, Manager Property and Community

RECOMMENDATION:

That:

1. Council endorse the registration of a positive covenant relating to Lot 11 in Deposited Plan 609918 known as Powhatan Park as outlined in the report.
 2. The Mayor and General Manager be authorised to finalise the Plan of Positive Covenant, Deposited Plan Administration Sheet, Section 88B Instrument and affix the Seal of Council on the documents and plans, including the Plan of Positive Covenant, Deposited Plan Administration Sheet, Section 88B Instrument and any other relevant documents, to certify its decision for the registration of positive covenant relating to Lot 11 in Deposited Plan 609918, known as Powhatan Park and enable the completion of the matter.
 3. The Land/Lease Register and financial records be updated.
-

SUPPORTING DOCUMENTS:

AT-A [↓](#) Long Term Environmental Management Plan

29 Pages

CITY PLAN

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

SUMMARY

The Mimosa Road detention basin upgrade project was completed in March 2026. The upgrade works at the site included reconstructing the detention basin walls, increasing the capacity of the culvert under Mimosa Road and repairing the downstream rock revetment to address scour issues along the banks.

These works were carried out in response to Dam Safety NSW requirements and partially funded by Australian Government grants.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 84

Remediation works at the site have also now been completed with all contaminated material securely buried within an encapsulation cell on site, in accordance with legislative requirements.

An environmental hygienist has prepared a Long-Term Environmental Management Plan for the material contained within the encapsulation cell. The purpose of the plan is to maintain and monitor the management area, which covers part of Powhatan Park.

A positive covenant is required to be registered under Section 88B of the Conveyancing Act 1919 to ensure that the long-term management obligations are implemented. It is recommended that Council endorse the registration of positive covenant as outlined in this report.

Purpose

Council owns the land located at 233 Mimosa Road Greenfield Park which forms part of Powhatan Park. The site is classified as Community Land and consists of open fields, a small amenity building and a playground.

The Mimosa Road detention basin upgrade project at Powhatan Park involved reconstruction of the detention basin walls, increasing the capacity of the culvert beneath Mimosa Road, raising the embankment level and repair of the downstream rock revetment to address scour and stabilise the creek banks.

In addition to these works, environmental remediation works were undertaken following confirmation that soils on-site were contaminated with asbestos containing material.

The remediation strategy adopted involved the construction of an on-site containment cell to safely manage the contaminated material. The containment cell was constructed to a nominal depth of 3 metres within the south-eastern corner of the site, with a total capped area of approximately 1,365m². Diagrams 1 and 2 outline the location of this area.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 84

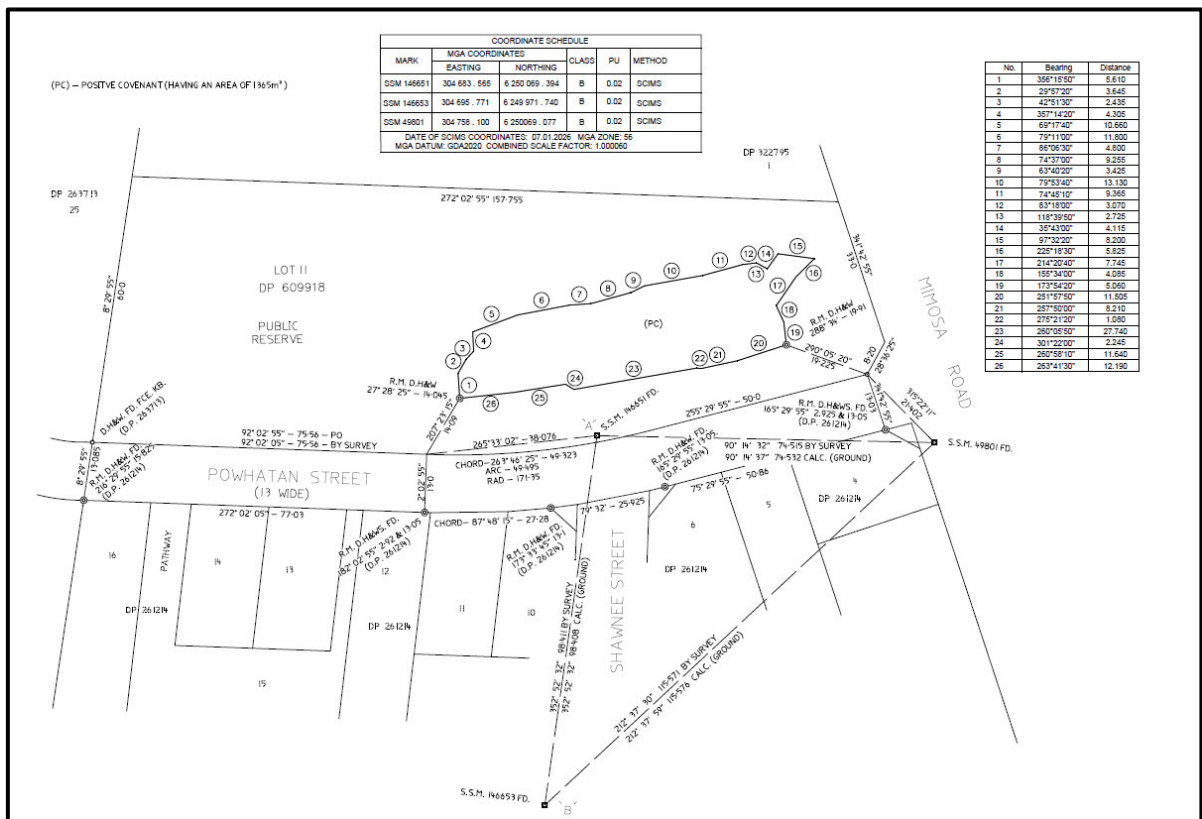


Diagram 1 & 2 - Powhatan Park – Location of Containment Cell Site

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 84

An environmental hygienist has prepared a Long-Term Environmental Management Plan for the encapsulation cell (AT-A). This has been prepared and approved by the NSW Environment Protection Authority under Section 105 of the Contaminated Land Management Act 1997.

As the landowner, Council will remain responsible for all matters relating to the capped area, including ongoing inspections, maintenance, repairs when necessary and compliance with the plan. This also requires a positive covenant to be registered on the land title.

The purpose of the positive covenant is to ensure that the long-term management obligations associated with the containment cell are formally documented and binding on the landowner. The Plan also serves as the Asbestos Management Plan for the site, to support compliance with section 429 of the Work Health and Safety Act.

There is currently a caveat registered on title by the Register General preventing the registration of instruments not authorised by the provision of the Local Government Act 1919. Current advice from NSW Land Registry Services has confirmed that this caveat will be removed upon registration with the proposed creation of the positive covenant.

It is recommended that Council endorse the registration of the positive covenant as specified in the report.

CONCLUSION

The Mimosa Road detention basin upgrade project was completed in March 2026. These works were carried out in response to Dam Safety NSW requirements and partially funded by Australian Government grants.

The project has required the construction of an on-site containment sell to manage the identified contaminated material. A Long-Term Environmental Management Plan for the encapsulation cell has been prepared to manage the long-term responsibilities and legislative obligations associated with the cell. A positive covenant for the cell is required to be registered under Section 88B of the Conveyancing Act 1919 to ensure that these obligations are met.

It is recommended that Council endorse the registration of the positive covenant as specified in the report.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 84

Aelina Truong
Manager Property and Community

Authorisation:
Manager Property Strategy and Services
Director City Strategy

Services Committee - 9 June 2026

File Name: **CSC09062026_13.DOCX**

***** END OF ITEM 84 *****

LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

Property

Powhatan Park, 233
Mimosa Road,
Greenfield Park NSW



Client

Fairfield City Council
86 Avoca Road
Wakeley NSW 2176

CH1474-D260037
February 2026



Document Details

Project No.	CH1474	Document No.	D260037
Title	Long Term Environmental Management Plan		
Site Address	Powhatan Park 233 Mimosa Road, Greenfield Park NSW.		
Prepared For	Fairfield City Council		
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The undersigned confirm that this document and all associated attachments relate to the Site under investigation and have been reviewed and checked for errors, omissions and inaccuracies.

Name	Signature	Position	Date
Richard Case		Managing Director	16/02/2026





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Figure 1	Site Location
Figure 2	Registered Survey of Management Area
Figure 3	Site Elevation Survey –Cell Construction Work As Executed
Figure 4	Cap Design Cross Section

Appendix A	Asbestos Register
Appendix B	Inspection Checklist



1.0 Introduction

1.1 General

Compliance Health & Environmental Consulting (CHEC) Pty Ltd was engaged by Fairfield City Council to prepare a Long-Term Environmental Management Plan (LTEMP) for the remedial work completed in January 2026 on the property identified as Lot 11 DP609918, located at 233 Mimosa Road, Greenfield Park, NSW 2176. Refer to **Figure 1** – Site Location.

The LTEMP shall provide a plan to maintain and monitor the management area, defined as the 1,365 m² area subject to Positive Covenant (PC) and detailed on the attached **Figure 2**. The LTEMP will also function as the Asbestos Management Plan to comply with section 429 of the Work Health and Safety Act 2011. Management is required to negate the risk of potential exposure to, or release of, contamination from identified soils that may contain asbestos.

The LTEMP is also intended to outline management hierarchy, responsibilities and actions required in the event of damage to the containment system or for regular maintenance. The presence of the physical barrier system shall be notified under s10.7 of the Environmental Planning and Assessments Act, 1979. Management instruments shall include reference to the LTEMP on asset registers for public assets and Council owned property.

1.2 Objectives

The EMP has been developed in accordance with contaminated land guidelines made and approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (CLM Act), and planning guidelines on managing contamination. The NSW EPA “Preparing environmental management plans for contaminated land” Practice Note, 2022, identifies that an EMP should clearly state:

- Its objectives.
- Who is responsible for implementing it.
- The time frames for completing the actions it specifies, and who will undertake those actions.
- Its key stakeholders, and how they have been engaged in developing it.
- A mechanism for monitoring its implementation.
- Where it will be recorded and how the public will be made aware of it.

This EMP is intended to manage the legacy contamination and its potential impacts to human health and the environment based on risk assessment undertaken during remedial work and by historical investigations.



1.3 Legislative Framework

On the basis that land use suitability is reliant on the maintenance of a containment system, the LTEMP is required to satisfy Section 4.3.3 of the NSW EPA Site Auditor Scheme Guidelines (3rd Edition)2017. This is achieved by providing a plan to maintain and monitor the physical barrier system put in place to negate the risk of potential exposure to, or release of, contamination from capped soils.

The NSW EPA “Preparing environmental management plans for contaminated land” Practice Note, 2022, states that the obligations in an LTEMP must be legally enforceable and that public accountability and transparency are important aspects of the management of contaminated land.

1.3.1 Legal Enforceability

Considering that the Site will be a Council owned and operated facility, the Site can be classified as a workplace as defined by Clause 8 of the Work Health and Safety Act, 2011. As such, the provisions of the Work Health and Safety Act and associated regulation apply to the Site and allow for legal enforceability by use of the following instruments.

s425 Asbestos Register

- 1 A person with management or control of a workplace must ensure that a register (an asbestos register) is prepared and kept at the workplace.
- 2 The person must ensure that the asbestos register is maintained to ensure the information in the register is up to date.
- 3 The asbestos register must—
 - a. record any asbestos or ACM identified at the workplace under clause 422, or likely to be present at the workplace from time to time including—
 - i. the date on which the asbestos or ACM was identified, and
 - ii. the location, type and condition of the asbestos or ACM, or
 - b. state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace.
- 4 The person is not required to prepare an asbestos register for a workplace if a register has already been prepared for that workplace.
- 5 Subject to subclause (6), this clause applies to buildings whenever constructed.
- 6 This clause does not apply to a workplace if—
 - a. the workplace is a building that was constructed after 31 December 2003, and
 - b. no asbestos has been identified at the workplace, and
 - c. no asbestos is likely to be present at the workplace from time to time.

On the basis that asbestos has been identified at the Site and no asbestos register has been developed, it is a requirement that an asbestos register be produced. An Asbestos Register has been provided by CHEC and is included as **Appendix A** of this document.

It should be noted that CHEC have not been made aware of asbestos in any location other than those specified in the asbestos register. It is recommended that Fairfield City Council undertake a hazardous



materials survey on the remainder of the Site and update the register as required. Once completed, the management of asbestos for potential workplace exposure is considered adequate to protect against the public health risk associated with recreational use.

s429 Asbestos Management Plan

- 1 This clause applies if asbestos or ACM is-
 - a. Identified at a workplace under clause 422, or
 - b. likely to be present at a workplace from time to time.
 - 2 A person with management or control of the workplace must ensure that a written plan (an asbestos management) for the workplace is prepared
 - 3 A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.
 - 4 An asbestos management plan must include information about the following—
 - a. the identification of asbestos or ACM,
 - b. decisions, and reasons for decisions, about the management of asbestos at the workplace,
 - c. procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace,
 - d. workers carrying out work involving asbestos.
 - 5 A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to—
 - a. a worker who has carried out, carries out or intends to carry out, work at the workplace, and
 - b. a health and safety representative who represents a worker referred to in paragraph (a), and
 - c. a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace, and
 - d. a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

This report is intended to satisfy the requirement of a Long-Term Environmental Management Plan, and an Asbestos Management Plan.

1.3.2 Public Notification

All personnel attending the Site for work purposes shall be notified of the LTEMP/AMP by way of Site inductions. It is a requirement that the owner disclose the existence of the plan to new and potential owners or occupiers of the Site. This shall be made publicly available under a positive covenant on the land under s.88 of the Conveyancing Act, 1919 and s.10.7 of the Environmental Planning and Assessments Act, 1979.

1.3.3 Financial Assurance

CHEC is not aware of any financial Assurance requested for maintenance of the containment cell.



2.0 Site Background

2.1 Property Details

The property known as Powhatan Street Reserve consists of an open field sporting facility with a small amenities block on the western boundary, and includes some vegetated areas along Orphan School Creek in the northern extents. A commercial shopping centre occupies land to the east of the Site across Mimosa Road, otherwise residential areas surround the site, consisting of single and double story low density housing.

The containment cell requiring long term management occupies approximately 1500m² in the south eastern corner adjacent to Powhatan Street – Mimosa Road intersection. Refer to **Figure 2** – Surveyed Management Area.

Table 1: Summary Site Details

Address	233 Mimosa Road Greenfield Park
Local Government Authority	Fairfield City Council
Lot and Deposited Plan	Part Lot 11 DP609918
Site Zoning	RE1 Public Recreation
Current Land Use	Recreational
Proposed Land Use	Recreational
Management Area	1500m ² Refer to Figure 2

2.2 Contaminants of Concern

The outcome of previous investigations to assess the suitability of soils to remain on-site has confirmed that contaminants of concern were limited to Asbestos – Friable and non-friable.

2.3 Site Remediation Works

Remedial works consisted of an onsite containment strategy by constructing a containment cell to a nominal depth of 3m in the south eastern corner of the Site.

Soils from Chainage(ch) 150 to ch500, within the limit of works on the embankment stabilisation, were then transported and placed within the containment cell under Class A asbestos removal conditions. The process of placement is considered to have introduced a risk of generating free fibres and asbestos fines from the original bonded source.

Assessment was undertaken on the remediated surface of the embankment and confirmed by the Validation Report (CH1474-D250076) that soils complied with land use suitability criteria and would not require ongoing management outside the defined limits of the containment cell.



3.0 Contamination Barrier

3.1 Containment Design

The construction of the containment cell was undertaken in accordance with the specifications outlined in the construction design provided to Fairfield Council by Mack Civil.

Cell excavation extended from a surface RL of 39.2mAHD into stiff clay to a base RL of approximately 35.9 mAHD. A high visibility marker layer of geotextile was placed over the contaminated soils at an average RL of 38.2 mAHD. The cell was capped with a minimum of 0.5m of certified Virgin Excavated Natural Material (VENM), which was sourced from the excavation of the containment cell, to match surrounding ground levels.

Refer to **Figure 3a** – Site Survey – Excavated Cell and **Figure 3b** – Top of Marker Layer.

CHEC inspected the cell in October 2024 at the completion of contaminated soil placement, with the initial cover layer, and again at the completion of the full capping layer in late 2025. Inspection confirmed the cell complied with the objective of the Asbestos Management Plan and will negate the potential exposure of asbestos material to identified receptors. The clay capping shall provide a durable long-term barrier between potential receptors and the contaminated soil. Refer to **Figure 4** – Cap Design Cross Section.

3.2 Permeability

The cell walls and base consisted of heavy clays, as does the material used as a cap for the containment cell. This will highly reduce the permeability of the cell. Nevertheless, asbestos is not a leachable contaminant and as such, permeability is not a relevant concern.

3.3 Material Design Life

With a proactive maintenance plan, it is expected that the materials used in the construction of the physical barrier should provide effective isolation of the contaminated soil for an extended period of time. Whilst some minor erosion may occur during extreme rain events, regular inspections and repairs will be carried out as necessary in order to ensure the maintained integrity of the cap.

The primary constraint will be any required excavation within the slab and any proposed redevelopment that may include excavation into the contaminated material.



4.0 Integrity Risk Factors

In order to maintain the Site as safe for its intended land use, the capping materials shall be maintained or repaired if/when their integrity is compromised or degraded. No disturbance should be allowed through any unauthorised activities. The risk associated with any planned works within the capped area should be properly assessed by a qualified environmental professional. Should any unplanned works be undertaken which result in the exposure of the underlying soil, works must be immediately halted and the relevant Site managers contacted to provide guidance on the restoration of the cap.

Refer to Section 5.0 for regular maintenance requirements and Section 7.0 for contingencies with reference to section 6.0 Management and Reporting prior to commencement of any works.

The following occurrences must be considered as having the potential to reduce the effectiveness of the mitigation measures implemented.

4.1 Maintenance

It is expected that general maintenance requiring intrusion below the clay cap will not be common. If required to install or access services; however, work shall be undertaken in accordance with the controls listed in Section 5.0. Sufficient care should be taken during these tasks to ensure that the integrity of the concrete is maintained and not compromised to the extent that it may lead to future degradation.

4.2 Renovation / Demolition

Considering the cap has been constructed in an open space parkland, it is unlikely that further excavation will occur in the short term. If it should be planned; however, consideration for management of the underlying soils shall include management under any contaminated land legislation in force at that time.



5.0 Controls and Monitoring

In accordance with the CLM Act, 1997, the land owner is required to implement, monitor and maintain the following systems to maximise the life of the physical barrier system. All monitoring and compliance information is to be made available on an ongoing basis to the regulating authorities upon request.

5.1 Physical Integrity of the Cap

Controls:

- 1 Regular Council inspections / maintenance
- 2 Maintenance schedule to be included in Council operational policies and procedures
- 3 No unauthorised excavation within the containment cell area
- 4 Identify and repair all defects in the cap

Monitoring:

- 1 Inspection of the cap surface condition shall be included with the general maintenance schedule for the site, and should be reported as needed or at a minimum of annually and shall include an annual review. An example Inspection Checklist has been provided as **Appendix B**. All personnel that are expected to attend the Site for maintenance should be made aware of the cap purpose during induction and include observation of the Site's condition as part of their general duties.
- 2 Inspections must be scheduled not more than 72hrs following major works where repairs to the cap are required. For the purpose of this management plan a major work is defined as any penetration of the containment cell area extending to a depth of greater than 0.5m.
- 3 Following any report of damage to the geofabric marker layer, the nominated council representative should be notified immediately and investigation, if required, should be undertaken within 24hrs.

Reporting: Records should include (but are not limited to): Date(s) of inspection, items inspected, condition of item and if action is required. Symptoms associated with settlement shall be noted including erosion, pot- holing or unevenness in the surface, or wet patches indicating localised seepage, etc. Records should be appended to the LTEMP and kept for the life of the capping control or until such time that the requirement for land owners to monitor and maintain the cap is no longer in force.

Outcomes: Identifiable issues will be notified to the managing authority with respect to the physical appearance of the overlying surface.

Action Levels: Any sign of soil erosion, damage to the surface or excessive settlement. No area of the underlying soils should be exposed or be in a condition where exposure is likely. Identified issues or inadequacies should be raised with the management identified in Section 6.0 and actioned accordingly.



5.2 Underground Excavation

Controls

- 1 No unauthorised excavation into the cap. All works and personnel to be approved by Authorised Council representative.
- 2 Any excavation shall include reinstatement of the marker layer and certified clean soil over the contaminated material to match existing design.
- 3 Council maintenance procedures, including waste classification, to manage removal of capped soils.
- 4 All excavation potentially extending to a depth of the marker layer shall be undertaken or supervised by a Class A licenced asbestos removalist.

Monitoring:

- 1 Scheduled review of staff site induction records.
- 2 Periodic review of Council maintenance procedures in accordance with the schedule to comply with ISO14001 and ISO9001 standards.

Outcomes: A Section 10.7 planning certificate shall state that no sub-surface excavation will be permitted within the containment cell area without a comprehensive risk assessment process and appropriate workplace safety precautions. All excavation should be in accordance with Work Health and Safety Act 2011 and/or any relevant regulations and guidelines in force at the time of works to manage procedures for working with asbestos.

Reporting: On completion of any works that have altered the state of contaminated material, such as the installation of services, a report should be prepared to include detailed drawings of service types with locations and depths. Any removal or damage to the capping layer should be replaced or repaired and documented as being reinstated.

Action Levels: Any damage to or loss of clay coverage will require immediate replacement. Any future works involving excavation should include notification and reporting to management authorities identified in Section 6.0 prior to commencement of works.



6.0 Management and Reporting

6.1 Hierarchy and Responsibilities

It is expected that the owner of the land or a nominated representative would be the primary point of contact for all matters relating to works or maintenance issues in the capped area. It is expected that the person, department or company concerned with the maintenance of the physical barrier system will be clearly stated in this document and will be updated accordingly as required. The Nominated Responsible Person (NRP) would have the primary responsibilities for the regular inspection, maintenance, reporting and accountability of the Cap surface and structures.

It is anticipated that inspection of the capped areas in accordance with this LTEMP would be undertaken by a nominated person or Council department to ensure disturbance or degeneration of capping material has not occurred and is replaced as required. Relevant personnel should be made aware of the presence of the contained soils and the person responsible for its maintenance. They shall report any destruction of the cap to the nominated person. Any future sale or leasing of the land or any building thereon shall include the detail of this management plan and clear agreement as to the responsibilities herein between parties.

For any works undertaken within the managed area, it is recommended that a Licenced Asbestos Assessor is consulted to oversee the works and to advise on management and methodology of works to be undertaken.

Personnel employed to undertake any intrusive works must develop a specific Occupational Health and Safety Plan which limits the potential for exposure to any soil below the geofabric marker layer. Works undertaken in soils within the cell must be undertaken by a Class A licensed asbestos removal contractor and must account for the potential exposure to asbestos fibres. As a minimum therefore PPE should include asbestos rated coveralls, gloves and respiratory protection with all non-licenced personal to be removed prior to commencement of work.

Safe Work Methodologies should include appropriate notification to the Council or their representative regarding the intended level of impact on the contaminated soil and the condition of the impacted area at the completion of works. This should also include any integrity QA certification which should be filed in the permanent record with file copies being distributed to any regulatory bodies governing the development conditions.

6.2 Management Plan Review

Circumstances that may lead to any change of information in this management plan must be reflected in an addendum document and filed with this plan. For example:

- Any reported damage and the subsequent repairs undertaken on the cap surface should include a review of the Management Plan to ensure up to date information of the cap is maintained.
- Any works that require intrusive activities into underlying soils also require an appropriate amendment to this Management Plan to maintain the most current information about the cap within this document.
- Any changes to the structure of the cap or ownership of the land should involve appropriate amendments to this Management Plan that reflect the works undertaken.



The following nominated persons are responsible for the systems and records required to properly maintain the capping structure. This table should be updated to reflect current responsibilities and made available to all personnel working on the Site, including during construction and operations.

Area of Responsibility	Company	Name	Contact
Cap surface inspections Reporting and maintenance	Council	Daniel McDonald	
Infrastructure Inspections, reporting maintenance, record keeping	Council	Daniel McDonald	
Services Management Maintenance authorisation, inspection record keeping, risk assessment and statutory compliance	Council	Daniel McDonald	



7.0 Contingencies

7.1 Cap Structural Integrity

During the period of management for the capped soils, incidence or changes may occur which need to be considered to properly maintain the objectives of the remediation and avoid an increase in the risk of exposure.

7.1.1 Natural Degradation

It is anticipated that the preventative maintenance and inspection schedule should negate any risk of concrete degradation.

7.2 Intrusive Work

7.2.1 Planned Intrusive Works

All intrusive works into the cap should be minimised in an attempt to maintain cap integrity. If works are unavoidable, it is recommended that a contaminated land professional be consulted to provide current industry advice for the proposed works and appropriate management procedures.

No planned intrusive works should be undertaken without first reviewing this document. Should planned works involve excavation of soils below the physical barrier, allowance should be made to dispose of the excavated material as asbestos waste in accordance with the established waste classification guidelines in force at that time. Any new service trenches should be lined with a Geofabric and backfilled with suitable, clean material.

7.2.2 Unplanned Intrusive Works

Unplanned intrusive works will most likely only be associated with emergency situations; therefore, this document should be considered in any emergency maintenance plans. As with planned intrusive works, any soils that are removed should be classified and disposed of in accordance with the waste guidelines current at the time. Any compromise to the containment cell should be rectified prior to the completion of works. A licensed asbestos assessor or environmental professional should be consulted at the earliest possible convenience, preferably prior to the completion of works.

7.3 Land Re-Development

7.3.1 Change of Use/Redevelopment – Maintaining Structures

If the containment cell is to be maintained upon reuse of the property, this document should form part of the sale contract information. The risk to the integrity of the cap would therefore be minimal assuming the stipulated maintenance program is continued.



7.3.2 Redevelopment – Including Removal of Barrier

If the barrier is to be removed as part of any redevelopment, there is a risk of exposure to, or release of, contaminated soils. It is expected that such a development would be regulated by Council Development Application and control plans, including obligations under State Environmental Planning Policy – Resilience and Hazards, 2021. Risk to human health or the environment therefore is considered to be negated under this circumstance by governmental regulation, which should ensure the appropriate remediation strategy at that time.

7.3.3 Disposal of Soils

In the event that any soils beneath the cap require disposal, they will need to be classified in accordance with the NSW EPA Waste Classification Guidelines, 2014. Due to the presence of asbestos, all excavation works will need to be undertaken in accordance with the SafeWork NSW How to Safely Remove Asbestos Code of Practice, 2022. As a minimum, PPE for all personnel involved in the excavation and removal of the capped material should include laceless boots, coveralls, gloves and P2 mask.



8.0 Conclusions

To maintain the integrity of capping material and ensure no exposure to the contaminated material occurs, the ongoing implementation of this Management Plan will be required for as long as the contaminated soils are retained at the Site.

Adequate control systems have been included to support each objective stating the maintenance requirements and routine monitoring requirements to ensure compliance with the range of acceptable values for monitored parameters.

Contingency responses in the event that failure of control systems is identified outside routine monitoring (emergency response) have been provided for, including a documentation protocol to record maintenance activities, monitoring results, non-conformances, and actions taken to rectify any non-conformance.

This Management Plan has also provided a reporting procedure to ensure effective communication of information.



9.0 Limitations

CHEC acknowledges that limitations do exist with respect to this management plan. The following comments should be considered in the context of implementation, review, change of ownership or works which may impact the integrity of the physical barrier.

The condition of the Site is described as it was at the date of this Plan. CHEC do not make any representation or warranty that the conclusions in this report will be applicable in the future as there may be changes in the condition of the site, applicable legislation or other factors that would affect the conclusions contained in this Plan. All recommendations are based on information from the Validation, current legislation and guidelines currently enacted as at the date of this report.

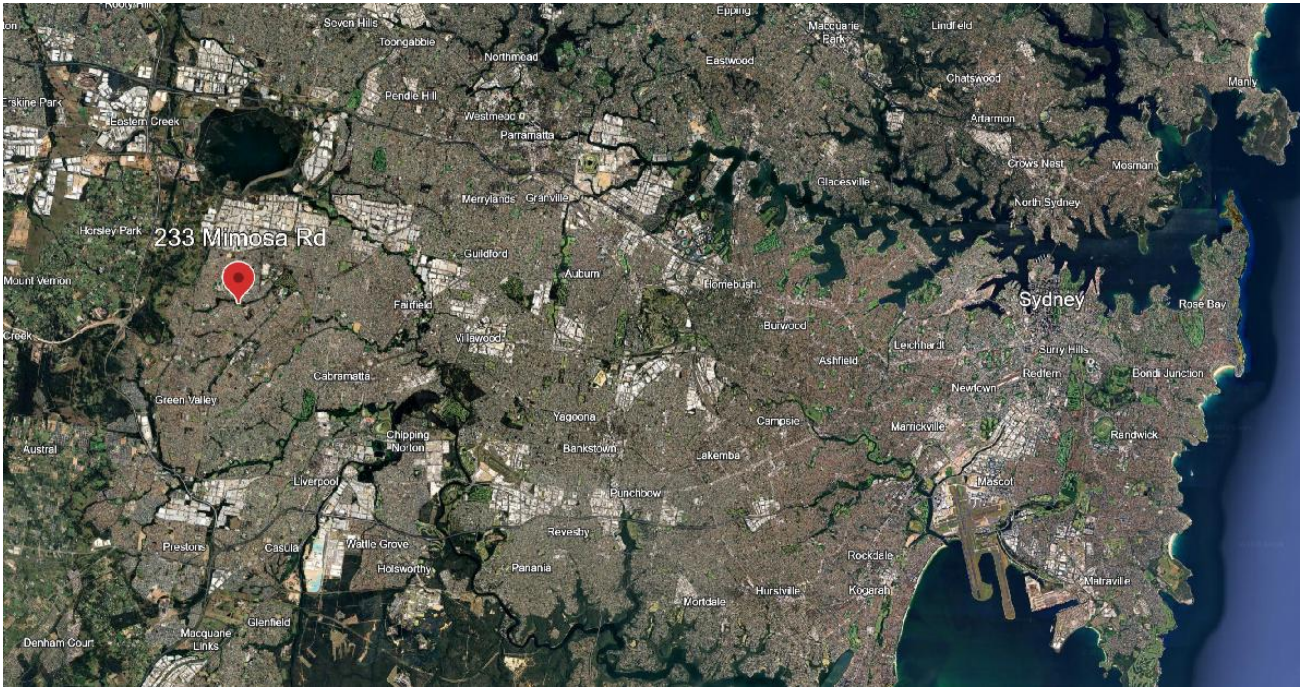
Should Site conditions change significantly from those described in the Validation Report and this Management Plan, then this management Plan should be assessed for its suitability in the context of available data at that time.

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Figure 1 – Site Location




	Title Site Location			
	Site Address 233 Mimososa Road, Greenfield Park	Project No. 1474	Figure No. 1	Date 05/03/2025
	Client Fairfield City Council	Scale NTS	Compiled RG	Revision Rev. 1



Figure 2 – Surveyed Management Area

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1 sheets

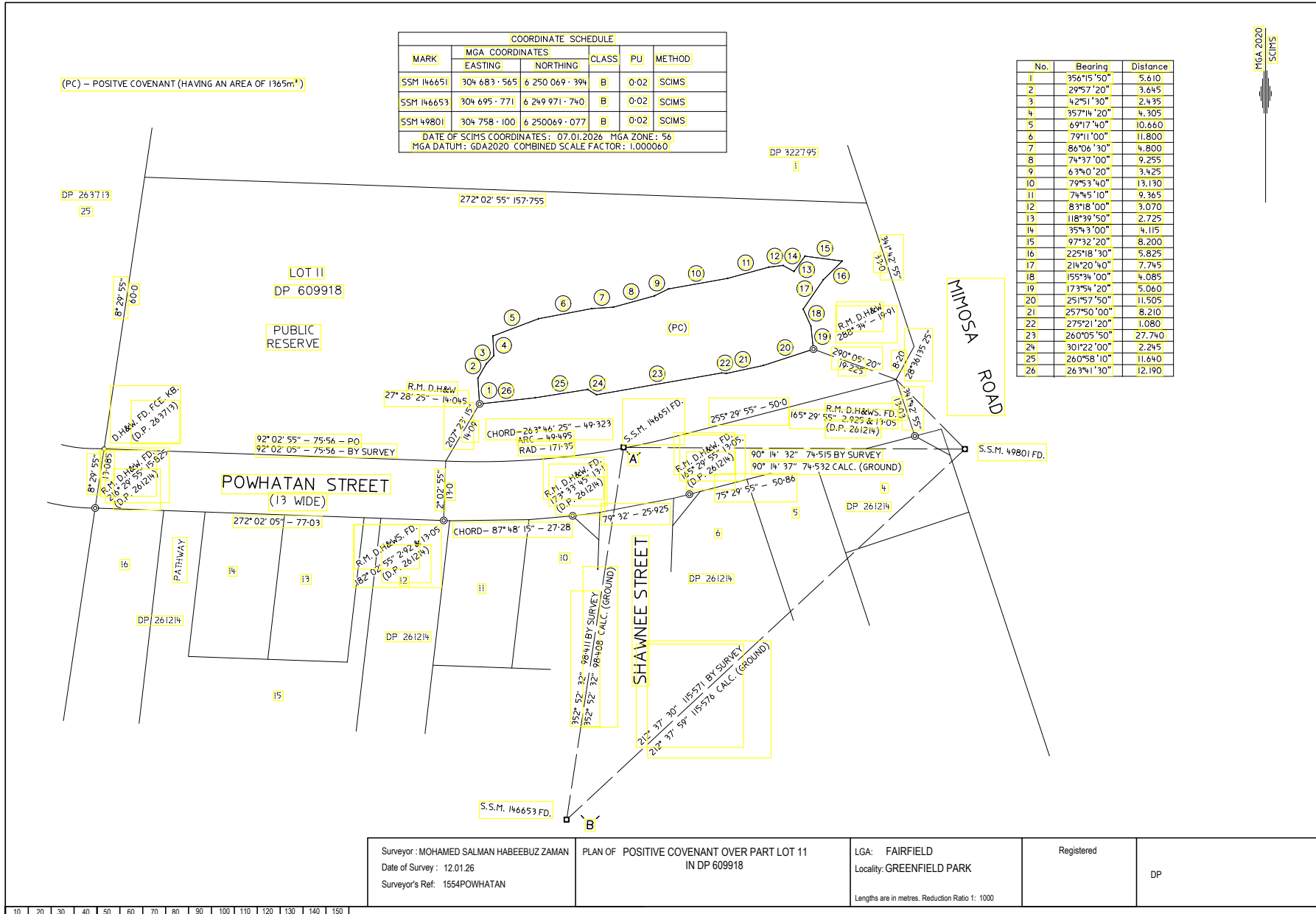
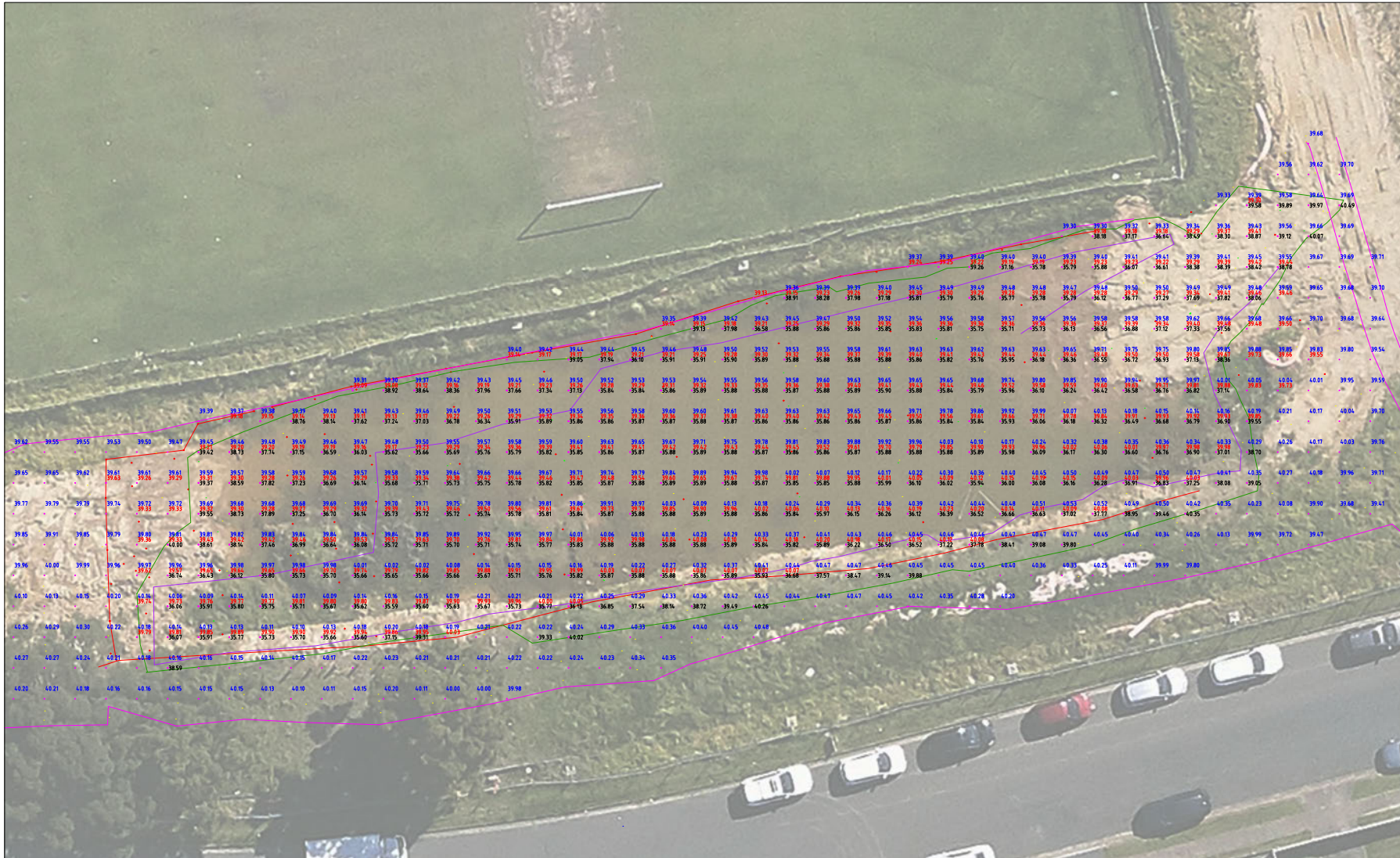




Figure 3 – Site Elevation Survey – Cell Construction



NOTES:
 BLUE DENOTES FINISH SURFACE (TURF) 260210
 RED DENOTES MARKER LAYER 251027
 BLACK DENOTES EXCAVATION SURVEYED 240604 (PICKED UP BY ESO SURVEYS)

REV	DATE	DESCRIPTION	DRAWN	CHECKED	RELEASED
A	10/02/26	ORIGINAL ISSUE	MR		

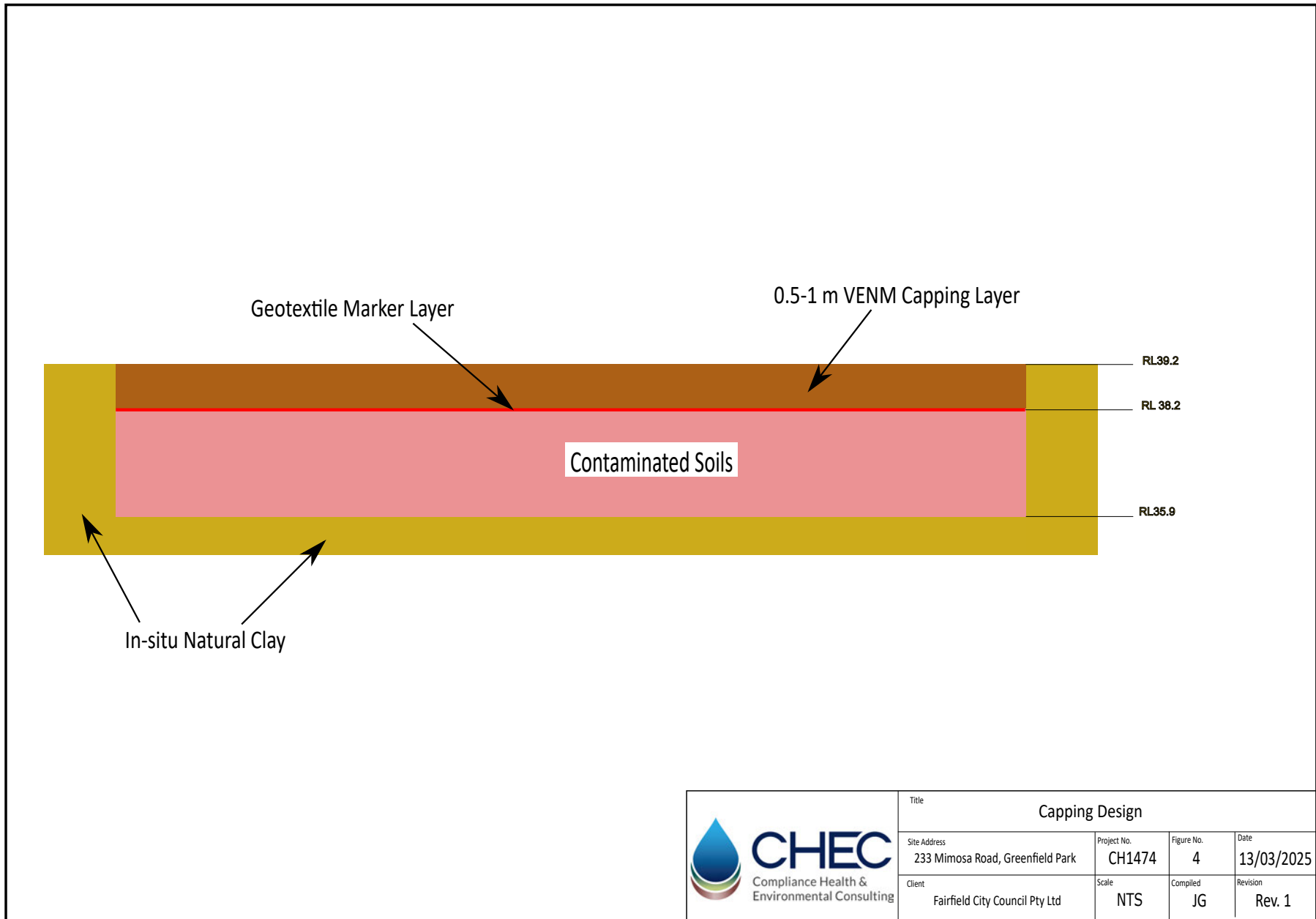


CLIENT:	MACK CIVIL PTY LTD				
TITLE:	MIMOSA ROAD ENCAPSULATION AREA PICKUP TOP OF UNSUITABLE (ORANGE MARKER LEVEL) AND CURRENT LEVEL				
JOB No.:	2508	Org. No.:	2508_AS_0005_A		
Date of Survey:	10/02/2026	SCALE:	1: NTS	A1	REV: A

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Figure 4 – Cap Design Cross Section



	Title Capping Design			
	Site Address 233 Mimosa Road, Greenfield Park	Project No. CH1474	Figure No. 4	Date 13/03/2025
	Client Fairfield City Council Pty Ltd	Scale NTS	Compiled JG	Revision Rev. 1



[Appendix A – Asbestos Register](#)

Asbestos Register - Powhattan Park - 233 Mimosa Road, Greenfield Park

IMPORTANT: The person responsible for managing the Asbestos Register must ensure that it is: Prepared and kept at the workplace; maintained to ensure the information is accurate and up to date; reviewed and revised as required and made accessible to workers, their health and safety representatives and the person with control over the workplace (if a contractor) before, during and after asbestos-related work is conducted. The Register must also be made available to sub-contractors or tradespersons engaged to undertake work to inform them of the locations where asbestos is confirmed or is assumed.

Site Location	233 Mimosa Road, Greenfield Park	Project:		Address:	
Property Manager:	Fairfield City Council	Phone:		Email:	
Property Owner:	Fairfield City Council	Phone:		Email:	
Project Manager:	Fairfield City Council	Phone:		Email:	
Date Created:	13/03/2025	Date Last Updated:	23/2/2026		

Line No.	Date Identified	Specific Location	Product Type	Description	Condition	Fixed or Installed	Accessible Area	Disturbance Likelihood	NATA Tested?	Date Tested	Test Results	Friable or Non-Friable	Action Taken	Reinspect Date	Removal Date	Removalist Licence Number
1	08-Jul-24	Within Containment Cell on south eastern extent of the property	Fibre Cement	Fragments and fines of asbestos containing fibre cement in Soil	Fair	NA	Inaccessible	Unlikely	Yes	25-Jul-23	Positive	Non-Friable	All identified asbestos in soil has been excavated and placed into a containment cell	NA	NA	NA
2	09-Oct-24	Embankment works Chainage 480-500	Fibre Cement	Fines in soil less than land use criteria	Fair	NA	Inaccessible	Unlikely	Yes	09-Oct-24	Positive	Friable	Area compliant with land use and has been covered by approximately 200mm of soil and concrete path.	NA	NA	NA



[Appendix B – Inspection Checklist](#)



Cap Inspection Checklist
Powhattan Park – 233 Mimosa Road, Greenfield Park

Date of Inspection			
Primary Inspector			
Role of Inspection			
Other Inspectors			
General Comments			
Inspection Items	Findings Yes/No/NA	Comments	Actions
Is the ground cover in good condition generally?			
Is any erosion of the soil evident?			
Any pot holing or unevenness observed?			
Is there any evidence of intentional damage to the cap such as excavation or coring?			
Is repair of the cap required?			
Do all previous repairs remain in sufficient condition?			

Services Committee



SECTION B

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

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 92

SUBJECT: Request for Donation - Language and Cultural Awareness Fund

FILE NUMBER: 15/02954

REPORT BY: Anna Milienu, Co-ordinator Executive Support

RECOMMENDATION:

That Council make a donation of one thousand dollars (\$1,000.00) from the Language and Cultural Awareness Fund to the Association of Soulful Asia (ASA) towards their Cultural Awareness Program.

SUPPORTING DOCUMENTS:

AT-A [↓](#) Language and Cultural Awareness Fund - Register 1 Page

CITY PLAN

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

SUMMARY

The Language and Cultural Awareness Fund was established to support our residents in achieving English language proficiency and the development of Cultural Awareness Programs that may assist service providers in better understanding the needs of new residents.

The criteria for the Language and Cultural Awareness Fund establishes that the program, activity or event must be delivered within the Fairfield Local Government area (LGA) and educate in, or provide opportunity to practice and/or improve English language skills and/or develop a Cultural Awareness Program.

Association of Soulful Asia (ASA)

Written representation has been received from the Association of Soulful Asia (ASA) requesting a donation towards their free Cultural Awareness Program which consists of workshops for Chinese speaking residents.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 92

The ASA is a not-for-profit organisation that supports East Asian and Chinese speaking communities through bilingual community education, cultural activities, public wellbeing programs and volunteer-led initiatives. The Program's bilingual craft and conversation workshops provide community engagement opportunities, using simple craft activities as a starting point for conversation, cultural exchange and everyday English practice.

Council's donation will assist with the purchase of craft materials.

The ASA meets the primary eligibility requirements of the Language and Cultural Awareness Fund Policy of delivering language classes and cultural awareness, therefore a donation of \$1,000.00 would be appropriate.

Connection to FCC Local Government Area

The Association of Soulful Asia workshops will be delivered at a community venue within the Fairfield LGA.

LEGISLATIVE REQUIREMENTS

The proposed donation represents grants under Section 356 of the Local Government Act and as such must be made in accordance with a resolution of Council. Section 377(1A) of the Local Government Act allows Council to delegate the granting of financial assistance to its Committees.

At the Ordinary Council Meeting of 26 September 2017, Council resolved that the Committees be delegated authority under Section 377 of the Local Government Act to exercise the granting of financial assistance.

FUND REGISTER

A summary of the applications declined, payments made this financial period and Certificates of Appreciation or receipts received is outlined in Attachment A.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 92

Anna Milienou
Co-ordinator Executive Support

Authorisation:
Manager Governance and Audit
Acting Director People Culture and Operations

Services Committee - 9 June 2026

File Name: **CSC09062026_11.DOCX**
***** END OF ITEM 92 *****

ATTACHMENT A

Item: 92

Language and Cultural Awareness Fund - Register

Language and Cultural Awareness Fund										
Key/Legend	Green = Accepted	Red = Declined	Yellow = Pending							
Application Received	Applicant	Purpose	Contact Details	Address	Fairfield LGA Yes/No	Amount Requested	Accept/Decline	Reason Approved/Declined	Balance in Fund \$10,000	Date Receipt acknowledged in future SVS Comm report
17-May-26	Association of Soulful Asia (ASA)	Bilingual Craft and Conversation Workshops for Chinese-speaking New Migrants			Yes	\$1,000	Accept	Meets criteria	9,000.00	

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 93

SUBJECT: Request for Donation - Mayoral Donation Fund

FILE NUMBER: 25/16200

REPORT BY: Anna Milienou, Co-ordinator Executive Support

RECOMMENDATION:

That Council make a donation of five hundred dollars (\$500.00) from the Mayoral Donations Fund to the Fairfield City Art Society Inc. towards the 32nd Fairfield Prize Annual Exhibition 2026 to be held from 15 to 30 August 2026 at Club Marconi.

SUPPORTING DOCUMENTS:

AT-A [↓](#) Mayoral Donations Fund Register

2 Pages

CITY PLAN

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

SUMMARY

The Mayoral Donations Fund provides small one-off donations to individuals and groups within the Fairfield Local Government Area (LGA) who build communities and help individuals achieve their full potential and is intended to cover areas where other grants are not suitable or available.

Fairfield City Art Society Inc.

Written representation has been received from the Fairfield City Art Society Inc. seeking financial support towards their 32nd Fairfield Art Prize Annual Exhibition 2026 being held at Club Marconi, Bossley Park from 15 to 30 August 2026.

Council's contribution will assist with the composition of a prize pool for the Fairfield City Art Society Inc. in particular, funding a local resident's prize.

The Fairfield City Art Society Inc. meets the primary eligibility requirements of the Mayoral Donations Fund Policy of assisting groups within Fairfield City to build communities, therefore, a donation of \$500.00 would be appropriate.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 93

Connection to Fairfield LGA

The Fairfield City Art Society Inc. is based at Club Marconi which is located within the Fairfield LGA.

LEGISLATIVE REQUIREMENTS

The proposed donation represents grants under Section 356 of the Local Government Act and as such must be made in accordance with a resolution of Council. Section 377(1A) of the Local Government Act allows Council to delegate the granting of financial assistance to its Committees.

At the Ordinary Council Meeting of 26 September 2017, Council resolved that the Committees be delegated authority under Section 377 of the Local Government Act to exercise the granting of financial assistance.

FUND REGISTER

A summary of the applications declined, payments made this financial period and Certificates of Appreciation or receipts received is outlined in Attachment A.

Anna Milienu
Co-ordinator Executive Support

Authorisation:
Manager Governance and Audit
Acting Director People Culture and Operations

Services Committee - 9 June 2026

File Name: **CSC09062026_10.DOCX**

***** END OF ITEM 93 *****

ATTACHMENT A

Item: 93

Mayoral Donations Fund Register

Mayoral Donations Fund 2025/2026										
Key/Legend	Green = Accepted	Red = Declined	Yellow = Pending							
Application Received	Applicant	Purpose	Contact Details	Address	Fairfield LGA Yes/No	Amount Requested	Accept/ Decline	Reason Approved/ Declined	Balance in Fund	Date Receipt listed in future report
									\$10,000.00	
3/07/2025	Smithfield Public School	Fete			Yes		Withdraw	Withdraw		
15/07/2025	Norwest Junior Rugby Club	Fundraising Night			No		Decline	Not in the LGA		
30/07/2025	Aboriginal Corporation for Homeless	Ride on Mower			Yes		Decline	Does not meet criteria		
28/07/2025	Jez Premier Promotions	Mats			Yes	\$500.00	Accept	Meets Criteria	\$9,500.00	13/05/2026
7/08/2025	Canley Vale Public School Parents and Citizens Association	Community Day Event			Yes	\$500.00	Accept	Meets Criteria	\$9,000.00	23/09/2025
16/08/2025	Our Lady of Mt Carmel	Market Day			Yes		Decline	Withdraw		
25/08/2025	Pakistani Wesleyan Methodist Church	free food and clothing			Yes		Decline	No further information		
25/08/2025	Bethesda Pentecostal Church	New church			Yes		Decline	No further information		
29/08/2025	Sydney Baseball Lions Club	Children's Day Out			Yes	\$500.00	Accept	Meets Criteria	\$8,500.00	
9/09/2025	Congolese Community of NSW	Congolese General Assembly			Yes		Decline	Retrospect		
14/09/2025	The Mustard Seed Projects	Sending a 20ft container overseas					Decline	No further information		
15/09/2025	Green Valley Public School Fundraising	Bingo Night			No		Decline	Not in the LGA		
17/09/2025	Mount Pritchard East Public School	Christmas Raffle			Yes		Decline	No further information		
23/09/2025	Rotary Club of Fairfield City	Rotary Carols at Horsley Park			Yes	\$1,000.00	Accept	Meets criteria	\$7,500.00	14/04/2026
24/09/2025	Dawang Connections	National Indigenous Touch Football Knockout (NITFKO)					Decline	No further information		
22/10/2025	Werrington Country Public School	Christmas Raffle			No		Decline	Not in the LGA		
16/02/2026	Canley Heights RSL FC	Digger Cup			Yes	\$1,000.00	Accept	Meets Criteria	\$6,500.00	
2/03/2026	Zowaa Incorporated	Assyrian New Year			Yes	\$500.00	Accept	Meets criteria	\$6,000.00	
17/02/2026	Nathan Tran	NSW Youth Parliament Program			Yes	\$500.00	Accept	Meets Criteria	\$5,500.00	
4/03/2026	Our Lady of Mt Carmel	Multicultural Fete			Yes	\$500.00	Accept	Meets Criteria	\$5,000.00	

ATTACHMENT A

Item: 93

Mayoral Donations Fund Register

25/02/2026	Hills Community Aid	Western Sydney Corporate Charity Lunch		Yes	\$500.00	Accept	Meets Criteria	\$4,500.00	
11/03/2026	James Busby High School	Australian Volleyball Schools Cup		No		Declined	Not in the LGA		
2/04/2026	Horsley Park Community Social Group & Friends	Cancer Council's Biggest Morning Tea		Yes	\$500.00	Accept	Meets Criteria	\$4,000.00	
16/04/2026	Maria Nietes	Nathan Cooper Cortez Nietes		Yes	\$500.00	Accept	Meets Criteria	\$3,500.00	
8/05/2026	Sinilia Radivojevic	Cancer Council's Biggest Morning Tea		Yes	\$500.00	Accept	Meets Criteria	\$3,000.00	
14-May-26	Joe Briffa	Fairfield Art Society		Yes	\$500	Accept	Meets Criteria	\$2,500.00	

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 94

SUBJECT: Request for Donation - Mayoral Scholarship Fund

FILE NUMBER: 25/16202

REPORT BY: Anna Milienou, Co-ordinator Executive Support

RECOMMENDATION:

That Council make a donation of two thousand dollars (\$2,000.00) from the Mayoral Scholarship Fund to Kookies N Kream Dance School towards their participation at the World Hip Hop Dance Championships to be held in Phoenix, Arizona from 24 July to 1 August 2026.

SUPPORTING DOCUMENTS:

AT-A [↓](#) Mayoral Scholarship Fund Register

1 Page

CITY PLAN

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

SUMMARY

The Mayoral Scholarship Fund was established to provide financial support to enable disadvantaged people to pursue their academic, artistic and sporting endeavours or to support those with special needs to achieve their ambitions in order to realise a demonstrable commitment to the local community.

Kookies N Kream Dance School

Written representation has been received from Kookies N Kream Dance School seeking financial assistance towards registration fees and uniform requirements for their dance crews' participation in the 2026 World Hip Hop Dance Championship to be held from Friday 24 July to Saturday 1 August 2026 in Phoenix Arizona.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 94

The Kookies N Kream teams in their respective divisions consisting of 15 students from across the Fairfield Local Government Area (LGA) recently won the HHI National Championship 2026 qualifying them to compete at the HHI World Championship 2026 in Arizona, where they will represent Australia and compete against teams from more than 35 countries. This has provided them with the opportunity of qualifying for and representing Australia at an international level.

Their dance students from across the LGA have previously performed at the local Moon Festival and Lunar New Year events. This achievement will bring pride to the Fairfield community by showcasing local young talent on an international stage, inspiring other children to pursue their goals and highlighting the positive impact of local programs that support youth development, teamwork and community connection.

Connection to FCC Local Government Area (LGA)

Kookies N Kream Dance School hold training sessions at Mounties Sports Hall in Mt Pritchard and Mount Carmel Church Hall in Bonnyrigg within the Fairfield Local Government Area.

LEGISLATIVE REQUIREMENTS

The proposed donation represents grants under Section 356 of the Local Government Act and as such must be made in accordance with a resolution of Council. Section 377(1A) of the Local Government Act allows Council to delegate the granting of financial assistance to its committees.

At the Ordinary Council Meeting of 26 September 2017, Council resolved that the committees be delegated authority under Section 377 of the Local Government Act to exercise the granting of financial assistance.

FUND REGISTER

A summary of the applications declined, payments made this financial period and receipts is outlined in Attachment A.

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 94

Anna Milienou
Co-ordinator Executive Support

Authorisation:
Manager Governance and Audit
Acting Director People Culture and Operations

Services Committee - 9 June 2026

File Name: **CSC09062026_17.DOCX**
***** END OF ITEM 94 *****

ATTACHMENT A

Item: 94

Mayoral Scholarship Fund Register

Mayoral Scholarship Fund 2025-2026										
Key/Legend	Green = Accepted	Red = Declined	Yellow = Pending							
Application Received	Contact Person	Applicant	Type	Contact Details	Fairfield LGA Yes/No	Amount Requested	Accept/Decline	Reason Approved/Declined	Balance in Fund	Date Receipt acknowledged in future SVS Comm report
									\$25,000.00	
3/07/2025	Les Powell	Jyoutsna Gupta	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$ 24,700.00	
16/07/2025	Siennah Pukeroa	Kristina Pukeroa	Sports		Yes		Decline	Does not meet criteria		
21/07/2025	Patrician Brothers	Anthony Ndaira	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$24,400.00	
24/07/2025	Bonnyrigg High School	Jessica Li	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$24,100.00	
25/07/2025	Mary MacKillop Catholic College	Pina Varano	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$23,800.00	
23/07/2025	Liam Yeak	Liam Yeak	Sport		Yes	\$1,000.00	Accept	Meets Criteria	\$22,800.00	10/02/2026
5/08/2025	Prairiewood High School	Nicole Dixon	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$22,500.00	
5/08/2025	Cabramatta High School	Lauren Nguyen	Sports		Yes	\$1,000.00	Accept	Meets Criteria	\$20,500.00	10/02/2026
7/08/2025	Bossley Park High School	Frances Weir	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$20,200.00	
8/08/2025	Emily Nguyen	Emily Nguyen	Academic		Yes		Accept	Meets Criteria	\$19,200.00	
11/08/2025	Lauren Nguyen	Hoang Minh Khoi	Sports		Yes		Withdraw	Withdraw		
12/08/2025	Sarah Meoli	Rachel Meoli	Academic		Yes		Decline	Does not meet criteria		
12/08/2025	Sharika Zaman	Sharika Zaman	Academic		Yes		Decline	Does not meet criteria		
8/08/2025	Bayartsetseg Yambiionchir	Bayartsetseg Yambiionchir	Sports		Yes		Decline	Does not meet criteria		
15/08/2025	Danny Tran	Danny Tran	Sports		Yes		Decline	Does not meet criteria		
27/08/2025	Kelly Vu Nguyen	Kelly Vu Nguyen	Sports		Yes	\$1,000.00	Accept	Meets Criteria	\$18,200.00	
27/08/2025	Freeman Catholic College	Maria D'Agostino	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$17,900.00	
28/08/2025	Warakiri College	Christopher Khoury	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$17,600.00	
29/08/2025	Westfields Sports High School	Alex Larkin	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$17,300.00	
30/08/2025	Fairvale High School	Kathryn Efthymiades	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$17,000.00	
31/08/2025	Irfan College	Fadia Elzahr	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$16,700.00	
1/09/2025	St Narsai Assyrian Christian College	Deputy Principal	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$16,400.00	
23/09/2025	Jeremy Kassissieh	Jeremy Kassissieh	Academic		Yes	\$1,000.00	Accept	Meets Criteria	\$15,400.00	
20/10/2025	Lachlan Erskine	Lachlan Erskine	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$15,100.00	
20/11/2025	Samantha Calver	Samantha Calver	Spirit Award		Yes	\$300.00	Accept	Meets Criteria	\$14,800.00	
9/12/2025	Jasmine Ly	Jasmine Ly	Academic		Yes		Decline	Does not meet criteria		
12/03/2026	Maria Nietes	Nathan Cooper Cortez Nietes	Sports		Yes	\$650.00	Decline	Does not meet criteria		
20/05/2026	Kookies n Kream	Mai Oxley	Sports		Yes	\$2,000.00	Accept	Meets Criteria	\$12,800.00	

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 95

SUBJECT: Audit, Risk and Improvement Committee (ARIC) Report - Quarter 4

FILE NUMBER: 19/33579

REPORT BY: Sonja Drca, Executive Manager

RECOMMENDATION:

That the Minutes of the Audit, Risk and Improvement Committee (ARIC) meeting held on Friday 15 May 2026 be received and noted.

SUPPORTING DOCUMENTS:

- AT-A** [↓](#) Draft ARIC Minutes 15 May 2025 - *RESTRICTED* - It is 7 Pages 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) 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 dealing with the matter in Open Session would be, on balance, contrary to the public interest because the disclosure of this information would prejudice any person's legitimate business, commercial, professional or financial interests.
-

CITY PLAN

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

SUMMARY

Pursuant to Local Government (General) Amendment (Audit, Risk and Improvement Committees) Regulation 2023 and Office of Local Government (OLG) Guidelines issued in November 2023 starting from 1 July 2024, the Audit, Risk and Improvement Committee (ARIC) must provide regular reports to the governing body (Council).

The OLG Guidelines state that:

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 95

'The audit, risk and improvement committee must provide an update to the governing body of the council of its activities and opinions after every committee meeting.'

The ARIC meeting was held on 15 May 2026 for the preceding quarter. Listed below are the committee members and attendance:

Name	Role	Attendance
Brian Hrnjak	Independent Chairperson	In Person
Anton Usher	Independent Member	In Person
Phu Nguyen	Independent Member	In Person

The meeting was also attended by the General Manager, Deputy General Manager and Chief Financial Officer, Principal Internal Auditor, External Auditor and management. Other staff attended as appropriate for individual agenda items.

The ARIC Draft Minutes for 15 May 2026 are attached to the report (Attachment A) and are to be endorsed by ARIC at its next meeting scheduled to be held on Friday 14 August 2026.

Sonja Drca
Manager Governance and Audit

Authorisation:
Deputy General Manager & CFO

Services Committee - 9 June 2026

File Name: **CSC09062026_6.DOCX**

***** END OF ITEM 95 *****

SERVICES COMMITTEE

Meeting Date 9 June 2026

Item Number. 96

SUBJECT: Divisional Update Report - Quarter 3 - Design Services

FILE NUMBER: 25/35546

REPORT BY: Sussan Zindo, Landscape Design Co-ordinator

RECOMMENDATION:

That the report be received and noted.

SUPPORTING DOCUMENTS:

There are no supporting documents for this report.

CITY PLAN

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

SUMMARY

The Design Services Division is responsible for undertaking work in the areas of:

1. Traffic, Transport and Road Safety
2. Civil Design
3. Survey and Spatial Data
4. Landscape Design
5. Architectural Design Management

This report provides an overview of the activities conducted by the teams during Quarter 3 (Q3) of the 2025/2026 Operational Plan.

1. TRAFFIC, TRANSPORT AND ROAD SAFETY

The Traffic Team manages public enquiries and complaints in relation to the road network's signs, lines and operations. Coordinates and delivers behavioural road safety initiatives including educational campaigns, digital campaigns, stakeholder engagements, aimed at reducing road trauma at a local level. It also provides advice on proposed developments and their impact on the road network, manages the National Heavy Vehicle Regulator's permit approval process for access by oversized and/or overweight vehicles on the road network and sources grant funding for road safety projects.

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A summary of activity for the team in Q3 and for the year is shown in Table 1.

Table 1: Traffic Team activity summary for FY2025/26

Activity	Q1	Q2	Q3	Q4	Year
Number of signs and lines maintenance/changes	312	214	208		
Number of traffic enquiries/complaints investigated	56	41	116		
Number of road safety initiatives undertaken	9	1	0		
Number of Development Applications (DAs) assessed	36	19	25		
Number of reports presented to the Traffic Committee	3	15	10		
Number of heavy vehicle regulator applications assessed	99	77	87		

Australian Government Black Spot Program

The Black Spot Program addresses a location or short length (less than 3km) of road where a history of crashes exists. Council was successful in obtaining funding for the following 5 locations under the Australian Government's Black Spot Program.

Table 2: Black Spot Projects in the 2025/2026 Operational Plan

Project Name	Oxford Street at Polding Street Fairfield
Project ID	MPBP2512
Description	Install street lighting at intersection, move holding line forward using kerb extensions.
Project Budget	\$97,152.00
Project Status	Completed (Asset handover ongoing)

Project Name	Gipps Street and Brenan Street Smithfield
Project ID	MPBP2501
Description	Improve deflection angle of existing roundabout, install flat top road humps and street lighting at intersection.
Project Budget	\$214,903.00
Project Status	In progress
Project Status	Completed (Asset handover ongoing)

Project Name	Polding Street and Marlborough Street Smithfield
Project ID	MPBP2513
Description	Improve deflection angle of existing roundabout, install flat top road humps and pedestrian refuge.
Project Budget	\$296,132.00
Project Status	Completed (Asset handover ongoing)

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Project Name	Avoca Road and Rosedale Street Wakeley
Project ID	MPBP2601
Description	Installation of signage and line marking with lighting upgrade
Project Budget	113,000.00
Project Status	Progressing
Project Status Comments	Detailed design to be prepared. Estimated Construction completion by March 2027.

Project Name	Davis Road at its intersection with the T-way, Wetherill Park
Project ID	MPBP2603
Description	Install Street Lighting at intersection
Project Budget	\$299,000.00
Project Status	Not commenced
Project Status Comments	Lighting assessment and design to be prepared. Estimated Construction completion by March 2027.

Local Area Traffic Management

The Local Area Traffic Management (LATM) Program addresses amenity in a Council managed street and/or a network capacity issue.

In the 2025/2026 Operational Plan there were 7 locations identified for improvement with 3 projects constructed and in the process of being handed over to City Assets for management.

Details for the progressing LATM projects is provided in Table 3.

Table 3: LATM projects for FY 2025/2026

Project Name, ID and Description	Project Budget	Project Summary Status
Shakespeare Street, Wetherill Park (MPLTM2504) - Installation of flat-top road hump. Asset handover completed.	\$80,000.00	Completed
Sweethaven Road, Edensor Park (MPLTM2502) - Installation of traffic calming devices. Asset handover completed.	\$80,000.00	Completed
Brenan Street, Smithfield (MPLTM2503) - Installation of flat-top road hump. Asset handover completed.	\$80,000.00	Completed

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Project Name, ID and Description	Project Budget	Project Summary Status
Pritchard Street, Mount Pritchard (MPLTM2600) – Installation of 2 road humps. Concept design complete. After review of collision history in the street a grant application for Blackspot funding consideration has been made for 2026/2027. Pritchard Street, Mount Pritchard (MPBP2700) – Installation of 2 road humps has been included in 26/27 operational plan as a Blackspot Project subject to grant funding.	\$110,000.00	Discontinued
Avenel Street, Canley Vale (MPLTM2601) – Installation of 2 road humps. Detailed design in progress. Estimated completion date December 2026.	\$190,000.00	Progressing
Mimosa Road and Quarry Road, Bossley Park (MPLTM2414) Investigation of the intersection to improve traffic operations. Consultant to prepare Traffic Management Plan engaged in November 2025. Traffic Management Plan is planned to be completed in June 2026.	\$140,000.00	Progressing
Cabramatta Road West and Humphries Road, Bonnyrigg (MPLTM2415) Investigation of traffic signal operation at the intersection. Review of revised traffic signal modelling completed with a report going to Traffic Committee in June 2026.	\$78,000.00	Progressing

Pedestrian Access and Mobility Plan

The Pedestrian Access and Mobility Plan (PAMP) are works to improve pedestrian movements. There was 1 project under this program with detail provided in Table 4.

Table 4: PAMP Project for FY 2025/2026

Project Name, ID and Description	Project Budget	Project status	summary
Sweethaven Road between Edensor Road and Booralla Road, Edensor Park (MPPAM2501) - Installation of 1.2m footpath.	\$110,000.00	Design	complete, construction to be completed June 2026.

Active Transport Program

The Get NSW Active Program invests in projects supporting safe, easy and enjoyable walking and cycling trips. The projects funded by the TfNSW program include walking and cycling infrastructure and the development of strategies supporting walking and cycling in local communities.

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Council was successful in obtaining funding for 1 project under the Get NSW Active Program (see Table 5).

Table 5: Active Transport Project in Operational Plan for 2025/2026

Project Name	Maud Street, Fairfield West
Project ID	MPPAM2601
Description	Proposed Footpath Installation and Kerb Extensions.
Project Budget	\$108,000.00
Project Status	Progressing
Project Status	Detailed design complete. Construction to be completed October 2026.

Road Safety Program 2024/2025 to 2025/2026

The Australian and NSW Government are investing funding to improve safety and reduce crashes on NSW roads as part of the Road Safety Program.

Council was successful in obtaining funding for 2 projects under the Road Safety Program (see Table 6).

Table 6: Road Safety Program Projects for Operational Plan 2024/2025 to 2025/2026

Project Name	Neville Street Smithfield
Project ID	MPLTM2514
Description	Detailed design and construction of 3 road humps.
Project Budget	\$262,350.00
Project Status	Progressing
Project Status	Project delayed due to outcome of consultation and subsequent change in scope being requested. Anticipated construction completion date December 2026.

Project Name	Horton Street Mount Pritchard
Project ID	MPLTM2603
Description	Installation of watts profile road hump.
Project Budget	\$71,540
Project Status	Progressing
Project Status	Traffic Committee approval in February 2026. Anticipated project completion date approximately September 2026.

Towards Zero Safer Roads Program 2024/2025 to 2026/2027

The NSW Government is investing in road safety infrastructure and speed management treatments to reduce road trauma by 2030 as part of the 2026 NSW Road Safety Action Plan.

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Council was successful in obtaining funding for 1 project under the Towards Zero Safer Roads Program (see Table 7).

Table 7: Towards Zero Safer Roads Program 2024/2025 to 2026/2027

Project Name	Sackville Street and Pevensey Street Fairfield
Project ID	IN251196
Description	Installation of traffic signals with filter right turns, no right turn signs and street lighting at intersection.
Project Budget	\$1,574,150.00
Project Status	Progressing
Project Status	TfNSW Gate Zero letter received. Received road safety audit, REF being prepared. Anticipated project completion date is May 2027.

Child Restraint Vouchers

The Child Restraint Vouchers initiative allows Council to issue vouchers to help residents correctly install child restraints. This addresses the safety of children while being driven by parents/carers. A voucher allows a resident to have a child restraint correctly fitted by a professional fitter. Table 8 shows the number of vouchers issued upon request from the community.

Table 8: Child Restraint Vouchers issued in Fairfield Local Government Area

Vouchers	Q1	Q2	Q3	Q4	Annual
Child Restraint Vouchers Issued	73	61	69		

Local Government Road Safety Program 2025/2026

The Local Government Road Safety Program (an agreement between Transport for NSW and Local Government) provides support to local government to appoint Road Safety Officers. The agreement funds 50% of the Road Safety Officer position up to a maximum amount. The appointment of a Road Safety Officer occurred in late March 2026. The program also provides funding for road safety activities.

Council was successful in receiving a grant of \$3700 to fund projects for the 2025/2026 financial year, focusing on key priorities including:

1. a child restraint fitting day (undertaken prior to writing this report on 20 May 2026),
2. an educational workshop in June 2026, and
3. the deployment of a speed management Variable Message Sign (VMS) on The Horsley Drive (completed prior to writing this report on 21 May 2026).

2. CIVIL DESIGN

The Civil Design Team is responsible for the preparation of designs and cost estimates for civil infrastructure projects as well as the project management of selected projects from inception through to completion. The team supports funding applications by way of concept designs and cost estimates and provides ad hoc support on engineering matters across the organisation. The team has a focus on traffic improvements and is involved in the following traffic related programs:

- Black Spot Program
- Local Area Traffic Management (LATM) Program
- Pedestrian Access and Mobility Plan (PAMP) Program
- Active Transport Program
- Safer Roads Program
- Toward Zero Road Safety Program
- Western Sydney Infrastructure Program Roundabouts
- Traffic Facilities Renewal

This report provides an overview of some of the recent activities undertaken by the Civil Design Team during Quarter 3 (Q3) of the 2025/2026 Operational Plan.

Western Sydney Infrastructure Program Roundabouts (Local Roads Round 4 Grant)

The Western Sydney Infrastructure Program (WSIP) Roundabouts project (SP24747) is funded by the Federal Government and administered by TfNSW. The Civil Design Team is responsible for the overall project management, design, procurement and delivery.

Council submitted a scope change request in July 2025 to align the project budget with the total grant amount. This was approved by the Australian Government in December 2025. The newly approved scope comprises the construction of 6 roundabouts and detailed design of a further 2 roundabouts.

The sites for construction comprise:

- Site 2. Sweethaven Road and Cheyenne Road, Greenfield Park – *Completed 2025*
- Site 3. Belfield Road and Allambie Road, Greenfield Park – *Completed 2025*
- Site 4. Belfield Road and Prairie Vale Road, Bossley Park – *Completed 2025*
- Site 5. Canley Vale Road and Brisbane Road, St Johns Park – *Under construction*
- Site 6. Wilson Road and Simpson Road, Bonnyrigg Heights – *Complete 2025*
- Site 7. Newleaf Parade and Humphries Road, Bonnyrigg – *Complete 2026*

The sites for completion of design only comprise:

- Site 1. Sweethaven Road and Edensor Road Edensor Park
- Site 8. Newleaf Parade and Edensor Road Bonnyrigg

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Completed roundabout at the intersection of Newleaf Parade and Humphries Road, Bonnyrigg

Other Project(s)

Cumberland Street Pedestrian Crossing, Cabramatta (MPTFR2602) – Replacement of the existing pedestrian crossing on Cumberland Street Cabramatta, between Boundary Lane and Cabramatta Road East. The design was completed in September 2025 and construction completed in January 2026.



Newly replaced pedestrian crossing in Cumberland Street, Cabramatta

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Chisholm Park Carpark Upgrade (MPCPR2608) – Formalising the shape of car park to provide additional spaces and re-line marking entire carpark. The design was completed in September 2025 and construction completed in March 2026.



Aerial view of the Chisholm Park Car Park before and after upgrade works

Salisbury Street from Wyong Street to Derria Street (MRRR2631) – Repair pavement failures, surface drainage improvements and resurfacing. The design was completed in January 2026 and construction completed in March 2026.

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Summary

In 2025-2026 the Civil Design Team is involved in over 40 projects. At the end of Q3, 7 out of 15 designs were complete with the remainder in various stages of planning or procurement.

3. SURVEY AND SPATIAL DATA TEAM

During Quarter 3, the Survey and Spatial Data Team delivered a strong program of work in support of Council's infrastructure, capital works, and development activities. Survey services were provided across a diverse range of projects, including road upgrades, drainage and stormwater works, lighting improvements, park upgrades, and major community infrastructure initiatives.

The team continued to undertake Preservation of Survey Infrastructure (POSI) surveys, supporting compliance and risk management by protecting permanent survey marks and maintaining the integrity of the NSW local coordinate network. These activities remain critical to enabling future design, construction, and asset management works across the local government area.

In parallel with field operations, the team progressed key spatial data management initiatives, including updating survey records and integrating new datasets into Council's GIS systems. This work enhances the quality, accessibility, and reliability of spatial information, supporting informed decision-making across planning, engineering, environmental management, and asset delivery functions.

The Survey and Spatial Data Team has completed the following survey projects:

	Q1	Q2	Q3
Survey projects completed	25	25	26
% of Surveys completed by the due date	96%	96%	96%

The major surveys completed in Quarter 3 are listed below:

Client	Project	Purpose
Design Services	Boundary Survey at Arbutus Street Palmerston Street and Kiora Street	Road upgrade
Design Services	Cumberland Street Cabramatta - raised pedestrian crossing set-out	Road upgrade
Design Services	Lalich Park - Detail Survey of additional area	Park upgrade
Design Services	Detail survey at Arana Place Cabramatta	Stormwater overflow improvements
Design Services	Detail Survey at Loscoe Street Fairfield	Upgrade stormwater line

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Client	Project	Purpose
Design Services	Light Pole Setout Survey at Canley Vale Road, Winburndale Road and Brisbane Road	Lighting Upgrade
Major Projects and Planning	Setout Goal Posts at Endeavour Sports Reserve	Endeavour Park upgrade
Major Projects and Planning	POSI plan at 1973-Polding and Marlborough Street intersection	LRS requirement
Major Projects and Planning	Utility Survey at Showground	Fairfield Showground development
Major Projects and Planning	Detail survey for sewer location, invert and long section	Fairfield showground development
Infrastructure Services	POSI plan at 13 Gosse Place Bonnyrigg Heights	LRS requirement
Infrastructure Services	Setout at Brenan Street & Gipps Road Roundabout	Roundabout upgrade
Landscape Design	Detail Survey at Barbara Street	Footpath Upgrade
Landscape Design	Detail Survey at Brenan Park	Park Upgrade
Parks and Open Space	Fairvale Public School tree ownership survey	Resolve tree ownership dispute
Catchment	Detail survey at Admin Building Canley Heights	Stormwater design
Civil Operations	Setout at Salisbury Street Canley Heights	Road upgrade

4. LANDSCAPE DESIGN TEAM

Landscape Design provides landscape architectural design and project management services. It is responsible for the preparation of masterplans, concept designs, detailed designs, estimating costs, preparation of statutory approvals and onsite assistance during construction works. The suite of works also includes Open Space and Town Centre renewal and improvements.

In addition to landscape architectural designs, the Landscape Design Team provides technical advice and input into proposed infrastructure projects as well as major development applications and Open Space Planning policies.

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Completed Quarter 3 Projects:

1. Heysen Park – Playground Renewal – (MPOSR2601 - \$200,000)



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2. Public Domain Presentation – Planter Box Upgrades (IN261076 \$30,000)



Contractor Engaged and/or in Construction in Q3:

1. Kinghorne Park - Playground Renewal - (MPOSR2605 - \$197,000.00)



Design Program – Current Projects:

The Landscape Design team is currently working on several designs and related activities:

1. Brenan Park Playground (SP24758)

As a part of the Western Sydney Infrastructure Grant (WSIG) Program, Council has been awarded grant funding under this program for the major upgrade of Brenan Park Smithfield and Avenel Park Canley Vale.

The concept design for Brenan Park has been realigned to remediation requirements and budget constraints.

In December 2025, the design team presented the progress of Brenan Park to councillors at a Councillor Workshop. This required updates to the plans and have been incorporated into an updated design for the playground including the addition of a full-sized basketball Court and some further embellishments to the main play tower.

We are working towards the completion of our final tender documentation set as we finalise a series of additional onsite testing, with the aim to go to market for the construction tender in July 2026.

2. Bold Park Cabramatta West - Playground renewal including signage (MPOSR2436 \$150,000.00)

3. Fairfield Park Adventure Park – Playground Renewal - (MPOSR2606 - \$500,000.00)

4. Bonnyrigg Town Centre Park – Playground Renewal - (MPOSR2604 - \$500,000.00)



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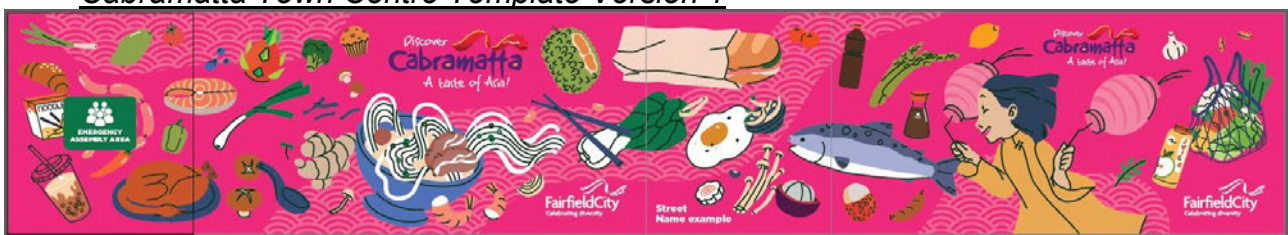
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5. Public Domain Upgrades - Barbara Street and Nelson Street (IN261046 - Yr1 - Design only)
6. Minor Town Centre Improvements - Fairfield Place - Upgrade of Fairfield Heights Town Centre Signs (MPTCI2602 \$83,000)
7. Minor Town Centre Improvements - Parks Place - Upgrade of Horsley Park Town Centre Signs (MPTCI2601 \$83,000)
8. Public Art Decal Utility Infrastructure Art Wraps on Public Utilities (IN261073 \$25,000)
Three decals have been designed to be fitted on 7 substations in Cabramatta and Villawood. The three decals are shown following.

Cabramatta Town Centre Template Version 1



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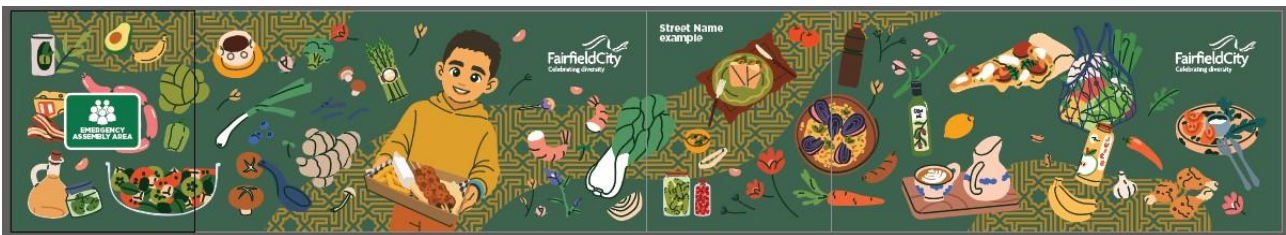
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Cabramatta Town Centre Template Version 2



Villawood Town Centre Template Version 1



9. Embellishment of Parks and Open Space – Fitness (IN261082-1 - King Park 2 - \$250,000)
10. Chisholm Park - Playground Equipment Replacement, Rubber Softfall (MPOSR2610 - \$197,000)
11. Lalich Park Playground Equipment, Rubber Softfall, Timber Bollard (MPOSR2603 - \$197,000)

5. ARCHITECTURAL DESIGN MANAGEMENT

In Q3, the Architectural Design Services Division provided design development and management of the following projects:

1. Fairfield Showground Community and Events Centre
2. Fairfield Showground Masterplan
3. Showground Overflow Carparking proposals
4. Wetherill Park Library internal renovation
5. Prairiewood Leisure Centre new accessible toilet

1. **Fairfield Showground Community and Events Centre**

The State Significant Development Application (SSDA) for this project has been approved. The project continues its Tender Documents stage, with regular stakeholder and monthly steering committee meeting to ensure the project is on track.

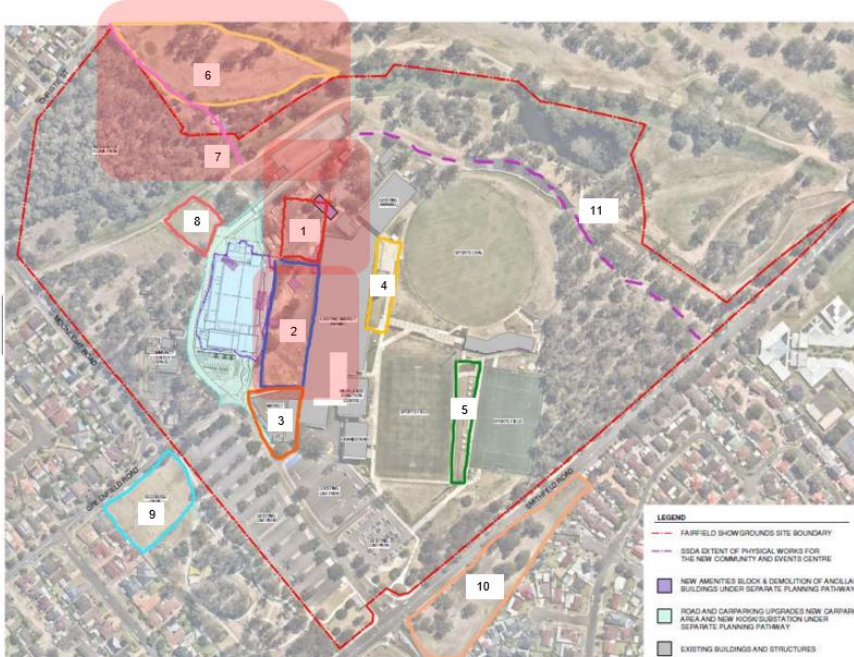
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2. Fairfield Showground Masterplan

Various projects have been identified to increase the number of car parking and the efficiency of operations and various events being held on Showground site



Masterplan Scoping areas

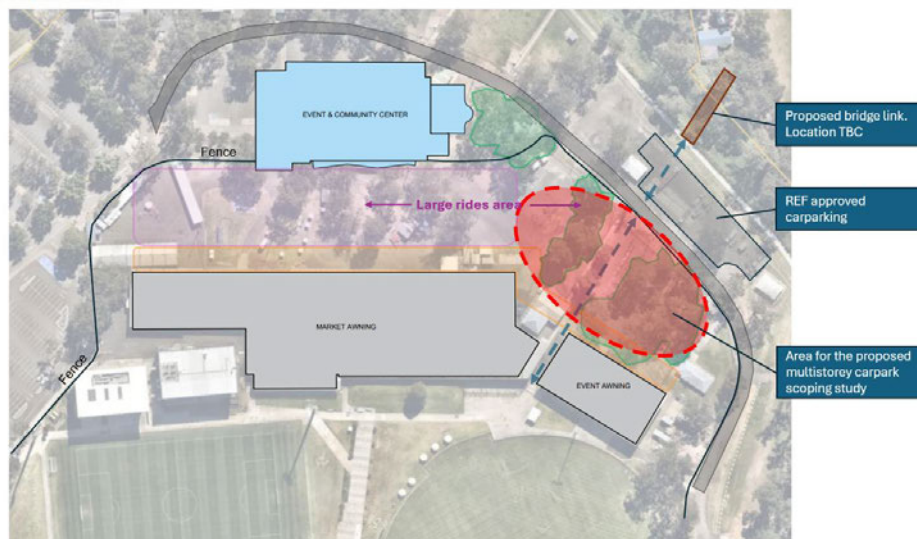
1. Multi-storey car park with ground floor market use
2. New outdoor area between entertainment center and market awning
3. Upgrade entry area to new building and markets area
4. New awning to support events arena in location of existing mound to be removed
5. Grandstand for synthetic/main field
6. Overflow Carpark on Adjoining Golf Course Site (300 spaces #from concept sketches)
7. New vehicular and pedestrian bridge access from Christie Street
8. Overflow parking in dog park (90 spaces #from concept sketches)
9. Overflow parking on Deerbush Park site (140 spaces #from traffic report)
10. Existing Overflow parking on Smithfield Road (130 spaces, Works Completed)
11. Upgraded secondary road access to Smithfield Road

Of the 11 project proposals identified, (no. 10) Smithfield Road overflow carpark was completed in Q2 of 2023-24. Other proposals in feasibility and concept design stage are:

1. Multi-storey Carpark
2. Golf course overflow carpark and bridge connecting Showground and golf course
3. New outdoor area between Community and Event Centre and Market Awning

Multi-storey Carpark

Multi-storey carpark location



The current area between the exiting market awning and the proposed Cultural and Event Centre is planned for renewal. Currently the area is used for rides placement, seating and open space. The grounds have a steeper slope to the south and is relatively flat towards the north. Large rides can be placed within the northern areas, and only smaller rides can be placed in the steeper southern areas.

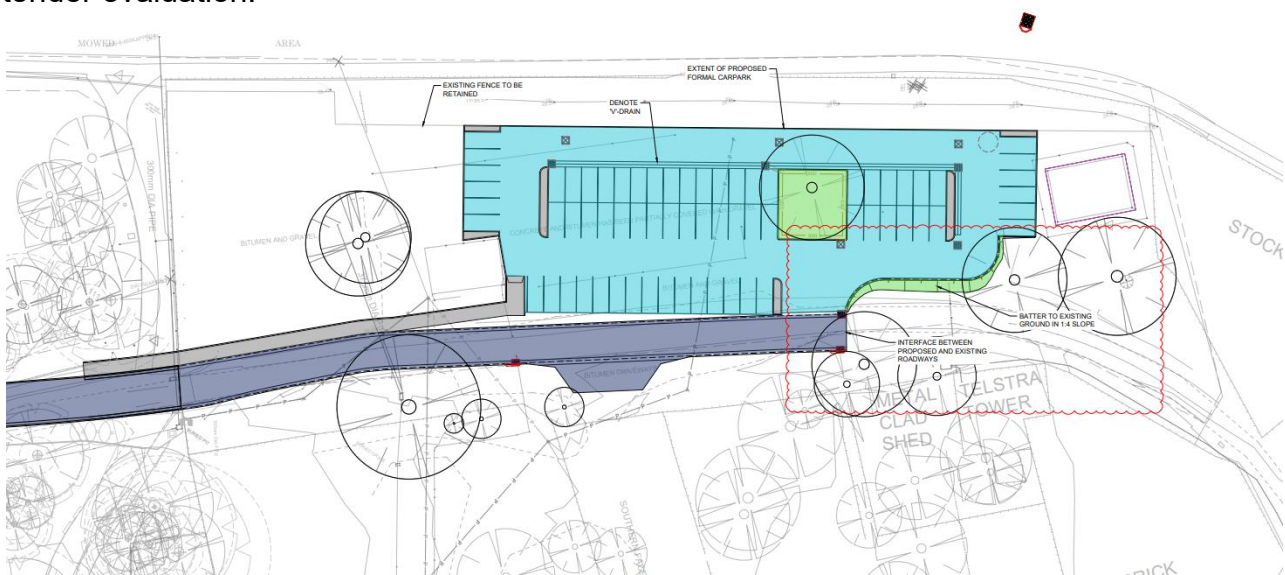
The proposal is to provide more level areas for rides with the opportunity to create separate spaces for events.

KEY HIGHLIGHTS 2025-26 – Q3

Initial meeting has begun with external Planners and various stakeholders to understand permissibility and compliance with existing management policies to determine best planning pathways and programming of the projects.

3. Fairfield Showground – Site-wide Infrastructure and Traffic Upgrades (including new formal carparking)

The proposed road network and carparking REF application is approved. Tender drawings for the work is completed. Tender was released in mid-March 2026 and is currently under tender evaluation.

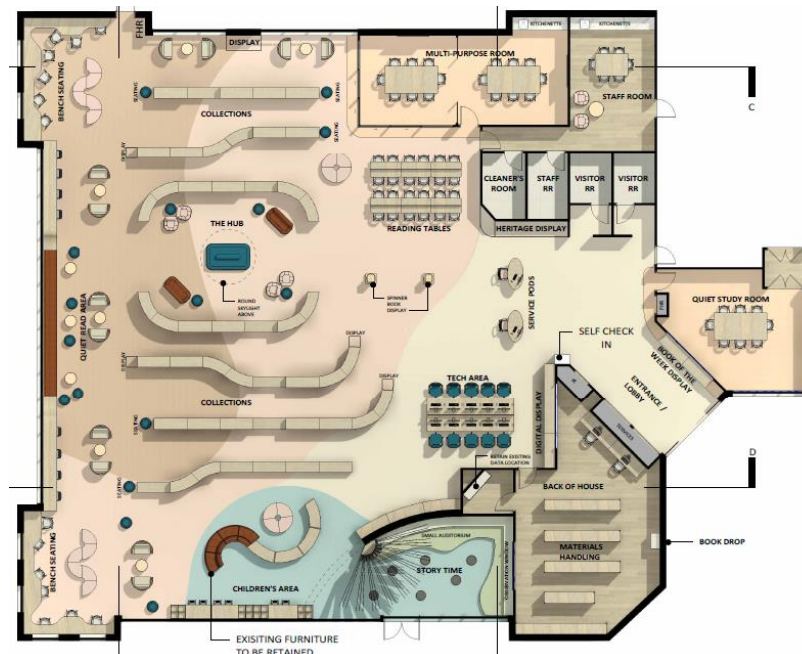


Proposed carparking layout

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Proposed Floor Plan



Quiet Reading (Hub)



Children's (Story time) Area

5. Prairiewood Leisure Centre - New Accessible Toilet

The existing gym area in the Prairiewood Leisure Centre lacks convenient access bathroom. The closest ones required members to exit the gym area and access gate to use the toilet facilities in the swimming pool.

As area currently used as storage has been identified for conversion into an accessible toilet. Consultant's design documents are complete.

Tender prices received and evaluated. The prices received is over the current budget. The project is put on hold till next financial year when additional budget is scheduled for the project for it to move into construction stage.

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Sussan Zindo
Landscape Design Co-ordinator

Authorisation:
Manager Design Services
Director City Delivery

Services Committee - 9 June 2026

File Name: **CSC09062026_12.DOCX**
***** END OF ITEM 96 *****

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SUBJECT: Information Report - Fairfield Local Planning Panel (FLPP) Membership - Community Representatives

FILE NUMBER: 13/05033

PREVIOUS ITEMS: 66 - Fairfield Local Planning Panel (FLPP) Membership - Services Committee - 11 Jun 2024

REPORT BY: Sunnee Cullen, Manager Development Planning

RECOMMENDATION:

That the report be received and noted.

SUPPORTING DOCUMENTS:

There are no supporting documents for this report.

CITY PLAN

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

SUMMARY

Council at its meeting of 25 June 2024 (Services Item 66) resolved to appoint the community representatives to the Fairfield Local Planning Panel (FLPP) for a period of 2 years, which is nearing completion.

Expressions of Interest were undertaken in accordance with the Local Planning Panels Factsheet titled 'Panel member selection guide for Councils' and closed on 22 May 2026. Council Officers are currently evaluating the submissions received against the selection criteria as indicated on the Nomination Form.

A Services Supplementary Chairmans report will be submitted to the Ordinary Council meeting scheduled for Tuesday 16 June 2026.

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Sunnee Cullen
Manager Development Planning

Authorisation:
Director City Development

Services Committee - 9 June 2026

File Name: **CSC09062026_20.DOCX**

***** END OF ITEM 97 *****