



ORDINARY COUNCIL MEETING

AGENDA

5 AUGUST 2025

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING of ORANGE CITY COUNCIL** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE** on **Tuesday, 5 August 2025** commencing at **6:30 PM**.

David Waddell

CHIEF EXECUTIVE OFFICER

For apologies please contact Executive Support on 6393 8391.

AGENDA

EVACUATION PROCEDURE

In the event of an emergency, the building may be evacuated. You will be required to vacate the building by the rear entrance and gather at the breezeway between the Library and Art Gallery buildings. This is Council's designated emergency muster point.

Under no circumstances is anyone permitted to re-enter the building until the all clear has been given and the area deemed safe by authorised personnel.

In the event of an evacuation, a member of Council staff will assist any member of the public with a disability to vacate the building.

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1 INTRODUCTION

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 LIVESTREAMING AND RECORDING

This Council Meeting is being livestreamed and recorded. By speaking at the Council Meeting you agree to being livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Orange City Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this Council Meeting. A recording will be made for administrative purposes and will be available to Councillors.

1.3 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today, the people of the Wiradjuri Nation. I pay my respects to Elders past and present, and extend those respects to Aboriginal Peoples of Orange and surrounds, and Aboriginal people here with us today.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

The provisions of Chapter 14 of the Local Government Act, 1993 (the Act) regulate the way in which Councillors and designated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public role.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons given for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussion or voting on that matter, and requires that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code of Conduct also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

RECOMMENDATION

It is recommended that Councillors now disclose any conflicts of interest in matters under consideration by the Council at this meeting.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE OPEN FORUM

COUNCIL MEETING RESUMES

2 MAYORAL MINUTES

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting of Orange City Council held on 15 July 2025 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate records of the proceedings of the Council meeting held on 15 July 2025.

ATTACHMENTS

- 1 Minutes of the Ordinary Meeting of Orange City Council held on 15 July 2025

ORANGE CITY COUNCIL

MINUTES OF THE

ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 15 JULY 2025

COMMENCING AT 6:30 PM

1 INTRODUCTION

ATTENDANCE

Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson (*AudioVisual Link*), Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Chief Executive Officer, Director Corporate & Commercial Services, Acting Director Community, Recreation & Cultural Services (Stanford), Director Technical Services, Manager Corporate Governance, Manager People & Culture

1.1 APOLOGIES

Nil.

RESOLVED - 25/333	Cr M McDonell/Cr T Greenhalgh
That Cr Peterson be permitted to attend the Council Meeting of Orange City Council on 15 July 2025 via Audio Visual Link.	
For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton	
Against: Nil	
Absent: Nil	

1.2 LIVESTREAMING AND RECORDING

The Mayor advised that the meeting was being livestreamed and recorded.

1.3 ACKNOWLEDGEMENT OF COUNTRY

Cr McDonell conducted an Acknowledgement of Country.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Kinghorne declared a Non-Significant Pecuniary Interest in item 5.6 - Advancing Menstrual Equity in Orange – Share the Dignity Council Cares Program as her business may benefit from the program.

Cr Power declared a Non-Significant Non-Pecuniary Interest in item 4.2 - Notice of Motion – Gnool Blas Classic Car Club – Museum as he is a member of the club.

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in item 4.2 - Notice of Motion – Gnool Blas Classic Car Club – Museum as he is a member of the club.

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in item 5.5 - Support for Management of Mountain Bike Park as he is a previous member of the club and was involved in construction of the track.

1.5 OPENING PRAYER

Reverend Bob Cameron of the East Orange Anglican Church led the Council in Prayer.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.38PM

Item 4.1 – Notice of Rescission – IPC 2.2, 1 July 2025 – Minute of the Electronic City of Orange Traffic Committee Extraordinary Meeting 18 June 2025 (Ash Street Rail Crossing)

- Helen White

Item 4.2 – Notice of Motion – Gnool Blas Classic Car Club - Museum

- Wayne Swadling

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.59PM**RESOLVED - 25/334****Cr D Mallard/Cr T Greenhalgh**

- 1 That the following Late Item be permitted to be considered at the Council Meeting of 15 July 2025:
 - 6.4 – Appointment of Interim Chief Executive Officer (CEO)
- 2 That Council move item 6.4 forward in the Agenda to be the next item and move into Closed Session of Council.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton
Against: Nil
Absent: Nil

RESOLVED - 25/335**Cr D Mallard/Cr T Greenhalgh**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.4 Appointment of Interim Chief Executive Officer (CEO)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (a) personnel matters concerning particular individuals (other than councillors).

For: Cr T Mileto (Mayor), Cr K Duffy, Cr T Greenhalgh, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 7.01pm

The Mayor declared the Ordinary Meeting of Council resumed at 8.20pm

RESOLUTIONS FROM CLOSED MEETING

The Manager Corporate Governance read out the following resolutions made in the Closed Meeting of Council.

6.4 APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER (CEO)

TRIM REFERENCE: 2025/1493

RESOLVED - 25/336**Cr G Power/Cr J Stedman**

- 1 That Council determined the method of voting for the appointment of the Interim Chief Executive Officer be by ordinary ballot and the Manager Corporate Governance act as the Returning Officer.

RESOLVED - 25/337**Cr M McDonell/Cr J Stedman**

- 2 That Council resolves to approve the successful candidate for the position of the Interim Chief Executive Officer, Orange City Council on a contract of up to 12 months.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

2 MAYORAL MINUTES

2.1 MAYORAL MINUTE - REGIONAL CITIES BOARD MEETING MINUTES 14 MAY 2025

TRIM REFERENCE: 2025/1273

RESOLVED - 25/338**Cr J Whitton/Cr T Greenhalgh**

That the information contained in this Mayoral Minute be acknowledged.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 25/339**Cr J Whitton/Cr F Kinghorne**

That the Minutes of the Ordinary Meeting of Orange City Council held on 30 June 2025 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 30 June 2025.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

RESOLVED - 25/340**Cr J Whitton/Cr T Greenhalgh**

That the Minutes of the Extraordinary Meeting of Orange City Council held on 1 July 2025 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 1 July 2025.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF RESCISSION - INFRASTRUCTURE POLICY COMMITTEE 1 JULY 2025 - ITEM 2.2 - MINUTES OF THE ELECTRONIC CITY OF ORANGE TRAFFIC COMMITTEE EXTRAORDINARY MEETING 18 JUNE 2025

TRIM REFERENCE: 2025/1392

RESOLVED - 25/341

Cr F Kinghorne/Cr T Greenhalgh

1 That this item be heard and voted on in seriatim.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

MOTION

Cr K Duffy/Cr T Greenhalgh

2 That Council rescind the following resolution of Council from its Infrastructure Policy Committee meeting on 1 July 2025:

RESOLVED - 25/314

Cr D Mallard/Cr M McDonell

1 That Council acknowledge the reports presented to the City of Orange Traffic Committee at its meeting held on 18 June 2025.

2 That Council determine recommendation 2.1 from the minutes of the City of Orange Traffic Committee meeting of 18 June 2025.

2.1 Huntley Road (Brabham to Industry) Lines and Signs

That Council:

1 Changes the priority of the Ash Street/Huntley Road intersection as per the attached plans.

2 Widen the Mainfreight driveways as per the attached plans, subject to the owner's consent and close Ash Street for up to a 6-month period and undertake consultation at the completion of the works.

3 That the remainder of the minutes of the City of Orange Traffic Committee from its meeting held on 18 June 2025 be adopted.

For: Cr T Mileto (Mayor), Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Against: Cr J Whitton (Chairperson), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge

Absent: Nil

CR DUFFY PROVIDED NOTICE OF LODGEMENT OF A RESCISSION MOTION ON THIS ITEM.

THE RESCISSION MOTION ON BEING PUT WAS LOST

For: Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr J Whitton

Against: Cr T Mileto (Mayor), Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Absent: Nil

Cr Duffy asked if there was an accident, what would prevent people from going across the rail line. *The Director Technical Services advised that there is nothing stopping Council from re-opening the site in an emergency.*

Cr Mileto noted that information had been circulated to Councillors regarding the distribution of costs and estimated traffic control costings and asked the Director to confirm this was circulated to Councillors.

The Director Technical Services advised that yes information was emailed to Councillors.

Cr Kinghorne noted the works had been approved for up to a 6 month closure however asked if there was an agenda to permanently close the rail crossing.

The Director Technical Services advised that it is a consideration but would need to come back to Council as there would be further consultation and work to be done.

Cr Kinghorne asked what it would mean for a possible further crossing in March Street.

The Director Technical Services advised that it has been said in the past by TfNSW that if a new crossing were to be opened that an old crossing would have to closed so there are no new net crossings across the network and it is only a consideration in that regard.

Cr Kinghorne asked if we needed permission of the State Government to re-open the railway crossing and whether this had any impact on a permanent closure.

The Director Technical Services advised no, we are a road authority. The matter has been before the traffic committee as a temporary arrangement, which has TfNSW represented and the road and rail authority, and as such, we have permission to close and open the crossing under the temporary arrangement. There is no permanent closure in the current resolution.

Cr Kinghorne noted information provided stated that the change in priority of Huntley road will only permit 20m Semi's or PBS Heavy's to use the crossing due to queuing restrictions and asked if it was kept open was that an issue. *The Director Technical Services advised that it is during the construction works and if kept open there will be traffic control which would be the same.*

Cr Kinghorne noted the parking at Jack Brabham Park would be impacted and asked if it will be 100 spots.

The Director Technical Services advised that he did not believe it was 100 spots, there has been a survey about the effects of the carpark and this would be offset when the Precinct is completed.

Cr Kinghorne asked if trucks cannot stop on Brabham Way to have their rest stops.

The Director Technical Services advised that there is some sections on Brabham Way otherwise they can go Elsham Avenue and do the Leewood Drive loop to come back out onto Elsham Avenue.

Cr Stedman asked if there would still be a right turn into Ash Street.

The Director Technical Services advised that yes, there would be a right turn however there would not be a dedicated right turn lane.

Cr Ruddy asked if all vehicles could turn left and right into Ash Street from Huntley Road or is there a restriction on trucks.

The Director Technical Services advised that the only restriction would be on B-Doubles.

Cr Judge asked if there were circumstances of an accident how would the hospital be accessed and how quick could the Ash Street intersection be opened in an emergency.

The Director Technical Services advised it would be only in limited circumstances to close a whole road. In an emergency the intersection could be opened quickly.

Cr McDonnell asked if there was anything to stop any logging trucks doing the Leewood loop to stop on Elsham Avenue and asked if Ash Street was no longer allowing B-Doubles.

The Director Technical Services advised that they are entitled to enter and park and advised that B-Double restrictions were part of this motion.

Cr Mileto asked where the additional traffic control funding would come from.

The Chief Executive Officer advised that tonight he could say it comes from the General Fund and the Roads/Footpaths budget, however Councillors could confirm this at the Quarterly review.

Cr Mallard asked if there were any concerns about not being able to operate or a need to seek additional compliance approvals with the railway authorities for the Huntley Road/Ash Street intersection with a reconfigured crossing.

The Director Technical Services advised that Council has in effect sought approval from the railway authority being TfNSW in this area and are represented on our traffic committee, who have also approved the lines and signage and recommended those approvals for Council.

Cr Power asked what the end benefit of this project is.

The Director Technical Services advised that it would develop into an urbanised streetscape through that area.

Cr Duffy noted the Traffic Committee has four voting members, Police, a Councillor, Local MP and TfNSW and asked for confirmation that there was no need to get approval to reopen the railway crossing and if a risk assessment needs to be done.

The Director Technical Services advised that the committee has TfNSW representatives who are the rail authority for this area and they were represented in that meeting. A risk assessment will be undertaken.

Cr Duffy asked if the road was three or four feet deep and there is an emergency how are we going to get the workers out quickly.

The Director Technical Services advised that it can get quickly filled and have a stage across to allow for an emergency access.

Cr Duffy asked if previously at Brabham Way they went across Elsham Avenue, up past the sale yards and back out Forest Road.

The Director Technical Services advised that yes previously they would have went via Elsham Avenue but adding in Brabham Way has provided amenity to the industrial estate.

Cr Power left the meeting with the time being 9.10pm

4.2 NOTICE OF MOTION - GNOO BLAS CLASSIC CAR CLUB - MUSEUM

TRIM REFERENCE: 2025/1324

Cr Power declared a Non-Significant Non-Pecuniary Interest in this item as he is a member of the club, left the meeting and did not participate in discussion or voting on this item.

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in this item as he is a member of the club.

RESOLVED - 25/342**Cr K Duffy/Cr J Whitton**

That Council resolves:

- 1 To support Gnoo Blas Classic Car Club Inc. for a Museum proposal in principle
- 2 To support Gnoo Blas Classic Car Club Inc. to seek ownership or long term lease of a portion of crown land at Jack Brabham Park.
- 3 To continue to work with the Gnoo Blas Classic Car Club Inc. to identify and investigate alternate sites.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr G Power

Cr Power returned to the meeting with the time being 9.25pm

RESOLVED - 25/343**Cr J Stedman/Cr M Ruddy**

That the Council Meeting continue until 10.00pm, noting the time nearing 9.30pm and in accordance with the Code of Meeting Practice defining this to be the limit on Council Meetings.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

**4.3 NOTICE OF MOTION - COUNCILLOR REPORT - MINING AND ENERGY RELATED COUNCILS
ORDINARY MEETING MINUTES 4 JUNE 2025**

TRIM REFERENCE: 2025/1337

RESOLVED - 25/344**Cr J Whitton/Cr J Stedman**

That the draft minutes of the MERC Ordinary Meeting of 4 June 2025 be noted.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

4.4 NOTICE OF MOTION - MINING AND ENERGY RELATED COUNCILS (MERC) AND OTHER MEMBERSHIPS

TRIM REFERENCE: 2025/1361

RESOLVED - 25/345**Cr M Ruddy/Cr M McDonell**

That Council's membership to any organisation with an annual fee of over \$10,000 be considered thoroughly by Council prior to renewal for the 2025/2026 financial year with investigation into the tangible benefits of each membership.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

4.5 NOTICE OF MOTION - COUNCILLOR BRIEFINGS

TRIM REFERENCE: 2025/1393

RESOLVED - 25/346**Cr F Kinghorne/Cr M McDonell**

That Council staff perform the necessary research to determine the legal status of Councillor Briefings in NSW, and if their existence in Orange City Council breaches any part of the Local Government Act 1993, or any other State or Federal laws.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman

Against: Cr K Duffy, Cr G Judge, Cr J Whitton

Absent: Nil

4.6 NOTICE OF MOTION - ESTABLISHMENT OF REGISTERED AUTOMATIC WEATHER STATION - JAEGER RESERVE

TRIM REFERENCE: 2025/1416

RESOLVED - 25/347**Cr D Mallard/Cr M McDonell**

That Council resolves to communicate with the relevant New South Wales and Commonwealth Government agencies to request they work together to investigate the possibility of establishing a Bureau of Meteorology registered Automatic Weather Station at the site of the New South Wales Air Quality Monitoring Station, located at Jaeger Reserve.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

4.7 NOTICE OF MOTION - ADVOCACY FOR CREATE NSW FUNDING SUPPORT OF ORANGE REGIONAL GALLERY'S ANNUAL PROGRAM

TRIM REFERENCE: 2025/1453

RESOLVED - 25/348**Cr S Peterson/Cr J Whitton**

That Council write to our State Government Representatives requesting their advocacy and support for funding the Orange Regional Gallery's annual program through the upcoming funding round administered by Create NSW, highlighting the cultural, educational, and economic value of the gallery's programming.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5 GENERAL REPORTS**5.1 CONFIRMATION OF MINUTES FROM POLICY COMMITTEE MEETINGS 1 JULY 2025**

TRIM REFERENCE: 2025/905

RESOLVED - 25/349**Cr K Duffy/Cr M Ruddy**

That Council resolves:

- 1 That the Minutes of the Planning & Development Policy Committee at its meeting held on 1 July 2025 be DEFERRED to verify the voting record contained in item 2.6 of those minutes.
- 2 That the Minutes of the Environmental Sustainability Policy Committee at its meeting held on 1 July 2025 be and are hereby confirmed as a true and accurate record of the proceedings.
- 3 That the Minutes of the Finance Policy Committee at its meeting held on 1 July 2025 be and are hereby confirmed as a true and accurate record of the proceedings.
- 4 That the Minutes of the Infrastructure Policy Committee at its meeting held on 1 July 2025 be and are hereby confirmed as a true and accurate record of the proceedings.
- 5 That the Minutes of the Recreation and Culture Policy Committee at its meeting held on 1 July 2025 be and are hereby confirmed as a true and accurate record of the proceedings.
- 6 That the Minutes of the Services Policy Committee at its meeting held on 1 July 2025 be and are hereby confirmed as a true and accurate record of the proceedings.
- 7 That the Minutes of the Regional and Economic Development Policy Committee at its meeting held on 1 July 2025 be and are hereby confirmed as a true and accurate record of the proceedings.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.2 WASTE CONTRACT ENGAGEMENT

TRIM REFERENCE: 2025/1101

RESOLVED - 25/350**Cr J Whitton/Cr D Mallard**

- 1 That the report by the Manager Communications & Engagement be acknowledged.
- 2 That the data and feedback in this report be used in the tender process to develop a scope of service provision options for contractors to submit pricing for Council consideration.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

Cr McDonell asked how many years that gives us or loses us in land fill.

The Director Technical Services advised that we currently have five more cells to fill and the last three have been filled over four years each, so that provides years' worth of life at the current rate. Review revealed that 45% of general waste bin contents could be diverted to mixed recyclables or organics.

QUESTION TAKEN ON NOTICE**Cr D Mallard**

Cr Mallard asked that information relating to the impacts on, and choices of, Renters for the flexible options on waste collections open to Ratepayers be taken into account when reporting Waste Contract options back to Council.

RESOLVED - 25/351**Cr J Stedman/Cr M McDonell**

That the Council Meeting continue until 10.30pm, noting the time nearing the 10.00pm extension of time, and in accordance with the Code of Meeting Practice defining this to be the limit on Council Meetings.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.3 RESPONSES TO QUESTIONS TAKEN ON NOTICE

TRIM REFERENCE: 2025/105

RESOLVED - 25/352**Cr M Ruddy/Cr D Mallard**

That the information contained in the report on responses to Questions Taken on Notice be acknowledged.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.4 STATEMENT OF INVESTMENTS - JUNE 2025

TRIM REFERENCE: 2025/1127

RESOLVED - 25/353**Cr G Power/Cr M McDonell**

That Council resolves to:

- 1 Note the Statement of Investments for the period April 2025.
- 2 Adopt the certification of the Responsible Accounting Officer.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.5 SUPPORT FOR MANAGEMENT OF MOUNTAIN BIKE PARK

TRIM REFERENCE: 2025/1358

Cr Peterson declared a Non-Significant Non-Pecuniary Interest in this item as he is a previous member of the club and was involved in construction of the track.

RESOLVED - 25/354**Cr M McDonell/Cr D Mallard**

That Council resolves:

- 1 To provide a \$10,000 payment to the Orange Mountain Bike Club annually for the 5 year term of the licence agreement concluding at the end of the lease period being the 2029/2030 financial year.
- 2 That the Chief Executive Officer be granted the authority to affix the Council Seal on necessary documentation if required.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

Cr Kinghorne left the chamber with the time being 10.07pm

5.6 ADVANCING MENSTRUAL EQUITY IN ORANGE - SHARE THE DIGNITY COUNCIL CARES PROGRAM

TRIM REFERENCE: 2025/1418

Cr Kinghorne declared a Non-Significant Pecuniary Interest in this item as her business may benefit from the program, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/355**Cr M Ruddy/Cr J Stedman**

That Council defer consideration of the Advancing Menstrual Equity in Orange – Share the Dignity Council Cares Program to obtain additional information.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

Cr Kinghorne returned the chamber with the time being 10.13pm

5.7 POST EXHIBITION - PLANS OF MANAGEMENT COOK PARK, ROBERTSON PARK, ORANGE BOTANIC GARDENS, CITY RESERVES AND RURAL RESERVES

TRIM REFERENCE: 2025/1092

RESOLVED - 25/356**Cr M McDonell/Cr G Power**

- 1 That Council adopt the Plans of Management for Robertson Park, Orange Botanic Gardens, City Reserves and Rural Reserves.
- 2 That Council DEFERS the adoption of the Plan of Management for Cook Park.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.8 CLASSIFICATION TO OPERATIONAL LAND - LOT 97 DP 1316486 SHIRALEE ROAD

TRIM REFERENCE: 2025/1359

RESOLVED - 25/357**Cr M McDonell/Cr G Power**

The Council resolves:

- 1 That Lot 97 DP 1316486 Shiralee Road be classified as Operational Land pursuant to Chapter 6, Part 2 of the Local Government Act 1993.
- 2 The authority be granted to affix the Council Seal on necessary documentation if required.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.9 COUNCIL ADVOCACY ACTIVITIES - 1 JANUARY 2025 TO 30 JUNE 2025

TRIM REFERENCE: 2025/436

RESOLVED - 25/358**Cr D Mallard/Cr M McDonell**

That the report by the Executive Support Manager on Council Advocacy Activities 01 January 2025 to 30 June 2025 be noted.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

5.10 STRATEGIC POLICY REVIEWS

TRIM REFERENCE: 2025/1417

RESOLVED - 25/359**Cr T Greenhalgh/Cr F Kinghorne**

That Council resolves to place Strategic Policy - ST42 - Concealed Water Leaks on public exhibition for a period of 28 days.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

Cr Duffy left the meeting with the time being 10.26pm

RESOLVED - 25/360**Cr M McDonell/Cr J Stedman**

That the Council Meeting continue until 10.45pm, noting the time nearing the 10.30pm extension of time, and in accordance with the Code of Meeting Practice defining this to be the limit on Council Meetings.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

In response to a question from the Mayor, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Council.

The Mayor extended an invitation to any member of the public present at the meeting to make a presentation to the Council as to whether the meeting should be closed for a particular item.

RESOLVED - 25/361**Cr J Whitton/Cr T Greenhalgh**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 2025 LGNSW Annual Conference - Nomination for Councillor Attendance / Determination of Voting Delegates / Call for Motions

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 Tenders for Huntley Road Urbanisation

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 Entering into Contracts for the Supply and Delivery of Bulk Fuel

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (d)i commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

6.4 Appointment of Interim Chief Executive Officer (CEO)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (a) personnel matters concerning particular individuals (other than councillors).

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 10.28pm.

Cr Peterson left the meeting with the time being 10.29pm

The Mayor declared the Ordinary Meeting of Council resumed at 10.35pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Chief Executive Officer read out the following resolutions made in the Closed Meeting of Council.

6.1 2025 LGNSW ANNUAL CONFERENCE - NOMINATION FOR COUNCILLOR ATTENDANCE / DETERMINATION OF VOTING DELEGATES / CALL FOR MOTIONS

TRIM REFERENCE: 2025/1124

RESOLVED - 25/362

Cr G Power/Cr D Mallard

That Council resolves:

- 1 That several Councillors attend the LGNSW Annual Conference from 23-25 November 2025.
- 2 That Council defers the decision on voting delegates.
- 3 That Councillors raise any motion(s) they wish to have included in the LGNSW Annual Conference by providing the motion(s) in writing to the Manager Executive Support by no later than 5pm Tuesday 2nd September 2025 for reporting back to Council for adoption before submission deadline.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

6.2 TENDERS FOR HUNTLEY ROAD URBANISATION

TRIM REFERENCE: 2025/1452

RESOLVED - 25/363

Cr D Mallard/Cr M McDonell

That Council:

- 1 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Motive Civil and Plant Hire Pty Ltd for the Huntley Road Urbanisation works for the amount of \$3,577,868.42 plus GST;
- 2 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

6.3 ENTERING INTO CONTRACTS FOR THE SUPPLY AND DELIVERY OF BULK FUEL

TRIM REFERENCE: 2025/1390

RESOLVED - 25/364**Cr J Whitton/Cr G Judge**

That Council resolves:

- 1 To accept and sign a contract with the following organisations for the supply and delivery of bulk fuel:
 - Castlyn Pty Ltd T/A Inland Petroleum;
 - Ocwen Energy Pty Ltd T/As Lowes Petroleum Service; and
 - Petro National Pty Ltd T/A Oilsplus; and
- 2 To advise the Central NSW Joint Organisation of its decision.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr K Duffy, Cr S Peterson

Item - 6.4 Appointment of Interim Chief Executive Officer (CEO) - has been moved to another part of the document.

THE MEETING CLOSED AT 10.38PM

This is Page Number 22 and the Final Page of the Minutes of the Ordinary Meeting of Orange City Council held on 15 July 2025.

COUNCIL MEETING ADJOURNS FOR THE CONDUCT OF THE POLICY COMMITTEES

Planning & Development - Chaired by Melanie McDonell

Environmental Sustainability - Chaired by Cr David Mallard

Finance - Chaired by Cr Steven Peterson

Infrastructure - Chaired by Cr Jeff Whitton

Recreation & Culture - Chaired by Cr Tammy Greenhalgh

Services - Chaired by Cr Marea Ruddy

Regional & Economic Development - Chaired By Cr Tony Mileto (Mayor)

COUNCIL MEETING RESUMES

4 NOTICES OF MOTION/NOTICES OF RESCISSION

4.1 NOTICE OF MOTION - DV SAFE PHONE INITIATIVE

RECORD NUMBER: 2025/1506

I, **CR DAVID MALLARD** wish to move the following Notice of Motion at the Council Meeting of 5 August 2025:

MOTION

That Council resolves to investigate opportunities to contribute to the DV Safe Phone initiative, including:

- 1 Establishing one or more donation collection points at Council locations such as the Civic Centre, Library, etc., so that community members can donate their old mobile phones to be collected, repaired and distributed to domestic violence victim-survivors**
- 2 Donating Council-owned mobile phones whenever they are replaced and decommissioned**
- 3 Encouraging Council staff and community members to consider donating their old personal mobile phones, and**
- 4 Promoting the initiative among local organisations and agencies who provide support to victim-survivors of domestic violence and encouraging them to consider becoming an agency partner if they aren't one already.**

BACKGROUND

Council has taken a range of important actions to provide community leadership and advocacy to address domestic and family violence in recent years, and this motion puts forward another opportunity for us to make a direct contribution to delivering support and safety to victim-survivors.

DV Safe Phone (<https://dvsafephone.org/>) is a national charity organisation that aims to ensure that every victim-survivor of domestic violence has access to a reliable and safe phone. Perpetrators often use phones to control and monitor their victim-survivors, and in doing so to isolate them from being able to connect with family and friends or to seek help.

DV Safe Phone collects donated phones, reviews and refurbishes them, and for phones that are acceptable for use as a safe phone reuses them through more than 400 agency partners who can supply them to victim-survivors they are providing support to. Any phones that can't be refurbished and used as a safe phone are recycled.

The directory of DV Safe phone drop off locations (<https://dvsafephone.org/donate-phones>) indicates that Orange Motor Group is currently the only public collection point available in our local government area. The directory of agencies who are DV Safe Phone providers (<https://haltmap.raisely.com/>) indicates that at least one local service organisation, the Orange Local Aboriginal Land Council, is already a partner agency.

A growing number of other Councils in New South Wales and beyond have begun supporting the DV Safe Phone initiative, including by providing public collection points, donating decommissioned Council fleet phones, and using their communication channels to encourage their community members to donate their old phones.

4.1 Notice of Motion - DV Safe Phone Initiative

This motion proposes that staff investigate and consider the various ways we can contribute to the initiative and help to maximise its impact in providing support and safety to victim-survivors of domestic violence, including within our own community.

Signed Cr David Mallard

STAFF COMMENT

Nil at this stage

FINANCIAL/RESOURCING IMPLICATIONS**STAFF COMMENT**

Nil at this stage

POLICY AND GOVERNANCE IMPLICATIONS

Nil at this stage

4.2 NOTICE OF MOTION - RAIL TOURISM OPPORTUNITIES

RECORD NUMBER: 2025/1587

We, **CR STEVEN PETERSON, CR FRANCES KINGHORNE AND CR GERALD POWER** wish to move the following Notice of Motion at the Council Meeting of 5 August 2025:

MOTION

That Council promote rail tourism opportunities to Orange in collaboration with Orange 360, Transport for New South Wales, Lachlan Valley rail and private rail journey operators.

BACKGROUND

Rail tourism is a growth area for Orange. We come from a low base, have plenty to offer and have active community interest in rail. Points this motion cover include;

There would be an opportunity for rail transportation for particular local events à la the Parkes Elvis Festival. Planning could be done regarding an event to commemorate the opening of the Conservatorium next year, possibly along with other cultural events at the gallery, museum, theatre etc, and this could tie into rail transportation options. If successful such a cultural festival could be an annual event and tie into a rail trip to attend it.

That there are underutilized rail tourism opportunities currently, such as the Indian Pacific passing through our town but not stopping. The Golden West rail tour overnights in Orange but passengers are fed on board and not let off the train, but then do have off train experiences in Bathurst the following day. We should approach such companies and see what could be done in Orange.

Orange FOOD Week - FOOD Train

Orange 360's Food Train experience has been bringing, and continues to bring, visitors to the region from Sydney Central Station during Orange Food Week celebrations annually.

Previous Food Train dates include:

- Fri 8 April 2022 – Sun 10 April 2022
- Fri 31 March 2023 – Sun 2 April 2023
- Fri 12 April 2024 – Sun 14 April 2024
- Fri 4 April 2025 – Sun 6 April 2025

The next event it planned for Fri 27 Mar 2026 – Sun 29 Mar 2026.

This weekend package is FOOD Week's premium experience. Hosted by local foodies and regional hospitality faves, join a three day guided trip from Sydney to Orange enjoying some of the region's best food and wine experiences. The FOOD Train will showcase the international influences of Orange's food and wine in a feast of flavour and fun.

Departing Sydney's Central Station on Friday, the FOOD Train weekend includes tickets to the renowned FOOD Week's most sought-after event, Forage, plus local tours, selected FOOD Week events and dining at some of the region's favourite restaurants.

Head to the [Orange FOOD Week website](#) for the full itinerary and ticketing information, announced early December 2025.

4.2 Notice of Motion - Rail Tourism Opportunities

We could work with other Councils such as Parkes and Broken Hill to put forward proposals for increased rail services at a time in the future when we feel this is potentially possible.

We should continue advocating for the bullet train departing from Orange.

Signed Cr Steven Peterson

Cr Frances Kinghorne

Cr Gerald Power

STAFF COMMENT

There is capacity for some social media promotion of existing events within the current budget, however it should be noted that a key purpose of the relationship with Orange 360 is that they are responsible for the marketing and promotion of tourism for the region and therefore control most of that type of promotion.

Council can look at advocating opportunities in involve rail transportation with existing and future proposed events.

FINANCIAL/RESOURCING IMPLICATIONS

Advocation work would be completed using existing staff time and any promotion would be limited to fit within existing budgets for marketing and promotion.

POLICY AND GOVERNANCE IMPLICATIONS

None identified.

4.3 NOTICE OF MOTION - ADVANCING MENSTRUAL EQUITY IN ORANGE - SHARE THE DIGNITY COUNCIL CARES PROGRAM

RECORD NUMBER: 2025/1598

I, **CR MAREA RUDDY** wish to move the following Notice of Motion at the Council Meeting of 5 August 2025:

MOTION

- 1 That Council acknowledge the information contained in this report.
- 2 That Council implement a reusable period product rebate with a \$5,000 cap as a trial, offering a maximum \$100 rebate per household until the amount is exhausted.

BACKGROUND

At its meeting of 17 June 2025 Council resolved:

4.1 NOTICE OF MOTION - ADVANCING MENSTRUAL EQUITY IN ORANGE

TRIM REFERENCE: 2025/1068

RESOLVED - 25/258

Cr M Ruddy/Cr D Mallard

That Council:

- 1 *Acknowledges and commends the current work providing free period products, and requests staff investigate opportunities to expand this service across additional Council-managed facilities.*
- 2 *Promotes the availability of free period products in Council spaces through appropriate communications to raise community awareness and normalise conversations about menstruation.*
- 3 *Explores opportunities to deliver menstrual health education in partnership with Share the Dignity's Education Hub, to help reduce stigma and foster greater understanding in our community.*
- 4 *Investigates the feasibility of introducing a reusable period product rebate program to support residents in purchasing sustainable options such as menstrual cups and period underwear - promoting long-term and environmentally friendly menstrual care.*
- 5 *Commits to joining Share the Dignity's Council Cares program, becoming part of a national movement to advance menstrual equity and dignity in local communities.*

For: Cr T Mileto (Mayor), Cr K Duffy, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Cr T Greenhalgh (Deputy Mayor), Cr G Judge

Absent: Nil

This report provides further information and approximate costings to determine the next steps.

Share the Dignity Council Cares Program

This program encourages Councils to ensure menstrual equity across Australia through 3 actions being:

- Provide free period products;
- Educate our community about menstruation; and
- Offer a reusable period product rebate

4.3 Notice of Motion - Advancing Menstrual Equity in Orange - Share the Dignity Council Cares Program

Currently we have two period product vending machines available in Council owned spaces. Expanding this is not a financially viable option due to changes within Share the Dignity around machine sponsorships no longer being available to Councils.

Reusable Period Product Council Rebate

Reusable period products are the most sustainable, inclusive, and fiscally responsible path forward. This is a small investment with potential for big, long-term impact - and I believe it's the right direction for our community.

There are clear benefits to this approach:

- Environmental: A single menstrual cup costs around \$50 and can last up to 10 years. That's a significant reduction in landfill.
- Economic: For households with more than one menstruating person, the cost of disposable products adds up quickly. This offers long-term savings for families doing it tough.
- Health: Reusable products, when used correctly, carry less risk of toxic shock syndrome and are often a safer and more comfortable option for many people.

Council staff have identified there are other NSW Councils who provide a Reusable Products Rebate. City of Wagga Wagga and Inner West Council offer a 50% rebate on the purchase of reusable period products up to \$100 per household per financial year. Ballina Shire Council is currently trialling the program at the same rate with a limited budget. Each Council has an application form requiring copy of original receipt/proof of purchase and proof of identity and residence. These Councils fund the rebate from the Solid Waste Reserve.

Council staff are estimating that a rebate program may cost Council in the vicinity of \$15,000 annually, based on 150 households at \$100 each.

Council has registered an interest in joining the program pending Council's decision.

Signed Cr Marea Ruddy

FINANCIAL/RESOURCING IMPLICATIONS

If agreed by Council this would require a budget adjustment of \$5,000 which would be funded from general revenue or reduction in expenditure of another project. Council would need to determine the preference at the September Quarterly review.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

ATTACHMENTS

- 1 Share the Dignity - Council Cares - Intro Booklet, D25/79209 [↓](#)



Every council has the power to create real change.

Council Cares is an initiative by Share the Dignity, inviting local governments to take practical steps toward menstrual equity.

WHY

Council Cares matters...

Period poverty is real and it's happening in every postcode.

Menstruating isn't a choice, but those experiencing period poverty often have to choose between purchasing period products or other essential items just to get by. Not having the period products needed can impact school attendance, work opportunities, mental health, and dignity.

As a council, you have the reach and resources to help change this.

Through **THREE SIMPLE STEPS**, your council can be a part of the solution.

✓ Provide free and dignified access to **PERIOD PRODUCTS**

✓ Promote menstrual **EDUCATION**

✓ Provide reusable period product **REBATES**



STEP ONE

Provide free and dignified access to period products.

Everyone should be able to access the period products they need to manage their period with dignity.

Unfortunately, nationwide 64% of menstruators have struggled to afford period products due to cost.

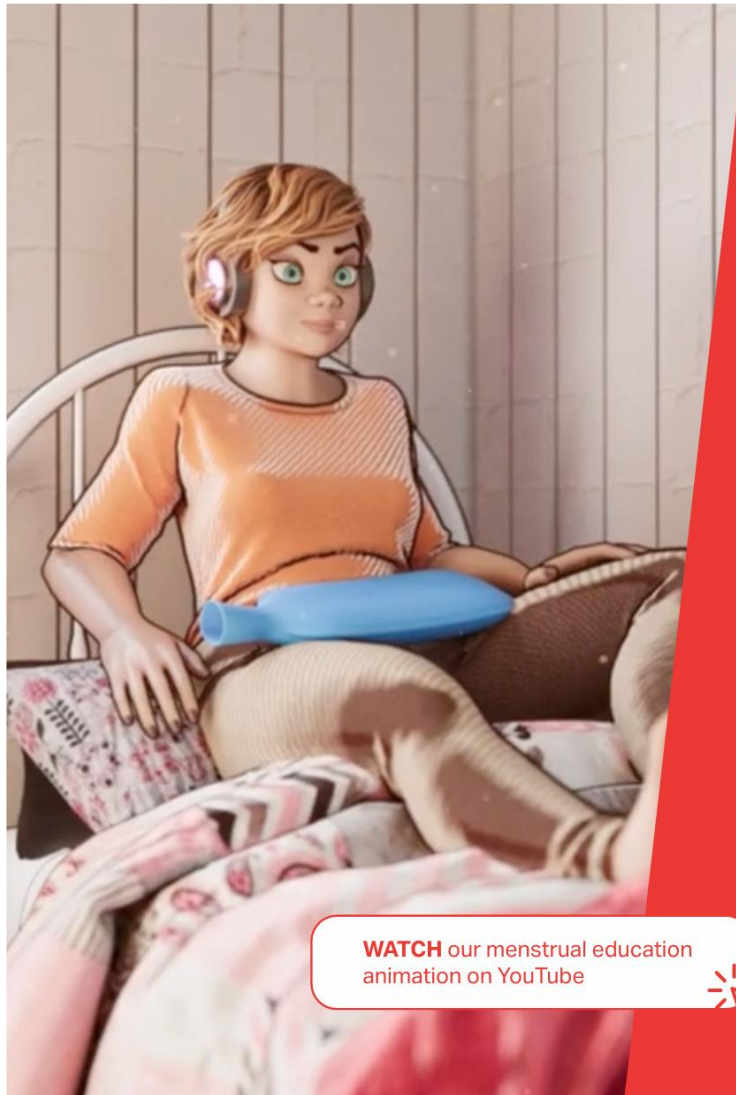
Councils can play a vital role in addressing this by making period products freely and easily available in public spaces.

There are many ways to provide this support. One proven and powerful option is the **Dignity Vending Machine**, a self-serve machine that dispenses free pads and tampons in a dignified way.

These machines are,

- A simple way to provide free period products when they're needed most;
- Ideal for libraries, leisure centres, youth hubs or council buildings; and
- Easy to restock, with minimal maintenance





STEP TWO

Educate your community.

Only 35% of menstruators felt they were well educated about menstruation before their first period.

This is not okay, and through your communication channels you have a unique opportunity to help improve this conversation!

We have a whole **suite of resources** your council can use to communicate with your constituents about our **Menstruation Education Hub**, including:

- Social media tiles and suggested copy;
- Newsletter banners and suggested copy;
- Promotional posters; and
- Promotional Flyers

Non-verbal menstruation animation

+ audio description in 10 languages!

After learning many refugees didn't have education around menstruation and what period products can be used while swimming, Share the Dignity set about creating an animation to increase period education without barriers.

WATCH our menstrual education animation on YouTube

STEP THREE**Provide reusable period product rebates.**

Reusable products like menstrual cups and period undies are cost-effective and eco-friendly, but the upfront cost can be a barrier.

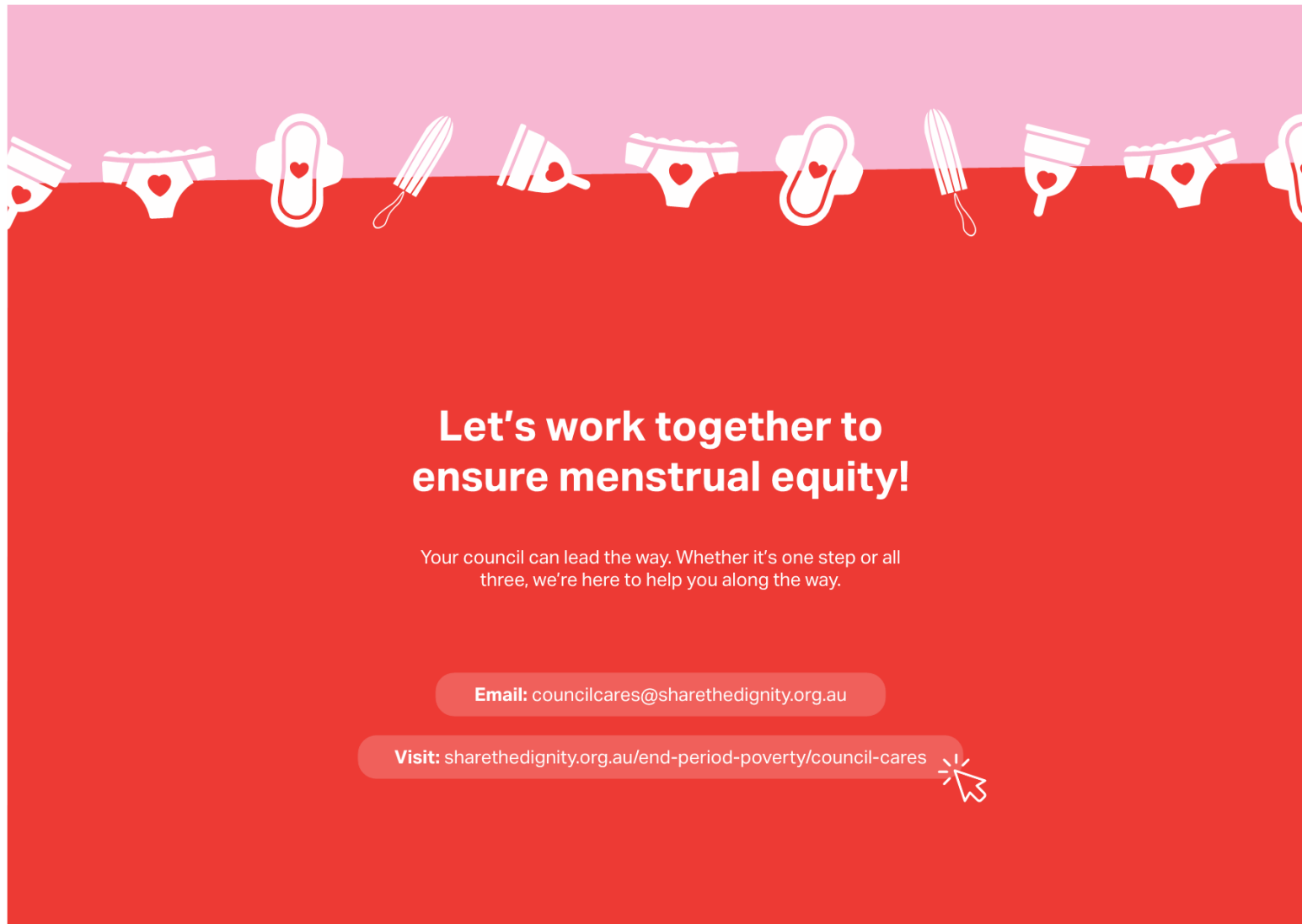
To make them more accessible, many councils now offer rebates for reusable products to support accessibility and sustainability.

Why introduce a reusable period product rebate?

- Reduce landfill and support local climate goals;
- Can assist with cost of living pressures for individuals and families;
- Reusable period products can allow someone to manage their period with dignity for 5-10 years;
- Demonstrates a commitment to supporting residents' health and well-being.

We have **everything you need** to assist you in implementing a reusable period product rebate.





5 GENERAL REPORTS

5.1 CONFIRMATION OF MINUTES FROM PLANNING & DEVELOPMENT POLICY COMMITTEE MEETING 1 JULY 2025

RECORD NUMBER: 2025/1560

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

Council's Policy Committees (Planning and Development Committee, Environmental Sustainability Policy Committee, Finance Policy Committee, Infrastructure Policy Committee, Recreation & Culture Policy Committee, Services Policy Committee and Regional & Economic Development Policy Committee) have delegation to determine matters before those Committees.

Resolutions made by the Planning & Development Committee are presented for adoption by Council.

At the Council Meeting of 15 July 2025, Council adopted each of the Policy Committee minutes with the exception of the Planning & Development Policy Committee Minutes from 1 July 2025 which were deferred to check voting.

Cr Duffy raised a query in relation to voting on item 2.6 – Development Application DA 144/2025(1) – 171 Dalton Street - saying he had voted for the motion.

Information relating to the meeting is outlined below.

It is recommended that Council adopt the Minutes of the Planning & Development Committee of 1 July 2025.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.1 Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Nil.

RECOMMENDATION

That the Minutes of the Planning & Development Policy Committee at its meeting held on 1 July 2025 be and are hereby confirmed as a true and accurate record of the proceedings.

SUPPORTING INFORMATION

As outlined above, at the Council Meeting of 15 July 2025, Council adopted each of the Policy Committee minutes with the exception of the Planning & Development Policy Committee Minutes from 1 July 2025 which were deferred to check voting as Cr Duffy raised a query in relation to voting on item 2.6 – Development Application DA 144/2025(1) – 171 Dalton Street - saying he had voted for the motion.

5.1 Confirmation of Minutes from Planning & Development Policy Committee Meeting 1 July 2025

Subsequent review of Council's meeting available on Council's View of Council Meeting YouTube stream - <https://www.youtube.com/watch?v=9cDqwL1x1ws> (commencing at 7.51pm) showed that while Cr McDonell as Chairperson was opening item 2.6 and speaking to moving a changed motion, Cr Duffy interrupted and attempted to Move the Motion.

Cr McDonell advised she was speaking and continued to provide information on the proposed changed Motion.

Cr Duffy then spoke to advise he moved the Motion.

Cr McDonell, as Chairperson sought clarification to which the Director Development Services and Manager Corporate Governance concurred Cr McDonell, as Chairperson, was Moving a changed Motion before Cr Duffy attempted to Move it, with the Chairperson taking precedence. Cr Ruddy then Seconded the Motion.

Discussion continued and Cr Ruddy suggested that the Motion be put, and according to the Code of Meeting Practice (s10.26) no seconder is required for such Motion. Cr McDonell noted the request to put the Motion and put the Original Motion after Cr Kinghorne asked for Clarification of what the Motion actually was.

Cr McDonell as Chairperson read the Motion, a further few questions were raised by Cr Greenhalgh and Cr McDonell then noted Cr Ruddy had requested the Motion be put and proceeded to the voting on the item.

All Councillors voted For the Motion except Cr Duffy who voted Against it.

Whether or not Cr Duffy had a different intention, the Motion being voted for was clearly read and put to Councillors and this voting was reflected in the Minutes.

Cr Duffy did not raise this as mistaken process when the next item commenced immediately after the voting.

It is recommended that Council adopt the Minutes unaltered.

ATTACHMENTS

1 PDC 1 July 2025 Minutes, 2025/1339 [↓](#)

ORANGE CITY COUNCIL**MINUTES OF THE****PLANNING & DEVELOPMENT COMMITTEE**

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 1 JULY 2025

COMMENCING AT 7:16 PM

1 INTRODUCTION**ATTENDANCE**

Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Chief Executive Officer, Director Corporate and Commercial Services, Director Development Services, Director Community, Recreation and Cultural Services, Director Technical Services, Manager Corporate Governance, Manager Development Assessment, Communications Lead

APOLOGIES AND LEAVE OF ABSENCE

Nil.

1.1 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.3 - Development Application - DA 218/2015(5) - Lot 218 Hawke Lane as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.4 - Development Application - DA 18/2025(1) - 185 Leeds Parade (Child Care Facility) as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.5 - Development Application - DA 68/2025(1) - 185 Leeds Parade (Self-Storage Units) as her husband's consultancy company has undertaken work on this site.

Cr Kinghorne declared a Significant Pecuniary Interest in Item 2.7 - Draft Redmond Place Precinct DCP as her husband's consultancy company has undertaken work on this site.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in Item 2.3 - Development Application - DA 218/2015(5) - Lot 218 Hawke Lane as he has met with proponents of the DA.

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in Item 2.3 - Development Application - DA 218/2015(5) - Lot 218 Hawke Lane as he has met with proponents of the DA.

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE

1 JULY 2025

2 GENERAL REPORTS**2.1 ITEMS APPROVED UNDER THE DELEGATED AUTHORITY OF COUNCIL**

TRIM REFERENCE: 2025/796

RESOLVED - 25/298**Cr J Whitton/Cr G Power**

That Council resolves to acknowledge the information provided in the report by the Manager Development Assessments on Items Approved Under the Delegated Authority of Council.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

2.2 DEVELOPMENT APPLICATION DA 19/1995(2) - LOT 4 OPHIR ROAD

TRIM REFERENCE: 2025/903

RESOLVED - 25/299**Cr M McDonell/Cr D Mallard**

That Council defers the consideration of development application DA 19/1995(2) for Rural Residential Subdivision at Lot 4 DP 1274221 - Ophir Road, Orange for the purpose of a site visit.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

Cr McDonell asked for confirmation that the land being discussed is a residual parcel of land from the 1995 development consent that has been acted on.

The Director Development Services advised that the original development consent has already been implemented in part, as Development Applications expire if work has not commenced within a five year time limit. It was clarified that the land opposite the Resource Recovery Centre is the subject of this modification proposal.

Cr Kinghorne left the meeting with the time being 7:23pm

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE

1 JULY 2025

2.3 DEVELOPMENT APPLICATION DA 218/2015(5) - LOT 218 HAWKE LANE

TRIM REFERENCE: 2025/650

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company has undertaken work on this site, left the meeting and did not participate in discussion or voting on this item.

Cr Whitton declared a Non-Significant Non-Pecuniary Interest in this item as he has met with the proponents of the DA.

Cr Mileto declared a Non-Significant Non-Pecuniary Interest in this item as he has met with the proponents of the DA.

MOTION**Cr J Whitton/Cr K Duffy**

That Council DEFERS the decision to modify development application DA 218/2015(4) for Subdivision (207 lot residential) and Demolition (existing dwelling and shed) at Lot 218 DP 1305914, Hawke Lane, Orange for procedural fairness to obtain information from the applicant.

AMENDMENT**Cr D Mallard/Cr M McDonell**

That Council REFUSES consent to modify development application DA 218/2015(4) for Subdivision (207 lot residential) and Demolition (existing dwelling and shed) at Lot 218 DP 1305914, Hawke Lane, Orange for the following reasons:

1. The proposed development is inconsistent with the requirements of Section 9.4 (Street Network and Access) of the Shiralee Development Control Plan 2015.
2. The proposed modification is inconsistent with the objects of the Environmental Planning and Assessment Act 1979, specifically Section 1.3(c), to promote the orderly and economic use and development of land.
3. The proposed modification does not serve the public interest as required by Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

For: Cr M McDonell (Chairperson), Cr D Mallard, Cr G Power

Against: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr S Peterson, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Absent: Cr F Kinghorne

THE AMENDMENT ON BEING PUT WAS LOST**THE MOTION ON BEING PUT WAS CARRIED****RESOLVED - 25/300****Cr J Whitton/Cr K Duffy**

That Council DEFERS the decision to modify development application DA 218/2015(4) for Subdivision (207 lot residential) and Demolition (existing dwelling and shed) at Lot 218 DP 1305914, Hawke Lane, Orange for procedural fairness to obtain information from the applicant.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE**1 JULY 2025**

Cr Ruddy asked for clarification on what the concern is with making a decision on the motion as it stands.

The Director Development advised that staff have assessed the application and the plans of the original consent, as well as all documentation that had been submitted before it.

2.4 DEVELOPMENT APPLICATION DA 18/2025(1) - 185 LEEDS PARADE (CHILD CARE FACILITY)

TRIM REFERENCE: 2025/1131

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company has undertaken work on this site, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/301**Cr J Stedman/Cr D Mallard**

That Council consents to development application DA 18/2025(1) for Centre Based Childcare Facility (130 places) at Lot 4 DP 1065309 and Lot 1 DP 1286615 - Leeds Parade, Orange pursuant to the conditions of consent in the attached Notice of Approval.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

2.5 DEVELOPMENT APPLICATION DA 68/2025(1) - 185 LEEDS PARADE (SELF-STORAGE UNITS)

TRIM REFERENCE: 2025/1132

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company has undertaken work on this site, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/302**Cr M McDonell/Cr D Mallard**

That Council consents to development application DA 68/2025(1) for Self-Storage Units at Lot 4 DP 1065309 and Lot 1 DP 1286615 - Leeds Parade, Orange pursuant to the conditions of consent in the attached Notice of Approval, with the following amendments to Conditions:

1. Alterations to Condition 36 to include a requirement that the upright oak trees be planted at 8m centres (previously 15) and that an additional clause be included in the condition that either requires the provision of a landscape buffer to be provided along the western boundary of the development to screen the development when viewed from the west or alternatively requires a solid style fence to be provided and or the combination of a solid fence and landscaping along the western boundary to achieve same. The condition shall be to the satisfaction of the Manager Development Assessment.
2. Include an additional condition that requires the colour of the exterior roller doors on the western façade of the development to be of a dark recessive colour.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

Cr Kinghorne returned to the meeting with the time being 7:50pm

MINUTES OF PLANNING & DEVELOPMENT COMMITTEE

1 JULY 2025

2.6 DEVELOPMENT APPLICATION DA 144/2025(1) - 171 DALTON STREET

TRIM REFERENCE: 2025/1133

RESOLVED - 25/303**Cr M McDonell/Cr M Ruddy**

That Council consents to development application DA 144/2025(1) for Mixed Use Development (industrial training facility and general industrial units) at Lot 300 DP 1183165 - 171 Dalton Street, Orange pursuant to the conditions of consent in the attached Notice of Approval, with the confirmation of a requirement for the applicant to provide a site construction management plan prior to the issue of a construction certificate and a request to the applicant to reconsider the planting of Manchurian Pear trees.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Cr K Duffy

Absent: Nil

Cr Mileto asked for clarification whether Council can tell a developer what trees to plant.

The Director Development advised that the landscape plan has been reviewed by the Manager City Presentation and no objection was raised, however flexibility can be added to the wording of this condition.

Cr Greenhalgh asked why the traffic modification was not requested before this item was presented to Council.

The Director Development advised that road opening permits are required prior to the issue of the construction certificate and engineers would have managed it under that, however that it should have been done prior to going to Council and that was likely an oversight.

Cr Kinghorne left the meeting with the time being 8:00pm

2.7 DRAFT REDMOND PLACE PRECINCT DCP

TRIM REFERENCE: 2025/1220

Cr Kinghorne declared a Significant Pecuniary Interest in this item as her husband's consultancy company has undertaken work on this site, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 25/304**Cr D Mallard/Cr G Power**

That Council resolves to place the Draft Redmond Place Precinct Development Control Plan on public exhibition for a period of 28 days.

For: Cr M McDonell (Chairperson), Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr D Mallard, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Cr F Kinghorne

Cr Kinghorne returned to the meeting with the time being 8:02pm

THE MEETING CLOSED AT 8:02 PM.

5.2 ADOPTION OF COUNCIL'S ORGANISATIONAL STRUCTURE

RECORD NUMBER: 2025/235

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

Section 333 of the Local Government Act 1993 Act states that Council must review and may re-determine its Organisational Structure within twelve months of any Ordinary Election of Council.

This report provides an overview of the current organisation structure within Council with no proposal to vary the overall structure.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.1 Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil

POLICY AND GOVERNANCE IMPLICATIONS

Compliance with requirements of the Local Government Act Section 332-334.

RECOMMENDATION

That Council adopt the Organisational Structure shown in the report with the Directorates of:

- **Corporate and Commercial Services**
- **Community, Recreation and Cultural Services**
- **Technical Services**
- **Development Services**

SUPPORTING INFORMATION

Section 332 of the Local Government Act states:

- (1) *A council must, after consulting the general manager, determine the resources to be allocated towards the employment of staff.*
- (1A) *The general managers must, after consulting the council, determine the positions within the organisation structure of council.*
- (1B) *The positions within the organisational structure of the council are to be determined so as to give effect to the strategic plans (including the community strategic plan) and delivery program of the Council.*

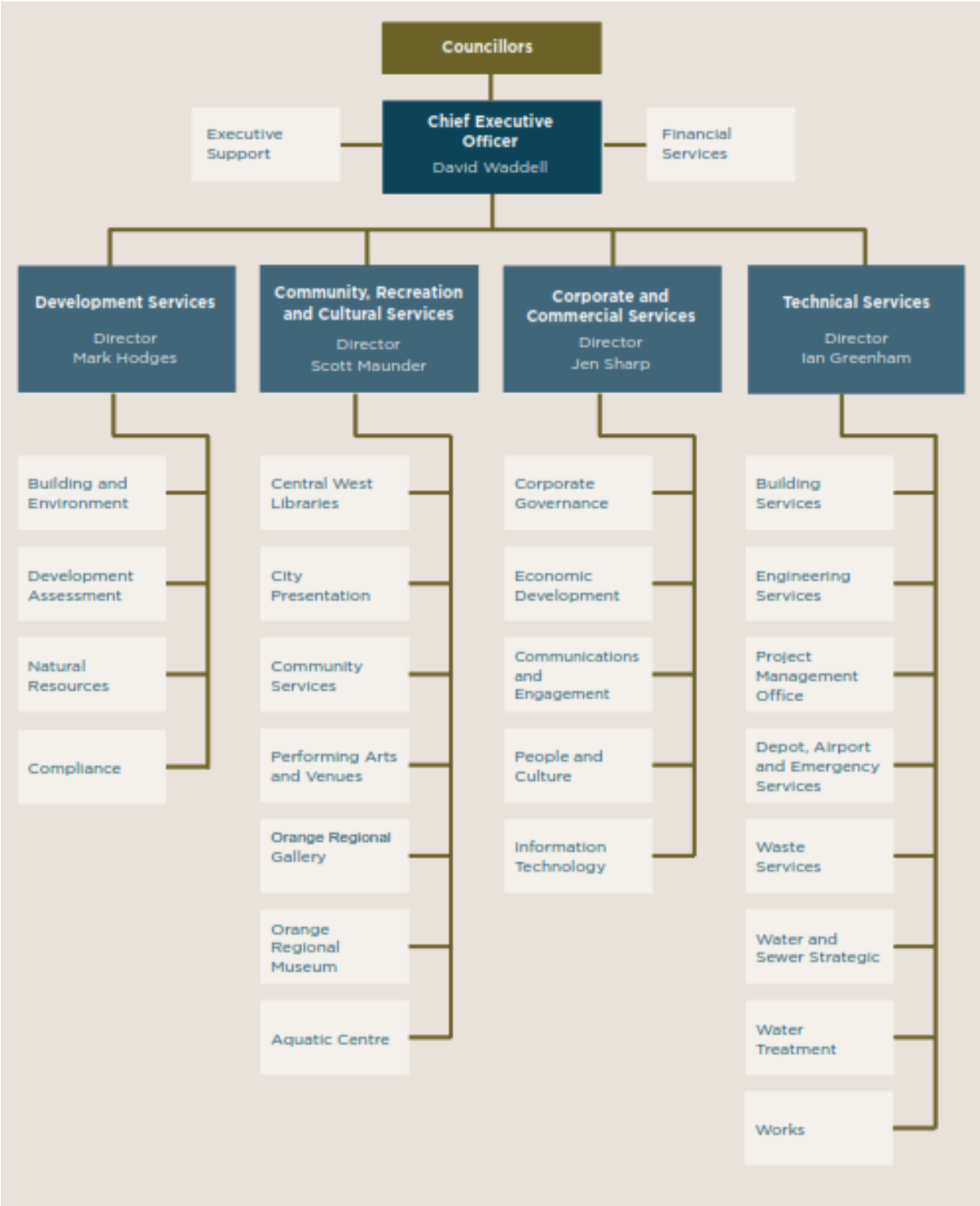
Council can change its structure at any time but must consider the matter at least in the first year of the Council term.

The positions within the organisation structure of the Council are determined to give effect to the priorities set out in the Community Strategic Plan, Delivery Program and Operational Plan of the Council.

The position of General Manager or Chief Executive Officer must be appointed by Council as part of Section 334 of the Act.

5.2 Adoption of Council's Organisational Structure

The Directorates and Sections of the organisation structure are as follows:



5.3 VALUE OF MEMBERSHIPS

RECORD NUMBER: 2025/1511

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

Council pays annual fees for membership of the Central West Councils Joint Organisation and the Mining and Energy related Councils as follows:

\$177,318.90

\$10,120.00

At the 15 July 2025 Council Meeting, Council resolved:

RESOLVED - 25/345**Cr M Ruddy/Cr M McDonell**

That Council's membership to any organisation with an annual fee of over \$10,000 be considered thoroughly by Council prior to renewal for the 2025/2026 financial year with investigation into the tangible benefits of each membership.

For: Cr T Mileto (Mayor), Cr T Greenhalgh (Deputy Mayor), Cr K Duffy, Cr G Judge, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr S Peterson, Cr G Power, Cr M Ruddy, Cr J Stedman, Cr J Whitton

Against: Nil

Absent: Nil

This report provides information on those two organisation as provided by the secretariats.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "15.3 Ensure financial stability and support efficient ongoing operation".

FINANCIAL IMPLICATIONS

Invoices will be paid upon Council resolution.

POLICY AND GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That Council resolve to pay the Joint Organisation and MERC membership invoices for the 2025/2026 year.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION**Central NSW Joint Organisation**

The Local Government Act 1993 identifies the three principal functions of Joint Organisations as follows:

5.3 Value of Memberships

Section 400R Principal Functions of Joint Organisations:

1. A joint organisation has the following principal functions:
 - To establish strategic regional priorities for the joint organisation area and to establish strategies and plans for delivering those strategic regional priorities
 - To provide regional leadership for the joint organisation area and to be an advocate for strategic regional priorities
 - To identify and take up opportunities for inter-governmental co-operation on matters relating to the joint organisation area
2. In establishing strategic regional priorities for the joint organisation area, a joint organisation is to consider any relevant strategic priorities or plans of member councils and the State government.
3. A strategic regional priority, or a plan or strategy for delivering a strategic regional priority, established by a joint organisation does not limit the operation of or otherwise affect any regional plan or strategy given effect to under the Environmental Planning and Assessment Act 1979 (including any regional plan made under Part 3B of that Act).

The following are the Member Councils of the Organisation as at the date of its establishment:

- a. Bathurst Regional Council;
- b. Blayney Shire Council;
- c. Cabonne Council;
- d. Cowra Shire Council;
- e. Forbes Shire Council;
- f. Lachlan Shire Council;
- g. Lithgow City Council
- h. Oberon Shire Council;
- i. Orange City Council;
- j. Parkes Shire Council; and
- k. Weddin Shire Council.

3.2 Associate Members

The following organisations are Associate Members of the Organisation as of May 2023:

- a. Central Tablelands County Council;
- b. Upper Macquarie County Council

Value

Information is received from the Joint Organisation each year on the value of memberships to Councils. A recent press release is a useful example.

According to a recent press release:

At their recent meeting of the Central NSW Joint Organisation Board, the Mayors of the region received advice about its value,”.

5.3 Value of Memberships

“Year on year the JO delivers a return on investment of over 9:1 on the fees paid by members. This is really important as councils across the region have an ongoing battle to make ends meet,”.

“A lot of this is through aggregated procurement. On top of the existing contracts for 20 goods and services that are already in place, the team at the JO are exploring a growing range of new contracts ranging from white collar auditing services through to pool chemicals, concrete pipes, asphalt and Microsoft licensing,”.

An example is the \$6m saved across the region between Jan 2023 and Dec 2024 on the large sites contract for electricity.

On top of the dollars the JO is putting back into council coffers, it is also a great forum for the Mayors and General Managers of the region to advocate for our communities,”.

Lobbying is another key part of the JO workload.

The impact of the significant number of renewable energy development across the region was a hot topic on the day. “Not a single council in the Central West is in the so-called Central West and Orana Renewable Energy Zone (REZ). This means that all the support and funding that the communities in the REZ enjoy does not come to our communities. This is simply unfair and the Mayors of the region are working together to go for a better more equitable outcome,”.

“This region has a reputation for working together and when one council succeeds we all succeed. Ministers like hearing that the whole region supports a policy position and that we speak with one voice,”

Orange’s return on investment is significantly higher than the 9 average.

A recent letter received with the yearly invoice stated:

Please find attached an invoice for the 2025/2026 Central NSW Joint Organisation (CNSWJO) membership fees which is in line with the Statement of Budget and Revenue approved at the Board meeting of the CNSWJO on 29 May 2025. Membership fees are augmented with other income streams including grant funding and contract management.

*While yet to be calculated for the 2024/2025 financial year, the return on investment for every dollar spent on membership fees for 2023/2024 was 9.4:1, and specifically **13.97** for Orange. Delivering value to members remains the focus of the CNSWJO, where 80% of resources are dedicated to operational support and efficiencies for your Council. More detail is provided in the Annual Performance Statement and Quarterly Review in each Board meeting agenda including advice specific to your Council. More detail is available on request.*

CNSWJO continues to advocate for the priorities of the region where meetings at both State and Federal Parliament are key features of the annual calendar.

The good work undertaken through some state agencies and programs is recognising the value of Joint Organisations (JOs), for example the fully funded JO Net Zero Acceleration (JONZA) Program, the Disaster Ready Fund Program facilitated through the Regional Resilience Group, the Water Loss Management Program which has recently received additional funding to continue through to mid-2027, and also the newly funded Landfill Emissions Abatement Program. These are all examples of where JOs are collaborating with state agency departments, and this is continuing to grow as the opportunities of JOs are becoming better recognised at the state level.

Thank you for your ongoing support, I look forward to seeing what we can achieve this year and continuing to deliver value to our member councils.

5.3 Value of Memberships

In addition to the above, the JO also offers staff many varied opportunities at collaboration, information sharing and efficiency. A fine example is the recent procurement of a shared Cyber security resource that will uplift capacity across all member Councils.

Mining and Energy related Councils

The Association of Mining and Energy Related Councils represents mining and energy related councils and their communities throughout New South Wales. Our Cr Duffy is Chair.

Our Vision: “As the peak body in NSW empowering, resourcing and advocating on behalf of local councils impacted by mining and energy production.”

The MERC secretariat supplied the MERC Capacity Statement to reinforce the importance of membership to Council.

ATTACHMENTS

- 1 MERC Capacity Statement 2025, D25/87724 [↓](#)

About Us



The Association of Mining and Energy Related Councils NSW (MERC) is the peak organisation representing resource and power generation communities in New South Wales. These communities host 'engine' industries and make a substantial contribution to State wealth.

For more than 40 years, MERC has been a strong advocate for mining and energy related communities and worked with all tiers of government to maximise outcomes for member councils. We have delivered a strengthened resources and energy planning framework and obtained key funding streams – including Resources for Regions and Royalties for Rejuvenation.

We focus on delivering:

- Government policy that strengthens the interests of members, and
- Funding.

We help enable economically resilient, socially inclusive and environmentally sustainable member councils.

What We Offer Our Members

- A seat at the policy development table and guidance on addressing specific challenges in your LGA.
- A united and apolitical voice for both large regional councils and small rural councils to both Sydney and Canberra.
- A strong forward policy agenda.
- The opportunity for you to meet four times a year with key decision makers, Members of Parliament and relevant Department staff and other significant stakeholders.
- Networking and problem solving.
- The opportunity to join working groups set up by MERC on specific matters to assist members.
- Access to our experienced leadership for mentoring, risk management and support.
- Centralised resources for information and event organisation.
- Consistent and timely communication through a quarterly newsletter, website and emails.
- Sound financial support with ample funds invested to cover contingencies and to engage consultants and research agencies to undertake studies or prepare submissions on behalf of members.
- Annual conference participation – a chance to stay updated on the latest mining and energy policies and collaborate on new initiatives.

Overcoming Challenges Together

Councils with mining and existing/new energy projects face many challenges, including:

- Funding.
- Strategic and land-use planning pressures.
- Obtaining a fair share of community benefits.

It is MERC's role to develop coordinated policy and member advocacy to address these challenges.

It is this focus on policy and advocacy that sets MERC apart; our members meet not only to discuss critical challenges facing local mining and energy communities, but also to develop policy and representation to government and industry that delivers better outcomes for members.



Proven Track Record

With a legacy of over 40 years, MERC has a track record of policy achievements. Here are some of our current initiatives:

- ✓ A joint NSW State Budget position paper developed between MERC councils, several non-MERC councils, the NSW Minerals Council and the Mining and Energy Union on a proposed replacement program for Resources for Regions and Royalties for Rejuvenation.
- ✓ A re-drafting of the social impact criteria under the Resources and Energy SEPP.
- ✓ A review of benefit sharing and value capture for new energy projects in NSW – including for PHES and energy from waste which are not presently addressed in the draft Guideline.
- ✓ The development of a shared planning and compliance resource for quarrying regulation in New South Wales, together with a review of the best-practice guideline.
- ✓ A submission to the review into local government revenues and the Parliamentary Inquiry into rate pegging.

We have productive relationships with the peak mining group (NSW Minerals Council) and NSW Government departments (Planning, Energy, Resources, Environment, Regional Development, Local Government, Western NSW, Transport, etc.) and work closely with workforce unions, university and research entities.

We are frequently called upon to assist the State Government with input on its policy and direction with mining and energy related matters, including renewables.

Membership

Join MERC today and become part of a proactive network dedicated to advancing the interests and prosperity of mining and energy communities in NSW. Together, we can overcome challenges and drive positive change for our communities.

Full Membership (FY25-26) – \$9200 ex GST
Full Membership provides access to MERC advocacy and policy initiatives, voting rights on MERC decision making, discounts on the MERC conference each year. Membership fees are paid pro-rata for members joining for part of the year.

To find out more about membership and the process for becoming a member, please contact Greg Lamont on 0407 937 636 or email info@miningrelatedcouncils.asn.au

Greg Lamont has returned as Executive Officer with the Future Together Group. He says:



"I am looking forward to working with the FTG team of Martin, Ingrid and Andrew to ensure we achieve MERC's strategic outcomes in a timely and positive manner. It is great to be part of a team with policy development and research experience that will augur well for MERC."



'Shires like Forbes, which are surrounded by mines, really benefit from the policy solutions developed by MERC and taken to Government for action.'

Cr Phyllis Miller
Mayor of Forbes



'We are strengthening MERC by developing a comprehensive policy framework. We want as many councils to be involved in that process as possible.'

Cr Kevin Duffy

Chairperson, Mining and Energy Councils



5.4 GUIDELINE - OFFICE OF LOCAL GOVERNMENT - FREE SPEECH IN LOCAL GOVERNMENT NSW

RECORD NUMBER: 2025/1498

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

The Office of Local Government recently released a Free Speech in Local Government in NSW guideline.

The Guideline provides practical guidance on what free speech means in the context of Local Government.

The Office of Local Government is working through a number of reforms to assist Councils whilst the Code of Conduct is being reviewed, and the Free Speech Guidelines form part of that work.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.1 Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

The Free Speech Guidelines has been adopted as a guideline under s23A of the Local Government Act 1993. Council and Council Officials must take the Free Speech Guideline into consideration when exercising their functions. The Free Speech Guideline is also to be considered by Conduct Reviewers when dealing with Code of Conduct matters that have been referred to them.

RECOMMENDATION

That Council acknowledge the Office of Local Government Guideline – Free Speech in Local Government in NSW.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

The Office of Local Government (OLG) has issued a guideline on free speech in Local Government in NSW (the Free Speech Guideline). The Free Speech Guideline is available on OLG’s website here <https://www.olg.nsw.gov.au/https-www-olg-nsw-gov-au-category-https-www-olg-nsw-gov-au-category-council-circulars/governance/council-circular-25-11-free-speech-in-local-government-in-nsw-guideline/>

The Free Speech Guideline provides practical guidance to Councils on what free speech means in the context of NSW Local Government.

The Free Speech Guideline provides guidance on the following:

- the implied freedom of political communication under the Australian Constitution and how free speech is regulated in Australia

- why the ability to engage freely with the community is central to a councillor's role as an elected representative prescribed under the Act
- the relevant provisions of the Model Code of Conduct for Local Councils in NSW that recognise the importance of public comment by councillors and how they should be applied by councils to ensure they do not unduly inhibit free speech
- the protections available to councillors in relation to civil liability for defamation
- the meeting rules constraining what can be said at council and committee meetings, how they can be applied and the relationship between these and the enforcement mechanisms available under councils' codes of conduct
- how council media and social media policies should be applied so as not to unduly constrain councillors' ability to engage with the community via the media and online.

A copy of the guideline is attached for information of the Council.

ATTACHMENTS

- 1 OLG Guideline - Free Speech in Local Government Guidelines 2025, D25/82745 [↓](#)

Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



Free speech in local government in NSW

A guideline

June 2025





Acknowledgement of Country

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

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Free speech in local government in NSW

First published: June 2025

More information

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Introduction

The recent review of the councillor conduct framework and concerns that some councils may have implemented their codes of conduct in a way that unduly constrains councillors' ability to engage freely with the community has highlighted the need to provide practical guidance to councils on what free speech means in the context of NSW local government.

In a broad sense political communication relates to any form of campaigning around a discussion or decision. In the case of elected officials there is an implied public trust that political communication to support debate will be fair. Unfortunately, where the debate is not fair and includes victimisation or vilification, that public trust is quickly lost.

This guideline (Guideline) provides guidance on the following:

- the implied freedom of political communication under the Australian Constitution (the Constitution) and how free speech is regulated in Australia,
- why the ability to engage freely with the community is central to a councillor's role as an elected representative prescribed under the *Local Government Act 1993* (the Act),

- the relevant provisions of the Model Code of Conduct for Local Councils in NSW (Model Code of Conduct) that recognise the importance of public comment by councillors and how they should be applied by councils to ensure they do not unduly inhibit free speech,
- the protections available to councillors in relation to civil liability for defamation,
- the meeting rules constraining what can be said at council and committee meetings, how they can be applied and the relationship between these and the enforcement mechanisms available under councils' codes of conduct,
- how council media and social media policies should be applied so as not to unduly constrain councillors' ability to engage with the community via the media and online.

This Guideline has been issued under section 23A of the Act. Councils and council officials must take it into consideration when exercising their functions. This Guideline is also to be considered by conduct reviewers when dealing with code of conduct matters that have been referred to them.

How is free speech regulated in Australia?

The High Court of Australia has found that the Constitution contains an implied freedom of political communication which imposes limits on the laws that Australian Parliaments can make.

The implied freedom of political communication as established by the High Court, is a constitutional principle that ensures Australians can make informed choices as electors. It's not a personal right, but rather a restriction on governments' ability to interfere with the free communication of political

information. This freedom is derived from the Constitution's provisions for representative government, which require that members of Parliament be "directly chosen by the people".

It is important to note that the freedom of communication under the Constitution is not absolute. It can be limited by laws that are "reasonably appropriate and adapted to serve a legitimate end which is compatible with the maintenance of representative and responsible government"¹.

¹ *Lange v Australian Broadcasting Corporation* [1997] HCA 25, (1997) 189 CLR 520

Why is free speech important in NSW local government?

Local government in NSW is a democratic institution. A democratic system of local government allows local communities to shape decisions impacting on their future, (such as the delivery of infrastructure and services and the exercise of place-making functions), by electing community representatives to serve as members of the local council's governing body.

Councillors' ability to freely engage with their communities and to participate in public debate on issues impacting on the council and the community via the media and social media is key to their being able to exercise their functions as democratically elected representatives effectively.

Why is making public comment an important part of a councillor's role as an elected representative?

Key provisions in the Act reflect the important role councillors have as elected representatives and impact on the way in which they engage and communicate with their communities when undertaking that role.

Under section 223 of the Act, the council's governing body is responsible for providing civic leadership, regularly consulting with community groups and

stakeholders, and keeping them informed of the council's decisions and activities.

Mayors of councils have a separate and special role as the leader of the council. Among other things, the role of a mayor prescribed under section 226 of the Act includes:

- being the leader of the council and a leader in the local community,
- advancing community cohesion and promoting civic awareness,
- being the principal member and spokesperson of the governing body of the council, including representing the views of the council as to its local priorities, and
- promoting partnerships between the council and key stakeholders.

Individual councillors also have an important role under section 232 of the Act in facilitating communication between the local community and the governing body.

Section 232 of the Act also places a responsibility on individual councillors to uphold and represent accurately the policies and decisions of the governing body. As noted in the Office of Local Government's (OLG) Councillor Handbook²², the requirement to uphold the policies and decisions of the council should be read in the context of the implied freedom of political communication under the Constitution. In practical terms, councillors remain free to speak about the policies and decisions of the council, but they must accept these decisions are lawfully made if passed by a majority and must not misrepresent them.

How does the Model Code of Conduct apply to public comment by councillors?

The ethical and behavioural standards all council officials are required to comply with when exercising their functions are prescribed under the Model Code of Conduct. These standards meet the expectations of free and fair debate.

There are key provisions of the Model Code of Conduct that can guide councillors when making public comment and to assist in understanding what comment is not appropriate.

Part 3 of the Model Code of Conduct prescribes "general conduct"

²² <https://www.olg.nsw.gov.au/wp-content/uploads/2024/09/Councillor-Handbook-2024.pdf>

obligations councillors must comply with. Among other things, these provide that councillors must not conduct themselves in a way that:

- is likely to bring the council or other council officials into disrepute,
- is improper or unethical,
- causes, comprises or involves intimidation or verbal abuse,
- constitutes harassment or bullying behaviour (as defined by the code) or is unlawfully discriminatory.

Clause 7.6(h) of the Model Code of Conduct further provides that while councillors can critique and comment on the advice provided by staff, they must not make personal attacks on council staff in public forums including social media. Councillors also need to be aware of the duty they owe council staff and members of the community under the *Work Health and Safety Act 2011* to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

Part 8 of the Model Code of Conduct prescribes councillors' obligations in

relation to the use and disclosure of council information. Among other things, councillors have obligations to:

- protect confidential and personal information,
- only release confidential or personal information if authorised to do so,
- not use confidential or personal information to cause harm to the council or anyone else, and
- not disclose confidential information discussed during a closed session of a council or committee meeting or any other confidential forum.

The provisions of Part 9 of the Model Code of Conduct are designed to ensure that complaints alleging breaches of the code of conduct are dealt with appropriately, fairly and confidentially and to prevent councils' codes of conduct from being weaponised. The relevant provisions prohibit making allegations about, or disclosing information about, suspected breaches of a council's code of conduct in public forums and disclosing information about code of conduct complaints that have been made.

What comment falls within the regulatory scope of a council's code of conduct?

A council's code of conduct only regulates conduct that is connected with a councillor's official role or the exercise of their official functions. It does not apply to conduct that occurs in a private capacity or that is not linked to a councillor's official role.

Any comment made by councillors in a private capacity does not fall within the regulatory scope of a council's code of conduct. However, a councillor cannot

simply avoid disciplinary action for a breach of the code of conduct by prefacing their comments with a disclaimer that what they are about to say is being said in a private capacity. If what a councillor says is clearly connected to their role as a councillor, then it falls within the regulatory scope of the code of conduct, even if it is made on a private social media platform or they do not identify themselves as a councillor when saying it.

How should councils apply their code of conduct to public comment by councillors?

The Model Code of Conduct was deliberately designed to align with the implied freedom of political communication. It should not be applied by councils in a way that impedes councillors' ability to engage with the community or to participate in robust

public debate on issues impacting on the council or the local community.

Councillors should refrain from engaging in personal attacks on their fellow councillors, council staff and others when commenting publicly.

However, it is entirely acceptable and appropriate for councillors to disagree with their council, other council officials and members of the community when making public comment.

Without the ability to disagree with others, councillors would not be able to participate in public debate or to engage in public advocacy on local issues, impeding their ability to exercise their functions as elected officials under the Act.

Disappointingly, in recent years, it is apparent councils' codes of conduct are increasingly being weaponised to discourage or punish councillors for making legitimate public comment.

A healthy democratic system of local government requires robust public debate on local issues. This leads to good decision making and ensures councils are accountable to their communities and responsive to its needs. Well-functioning councils should not fear healthy public debate. They should be able to explain and justify their decisions or, where they are not

able to do so, revisit their decisions to address legitimate community concern.

It is inevitable that councils, councillors, council staff and members of the community will disagree with, dispute or may even be offended by comments made by councillors when engaging with the community. Unless the comment involves a clear breach of the provisions of the code of conduct referred to above (e.g. because it is personally disparaging, abusive or intimidating), the code of conduct is not the appropriate mechanism for addressing that comment.

In a healthy, functioning democracy, the appropriate way to respond to public comment that others disagree with is to engage with that comment by publicly rebutting, challenging, or disputing it as part of legitimate public debate on the issue, not by making a code of conduct complaint about it.

Equally, councillors who initiate public debate by making provocative public statements cannot reasonably complain when others who dispute their comments publicly challenge them.

Can the expression of a councillor's views give rise to a conflict of interest?

Before being elected to council, many councillors will have been active community members and may have advocated on or campaigned on local issues or have been actively involved in community organisations that did so. This may be one of the reasons why they chose to stand for election to the local council.

The Model Code of Conduct expressly recognises this and has been designed to ensure that it does not operate in a way that prevents councillors from participating in decisions on matters simply because they have expressed a view on them or campaigned on them.

Clause 5.2 of the Model Code of Conduct provides that a councillor will have a non-pecuniary conflict of interest in a matter where a reasonable and informed person would perceive they could be influenced by a "private interest" when carrying out their official functions in relation to that matter.

Clause 5.3 further provides that the personal or political views of a council

official do not constitute a "private interest" for the purposes of clause 5.2.

What this means is that aside from any other interest in a matter, a non-pecuniary conflict of interest will not exist solely because a councillor has expressed a view on a particular issue or has publicly advocated or campaigned on it. Similarly, such a conflict of interest does not exist merely because a councillor is or was affiliated with a community organisation that has campaigned or advocated on a particular issue, unless the organisation - or any of its members the councillor has a close personal relationship with - has a separate material interest that would be affected by the council's decision.

However, councillors do need to be mindful that comments they make on matters before the council that could be seen to indicate they have formed an inflexible view on a matter, have the potential to make the council's decision on that matter susceptible to legal

challenge on grounds of bias because of prejudgement.

The leading legal authority on this is the NSW Court of Appeal case of *McGovern v Ku-ring-gai Council* (2008) (McGovern).³

Bias by pre-judgment will arise where the perception is that the position of the decision-maker is said to be “incapable of change”. This form of apprehended bias was central to the facts in *McGovern*, which considered the effect that the strongly expressed views of

two councillors had on the final decision reached by the governing body of the council.

What this means in practice is that councillors are entitled to express a view on matters before the council but not in such a way that would suggest in the mind of a fair-minded observer that they have pre-determined the matter and could not be persuaded to alter their position by the debate on that matter.

What protections do councillors have in relation to defamation?

As with other members of the community, councils and councillors can be sued in defamation for comments made in public forums such as council and committee meetings, in the media and on social media.

Unlike members of Parliament, councillors do not enjoy absolute privilege in relation to what they say at council and committee meetings. Absolute privilege provides complete protection for statements made during

parliamentary proceedings meaning that defamation proceedings cannot be brought with respect to such statements.

By contrast, councillors can be sued in defamation in relation to their statements at meetings. They are partially protected from defamation by the defence of ‘qualified privilege’, but only to enable them to speak freely and publicly in undertaking their duties at meetings. To be protected, any

³ *McGovern v Ku-ring-gai Council* (2008) 42 NSWLR 504

comment or statement a councillor makes at a meeting must be relevant to the council business, made in good faith and without malice.

As with statements made at meetings, councillors can also be sued in defamation for other public statements they make, including on social media. In the case of social media, councillors also need to be mindful that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer and can be sued in defamation for that content. This includes content that is uploaded by a third party on the social media platform and/or that appears on their social media platform because the councillor has 'liked', 'shared', or 'retweeted' the content.

Section 731 of the Act provides councillors with a level of protection from civil liability action, including in relation to defamation, for undertaking council-related and council-endorsed activities as a councillor. Protection from civil liability is only provided where a councillor's actions are undertaken in

good faith and for purposes related to council activities.

This protection against civil liability is given effect under council's councillor expenses and facilities policies adopted under section 252 of the Act which allow councils to meet councillors' legal costs in defending proceedings in certain circumstances.

Consistent with section 731 of the Act, the OLG's 'Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW'⁴ state that councils' councillor expenses and facilities policies should only allow reasonable legal expenses to be reimbursed to a councillor for defending an action in defamation, provided the outcome of the legal proceedings is favourable to the councillor. It is not permissible for councils to meet the cost of defamation proceedings initiated by councillors or for seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

⁴ [https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-payment-of-expenses-](https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-payment-of-expenses-and-the-provision-of-facilities-for-Mayors-and-Councillors-in-NSW-2009.pdf)

[and-the-provision-of-facilities-for-Mayors-and-Councillors-in-NSW-2009.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-payment-of-expenses-and-the-provision-of-facilities-for-Mayors-and-Councillors-in-NSW-2009.pdf)

How is public comment regulated in council and committee meetings?

The meeting rules prescribed under councils' codes of meeting practice place some constraints on what can be said at council and committee meetings.

The Local Government (General) Regulation 2021 (the Regulation) and the Model Code of Meeting Practice for Local Councils in NSW identify certain types of behaviour at meetings as constituting an 'act of disorder'. A councillor commits an act of disorder at a council or committee meeting if they

- contravene the Act, the Regulation or the council's code of meeting practice, or
- assault or threaten to assault another councillor or person present at the meeting, or
- move or attempt 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 address or attempt to address the council or the committee on such a motion, amendment or matter, or
- insult, make unfavourable personal remarks about, or impute improper motives to any other council official, or allege a

breach of the council's code of conduct, or

- say or do anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Where a councillor commits an act of disorder at a meeting, the chairperson may require the councillor to apologise without reservation for the act of disorder, withdraw an offending motion or amendment that constitutes the act of disorder or retract and apologise without reservation for a statement that constitutes the act of disorder. Where the councillor fails to comply, they may be expelled from the meeting.

The chairperson can require a councillor to address an act of disorder committed at an earlier meeting where the councillor failed to comply with the chairperson's direction at that meeting and can be expelled from meetings until such time that they comply.

Under reforms being considered by the Government, in the future, councillors may be also required to forego their monthly fee in any month in which they

have been expelled from a meeting for disorder.

Acts of disorder can also potentially constitute a breach of the code of conduct. While there are provisions in the Model Code of Conduct that relate specifically to behaviour at meetings, it is preferred that bad behaviour at meetings, is dealt with at the meeting at which it occurs by the chairperson under the disorder provisions, and that acts of disorder are not subsequently relitigated under the council's code of conduct unless the conduct is particularly egregious.

There are several reasons for this. The disorder provisions are a simpler, more efficient and cost-effective way of dealing with bad behaviour at meetings. It allows bad behaviour to be dealt with at the time it occurs and in the presence

of the public thereby ensuring the offending councillor is made publicly accountable for their behaviour.

Relitigating incidents that were addressed as disorder at the meeting it occurred through the code of conduct process, is not only a waste of council time and resources, but it also tends to suggest a misuse of the code of conduct process.

There are of course exceptions to this. Many of the decisions made by the OLG and the NSW Civil and Administrative Tribunal to take disciplinary action against councillors for serious misconduct have concerned conduct occurring at meetings and there will be occasions where the conduct in question is so egregious that stronger action than is available under the disorder provisions may be warranted.

What administrative arrangements apply to public comment by councillors?

Many councils have adopted media and social media policies that put in place administrative arrangements for engagement with the media and

managing councils' and councillors' online presence.

While its appropriate for councils to put in place appropriate administrative

controls for engagement with the media and social media use to manage legal and other risk and ensure the council is complying with its statutory obligations, these should not operate in a way that constrains councillors' ability to freely engage with the community via the media or online.

Council media and social media policies should not require councillors to seek the permission of staff before commenting in the media or online. However, councillors are encouraged to

The key principles that should inform councillors' engagement with the media or online are as follows:

- As a member of the governing body and as a representative of the community, councillors are free to express their personal views.
- However, when doing so, councillors must not purport to speak for the council unless authorised to do so and must make it clear that they are expressing their personal views as an individual councillor and that they are not speaking for the

check their understanding of the facts of a matter with staff before commenting on an issue in the media or online to ensure they have correct and current information.

To ensure that council media and social media policies are fit for purpose and do not unduly constrain councillors' ability to freely engage with the community, OLG has issued a best practice Model Media Policy and Model Social Media Policy which are available on its website⁵.

council (unless authorised to do so).

- Councillors must uphold and accurately represent the policies and decisions of the council (see section 232(1)(f) of the Act).
- Councillors must not disclose council information unless authorised to do so.
- In the interests of promoting a positive, safe and harmonious organisational culture, councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media or online.

⁵ <https://olg.nsw.gov.au/councils/governance/best-practice-governance-policies-consultations/>

Appendix 1: Key takeaways



Legal foundation

- The Australian Constitution implies a freedom of political communication, essential for informed democratic participation.
- This is not a personal right, but a limit on government power to restrict political discourse.
- Restrictions are only valid if they are appropriate and serve a legitimate democratic end.



Importance in local government

- Local democracy empowers communities to influence decisions about their future by electing representatives to local council.
- Public comment, including through media and social media, is central to fulfilling a councillor's role under the *Local Government Act 1993*.



Public comment and the Model Code of Conduct

- The Model Code of Conduct is aligned with the implied freedom of political communication.
- While councillors must comply with the code of conduct when commenting publicly, councils should not apply their

code of conduct in a way that impedes councillors' ability to engage with the community or to participate in robust public debate.

- Councillors should refrain from engaging in personal attacks on others when commenting publicly. However, it is acceptable and appropriate for them to disagree with their council, other council officials and members of the community when making public comment.
- The Model Code of Conduct only applies to behaviour related to a councillor's official role, not their private actions.



Conflict of interest

- Expressing a view or being affiliated with an advocacy group does not automatically create a conflict of interest.
- A conflict only arises if there is a material interest involved or a close personal relationship with someone who has one.
- Councillors must avoid prejudging matters, which could lead to legal challenges for bias.



Defamation and legal protections

- Councillors can be sued for defamation, including for social media posts.

- Qualified privilege applies to comments made in good faith when exercising council duties.

- Legal costs may be covered by council only if the councillor acts in good faith and wins the case.



Council and committee meetings

- The prescribed meeting rules prohibit acts of disorder at meetings.
- Councillors may be expelled for failure to comply with rulings by the chair in relation to acts of disorder.
- Preferably, acts of disorder should be addressed at the meeting, not through the code of conduct process — unless egregious.



Media and social media policies

- Council media and social media policies should not operate in a way that constrains councillors' ability to freely engage with the community via the media or online.
- Councillors should be free to express personal views but must:
 - Not claim to speak for the council unless authorised.
 - Accurately represent council decisions.
 - Avoid disclosing confidential information.
- Councils should not require councillors to seek staff approval before commenting publicly.

5.5 EXTENSION OF LEASE SPRING CREEK DAM KINROSS WOLAROI SCHOOL - POST EXHIBITION

RECORD NUMBER: 2025/1579

AUTHOR: David Waddell, Chief Executive Officer

EXECUTIVE SUMMARY

Kinross Wolaroi School have been utilising the Spring Creek Dam for rowing for almost 21 years. Following a Land & Environment Court case, approval was finally given by the Court, and the school constructed a boathouse and wharf and have used Council's access road since inception.

The school has run an outstanding world class rowing programme and continues to shine, bringing credit to Orange and the school. In addition, through proactive stewardship of the site, their efforts have been internationally recognised with the Spring Creek regeneration project being awarded the 2019 world rowing sustainability award.

The yearly environmental management reports showed the school has adhered to the development consent and continues to do so.

Council resolved at its meeting on 17 June 2025 to place the proposal on public exhibition for a 28-day period. The submission period closed on 25 July 2025 and no submissions were received.

It is recommended that Council grants the school a new lease for 21 years from November 2025.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy "1.1 Develop and maintain parks and open spaces within the city, that meet the needs of the community".

FINANCIAL IMPLICATIONS

Council will received rental of approximately \$2,000 per annum increased by CPI annually. The presence of Kinross has caused very little expenditure in terms of Council's operations. Our water treatment and storage operations remain unaffected.

POLICY AND GOVERNANCE IMPLICATIONS

This issue is separate to the development application and to the plan of management for Spring Creek. As the land involved is community land the proposal will need to be exhibited for 28 days.

RECOMMENDATION

- 1 That Council enter into a lease for a 21 year tenure for continued rowing by the Kinross Wolaroi School at Spring Creek Dam.**
- 2 That approval be granted for the use of the Council Seal on any necessary documentation if required.**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Kinross Wolaroi School have been utilising the Spring Creek Dam for rowing for almost 21 years. Following a Land & Environment Court case, approval was finally given by the Court and the school constructed a boathouse and wharf and have used Council's access road since inception.

The school has run an outstanding world class rowing programme and continues to shine, bringing credit to Orange and the school. In addition, through proactive stewardship of the site their efforts have been internationally recognised with the Spring Creek regeneration project being awarded the 2019 world rowing sustainability award.

The yearly environmental management reports showed the school has adhered to the development consent and continues to do so. A copy of one of those reports was provided to Council at the meeting of 17 June 2025.

No submissions were received during the public exhibition period.

It is recommended that Council grants the School a new lease for 21 years from November 2025.

5.6 COUNCILLOR RELATED STRATEGIC POLICY REVIEWS - POST EXHIBITION

RECORD NUMBER: 2025/1519

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents the Code of Meetings Practice which has been reviewed and was on public exhibition from 18 December 2024 to 20 January 2025.

The policy was presented to Council at its meeting on 18 February 2025 and deferred at that meeting.

One submission was received relating to Strategic Policy ST02 – Code of Meeting Practice which is outlined below.

It is recommended that Strategic Policy ST02 - Code of Meeting Practice be adopted.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.1 Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors, required by Legislation or Regulation and/or have an impact on the Orange community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council.

Operational Policies are determined and implemented by the Chief Executive Officer and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to adopt Strategic Policy ST02 - Code of Meeting Practice.

SUPPORTING INFORMATION

The Code of Meetings Practice has been reviewed and was on public exhibition from 18 December 2024 to 20 January 2025 to allow for Council and public review and submissions.

One submission was received and during the exhibition period responsible staff made minor updates to each of the policies as outlined below.

Council deferred consideration of the policy at its meeting on 18 February 2025 noting the Office of Local Government had recently consulted on a new Model Code of Meeting Practice.

A Link to the Media Release and Consultation information is below.

<https://www.olg.nsw.gov.au/media-releases/new-changes-coming-to-council-meetings/>

<https://www.olg.nsw.gov.au/councils/governance/model-code-of-meeting-practice/reforms-to-the-model-code-of-meeting-practice/>

5.6 Councillor related Strategic Policy Reviews - Post Exhibition

A new Model Code of Meeting practice has not yet been issued, when this occurs, Council will be provided with the new Draft Model for discussion, exhibition and adoption.

ST02 – Code of Meeting Practice

The Code of Meeting Practice is based on the Model Code of Meeting Practice issued by the Office of Local Government. Council must adopt a Code that incorporates the Mandatory provision of the Model Meeting Code and may also incorporate Non-Mandatory or supplementary provisions.

The Code of Meeting Practice was exhibited with the following updates:

Reference	Update
General	<ul style="list-style-type: none"> • Formatting Update • Section 9.17 relating to Questions Taken on Notice that responses sent to Councillors will be provided in a report to Council at the second meeting of each month, where required. • Time limit on Council Meetings in Section 18 remains at 9.30pm. • Removal of clauses 11.5-11.8 & 11.12 (and updating number of sections moved on adoption) relating to voting divisions and dissent which are not relevant when clause 11.11 provides that all voting will be recorded. • Update to reference error of 5.14 in clause 5.14 to refer to 5.13.

Submission/s

During the exhibition period, one submission was received. The submission proposed to remove or change a number of sections relating to Modes of Address and recording of Voting. The submission identified one correction with an update to reference to a clause in 5.14 referring to 5.13 instead which has been updated.

Modes of Address (section 7, page 14 of the CoMP)

The submission suggested that the way the Mayor, Chairperson or Council Officer/s are addressed should be modernised, in particular referring to Mister or Madam. Noting there are two current Councillors with the title of Doctor, the current terminology does not recognise that title. In addition the current modes of address are binary and not reflective of contemporary diversity, which could be taken as disrespectful. The submission proposed that the Mayor be referred to as Mayor and/or Mayor {Surname} (clause 7.1), and that Chairpersons be referred to as Chair and/or Chairperson (clause 7.2).

At the Council Meeting of 18 February 2025, Council discussed this element of the Code of Meeting Practice and the view was mixed regarding the change.

It is noted that this element may form part of the revised Code of Meeting Practice to be issued shortly by the Office of Local Government and therefore no update has been made to the Code of Meeting Practice on this occasion. This has been left highlighted in Blue (pg14) in the attached version for Council noting.

Voting (section 11, page 20-21 of the CoMP)

The submission noted that where we adopt The Code to provide for recorded voting on all matters, the need for clauses 11.5-11.8 and 11.12 relating to calling a division or dissenting vote are not required. Inclusion of the clause 11.10 to record all votes covers these matters.

The version for adoption has therefore changed clauses 11.5-11.8 and 11.12 to Red to be removed from the Code on adoption (pg 20-21).

5.6 Councillor related Strategic Policy Reviews - Post Exhibition

It is recommended that Council now adopt the Code with these changes, noting a new version will be furnished once available from the Office of Local Government.

ATTACHMENTS

- 1 Submission - Code of Meeting Practice (redacted), D25/87873 [↓](#)
- 2 FOR ADOPTION - Strategic Policy - ST02 - Code of Meeting Practice, D24/129757 [↓](#)

Mr David Waddell,
Chief Executive Officer,
Orange City Council,
Wiradjuri Country,
135 Byng Street,
Orange NSW 2800
[by email]

Monday, 20th January 2025

Dear Mr Waddell,

I am writing to make a brief submission in my individual capacity as a Councillor on the public exhibition of **Strategic Policy ST02 – Code of Meeting Practice**. My submission recommends several changes to particular clauses of the Code of Meeting Practice, particularly related to records of voting and modes of address, and also identifies one numbering error that requires correction.

Records of voting at Council meetings (Section 11 of the Code of Meeting Practice)

Clause 11.10 in the exhibited Orange City Council Code of Meeting Practice is based on the optional clause 11.11 in the Model Code of Meeting Practice for Local Councils in NSW¹. The Model Code notes “If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.”

The clauses referred to by the Model Code correspond to clauses 11.5-11.8 and 11.12 in the exhibited Orange City Council Code of Meeting Practice. These clauses relate to the recording of a dissenting vote when requested by a Councillor and the calling of divisions to record votes.

Given that clause 11.10 ensures all votes (including in closed meetings) will be recorded, and that clause 20.23 also ensures that all voting in Policy Committee meetings will be recorded, these other provisions appear to be obsolete. I propose that clauses 11.5-11.8 and 11.12 should be removed from the Orange City Council Code of Meeting Practice and the other clauses renumbered accordingly.

Modernising modes of Address (Section 7 of the Code of Meeting Practice)

Section 7 provides the modes of address for the Mayor (7.1), other chairpersons (7.2), Councillors (7.3) and Council officers (7.4). In my opinion, some of the prescribed

¹ <https://www.olg.nsw.gov.au/councils/governance/model-code-of-meeting-practice/model-code-of-meeting-practice-for-local-councils-in-nsw/>

modes of address could be modernised and made more inclusive while retaining an appropriate level of respect and recognition of the leadership roles of people.

In particular, the usage of prefixes of “Mister” or “Madam” in reference to the Mayor and Chairpersons have several issues, including that:

- The term “Madam” is archaic and may not be universally regarded as respectful and an accepted form of reference by all women.
- The requirement to use “Mister” or “Madam” doesn’t provide scope to recognise other titles of respect that the individual may hold, e.g., at least two current Orange City Councillors have a title of “Doctor”.
- The requirement to use the binary terminology of “Mister” and “Madam” is not reflective of contemporary understanding of sex and gender diversity, and may not serve to respectfully address individuals as they wish to be identified.

I propose that these issues can easily be addressed by providing that the Mayor may be referred to as “Mayor” and/or “Mayor [surname]” (clause 7.1), and providing that other chairpersons may be referred to as “Chair” and/or “Chairperson” (clause 7.2). I note that the Consultation Draft on Reforms to the Model Code of Meeting Practice² that has been recently published by the Office of Local Government has added the option to refer to a chairperson as “Chair” in clause 7.2.

Minor clause numbering correction

There is a numbering error requiring correction in clause 5.14. The clause begins “Where a meeting is cancelled under clause 5.14, ...” – this reference should instead be to clause 5.13.

Thanks to you and Council staff for your consideration of this input before a proposed Code of Meeting Practice is brought to Council for adoption.

Kind regards,

² <https://www.olg.nsw.gov.au/councils/governance/model-code-of-meeting-practice/reforms-to-the-model-code-of-meeting-practice/>



Strategic Policy – ST02

Code of Meeting Practice

FOR ADOPTION

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1 INTRODUCTION

This Code of Meeting Practice for Orange City Council (based on the Model Meeting Code) is prescribed under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2021 (the Regulation).

This code applies to all meetings of Council and Committees of Council of which all the members are Councillors (committees of council). Council committees whose members include persons other than Councillors, such as Council's adopted Community Committees are also required to follow this Code and, in this instance, where the code refers to Committee of Council, this is also taken to refer to Community Committees (with the exception of webcasting requirements or where specifically noted in the Code). Supplementary procedures and processes will be available to assist Community committee members with Meeting Practices outside of this policy.

Councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Meeting Code.

Council's adopted Code of Meeting Practice may incorporate non-mandatory provisions of the Model Meeting Code and other supplementary provisions, however, an adopted Code must not contain provisions that are inconsistent with the mandatory provisions of the Model Meeting Code.

A Council and a Committee of Council of which all the members are Councillors must conduct its meetings in accordance with this Code of Meeting practice as adopted by Council.

2 MEETING PRINCIPLES

Council, Council Committee and Community 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.



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3 BEFORE THE MEETING

Timing of Ordinary Council Meetings

3.1 Ordinary meetings of the Council will be held on the following occasions:

- The First and Third Tuesday of each month (except January), commencing at 6:30pm in the Council Chambers, 135 Byng Street, Orange NSW 2800.
- On the First Tuesday of each month, Policy Committee Meetings will also be held.

3.2 Council will determine and adopt its Community Committee Structure and Councillor representative members for each committee. Individual Community Committee's will confirm meeting times, dates and locations to suit the needs of that committee.

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.

Notice to the Public of Council Meeting

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 meetings and of each meeting of committees of the Council.

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 Chief Executive Officer, or their nominee, 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.

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.

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.

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 **eight (8) business days** before the meeting is to be held.

3.11 A Councillor may, in writing to the Chief Executive Officer, request the withdrawal of a Notice of Motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.



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3.12 If the Chief Executive Officer considers that a Notice of Motion submitted by a Councillor for consideration at an Ordinary Meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the Chief Executive Officer may prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by the Council.

3.13 A Notice of Motion for the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan & Budget must identify the source of funding for the expenditure that is the subject of the Notice of Motion. If the Notice of Motion does not identify a funding source, the Chief Executive Officer must either:

- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
- (b) by written notice sent to all Councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with Notice

3.14 A Councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the Chief Executive Officer 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 Chief Executive Officer

or a member of staff of the Council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the Council.

3.16 The Chief Executive Officer 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 Chief Executive Officer must cause the Agenda for a meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.

3.18 The Chief Executive Officer must ensure that the agenda for an Ordinary Meeting of the Council states:

- a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
- (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
- (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
- (d) any business of which due notice has been given under clause 3.10.

3.19 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 Chief Executive Officer must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving



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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 Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:

- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
- (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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

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.

3.25 Clause 3.24 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public

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.

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.

Agendas and Business Papers for Extraordinary Meetings

3.28 The Chief Executive Officer 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.



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- 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.

Pre-meeting Briefing Sessions

- 3.33 Prior to each Ordinary Meeting of the Council, the Chief Executive Officer may arrange a pre-meeting briefing session to brief Councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for Extraordinary Meetings of the Council and meetings of Committees of the Council.
- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The Chief Executive Officer or a member of staff nominated by the Chief Executive Officer is to preside at pre-meeting briefing sessions.
- 3.37 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal Council or Committee Meeting at which the item of business is to be considered.
- 3.38 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a Council or Committee meeting.
- 3.39 The Council is to maintain a written record of all conflict of interest declarations made at

pre-meeting briefing sessions and how the conflict of interest was managed by the Councillor who made the declaration.

4 PUBLIC FORUMS

- 4.1 The Council may hold a public forum prior to each Ordinary Meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to Extraordinary Council meetings and meetings of Committees of the Council.
- 4.2 Public forums may be held by audio-visual link, where the member of the public has extenuating circumstances for not being able to attend the meeting in person.
- 4.3 Public forums are to be chaired by the Mayor or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum **must be received by 4pm** on the day of the meeting on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on **1 or more than 1** items of business on the agenda of the Council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The Chief Executive Officer or their delegate may refuse an application to speak at a public forum. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.



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- 4.8 No more than **ten (10)** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the Chief Executive Officer or their delegate is to determine who will address the Council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the Chief Executive Officer or their delegate may, in consultation with the Mayor or the Mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the Council any written, material to be presented in support of their address to the Council at the public forum, no later than **4pm on the day of the scheduled** public forum. The Chief Executive Officer or their delegate may refuse to allow such material to be presented.
- 4.12 The Chief Executive Officer or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed **five (5)** 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 item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A Councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to **two (2)** minutes.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors, or Council staff.
- 4.18 The Chief Executive Officer or their nominee may, with the concurrence of the chairperson, address the Council for up to **two (2)** minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the Chief Executive Officer may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
- 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.



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- 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 Chief Executive Officer or their delegate may refuse further applications from that person to speak at public forums for such a period as the Chief Executive Officer or their delegate considers appropriate.
- 4.24 Oral presentations can be made, however no electronic presentations are permitted.
- 4.25 Speakers should be aware that Orange City Council records and livestreams meetings via Council's website. By agreeing to attend and speak at the Council Meeting, speakers are reminded of the need to ensure all comments are respectful to other people, Councillors and staff. Orange City Council accepts no liability for offensive or defamatory comments made by speakers.
- 4.26 Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or Committee Meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was

managed by the Councillor who made the declaration.

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 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.
- 5.4 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.
- 5.5 The Council must act reasonably when considering whether to grant a Councillor's request for a leave of absence.



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- 5.6 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.
- 5.7 A Councillor who intends to attend a meeting of the Council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least **two (2) days** notice of their intention to attend.
- The Quorum for a Meeting**
- 5.8 The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office at that time and are not suspended from office. The quorum for a Community Committee is outlined in the Committee's adopted Charter.
- 5.9 Clause 5.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the Council.
- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 5.11 In any case outlined in 5.10, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the Councillors present, or
 - (c) failing that, by the Chief Executive Officer.
- 5.12 The Chief Executive Officer must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of Councillors, Council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next Ordinary Meeting of the Council or at an Extraordinary Meeting called under clause 3.3.
- Meetings held by Audio-Visual Link**
- 5.15 A meeting of the Council or a Committee of the Council may be held by audio-visual link where the Mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The Mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health



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and safety of Councillors and staff at risk. The Mayor must make a determination under this clause in consultation with the Chief Executive Officer and, as far as is practicable, with each Councillor.

5.16 Where the Mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the Chief Executive Officer must:

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

5.17 This code applies to a meeting held by audio-visual link under clause 5.15 in the same way it would if the meeting was held in person.

Note: Where a Council holds a meeting by audio-visual link under clause 5.16, 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

5.18 Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link with the approval of the Council or the relevant committee.

5.19 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the Chief Executive Officer prior to the meeting in question and must

provide reasons why the Councillor will be prevented from attending the meeting in person.

5.20 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 5.19.

5.21 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.

5.22 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.

5.23 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.



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- 5.24 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.
- 5.25 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.
- 5.26 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.
- 5.27 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.
- 5.28 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.
- 5.29 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**
- 5.30 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.
- 5.31 Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.32 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.
- Webcasting of Meetings**
- 5.33 Each meeting of the Council or a Committee of the Council is to be recorded by means of an audio or audio-visual device.
- 5.34 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



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statements.

- 5.35 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.
- 5.36 The recording of a meeting is to be made publicly available on the Council's website for at least 12 months after the meeting.
- 5.37 Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the Chief Executive Officer and Other Staff at Meetings

- 5.39 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the Council or a Meeting of a Committee of the Council of which all of the members are Councillors.
- 5.40 The Chief Executive Officer is entitled to attend a meeting of any other committee of the Council and may, if a member of the Committee, exercise a vote.
- 5.41 The Chief Executive Officer may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer.
- 5.42 The attendance of other Council Staff at a meeting, (other than as members of the public) shall be with the approval of the Chief Executive Officer.
- 5.43 The Chief Executive Officer 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 Chief Executive Officer.

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.
- 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.

Election of the Chairperson in the Absence of the Mayor or Deputy Mayor

- 6.3 If no chairperson is present at a Meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the Chief Executive Officer or, in their absence, an employee of the Council designated by the Chief Executive Officer to conduct the election, or
 - (b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer nor a designated employee is present at the meeting, or if there is no Chief Executive Officer or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and



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(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 [Director] or as Mr/Ms [surname].



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8 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1 The general order of business for an Ordinary Meeting of the council shall be:

Agenda Items	Ordinary and Extraordinary meetings of Council	Policy Committees including those called as Extraordinary Committee meetings	Community Committees
a) Emergency procedures	✓	✓	✓
b) Apologies for absence	✓	✓	✓
c) Caution given to participants in meeting that the meeting is being recorded and livestreamed	✓	✓	n/a
d) Acknowledgement of Country	✓	✓	✓
e) Declarations of Interest	✓	✓	✓
f) Prayer	✓ (second meeting of the month)	n/a	n/a
g) Acceptance of late items	✓	n/a	✓
h) Condolences – The Mayor or Chairperson may give condolences and observe a minute's silence	✓	n/a	✓
i) Open Forum	✓	n/a	n/a
j) Mayoral Minutes	✓	n/a	n/a
k) Confirmation of minutes of previous meetings	✓	n/a	✓
l) Conduct of the Policy Committee Meetings	✓	Where items submitted (first meeting of the month)	n/a
m) Notices of Motion and Rescission Motions	✓	n/a	n/a
n) Reports	✓	✓	✓
o) Closed section of meeting	✓	n/a	n/a
p) Adoption of recommendations from Closed Meeting	✓	n/a	n/a

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

8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.



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9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be Dealt with at a Council Meeting

- 9.1 The Council must not consider business at a Meeting of the Council:
- (a) unless a Councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the Council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a Committee, including, but not limited to, a committee of the Council.
- 9.3 Despite clause 9.1, business may be considered at a Meeting of the Council even though due notice of the business has not been given to the Councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the

next scheduled Ordinary Meeting of the Council.

- 9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.
- 9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Mayoral Minutes

- 9.6 Subject to clause 9.9, if the Mayor is the chairperson at a Meeting of the Council, the Mayor may, by minute signed by the Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the Council, or of which the Council has official knowledge.
- 9.7 A Mayoral Minute, when put to a meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of a Mayoral minute without the motion being seconded.
- 9.8 A recommendation made in a Mayoral Minute put by the Mayor is, so far as it is adopted by the Council, a Resolution of the Council.
- 9.9 A Mayoral Minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the Council before the next scheduled Ordinary Meeting of the Council.
- 9.10 Where a Mayoral Minute makes a recommendation which, if adopted, would require the expenditure of funds on works



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and/or services other than those already provided for in the Council's current adopted Operational Plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the Mayoral Minute does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Staff Reports

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

Reports of Committees of Council

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

Questions Taken on Notice

- 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 Chief Executive Officer, 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 Chief Executive Officer at the direction of the Chief Executive Officer.

- 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 provide a response in writing to Councillors. A report providing any responses to questions taken on notice sent to Councillors will be provided, where required, to the second Council Meeting of each month.

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

- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

10 RULES OF DEBATE

Motions to be Seconded

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

Notices of Motion

- 10.2 A Councillor who has submitted a Notice of Motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a Councillor who has submitted a Notice of Motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors,



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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 A Motion or an amendment to a Motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the Council's current adopted Operational Plan must identify the source of funding for the expenditure that is the subject of the motion. If the Motion does not identify a funding source, the Council must defer consideration of the matter, pending a report from the Chief Executive

Officer on the availability of funds for implementing the motion if adopted.

Amendments to Motions

10.10 An Amendment to a Motion must be moved and seconded before it can be debated.

10.11 An Amendment to a Motion must relate to the matter being dealt with in the original Motion before the Council and must not be a direct negative of the original motion. An amendment to a Motion which does not relate to the matter being dealt with in the original Motion, or which is a direct negative of the original Motion, must be ruled out of order by the chairperson.

10.12 The Mover of an Amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

10.13 If an Amendment has been lost, a further Amendment can be moved to the Motion to which the lost Amendment was moved, and so on, but no more than one (1) Motion and one (1) proposed Amendment can be before Council at any one time.

10.14 While an Amendment is being considered, debate must only occur in relation to the amendment and not the original Motion. Debate on the original Motion is to be suspended while the Amendment to the original Motion is being debated.

10.15 If the Amendment is carried, it becomes the Motion and is to be debated. If the Amendment is lost, debate is to resume on the original Motion.

10.16 An Amendment may become the Motion without debate or a vote where it is accepted by the Councillor who moved the original motion.



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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,



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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.

11 VOTING

Voting Entitlements of Councillors

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

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.

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

Voting at Council Meetings

11.4 A Councillor who is present at a Meeting of the Council but who fails to vote on a Motion put to the meeting is taken to have voted against the Motion.

11.5 If a Councillor who has voted against a Motion put at a Council Meeting so requests, the Chief Executive Officer must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

11.6 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.

11.7 When a division on a Motion is called, the chairperson must ensure that the division takes place immediately. The Chief Executive Officer 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.

11.8 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 11.4 of this code.

11.9 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.

11.10 All voting at Council Meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of Councillors who voted for and against each Motion or Amendment, (including the use of the casting vote), being recorded.

Voting on Planning Decisions

11.11 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of the Council or a Council Committee (including, but not limited to a Committee of the Council), the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.



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11.12 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.

11.13 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.

11.14 Clauses 11.11–11.13 apply also to meetings that are closed to the public.

12 COMMITTEE OF THE WHOLE

12.1 The Council may resolve itself into a committee to consider any matter before the Council.

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.

12.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the Council designated by the Chief Executive Officer, is responsible for reporting to the Council the proceedings of the Committee of the Whole. It is not necessary to report the proceedings in full, but any recommendations of the Committee must be reported.

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

13 DEALING WITH ITEMS BY EXCEPTION

13.1 The Council or a Committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.

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



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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.

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.

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.

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.

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



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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.

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.

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.

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.

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.

14.10A 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. Notice for, or the representation to Council is to be given before the meeting adjourns for the closed meeting.

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

14.13 No more than **two (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



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under clause 14.9, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the Chief Executive Officer or their delegate is to determine who will make representations to the Council.

14.15 The Chief Executive Officer (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 **five (5)** minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of Non-Councillors from Meetings

Closed to the Public

14.18 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.

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,



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- (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.

Resolutions Passed at Closed Meetings to be Made Public

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

15 KEEPING ORDER AT MEETINGS

Points of Order

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

then rule on the point of order – either by upholding it or by overruling it.

Questions of Order

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

Motions of Dissent

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



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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.

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).

How Disorder at Meetings 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 other than a Councillor, from a Council or Committee Meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the Council or the Committee of the Council.

15.15 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.

15.16 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.

15.17 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



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conduct at the meeting.

15.18 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.

15.19 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.

How Disorder by Councillors Attending meetings by Audio-Visual Link may be Dealt With

15.20 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.

15.21 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

15.22 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.

15.23 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.

15.24 Without limiting clause 15.17, a contravention of clause 15.23 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 15.17. Any person who contravenes or attempts to contravene clause 15.23, may be expelled from the meeting as provided for under section 10(2) of the Act.

15.25 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



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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.

17 DECISIONS OF THE COUNCIL

Council Decisions

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

- 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.
- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.
- 17.9 A Notice of Motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the Notice of Motion.
- 17.10 A Notice of Motion to Alter or Rescind a resolution must be submitted to the Chief Executive Officer no later than **12pm on the proceeding day** after the meeting at which the resolution was adopted.
- 17.11 A Motion to Alter or Rescind a Resolution of the Council may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.
- 17.12 Subject to clause 17.7, in cases of urgency, a Motion to Alter or Rescind a Resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
 - (a) a Notice of Motion signed by three Councillors is submitted to the chairperson, and
 - (b) a Motion to have the Motion considered at the meeting is passed, and



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- (c) the chairperson rules the business that is the subject of the Motion is of great urgency on the grounds that it requires a decision by the Council before the next scheduled Ordinary Meeting of the Council.

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

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

Recommitting Resolutions to Correct an Error

17.15 Despite the provisions of this Part, a Councillor may, with the leave of the chairperson, move to Recommit a Resolution adopted at the same meeting:

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

17.16 In seeking the leave of the chairperson to move to Recommit a Resolution for the purposes of clause 17.15(a), the Councillor is to propose alternative wording for the Resolution.

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

17.18A 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.

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

17.20A 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 **9.30pm**.

18.2 If the business of the meeting is unfinished at **9.30pm**, the Council or the Committee may, by resolution, extend the time of the meeting.

18.3 If the business of the meeting is unfinished at **9.30pm**, 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 Chief Executive Officer must:

- (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
- (b) publish the time, date and place at which the meeting will reconvene on



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the Council's website and in such other manner that the Chief Executive Officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

19 AFTER THE MEETING

Minutes of Meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of Meetings of the Council.
- 19.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the Council's minutes:
- (a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by Audio-Visual Link,
 - (b) details of each Motion moved at a Council meeting and of any Amendments moved to it,
 - (c) the names of the Mover and Seconder of the Motion or Amendment,
 - (d) whether the Motion or Amendment was passed or lost, and
 - (e) such other matters specifically required under this code.
- 19.3 The minutes of a Council Meeting must be confirmed at a subsequent meeting of the Council.
- 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.
- 19.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been

confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

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

Access to Correspondence and Reports Laid on the Table at, or Submitted to, a Meeting

- 19.8 The Council and Committees of the Council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- 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.
- 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.
- 19.11 Correspondence or reports to which clauses 19.9 and 19.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.
- #### Implementation of Decisions of the Council
- 19.12 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the Council.



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20 COUNCIL COMMITTEES

Applications of this Part

20.1 This Part only applies to Committees of the Council whose members are all Councillors.

Council Committees whose Members are all Councillors

20.2 The Council may, by resolution, establish such committees as it considers necessary.

20.3 A Committee of the Council is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.

20.4 The quorum for a meeting of a committee of the Council is to be:

- (a) such number of members as the Council decides, or
- (b) if the Council has not decided a number – a majority of the members of the committee.

Functions of Committees

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

Notice of Committee Meetings

20.6 The Chief Executive Officer must send to each Councillor, regardless of whether they are a committee member, at least **three (3)** days before each meeting of the committee, a notice specifying:

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

20.7 Notice of less than **three (3)** days may be given of a committee meeting called in an emergency.

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

20.10A 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



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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 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

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

Disorder in Committee Meetings

- 20.21 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

- 20.22 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,



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- (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.

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

20.24 The minutes of meetings of each Committee of the Council must be confirmed at a subsequent meeting of the committee.

20.25 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.

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

20.27 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.

20.28 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.



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22 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio-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
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation webcast	means the <i>Local Government (General) Regulation 2021</i> 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



STRATEGIC POLICY – ST02

All policies can be reviewed or revoked by Council, at any time.

ST02 - Strategic Policy – Code of Meeting Practice

Amendments:

- Formatting Update
- Section 9.17 relating to Questions Taken on Notice that responses sent to Councillors will be provided in a report to Council at the second meeting of each month, where required.
- Time limit on Council Meetings in Section 18 remains at 9.30pm.
- Removal of clauses 11.5-11.8 & 11.12 (and updating number of sections moved) relating to voting divisions and dissent which are not relevant when clause 11.11 provides that all voting will be recorded.
- Update to reference error of 5.14 in clause 5.14 to refer to 5.13.

Review Due: November 2028	Version V1_25	Last Revision: July 2025
Approved By:	Minute Number:	Approval Date:

FOR ADOPTION

5.7 POLICY REVIEW - EVENT UNDERWRITING FUND - POST EXHIBITION

RECORD NUMBER: 2025/1589

AUTHOR: Jen Sharp, Director Corporate & Commercial Services

EXECUTIVE SUMMARY

In April 2025, Council endorsed the proposal for a new mechanism for Council to support visitor economy events. Rather than direct grant-style funding, this new policy will provide underwriting support, to share the financial risk with new or emerging events that have potential to add ongoing value the Orange Economy. Underwriting means that Council will provide a financial guarantee to the event organiser that they will cover a funding shortfall should the event not reach its planned revenue targets.

At the Council Meeting of 17 June 2025, Council resolved to place the Draft Policy – ST23 – Event Underwriting Fund, on exhibition for public comment. Submissions closed on 25 July 2025. No Submissions were received. The Policy is now recommended for adoption.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “10.2 Develop and attract a variety of events, festivals, venues and activities that attract visitors”.

FINANCIAL IMPLICATIONS

\$50,000 has been allocated to fund this policy in the FY26 Budget.

POLICY AND GOVERNANCE IMPLICATIONS

The policy has had a public exhibition period.

RECOMMENDATION

That Council adopts Strategic Policy - ST23 - Event Underwriting Fund Policy.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation’s impact on Council’s service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Council currently provides funding to event organisers through the Event Development Fund (previously called the Event Sponsorship fund), however each year this fund tends to be oversubscribed and provides a maximum of \$20,000 to a limited number of events. Council reviewed and adopted the new policy on 15 April 2025 and this fund has been increased from \$100,000 to \$110,000 in FY26.

The Community Strategic Plan has identified that the community want to see more diversity and frequency of events in Orange, particularly to create more things for young people and families to do.

Event producers are often exposed to the greatest degree of financial risk in the early stages of event development. This can be due to their idea being new and unproven, limited awareness in the market, and the expenses involved in marketing and promotion. These risks often lead to event organisers postponing or cancelling their events as the financial risks are too high.

5.7 Policy Review - Event Underwriting Fund - Post Exhibition

By underwriting an event, Council can provide organisers with more confidence to proceed to deliver their events, knowing that should their revenue targets not be delivered the Council will fund any actual shortfall in revenue.

A fictional example is provided below to illustrate how this policy would work:

- An Event Organiser is planning a major music event at the Showground. They are bringing a high-profile musician to Orange and have substantial expenses in marketing, staging, AV and event logistics. They have demonstrated experience running similar events, and have the potential of selling 2,500 tickets drawing high levels of overnight visitation
- The Event Organiser presents a comprehensive business plan, including that their event forecasts \$125,000 in ticket sales
- Council reviews the application and affirm that the event has the potential to generate \$500,000 impact for the local economy and therefore provide \$30,000 underwriting support to the event should ticket sales fall below \$125,000
 - Scenario A – The event achieves ticket sales target, Council contribution is \$0
 - Scenario B – The event only achieves \$110,000 in sales; Council pays an underwriting contribution of \$15,000
 - Scenario C – The event only achieves \$50,000 in sales; Council pays an underwriting contribution of \$30,000

The policy will require event organisers to provide a full business plan and P&L statement for their event demonstrating how they intend to break even or generate a profit, without funding provided under this policy. The intent of the fund is that it would only be called upon if the support event fails to meet its own targets.

Council staff are not aware of many policies of this type being provided by Councils and recommend that the policy is reviewed after 12 months to see that it is achieving its intended objectives.

ST23 – Event Underwriting

Reference	Update
General	<ul style="list-style-type: none">• New Policy

ATTACHMENTS

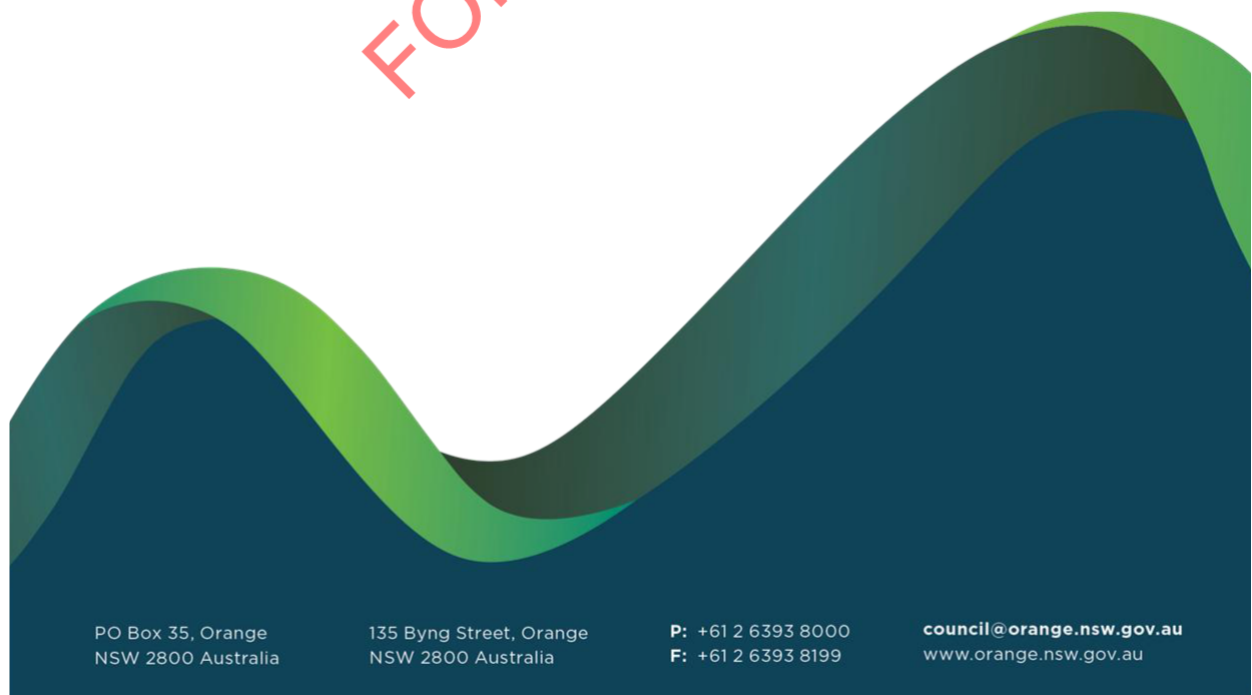
- 1 FOR ADOPTION - Strategic Policy - ST23 - Event Underwriting, D25/64022 [↓](#)



Strategic Policy – ST23

Event Underwriting Fund

FOR ADOPTION



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STRATEGIC POLICY – ST23

1 PURPOSE

The purpose of this Underwriting Fund is to provide strategic financial support to emerging events and event organisers within the Orange region. The fund is designed to share the financial risk, so that event organisers can mitigate the risk of staging new events in the early phases of event development.

2 APPLICABILITY

This policy applies to any group wishing to receive financial assistance from Council to host an event. Priority will be given to events held within the Orange Local Government Area, but consideration can be given to events located in the adjacent LGA's of Blayney and Cabonne.

3 OBJECTIVES

The policy aims to encourage the development of:

- New events that may not yet have established operational structures or governance frameworks
- Events that have been operating for less than two years
- Brand new initiatives seeking to establish a presence in the local event landscape.
- Visitor economy-focused events that demonstrate potential to deliver measurable economic benefits to the region through increased visitation and local spending in the Orange Region
- Time-limited or short-term opportunities that demonstrate strong potential to generate substantial economic benefits for the region
- Encourage events that bring activity to public spaces or stimulate visitation during traditionally quieter times of the year or spaces that Council wants to activate.

4 APPLICATION PROCESS

- 4.1 All applications must be completed online via the Orange City Council website, where applicants can access the relevant forms and accompanying guidelines.

Step 1 - applicants are required to submit an Expression of Interest (EOI) to ensure that event concepts align with Council priorities before proceeding to the full application stage. This helps ensure that projects are appropriately assessed early on, preventing applicants from investing time in a full application if their event is not suitable for underwriting support

Step 2 - Council staff will engage with interested applicants following the EOI submission to provide guidance and assess suitability prior to the formal application being lodged

Step 3 – Applicants to submit a formal application, including detailed event and business plan outlining forecast revenue and expense projections

- 4.2 Applications for underwriting will not be retrospectively approved.

5 APPLICATION ASSESSMENT

- 5.1 Expressions of Interest and Applications for this support may be submitted at any time throughout the year on an ad hoc basis, allowing for a flexible and timely response to emerging opportunities.

- 5.2 All applications will be reviewed by the Economic Development team.

- 5.3 Recommendations will then be made to the next available Council meeting for endorsement, based on applicants' alignment with the intent of this policy.



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- 5.4 Successful and unsuccessful applicants will be notified within 10 days of the Council decision.
- 5.5 Applicants will receive an email advising the outcome of their application.
- ### 6 UNDERWRITING AGREEMENTS
- 6.1 Council will determine the successful requests for underwriting, and the amount offered. Unlike a grant or sponsorship, funding under this policy will generally be provided after the event, once the financial outcome of the event is known and the underwriting amount can be determined.
- 6.2 The offer from Council may not match the amount requested. Council will require an agreement to be entered into which will specify reporting deliverables. All agreements are for one-year, although Council will consider multi-year funding on a case-by-case basis.
- 6.3 Successful applicants are required to be available for a promotional certificate presentation with the Mayor and will be notified by Council staff.
- ### 7 ELIGIBILITY
- 7.1 Applicants must be an organisation, company or incorporated body.
- 7.2 The event may receive support through another Orange City Council stream.
- 7.3 Orange City Council will consider the following events if the return on investment to the community can be substantiated:
- One off event if the event attracts more than 5,000 people
 - Recurring events if the event attracts more than 2,000 people
 - Event organiser that are based outside the region but are seeking to bring an event to the Orange Region
- 7.4 Events and entities are **ineligible** to receive funding under the Event Underwriting Fund if they meet one or more of the following:
- a. The organisation has outstanding debts to Council or has not acquitted any past grant or sponsorship funding to the satisfaction of Council
 - b. The organisation has not previously complied with permits or other conditions of Council, or has failed to apply for the required permits
 - c. The event is a fundraising and or charity event (these events are supported by the Small Donations program)
 - d. The event is organised by an individual
 - e. The event is in conflict with, or accepts sponsorship from organisations not aligned to Councils vision and values
 - f. The organisation wishes to use the sponsorship to fund feasibility studies, capital works projects, facility maintenance or the purchase of capital equipment
 - g. The event takes place on a regular basis such as weekly, monthly or quarterly
 - h. An event of political or religious purpose
 - i. The event excludes parts of the community
 - j. School activities.
- 7.5 Funding is **not to be used** for the following items in successful applications:
- Event concept development
 - Sporting trips, subsidies or sponsorships
 - Attending business events or conferences
 - Operational administration expenses
 - Event insurance



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8 TIMING

- 8.1 Approval may be provided for event underwriting in an upcoming financial year, however funds will not be released until after 1 July of the event year.
- 8.2 If underwriting funding is required, the event must be delivered with acquittals completed within the financial year Council approved support.

9 ACQUITTALS

- 9.1 All funding recipients will be required to provide an acquittal of their event, detailing the extent to which their event delivered the intended outcomes described in their application.
- 9.2 Acquittals are required to be submitted within 60 working days following the event delivery date. This report will need to include evidence KPI's.
- 9.3 Recipients may also be required to provide evidence of expenditure with local businesses to demonstrate the direct impact of their project. Independently audited statements or copies of receipts may be required to verify revenue and expenditure.

10 EVENT UNDERWRITING CATEGORIES

- 10.1 Events will qualify for underwriting support under 2 categories: **New Events** or **Emerging Events**.

11 NEW EVENTS

- 11.1 The underwriting amount is up to \$30,000.
- 11.2 Venue hire may be offered at no charge for supported events (the value of the venue hire must be included within the \$30,000 limit)

- 11.3 Access to the Newmont Event Kit at "Supported Event" rates.

12 NEW EVENTS CRITERIA

- 12.1 Provides support for an event concept that has not been staged within the Orange Region within the last 5 years.
- 12.2 The event concept should demonstrate high potential to attract overnight visitation, and contribute to the economic activity in the city, and the identity of the region. This could include a touring event where the organiser is exposed to a high level of risk around ticket sales
- 12.3 The Underwriting Fund supports new event concepts that:
 - a. Have a well-developed business plan that contains a detailed profit and loss statement outlining the event's path to financial sustainability
 - b. Have a well-developed marketing plan with defined target audience and measurable objectives
 - c. If one-off, has potential to attract over 5,000 event attendees or other agreed amount in special circumstances
 - d. If recurring, has potential to attract over 2000 attendees in its first year
 - e. The economic impact to the Orange360 region is at minimum \$500,000
 - f. Potential for state, national or international exposure
 - g. Demonstrate having strong support and partnerships in place
 - h. Demonstrate engagement with the local tourism industry with a view to build partnerships that drive visitation
 - i. Demonstrate sound organisational planning, that has a clear event plan, event structure, operational processes, insurance and risk management
 - j. Have a demonstrated approach to measuring audiences, overnight



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visitation and event experience with an emphasis on data accuracy

- k. Are mindful of peak tourism periods for the Orange360 region and how the event fits into the annual event calendar
- l. Provision of acquittal from any previous Orange City Council funding.

13 EMERGING EVENTS

- 13.1 The underwriting amount is up to \$20,000.
- 13.2 Venue hire may be offered at no charge for supported events (the value of the venue hire must be included within the \$20,000 limit)
- 13.3 Access to the Newmont Event Kit at "Supported Event" rates.

14 EMERGING EVENTS CRITERIA

- 14.1 The Underwriting Fund supports Emerging Event concepts that:
 - a. Provides support to events in their first two years of operation that demonstrate potential for additional growth and that have already delivered measurable economic return to the Orange economy by driving overnight visitation to the region, or extending existing visitation in a measurable way
 - b. Have a well-developed business plan that contains a detailed profit and loss statement outlining the event's path to financial sustainability
 - c. Have a well-developed marketing plan with defined target audience and measurable objectives
 - d. provide a long term strategic plan that identifies the event's potential to continue to grow overnight accommodation and local economy spend

- e. provide a well-developed long term marketing plan with defined target audience and measurable objectives
- f. The economic impact to the Orange360 region is at minimum \$500,000
- g. Potential for state, national or international exposure
- h. Demonstrate event sustainability
- i. Demonstrate engagement with the local tourism industry with a view to build partnerships that drive visitation
- j. Are mindful of peak tourism periods for the Orange360 region and how the event fits into the annual event calendar
- k. Demonstrate successful event delivery in the areas of sound organisational planning, event planning, event structure, communication, marketing, operational processes, insurance and risk management
- l. Have a demonstrated approach to measuring audiences, overnight visitation and event experience with an emphasis on data accuracy
- m. Provision of acquittal from any previous Orange City Council funding.



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15 RELATED DOCUMENTS

- Strategic Policy – ST43 – Event Development Fund
- Strategic Policy – ST32 – Donations and Grants
- Strategic Policy – ST38 – Events on Council Owned/Managed Land
- Strategic Policy – ST39 – Event Industry Sponsorship

All policies can be reviewed or revoked by Council, at any time.

ST23 - Strategic Policy – Event Underwriting

Amendments: New Policy

Review Due: August 2026

Version V1_25

Last Revision: June 2025

Approved By:

Minute Number:

Approval Date:

5.8 STRATEGIC POLICY REVIEWS

RECORD NUMBER: 2025/1518

AUTHOR: Janessa Constantine, Manager Corporate Governance

EXECUTIVE SUMMARY

This report presents the following policies which have been reviewed and are presented to the new Council for the adoption:

- Strategic Policy ST21 – Child Safe
- Strategic Policy ST13 – Cyber Security
- Strategic Policy ST14 – Related Parties
- Strategic Policy ST07 – Modern Slavery
- Strategic Policy ST18 – Social Media
- Strategic Policy ST19 – Media
- Strategic Policy ST26 – Council-Related Development Applications – Managing Conflict of Interests

Each of the policies has had formatting updates only and there are no proposed changes to the current in-force policies.

LINK TO DELIVERY/OPERATIONAL PLAN

The recommendation in this report relates to the Delivery/Operational Plan strategy “15.1 Provide representative, responsible and accountable community governance”.

FINANCIAL IMPLICATIONS

Nil.

POLICY AND GOVERNANCE IMPLICATIONS

Council’s Strategic Policies are reviewed and amended to ensure ongoing compliance with legislation and industry best practice.

Policies of Council are of two types – Strategic Policies are determined by Council, and relate to Councillors, required by Legislation or Regulation and/or have an impact on the Orange community. The Local Government Act 1993 requires the public exhibition of Policies (if new or include significant changes) and adoption by Council. Operational Policies are determined and implemented by the Chief Executive Officer and relate to staff and the operations of the organisation.

RECOMMENDATION

That Council resolves to adopt the following Strategic Policy’s:

- Strategic Policy ST21 – Child Safe
- Strategic Policy ST13 – Cyber Security
- Strategic Policy ST14 – Related Parties
- Strategic Policy ST07 – Modern Slavery
- Strategic Policy ST18 – Social Media

- **Strategic Policy ST19 - Media**
- **Strategic Policy ST26 – Council-Related Development Applications – Managing Conflict of Interests.**

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

Each of the seven policies have been reviewed and updated and are presented to Council for re-adoption. There are no proposed changes, therefore further public exhibition is not required.

In addition to the Social Media Policy, attached are Council's '*house rules*' for managing Council's Social Media.

It is recommended that Council adopt the policies presented.

Reference	Update
General	<ul style="list-style-type: none"> • Formatting Updates Only.

ATTACHMENTS

- 1 FOR ADOPTION - Strategic Policy - ST21 - Child Safe, D25/88260 [↓](#)
- 2 FOR ADOPTION - Strategic Policy - ST13 - Cyber Security, D25/88262 [↓](#)
- 3 FOR ADOPTION - Strategic Policy - ST14 - Related Parties, D25/88264 [↓](#)
- 4 FOR ADOPTION - Strategic Policy - ST07 - Modern Slavery Prevention, D25/88266 [↓](#)
- 5 FOR ADOPTION - Strategic Policy - ST18 - Social Media, D25/88268 [↓](#)
- 6 Orange City Council Social Media Guidelines, D25/88427 [↓](#)
- 7 FOR ADOPTION - Strategic Policy - ST19 - Media, D25/88270 [↓](#)
- 8 FOR ADOPTION - Strategic Policy - ST26 - Council-Related Development Applications - Managing Conflict of Interests, D25/88272 [↓](#)



Strategic Policy – ST21

Child Safe

FOR ADOPTION

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STRATEGIC POLICY – ST21

1 OVERVIEW

Commitment

1.1 As a Child Safe organisation we create cultures, adopt strategies and act to prevent harm to children. Systematically we:

- Create conditions to reduce the likelihood of children being harmed
- Creates conditions that increase the likelihood of identifying and reporting harm
- Respond appropriately to disclosures, allegations and suspicions of harm.

Purpose

The objectives of this policy to:

- 1.2 Provide child safe environments for children and young people whilst on Council premises and using Council services.
- 1.3 To promote the health, safety, welfare and wellbeing of children and young people.
- 1.4 Adopts the Child Safe Standards.
- 1.5 Compile and implement best practice approaches to child protection and adhere to NSW child protection legislation.
- 1.6 Clarify and identify professional and legal obligations of Council and their employees in relation to child protection.
- 1.7 Implement clear procedures for prompt and confidential processes for any allegations against employees, volunteers, students and contractors/suppliers.
- 1.8 Implement clear procedure and guidelines relating to mandatory reporting obligations.
- 1.9 To outline and clarify the process when an employee brings their child/ren into the workplace.

Applicability

- 1.10 This policy applies to all Council employees, Councillors, (elected members), contractors, apprentices, work experience participants, Family Day Care Educators, volunteers and facility hirers and leases.

2 STANDARDS

2.1 This policy and associated procedures are designed to assist with Council's commitment to meeting the *Child Safe Standards* identified by the Royal Commission (2017), that is:

- a) Child safety is embedded in institutional leadership, governance and culture.
- b) Children participate in decisions affecting them and are taken seriously.
- c) Families and communities are informed and involved.
- d) Equity is upheld and diverse needs are taken into account.
- e) People working with children are suitable and supported.
- f) Processes to respond to complaints of child sexual abuse are child focused.
- g) Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
- h) Physical and online environments minimise the opportunity for abuse to occur.
- i) Implementation of the Child Safe Standards is continuously reviewed and improved.
- j) Policies and procedures document how the institution is child safe.

3 GUIDELINES

- 3.1 Council's Operational Policy – Child Safe outlines detailed guidelines and instructions, however, the following overarching policy provisions apply.

Children's Participation

- 3.2 Council supports the active participation of children in the programs, activities and services we offer. We provide a range of ways to allow children to provide feedback or raise concerns. We listen to their views, respect what they say and involve them when we make decisions, especially about matters that will directly affect them.



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Use of Council Facilities

- 3.3 All children **UNDER 12** must be accompanied by a guardian or parent whilst utilising a Council facility (i.e. Aquatic Centre, Gallery, Museum and Libraries). However, this excludes child care services and activity programs that are specifically designed for children.

Activity Programs

- 3.4 All Council activity programs for children, where the child is not accompanied by a guardian or parent, will require the parents to complete an enrolment form that will include the following information:
- Relevant medical, health and dietary information
 - Authorisation of whether or not pictures can be taken of their child
 - Clear instructions on who is authorised to pick up and drop off their child as well as contact details.
- 3.5 If an enrolment form is not completed, this may limit the ability of Council to accept the enrolment.

Recruitment

- 3.6 Orange City Council has implemented a risk based approach on all pre-employment screening checks as part of the Recruitment and Selection Policy and Procedure.
- 3.7 The risk based approach has the level of risk identified and the requirements for when a Criminal Records Check and Working with Children Checks need to be completed.
- 3.8 All employees of Orange City Council are required to have a basic identity check and any additional requirements (such as a Criminal Records Check and Working with Children Check) are listed within their Position Descriptions and within the Job Advertisement.
- 3.9 If any concerns are highlighted as part of the employment screening process, People & Culture will consider the

information in consultation with the Hiring Manager.

- 3.10 Volunteers, work experience students and contractors in designated areas are responsible for maintaining their own Working with Children Checks and providing it as part of their screening processes prior to their applications being accepted by Council.

Complaints Management and Reporting

- 3.11 All complaints from children, parents or members of the public will be managed in accordance with Council's Complaint Management Policy and Council's operational procedures.
- 3.12 Designated Child Safety Officers will be identified and trained to support the workforce with compliance to this Policy, and guide, monitor and review the Council processes.

Training and Support

- 3.13 Employees are provided with both online and face to face training on child safe practices. The level of training provided will depending on the position.
- 3.14 Workers are encouraged to ask questions and contribute to the continuous improvement of child safe policies, procedures and practices in the workplace.
- 3.15 We promote respect, fairness and consideration for all workers.
- 3.16 This policy and procedure will be available online so that it is accessible to employees and the public.

Communication

- 3.17 We will hold regular information sessions to promote child safe practices.
- 3.18 Our policy will be provided during induction to all employees.
- 3.19 Kids and parents joining our program/s will receive have access to a copy of this policy.

Records

- 3.20 All records are to be accurately maintained and stored in accordance with



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Council's Records Management Policy and Procedure.

4 LEGAL CONSIDERATIONS

Children's Guardian Act 2019

4.1 This Act outlines that the Office of the Children's Guardian will be responsible for the Reportable Conduct Scheme. The scheme oversees how organisations investigate and report on certain conduct (known as 'reportable allegations' and 'reportable convictions') made against their employees, volunteers or certain contractors who provide services to children. This includes the need to notify the Office of the Children's Guardian within 7 days about any reportable allegations and a Final Entity Report must be provided to the Children's Guardian within 30 calendar days.

Children and Young Persons (Care and Protection) Act 1998

4.2 Under this Act, there is a mandatory reporting requirement for any Council employee who delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or in part to children and has reasonable grounds to suspect that a child is "at risk of harm" to report, as soon as practicable a description of the child and the grounds for suspecting that the child is "at risk of harm" to the NSW Department of Community Services (DoCS). For the purposes of this Act a child is a 'person who is under the age of 16 years' and a young person is a 'person who is aged 16 years or above who is under the age of 18 years'.

Child Protection (Working with Children) Act 2012

4.3 Under this Act, Council must organise "Working With Children Checks" for all prospective staff who are looking to be employed in child related employment and have these checks screened by an approved screening agency. The key agency for this Act is the NSW Office of the Children's Guardian (the Guardian). For the purpose of this Act a child means 'a person who is under the age of 18'.

Ombudsman Act 1974

4.4 This Act requires heads of agencies to report to the NSW Ombudsman, within 30 days of becoming aware, any reportable allegations or convictions against employees. Heads of agencies are also required to conduct investigations into reportable allegations or convictions, including allegations which are exempted from notification and to take appropriate action as a result.

5 PROCEDURE

A procedure is available outlining Council's guidelines and processes that are required to be followed in order to meet the objectives of this policy.

ST21 – Strategic Policy – Child Safe

Amendments: Formatting updates only.

Review Due: November 2028	Version 1_25	Last Revision: August 2025
Approved By:	Minute Number:	Approval Date:



Strategic Policy – ST13

Cyber Security

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STRATEGIC POLICY – ST13

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FOR ADOPTION



STRATEGIC POLICY – ST13

1. PURPOSE

- 1.1 This policy outlines the high-level cyber security standards recommended for all NSW Local Government by Cyber Security NSW. It is designed to be read by General Managers/CEOs, Chief Information Officers (or equivalent), Chief Information Security Officers (or equivalent) and Audit and Risk teams.

2. INTRODUCTION

- 2.1 Strong cyber security is an important component of the NSW Beyond Digital Strategy, enabling the effective use of emerging technologies and ensuring confidence in the services provided by NSW Local Government. Cyber security covers all measures used to protect systems – and information processed, stored or communicated on these systems – from compromise of confidentiality, integrity and availability.
- 2.2 Councils must establish effective cyber security operational policies and procedures and embed cyber security into risk management practices and assurance processes. When cyber security risk management is done well, it reinforces organisational resilience, making entities aware of their risks and helps them make informed decisions in managing those risks. This should be complemented with meaningful training, communications and support across all levels of the council.

3. RELATED COUNCIL POLICIES/DOCUMENTS

- Operational Procedure OP141 - Overarching Information Security Framework
- Operational Procedure OP142 – Data Privacy and Protection
- Operational Procedure OP143 – Access Control
- Operational Procedure OP144 – IT Security
- Operational Procedure OP145 – IT Acceptable Use

- Operational Procedure OP146 – Cloud Security
- Operational Procedure – IT Disaster Recovery Plan
- Business Continuity Plan

4. RELATED STATE AND FEDERAL GOVERNMENT POLICIES/DOCUMENTS

- NSW Beyond Digital Strategy
- Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act)
- Health Records and Information Privacy Act 2002 (HRIP Act)
- NSW Government Information Classification, Labelling and Handling Guidelines 2020
- NSW Cyber Security Policy (the Policy)
- Australia's Cyber Security Strategy
- The Protective Security Policy Framework
- Information Security Manual

5. ROLES & RESPONSIBILITIES

- 5.1 Council will have the following roles and responsibilities allocated as part of their cyber security function.

Chief Executive Officer

The CEO is responsible for:

- Appointing or assigning an appropriate senior staff member in the council with the authority to perform the duties outlined in this policy.
- Supporting the council's cyber security plan.
- Ensuring their council develops, implements, and maintains an effective cyber security plan and/or information security plan.
- Determining their council's risk appetite.
- Appropriately resourcing and supporting council cyber security initiatives including training and awareness and continual improvement initiatives to support this policy.

Manager Information Technology

The Manager Information Technology is responsible for:



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- Defining and implementing a cyber security plan that includes consideration of threats, risks and vulnerabilities that impact the protection of the council's information and systems within the council's cyber security risk tolerance.
 - Developing a cyber security strategy, architecture, and risk management process and incorporate these into the council's current risk framework and processes.
 - Assessing and providing recommendations on any exemptions to council information security policies and standards.
 - Attending risk committee meetings.
 - Implementing policies, procedures, practices, and tools to assist with the implementation of this policy.
 - Collaborating with privacy, audit, information management and risk officers to protect council information and systems.
 - Ensuring that all staff understand the cyber security requirements of their roles.
 - Ensuring a secure-by-design approach for new initiatives and upgrades to existing systems, including legacy systems.
 - Ensuring all staff and providers understand their roles in building and maintaining secure systems.
 - Establishing training and awareness programs to increase employees' cyber security capability.
 - Managing the budget and funding for the cyber security program.
- IT Operations Team Leader
The IT Operations Team Leader is responsible for:
- Managing and coordinating the response to cyber security incidents, changing threats, and vulnerabilities.
 - Investigating, responding to, and reporting on cyber security events.
 - Reporting cyber incidents to the Chief Executive Officer (CEO) and Cyber Security NSW, if appropriate.
 - Developing and maintaining cyber security procedures and policies.
 - Providing guidance on cyber security risks introduced from business and operational change.
 - Managing the life cycle of cyber security platforms including design, deployment, ongoing operation, and decommissioning.
 - Ensuring appropriate management of the availability, capacity and performance of cyber security hardware and applications.
 - Providing input and support to regulatory compliance and assurance activities and managing any resultant remedial activity.
 - Developing a metrics and assurance framework to measure the effectiveness of controls.
 - Providing day-to-day management and oversight of operational delivery.
- Council Staff Councillors and General Contractors
Staff, Councillors and all general contractors are responsible for:
- Using and preserve Councils systems and digital assets in a secure way by adhering to security policies and operational standards.
 - Familiarising themselves with Councils policies and standards and being aware of their responsibilities under these.
 - Complying with the requirements of these policies and related operational standards.
 - Report violations or suspected violations of these policies in a timely manner.
- Manager Corporate Governance
The Manager Corporate Governance is responsible for:
- Acting as a focal point within their agency for all matters related to information management that are required to support cyber security.



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- Ensuring that a cyber incident that involved damage or loss is escalated and reported to the appropriate team in Council.

Internal Audit and Risk

The Audit and Risk Committee, and internal staff with a responsibility for audit and risk are responsible for:

- Validating that the cyber security plan meets Council's business goals and objectives and ensuring the plan supports the agency's cyber security strategy.
- Providing assurance regarding the effectiveness of cyber security controls.
- Assisting to ensure the risk framework is applied in assessing cyber security risks and with setting of risk appetite.
- Assisting the Manager, Information Technology in analysing cyber security risks.

6. FOUNDATIONAL REQUIREMENTS

Outlined below are the foundational requirements for a cyber security operational policy framework (See Related Council Policies/Documents at the end of this policy) that focus on enhancing planning and governance, developing a cyber security culture, safeguarding information and systems, strengthening resilience against attacks and improved reporting.

	LEAD	PREPARE	PREVENT	DETECT	RESPOND	RECOVER
1	Council will implement cyber security planning and governance . Council will:					
1.1	Allocate roles and responsibilities as detailed in this policy.					
1.2	Ensure the CEO is accountable for cyber security including risks, plans and meeting the requirements of this policy. Councils need to consider governance of ICT systems to ensure there are no gaps in cyber security related to items such as video surveillance, alarms, life safety and building management systems that use automated or remotely controlled or monitored assets including industrial Internet of Things (IoT) devices.					
1.3	Develop, implement, and maintain an approved cyber security plan that is integrated with Council's business continuity arrangements. This should include consideration of cyber security threats, risks and vulnerabilities that impact the protection of the council's information, ICT assets and services.					
1.4	Include cyber security in their risk management framework and consider cyber security threats when performing risk assessments.					



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1.5	Be accountable for the cyber risks of their ICT service providers and ensure the providers comply with the applicable parts of this policy (Section 2.1) and any other relevant council security policies. This should include providers notifying the council quickly of any suspected or actual security incidents and following reasonable direction from the council arising from incident investigations.
<div> <div>LEAD</div> <div>PREPARE</div> <div>PREVENT</div> <div>DETECT</div> <div>RESPOND</div> <div>RECOVER</div> </div>	
2	Council should build and support a cyber security culture across their organisation. Council should:
2.1	Implement regular cyber security awareness training for all employees and contractors. Ensure that outsourced ICT service providers understand and implement the cyber security requirements of the contract.
2.2	Increase awareness of cyber security risk across all staff including reporting cyber security risks.
2.3	Foster a culture where cyber security risk management is an important and valued aspect of decision-making and where cyber security risk management processes are understood and applied.
2.4	Ensure that people who have access to sensitive or classified information or systems and those with privileged system access have appropriate security screening, and that access is removed when they no longer need to have access, or their employment is terminated.
2.5	Share information on security threats and intelligence with Cyber Security NSW and cooperate across NSW Local Government and NSW Government to enable management of state-wide cyber risk.
<div> <div>LEAD</div> <div>PREPARE</div> <div>PREVENT</div> <div>DETECT</div> <div>RESPOND</div> <div>RECOVER</div> </div>	
3	Council should manage cyber security risks to safeguard and secure our information and systems. Councils must:
3.1	Implement an Information Security Management System (ISMS), Cyber Security Management System (CSMS) or Cyber Security Framework (CSF), with scope at least covering systems identified as the council's "crown jewels". The ISMS, CSMS or CSF should be compliant with, or modelled on, one or more recognised ICT, OT or IoT standard.
3.2	Implement the ACSC Essential 8 ¹ .
3.3	Classify information ² and systems according to their business value (i.e. the impact of loss of confidentiality, integrity or availability), adhere to the requirements of the <i>NSW Government Information Classification Labelling and Handling Guidelines</i> and: <ul style="list-style-type: none"> ○ assign overall responsibility for information asset protection and ownership ○ implement controls according to their classification and relevant laws and regulations ○ identify the council's "crown jewels".

¹ Strategies set out by the Australian Cyber Security Centre aimed at mitigating Cyber Security Incidents.

² <https://www.digital.nsw.gov.au/policy/managing-data-information/information-classification-handling-and-labeling-guidelines>



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3.4	Ensure cyber security requirements are built into procurements and into the early stages of projects and the system development life cycle (SDLC), including agile projects. Any upgrades to existing systems should comply with your organisation's cyber risk tolerance.
3.5	Ensure new ICT systems or enhancements include processes for audit trails and activity logging to assess the accuracy and integrity of data including processes for internal fraud detection.

	LEAD	PREPARE	PREVENT	DETECT	RESPOND	RECOVER
4	Council should improve their resilience including their ability to rapidly detect cyber incidents and respond appropriately. Council should:					
4.1	Have a current cyber incident response plan that integrates with your business continuity plan.					
4.2	Test their cyber incident response plan every year and involve their senior staff responsible for the management of media and external communications.					
4.3	Deploy monitoring processes and tools to allow for adequate incident identification and response.					
4.4	Report cyber security incidents to the Manager, Information Technology or IT operations Team Leader and Cyber Security NSW.					
4.5	Participate in or observe state-wide cyber security exercises as required.					

<i>All policies can be reviewed or revoked by Council, at any time.</i>		
ST13 – Strategic Policy – Cyber Security		
Amendment: Formatting update only.		
Review Due: November 2028	Version 1_25	Last Revision: August 2025
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Strategic Policy – ST14

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FOR ADOPTION



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STRATEGIC POLICY – ST14

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FOR ADOPTION



STRATEGIC POLICY – ST14

1 PURPOSE

- 1.1 To ensure Council complies with its obligations under Local Government Act 1993, Australian Accounting Standards and AASB 124 – Related Party Disclosures concerning disclosures required to be made by Key Management Personnel (KMP).
- 1.2 To provide guidance on determining what equates to Related Party Transactions, who are the Related Parties of Council and who are KMPs
- 1.3 To provide responsibilities for recording and reporting on Related Party Transactions
- 1.4 To ensure that Council's financial statements contain the disclosures necessary to draw attention to the possibility that Council's financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

2 APPLICATION

- 2.1 This policy applies to those who have authority and responsibility for planning, directing and controlling the activities of Council and entities controlled by Council, including elected Councillors, the Chief Executive Officer, Directors, and close family members who can be expected to influence or be influenced by Key Management Personnel named in this policy.

3 WHAT IS A RELATED PARTY?

- 3.1 A Related Party is:
 - a) a person who is a close family member of a KMP where that person has control or joint control of the reporting entity or has significant influence over, or could be influenced by any nominated person in the key management personnel.

- b) an entity related to the Council if the entity is the member of the same group of companies (e.g. parent company or one of its subsidiaries), is part of arrangements such as joint ventures or is an associate of the reporting entity, is a post-employment benefit plan, is an entity controlled, jointly controlled or is significantly influenced by a person identified in (a), is an entity that a person identified in (a) is a key management personnel of, as a related party.

- 3.2 Entities frequently carry on parts of their activities through subsidiaries, joint ventures and associates. Entities may also include companies, trusts, partnerships, incorporated association or unincorporated groups or bodies and non-profit associations such as sporting clubs. In those circumstances, there is the possibility of the entity having the ability to affect the financial and operating policies of Council through the presence of control, joint control or significant influence.

- 3.3 KMP and Councillors needs to consider what associated entities exist when compiling their Related Parties Disclosures form.

4 WHAT IS A RELATED PARTY RELATIONSHIP?

- 4.1 Related Party relationships are a normal feature of commerce and business.
- 4.2 A Related Party relationship could influence the normal business operations of Council even if Related Party Transactions do not occur.
- 4.3 The mere existence of the relationship may be sufficient to affect the transactions of the Council with other parties.



STRATEGIC POLICY – ST14

5 WHAT IS A RELATED PARTY TRANSACTION?

- 5.1 Related Party Transactions are the transfer of resources, services or obligations between Council and a related party. They are considered to be transactions whether or not a price is charged.

Such transactions may include:

- purchase or sale of goods (finished or unfinished)
- purchase or sale of property and other assets
- rendering or receiving services
- leases
- transfers of research and development
- transfers under licence agreements
- transfers under finance arrangements (including loans and equity contributions in cash or in kind)
- provision of guarantees or collateral
- commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised)
- quotations and/or tenders
- commitments
- settlements of liabilities on behalf of Council or by Council on behalf of the related party.

- 5.2 Regard must also be given if transactions that are collectively or individually significant.

6 AASB 124 FRAMEWORK

- 6.1 The Policy establishes that Related Parties and Key Management Personnel will be identified such that transactions between Council and Related Parties can be identified and where assessed as being required to be disclosed, be reported in the annual Financial Statements in accordance with AASB124.

- 6.2 AASB124 requires that Council must disclose the following financial information in its annual Financial Statements:

- disclosure of any Related Party relationships outlining the relationship with any Related Parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period
- Key Management Personnel (KMP) Compensation Disclosures.

- 6.3 The disclosure of Related Parties information requirements under AASB124 are additional to those requirements under this Policy and do not supplant the responsibilities to declare conflicts of interest as identified in the Council's Code of Conduct.

- 6.4 In the preparation of the annual Financial Statements, an assessment of the materiality and significance of the Related Party Transactions will be made to determine the level of disclosure.

- 6.5 AASB124 identifies that the purpose of disclosing Related Parties is to assess where transactions or relationships could impact on the profit and loss of an entity. This may be because a Related Party may enter into transactions in a manner that other parties may not, due to the relationship with the Council or Key Management Personnel. Alternatively, there may be a personal relationship between a Key Management Personnel and their relatives or other persons that could influence the transactions of the Council with another party.

- 6.6 Key Management Personnel are responsible for planning, directing and controlling the Council.

- 6.7 Key Management Personnel are required to identify Related Parties and Related Transactions that they expect will or do occur between those Related Parties and



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Council. Council will itself have Related Parties and Related Transactions which similarly need to be identified.

- 6.8 The Policy identifies the requirement to capture disclosures of Related Parties and Transactions between those Parties and Council and the need to collate the disclosures in a Register. The Register will be used to prepare the required components for inclusion in the annual Financial Statements.

7 IDENTIFICATION AND REPORTING

- 7.1 Disclosures of Related Parties and Transactions will be required of Key Management Personnel at least annually.
- 7.2 The due date for Disclosures will be **30 June** annually.
- 7.3 Key Management Personnel should provide updates on Related Parties and Transactions as issues arise by submitting an updated Related Parties Disclosure Form at times other than the collection date listed above if their situation changes including:
- within 30 days of commencement of the policy
 - within 30 days of a Councillor or KMP commencing with Council
 - within 30 days of a change in circumstances.

8 DISCLOSURE REGISTER

- 8.1 Information collected on the Related Parties Disclosure Form (attached) will be securely stored in Council's Related Parties Disclosure Register.
- 8.2 Access to the Related Parties Disclosure Register will be available only to those who may lawfully be granted access after consideration of matters of privacy and other legislative requirements.
- 8.3 The Related Parties Disclosures Register will be used as the basis for the information included in the annual

Financial Statements to satisfy the Related Party reporting requirements.

- 8.4 The Chief Financial Officer is responsible for the updating and maintenance of the Related Parties Disclosures Register.

9 KEY MANAGEMENT PERSONNEL (KMP)

- 9.1 Key Management Personnel are identified as those persons having authority and responsibility, either directly or indirectly, for planning, directing and controlling the activities of the entity.

- 9.2 Orange City Council has identified as Key Management Personnel:

- Councillors
- Administrators
- Chief Executive Officer
- Directors

10 COMPENSATION DISCLOSURE REQUIREMENTS

- 10.1 KMP Compensation Disclosures require that information on all forms of paid, payable, or provided in exchange for services provided must be disclosed.

- 10.2 This information may include:

- *Short-term employee benefits* such as:
 - wages, salaries and social security contributions
 - paid annual leave and paid sick leave
 - profit sharing and bonuses (if payable within twelve months of the end of the period)
 - non-monetary benefits (such as medical care, housing, cars and free and subsidised goods or services) for current employees.
- *Post-employment benefits* such as:
 - pensions, other retirement benefits
 - post-employment life insurance
 - post-employment medical care
- *Other long-term employee benefits*, including:
 - long-service leave or sabbatical leave
 - jubilee or other long-service benefits



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- long-term disability benefits
- and, if they are not payable wholly within twelve months after the end of the period, profit sharing, bonuses and deferred compensation
- *Termination benefits.*

11 CLOSE FAMILY MEMBERS

- 11.1 The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment with details to be submitted on the Related Parties Disclosure form.
- 11.2 KMP have an ongoing responsibility to advise Council immediately of any changes to Related Parties and associated Transactions.
- 11.3 Close family members of the KMP are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council, and include:
- that person's children
 - that person's spouse/domestic partner
 - children of that person's spouse/domestic partner
 - dependants of that person or that person's spouse/domestic partner.
- 11.4 In addition to those family member identified above as close family members, a KMP may have other members of their extended family who they should identify as close family members if these family members could be expected to influence, or be influenced by, that person in their dealings with Council. This could include:
- that person's brothers and sisters
 - that person's spouse/domestic partner's brothers and sisters
 - aunts, uncles, and cousins of that person's or that person's spouse/domestic partner
 - dependants of those person's or that person's spouse/domestic partner

- that person's or that person's spouse/domestic partners', parents and grandparents.

- 11.5 It is the responsibility of KMP to assess and report all related parties that they know do, or expect are likely to, have transactions with Council.

12 CONSIDERATION OF TRANSACTIONS

- 12.1 The Disclosure process will consider all transactions between Council and persons and entities the Council or KMPs have named as related parties.
- 12.2 Collations of the disclosures may be made in some circumstances. AASB 124 provides that Council must disclose all material and significant Related Party Transactions and outstanding balances, including commitments, in its annual Financial Statements. Generally, reporting will be made where a transaction has occurred between Council and a related party of Council where the transaction is material and/or significant in nature or size when considered individually or collectively.
- 12.3 For the purpose of this policy, it is not considered appropriate to set either a dollar value or a percentage value to determine materiality. In preparing the information for the annual Financial Statements, the Council will consider the information in the Related Parties Disclosures Register on the basis of materiality and significance.

Ordinary citizen transactions

- 12.4 Ordinary citizen transactions do not need to be disclosed on the basis of services being available to all citizens at the same fee or level of service. Examples include:
- paying rates and charges
 - paying normal entry fee for use of the Council's swimming pool
 - attending the theatre when tickets have been bought at prices other



STRATEGIC POLICY – ST14

patrons would pay fines on normal terms and conditions.

13 DISCLOSURE OF INFORMATION

13.1 AASB 124 provides that Council must disclose all material and significant Related Party Transactions in its annual Financial Statements by aggregate or general description and include the following detail:

- the nature of the Related Party Relationship, and
- relevant information about the transactions including:
 - the amount of the transaction;
 - the amount of outstanding balances, including commitments, and
 - their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in the settlement; and
 - details of any guarantee given or received;
- provision for doubtful debts related to the amount of outstanding balances; and
- the expense recognised during the period in respect of bad or doubtful debts due from Related Parties.

13.2 Generally, transactions with amounts receivable from and payable to KMP or their Related Parties which occur within normal employee, customer or supplier relationships and at arm's length and are not material or significant, shall be excluded from detailed disclosures, but they will be disclosed in the financial statements by general description.

13.3 Disclosures that Related Party Transactions were made on terms equivalent to an arm's length transaction can only be made if such terms can be substantiated.

All policies can be reviewed or revoked by Council, at any time.

ST14 – Strategic Policy – Related Parties

Review Due: November 2028	Version 1_25	Last Revision: August 2025
Approved By:	Minute Number:	Approval Date:



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Councillor Related Parties

DISCLOSURE FORM

YEAR:

NAME OF KEY MANAGEMENT PERSONNEL (KMP): Councillor

Name of related person or entity	Your relationship with this person	Nature of transaction(s) with Council	Place of employment (if applicable)
Eg: Partner's name/Child's name	Eg: Wife/daughter/son	Eg: Nil	

FOR ADOPTION

Acknowledgement

I confirm all the information I have provided is correct.

COUNCILLOR'S NAME:

SIGNATURE:

DATE:



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Related Parties

DISCLOSURE FORM

YEAR:

NAME OF KEY MANAGEMENT PERSONNEL (KMP):

Name of related person or entity	Your relationship with this person	Nature of transaction(s) with Council	Place of employment (if applicable)
Eg: Partner's name/Child's name	Eg: Wife/daughter/son	Eg: Contracts/work for Council	

FOR ADOPTION

Acknowledgement

I confirm all the information I have provided is correct.

NAME:

SIGNATURE:

DATE:



Strategic Policy – ST07

Modern Slavery Prevention

FOR ADOPTION

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STRATEGIC POLICY – ST07

1 PURPOSE

- 1.1 To ensure Orange City Council's (Council) operations and supply chains do not cause, involve, or contribute to modern slavery; and
- 1.2 To ensure its suppliers, relevant stakeholders, and others with whom Council does business, respect and share its commitment regarding minimising the risk of modern slavery.

2 DEFINITION

- 2.1 **Modern slavery** (as defined in the Modern Slavery Act 2018 (NSW)) is any conduct constituting a modern slavery offence within the meaning of that Act and any conduct involving the use of any form of slavery, servitude or forced labour to exploit children or other persons taking place in the supply chains of organisations.

3 APPLICABILITY

- 3.1 The Chief Executive Officer has overall responsibility for ensuring this policy complies with Council's legal and ethical obligations, and that all those under Council's control comply with it.
- 3.2 Council's managers have primary and day-to-day responsibility for implementing this policy and ensuring all employees are given adequate and regular training on it and the issue of modern slavery in supply chains.
- 3.3 This policy applies to all persons employed by Council or on Council's behalf in any capacity. The prevention, detection, and reporting of modern slavery in any part of Council's operations or supply chain is their responsibility.

4 COUNCILS COMMITMENT

Council is committed to combating modern slavery by:

- 4.1 Identifying where modern slavery risks are in Council's supply chain and assessing the degree of those risks.
- 4.2 Engaging with Council's suppliers to identify which are committed to minimising the risk of modern slavery in their own supply chains and operations. This will primarily be done by asking suppliers to complete a Modern Slavery Questionnaire.
- 4.3 Completing a modern slavery risk checklist prior to making a purchase.
- 4.4 Including modern slavery assessment criteria in Requests for Quotations and Requests for Tenders.
- 4.5 Including a modern slavery clause in Contracts.
- 4.6 Providing adequate training for all Council staff to ensure they are aware of what modern slavery is, what Council's modern slavery risks are and how to raise any identified or potential concerns.
- 4.7 Establishing a complaint process enabling staff and others to raise concerns about modern slavery.

5 RELATED DOCUMENTS

- Strategic Policy Purchasing Policy
- Strategic Policy Buy Local Purchasing
- Purchasing Policy and Procurement Procedure Manual
- Conduct of Conduct
- Work Health and Safety Management Policy Statement
- OCCOHS 028 V2_11 Risk Assessment for Purchasing and Hiring
- Local Government Act 1993
- Modern Slavery Act 2018

All policies can be reviewed or revoked by Council, at any time.

ST07 – Strategic Policy – Modern Slavery Prevention

Amendments: Formatting update only.

Review Due: November 2028

Version 1_25

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Minute Number:

Approval Date:



Strategic Policy – ST18

Social Media

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STRATEGIC POLICY – ST18

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FOR ADOPTION



STRATEGIC POLICY – ST18

1 OVERVIEW

Social media and Local Government in NSW

- 1.1 As in the federal and state jurisdictions, social media has become an important tool in government and political discourse at the local level. In the context of NSW local government, social media has two primary functions:
- it is used by councils to interact and share information with their communities in an accessible and often more informal format.
 - it enables councillors to promote their achievements and address their constituents directly about community issues and events in ways that either complement or bypass traditional news and print media.
- 1.2 In addition, many councils use social media as the platform through which they webcast their meetings. This increases transparency by providing visibility of council decision making in real time.
- 1.3 However, councils and councillors are not immune from the challenges associated with social media, which can pose a significant risk both in a legal sense, and in terms of a council's ability to operate in a unified and coordinated way. It is therefore vital that councils have the right policy settings in place so that both councils and councillors can realise the full benefits of social media whilst mitigating risk.
- 1.4 Clause 3.1(b) of the Model Code of Conduct for Local Councils in NSW provides that council officials must not conduct themselves in a manner that is contrary to a council's policies. If adopted by a council, a breach of the policy will be a breach of the council's code of conduct.

2 PRINCIPLES

- 2.1 We, the Councillors, staff and other officials of Orange City Council, are committed to upholding and promoting the following principles of social media engagement:

Openness	Our social media platforms are places where anyone can respectfully share and discuss issues that are relevant to our Council and the community we represent and serve.
Relevance	We will ensure our social media platforms are kept up to date with informative content about our Council and community.
Accuracy	The content we upload onto our social media platforms and any other social media platform will be a source of truth for our Council and community and we will prioritise the need to correct inaccuracies when they occur.
Respect	Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's code of conduct when using our social media platforms and any other social media platform. We will apply these same standards to those who choose to engage with our posts.



STRATEGIC POLICY – ST18

3 ADMINISTRATIVE FRAMEWORK FOR COUNCIL'S SOCIAL MEDIA PLATFORMS

Platforms

3.1 Council will maintain a presence (but not limited to) on the following social media platforms:

- Facebook
- Twitter
- Instagram
- LinkedIn
- YouTube

3.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

Establishment and deletion of Council social media platforms

3.3 A new Council social media platform, or a social media platform proposed by a Council related entity (for example, a council committee), can only be established or deleted with the written approval of the Chief Executive Officer or their delegate.

3.4 Where a Council social media platform is established or deleted in accordance with clause 3.3, the Chief Executive Officer or their delegate may amend clause 3.1 of this policy without the need for endorsement by the Council's governing body.

Appointment and role of the Social Media Coordinator

3.5 The Chief Executive Officer will appoint a member of Council staff to be the Council's Social Media Coordinator. The position is to be a senior and suitably qualified member of staff being the Manager Communications & Engagement.

3.6 The Chief Executive Officer may appoint more than one Social Media Coordinator.

3.7 The Manager Communications & Engagement's role is to:

- a) approve and revoke a staff member's status as an authorised user

- b) develop and/or approve the training and/or induction to be provided to authorised users

- c) maintain a register of authorised users

- d) maintain effective oversight of authorised users

- e) moderate the Council's social media platforms in accordance with Part 5 of this policy

- f) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 8.1 to 8.4 of this policy)

- g) ensure the Council adheres to the rules of the social media platform(s)

- h) coordinate with the Council's Communications & Engagement team to ensure the Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.

3.8 The Manager Communications & Engagement may delegate their functions under paragraphs (e) and (f) of clause 3.7 to authorised users.

3.9 The Manager Communications & Engagement is an authorised user for the purposes of this policy.

Authorised users

3.10 Authorised users are members of Council staff who are authorised by the Chief Executive Officer or Manager Communications & Engagement to upload content and engage on social media on the Council's behalf.

3.11 Authorised users may be members of Council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.

3.12 The Chief Executive Officer or Manager Communications & Engagement will appoint authorised users when required.



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3.13 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.

3.14 The role of an authorised user is to:

- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
- b) correct inaccuracies in Council generated content
- c) engage in discussions and answer questions on Council's behalf on social media platforms
- d) keep the Council's social media platforms up to date
- e) where authorised to do so by the Manager Communications & Engagement :
 - i) moderate the Council's social media platforms in accordance with Part 5 of this policy
 - ii) ensure the Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)

3.15 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.

3.16 Authorised users must not use Council's social media platforms for personal reasons.

Administrative Tone

3.17 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.

3.18 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

Register of Authorised Users

3.19 The Manager Communications & Engagement will maintain a register of authorised users. This register is to be reviewed annually to ensure it is fit-for-purpose.

Ceasing to be an Authorised User

3.20 The Chief Executive Officer or Manager Communications & Engagement may revoke a staff member's status as an authorised user, if:

- a) the staff member makes such a request
- b) the staff member has not uploaded content onto any of the Council's social media platforms in the last six months.
- c) the staff member has failed to comply with this policy
- d) the Chief Executive Officer or Manager Communications & Engagement is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

4 ADMINISTRATIVE FRAMEWORK FOR COUNCILLORS' SOCIAL MEDIA PLATFORMS

4.1 For the purposes of this policy, Councillor social platforms are not Council social media platforms. Section 3 of this policy does not apply to Councillors' social media platforms.

4.2 Councillors are responsible for the administration and moderation of their own social media platforms.

4.3 Clause 4.2 also applies to Councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.

Induction and Training



STRATEGIC POLICY – ST18

- 4.4 Councillors who engage, or intend to engage, on Council's social media must receive induction training on social media use. Induction training can be undertaken either as part of the Councillor's induction program or as part of their ongoing professional development program.

Identifying as a Councillor

- 4.5 Councillors must identify themselves on their social media platforms.
- 4.6 If a Councillor becomes or ceases to be the Mayor, Deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within 14 days of a change in circumstances.

Other general requirements for Councillors' social media platforms

- 4.7 Councillor social media platforms should specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 4.8 A Councillor's social media platform must include a disclaimer to the following effect:
- 4.9 *"The views expressed and comments made on this social media platform are my own and not that of the Council".*
- 4.10 Despite clause 4.10, Mayoral or Councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a Councillor's social media platform.
- 4.11 Councillors may upload publicly available Council information onto their social media platforms.

Other social media platforms administered by Councillors

- 4.12 A Councillor must advise the Chief Executive Officer or Manager Communications & Engagement of any social media platforms they administer on which content relating to the Council or Council officials is, or is expected to be,

uploaded. The Councillor must do so within:

- a) 14 days of becoming a Councillor, or
- b) 14 days of becoming the administrator.

5 STANDARDS OF CONDUCT ON SOCIAL MEDIA

- 5.1 This policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The policy does not apply to personal use of social media that is not connected with a person's role as a Council official.
- 5.2 Council officials must comply with the Council's Code of Conduct when using social media in an official capacity or in connection with their role as a Council official.
- 5.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to other Council officials or members of the public
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e) contains content about the Council, council officials or members of the public that is misleading or deceptive
 - f) divulges confidential Council information



STRATEGIC POLICY – ST18

- g) breaches the privacy of other council officials or members of the public
 - h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*
 - i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
 - j) commits the Council to any action
 - k) violates an order made by a court
 - l) breaches copyright
 - m) advertises, endorses or solicits commercial products or business
 - n) constitutes spam
 - o) is in breach of the rules of the social media platform.
- 5.4 Council officials must:
- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
 - b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 5.5 Council officials must exercise caution when sharing, liking, retweeting content as this can be regarded as an endorsement and/or publication of the content.
- 5.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.
- 5.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

6 MODERATION OF SOCIAL MEDIA PLATFORMS

Note: Councils and Council officials should be aware that they may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:

- is uploaded by a third party; and/or
- appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.

6.1 Council officials who are responsible for the moderation of the Council's or Councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

6.2 For the purposes of this Part, 'social media platform' and 'platform' means both the Council's and Councillors' social media platforms.

House Rules

6.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.

6.4 At a minimum, the House Rules should specify:

- a) the principles of social media engagement referred to in clause 2.1 of this policy
- b) the type of behaviour or content that will result in that content being removed or 'hidden', or a person being blocked or banned from the platform
- c) the process by which a person can be blocked or banned from the platform and rights of review
- d) a statement relating to privacy and personal information (see clause 8.4 of this policy)
- e) when the platform will be monitored (weekdays 9am – 5pm, during the Council's business hours)
- f) that the social media platform is not to be used for making complaints about the Council or council officials.



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- g) If the Council adopts clause 6.4(f), the House Rules should include information about, or a link to, Council's complaints handling policy.
- 6.5 For the purposes of clause 6.4(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
- is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
 - contains profane language or is sexual in nature
 - constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - contains content about the Council, council officials or members of the public that is misleading or deceptive
 - breaches the privacy of council officials or members of the public
 - contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*,
 - violates an order made by a court
 - breaches copyright
 - advertises, endorses or solicits commercial products or business,
 - constitutes spam
 - would be in breach of the rules of the social media platform.
- Removal or 'hiding' of Content
- 6.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the moderator, is of a kind specified under clause 6.5, the moderator may remove or 'hide' that content.
- 6.7 Prior to removing or 'hiding' the content, the moderator must make a record of it (for example, a screenshot).
- 6.8 If the moderator removes or 'hides' the content under clause 6.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 6.9 A person may request a review of a decision by a moderator to remove or 'hide' content under clause 6.6. The request must be made in writing to the Chief Executive Officer and state the grounds on which the request is being made.
- 6.10 Where a review request is made under clause 6.9, the review is to be undertaken by the Chief Executive Officer or Manager Communications & Engagement or a member of staff nominated by the Chief Executive Officer who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.
- Blocking or Banning
- 6.11 If a person uploads content that is removed or 'hidden' under clause 6.6 of this policy on 3 occasions, that person may be blocked or banned from the social media platform.
- 6.12 A person may only be blocked or banned from a Council social media platform with the approval of the Chief Executive Officer or Manager Communications & Engagement. This clause does not apply to blocking or banning a person from a Councillor's social media platform.
- 6.13 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.



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- 6.14 The duration of the block or ban is to be determined by the Chief Executive Officer or Manager Communications & Engagement, or in the case of a Councillor's social media platform, the Councillor.
- 6.15 Where a determination is made to block or ban a person from a social media platform or all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 6.16 Despite clauses 6.11 to 6.15, where a person uploads content of a kind referred to under clause 6.5, and the moderator is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than 28 days.
- 6.17 A person who is blocked or banned from the platform/all platforms under clause 6.16 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 6.11 to 6.15.
- 6.18 A person may request a review of a decision to block or ban then from a social media platform. The request must be made in writing to the Chief Executive Officer and state the grounds on which the request is being made.
- 6.19 Where a review request is made under clause 6.18, the review is to be undertaken by the Chief Executive Officer or a member of staff nominated by the Chief Executive Officer who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the Chief Executive Officer, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 6.20 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., a moderator may block or ban the person from the platform(s) immediately. In these circumstances, clauses 6.11 to 6.19 do not apply.
- ### 7 USE OF SOCIAL MEDIA DURING EMERGENCIES
- 7.1 During emergencies, such as natural disasters or public health incidents, the Manager Communications & Engagement will be responsible for the management of content on the Council's social media platforms.
- 7.2 To ensure consistent messaging both during and after an emergency, authorised users and Council officials must not upload content onto the Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 7.3 Training on social media use during emergencies should be included in training and/or induction provided to authorised users and Councillors.
- ### 8 RECORDS MANAGEMENT AND PRIVACY REQUIREMENTS
- Records management for Council managed Social Media accounts
- 8.1 Social media content created, sent and received by Council officials acting in their official capacity is a Council record and may constitute open access information or be



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subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and the Council's approved records management policies and practices.

- 8.2 You must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with the Council's Manager Corporate Governance and comply with the requirements of the *State Records Act 1998*.
- 8.3 In fulfilling their obligations under clauses 8.1 and 8.2, Council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for Councils' social media content.

Privacy considerations and requirements

- 8.4 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 8.5 The Privacy and Personal Information Protection Act 1998 applies to the use of social media platforms by the Council. To mitigate potential privacy risks, Council officials will:
- advise people not to provide personal information on social media platforms
 - inform people if any personal information they may provide on social media platforms is to be used for official purposes
 - moderate comments to ensure they do not contain any personal information
 - advise people to contact the Council through alternative channels if they

have personal information they do not want to disclose in a public forum.

- 8.6 Council officials must ensure they comply with the Health Records and Information Privacy Act 2002 when engaging on and/or moderating social media platforms. In fulfilling their obligations, Council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

9 PRIVATE USE OF SOCIAL MEDIA

Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.

The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.

What constitutes 'private' use?

- 9.1 For the purposes of this policy, a Council official's social media engagement will be considered 'private use' when the content they upload:
- is not associated with, or does not refer to, the Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of the Council in their official or professional capacities, and
 - is not related to or does not contain information acquired by virtue of their
 - employment or role as a Council official.
- 9.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.
- Use of social media during work hours
- 9.3 Council staff may only access and engage on social media in their private capacity while at work during breaks.



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9.4 Council staff who access and engage on social media in their private capacity during work hours must ensure it does not interfere with the performance of their official duties.

10 CONCERNS OR COMPLAINTS

10.1 Concerns or complaints about the administration of a council's social media platforms should be made to the council's

Chief Executive Officer or Manager Communications & Engagement in the first instance.

10.2 Complaints about the conduct of Council officials (including Councillors) on social media platforms may be directed to the Chief Executive Officer.

10.3 Complaints about a Chief Executive Officer's conduct on social media platforms may be directed to the Mayor.

11 DEFINITIONS

In this Social Media Policy, the following terms have the following meanings:

authorised user	members of Council staff who are authorised by the Chief Executive Officer Manager Communications & Engagement to upload content and engage on the Council's social media platforms on the Council's behalf.
Council official	Councillors, members of staff and delegates of the Council (including members of committees that are delegates of the council).
minor	for the purposes of clause 5.4(b) of this policy, is a person under the age of 18 years
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
SMC	is a council's social media coordinator appointed under clause 3.5 of this policy
social media	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

All Policies can be reviewed or revoked by Council, at any time.

ST18 – Strategic Policy – Social Media

Amendments: Formatting Updated Only.

Review Due: November 2028	Version 1_25	Last Revision: August 2025
Approved By:	Minute Number:	Approval Date:



Orange City Council Social Media Guidelines

Orange City Council has Social Media Community Guidelines to help create a safe environment on all its social media channels.

Orange City Council's social media channels exist to share information about what's happening in the City of Orange and surrounds, Council activities, issues that affect Orange residents, information about Council's services and content of community interest.

We want our social media channels to be a safe place where members of our community can engage in debate and are free to make constructive comments, questions and suggestions. We encourage you to join in the discussion, ask questions and share your ideas with us. We ask that anyone engaging with our social media channels shows courtesy, kindness and respect for Council, Councillors, Council staff and all other contributors.

To help everyone enjoy our social media channels, we have set out some guidelines which apply to any engagement with us or other members of the community on our social media channels.

When you post or comment on our social media channels, or otherwise respond to one of our posts, you are agreeing to abide by these Social Media Community Guidelines.

- Comments, posts or direct messages must not be defamatory of any person, disruptive, derogatory, threatening, intimidating, hateful, inflammatory or promote sexually explicit material or violence. Personal attacks, harassment, name-calling, bullying, trolling and abuse will not be tolerated.
- We do not allow obscene, profane, indecent, pornographic, unlawful or offensive comments, posts or direct messages, including masked profanity where symbols, initials, intentional misspellings or other characters are used to suggest profane language.
- Comments, post or messages must not contain personal information or breach a person's privacy in accordance with the [Privacy and Personal Information Protection Act 1998](#).
- Content must not be off-topic, false, fraudulent, deceiving, misleading, irrelevant, repetitive or unintelligible.
- Discrimination or hate speech based on race, gender, religion, nationality, disability, sexual orientation, gender identity or age is not permitted.
- Comments, posts or direct messages must not contain spam or links to any kind of virus, malware, spyware or similar program that could cause harm to a user's computer.
- Content must not breach any of the terms of any of the social media platforms themselves.



Orange City Council's social media channels are moderated during business hours. Moderation outside these hours is not guaranteed. Comments will be restricted if we consider it appropriate.

Orange City Council's social media channels must not be used for making complaints about the Council, Councillors or Council staff. To make a complaint, [contact Orange City Council here](#).

Breach of guidelines

Orange City Council wants its social media platforms to be a tool of constructive, open discussion and debate, however, without limitation, we reserve the right to determine whether contributions to our social media channels breach our guidelines. We reserve the right to remove any content that we have deemed does not follow our guidelines. We will hide or delete comments made on our channels that breach our guidelines, as well as block users who do not follow these guidelines. We will restrict comments if we determine the conversation no longer meets our guidelines.

We also reserve the right to send any comments we deem appropriate to law enforcement authorities for investigation as we feel necessary or is required by law.

Blocking or banning

If a person breaches Orange City Council's social media guidelines on one of its channels on three occasions they will be blocked from that platform, however, if a person uploads content that the moderator deems to pose a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban may be imposed immediately for 28 days.

A person may request a review of a decision to block or ban them from a social media platform. The request must be made in writing to the Chief Executive Officer and state the grounds on which the request is being made.



Strategic Policy – ST19

Media

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STRATEGIC POLICY – ST19

1 OVERVIEW

- 1.1 The Model Media Policy has been developed to provide a framework to assist councils when dealing with the media and to ensure that media engagement by councillors and staff is consistent, accurate and professional and enhances the council's reputation.
- 1.2 Effective media engagement can assist councils to keep their community informed, explain decisions and to promote community confidence in the council and its decisions.
- 1.3 The term "media" used in this policy means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters.

2 PRINCIPLES

- 2.1 We, the Councillors, staff, and other officials of Orange City Council, are committed to upholding and promoting the following principles of media engagement:

Openness	We will ensure that we promote an open exchange of information between our council and the media.
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Consistency	We will ensure consistency by all councillors and staff when communicating with the media.
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Accuracy

The information we share with the media will be a source of truth for our council and community and we will prioritise the need to correct inaccuracies when they occur.

Timeliness

We will ensure that we respond to media enquiries in a timely manner.

3 ADMINISTRATIVE FRAMEWORK FOR ENGAGEMENT WITH MEDIA

Appointment and role of the Media Coordinator

- 3.1 The Chief Executive Officer will appoint a member of Council staff to be the Council's Media Coordinator. The Media Coordinator should be a suitably qualified member of staff being the Manager Communications & Engagement.
- 3.2 The Chief Executive Officer may appoint more than one Media Coordinator.
- 3.3 The Media Coordinator's role is to:
 - a) be the lead point of contact for all media enquiries, requests for interviews, requests to film or photograph Council staff, facilities or events for news and current affairs purposes
 - b) be responsible for preparing all media statements prior to their release
 - c) liaise with relevant staff members within the organisation where appropriate.



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- d) ensure that media statements are approved by the Mayor and/or Chief Executive Officer prior to their release
- e) develop and/or approve media training and/or induction to be provided to relevant staff and/or Councillors
- f) maintain a record of all media enquiries and responses
- g) ensure that media organisations and their representatives are treated professionally, equally and without bias
- h) ensure that media enquiries are dealt with promptly
- i) provide guidance to Councillors approached by the media for comment to avoid communication of misinformation, and
- j) ensure that all media releases are published on the Council's website.

4 WHO CAN ENGAGE WITH THE MEDIA

The Chief Executive Officer

- 4.1 The Chief Executive Officer is the official spokesperson for the Council on operational and administrative matters.
- 4.2 The Chief Executive Officer may delegate to other Council staff to speak on their behalf where appropriate, (for example, where the delegated staff member has professional expertise regarding the subject matter, or the Chief Executive Officer is unavailable).

The Mayor

- 4.3 The Mayor is the principal member and spokesperson of the governing body of the Council, including representing the views of the Council

as to its local priorities (section 226(c) of the Local Government Act 1993).

- 4.4 If the Mayor is unavailable, the Deputy Mayor may act as the Council's spokesperson.

- 4.5 The Mayor may delegate their role as spokesperson to other Councillors where appropriate, (for example, where another Councillor is best placed to comment, because the issue is of particular interest to them, or it is within their particular area of expertise).

Councillors

- 4.6 As a member of the governing body and as a representative of the community, councillors are free to express their personal views to the media.

- 4.7 When engaging with the media Councillors:

- a) must not speak for the Council unless authorised to do so
- b) must clarify when speaking to the media that they are expressing their personal views as an individual Councillor and that they are not speaking for the Council (unless authorised to do so)
- c) must uphold and accurately represent the policies and decisions of the Council
- d) must not disclose Council information that has not been made public, unless authorised to do so, and
- e) may seek information and guidance from the Chief Executive Officer/Manager Communications & Engagement where appropriate before providing comment to the media to ensure they have the most



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up-to-date and relevant information and have considered reputational or other risks.

- 4.8 In the interests of promoting a positive, safe and harmonious organisational culture, Councillors should endeavour to resolve personal differences privately and must not prosecute them publicly through the media
- 4.9 Where Councillors (including the Mayor) become aware of potential issues that could result in media interest, they should provide this information to the Chief Executive Officer or Manager Communications & Engagement.

Council Staff

- 4.10 Council staff must not speak to the media about matters relating to the Council unless authorised by the Chief Executive Officer or Manager Communications & Engagement to do so.
- 4.11 If Council staff receive a media enquiry or they are invited to comment to the media on a matter relating to the Council, they must refer the enquiry to the Chief Executive Officer or Manager Communications & Engagement.
- 4.12 Council staff are free to express their personal views to the media on matters that do not relate to the Council, but in doing so, must not make comments that reflect badly on the Council or that bring it into disrepute.
- 4.13 If authorised to speak to the media, Council staff:
- must uphold and accurately represent the policies and decisions of the Council

- must not disclose Council information unless authorised to do so by the Chief Executive Officer or Manager Communications & Engagement, and
- must seek information and guidance from the Chief Executive Officer or Manager Communications & Engagement where appropriate before providing comment to the media to ensure they have the most up-to-date and relevant information and have considered reputational or other risks

- 4.14 Where Council staff become aware of potential issues that could result in media interest, they should provide this information to the Chief Executive Officer or Manager Communications & Engagement.

Tone

- 4.15 All media engagement by Council officials must be conducted in a professional, timely and respectful manner.

Induction & Training

- 4.16 The Council must provide training to Council officials who engage or are authorised to engage with the media.
- 4.17 Media engagement training will be provided to Councillors as part of their induction or refresher training or as part of their ongoing professional development program.

Councillors' questions about media engagement

- 4.18 Councillors are advised to direct any questions about their obligations under this policy to the Chief Executive Officer or Manager Communications & Engagement.



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5 STANDARDS OF CONDUCT WHEN ENGAGING WITH THE MEDIA

- 5.1 Council officials must comply with the Council's Code of Conduct when engaging with the media in an official capacity or in connection with their role as a Council official.
- 5.2 Council officials must not share information or make comments to the media through either direct or indirect mechanisms that:
 - a) are defamatory, offensive, humiliating, threatening, or intimidating to other Council officials or members of the public
 - b) contains profane language or is sexual in nature
 - c) constitutes harassment and/or bullying within the meaning of the *Model Code of Conduct for Local Councils in NSW*, or is unlawfully discriminatory
 - d) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - e) contains content about the Council, Council officials or members of the public that is misleading or deceptive
 - f) divulges confidential Council information
 - g) breaches the privacy of other Council officials or members of the public
 - h) contains allegations of suspected breaches of the Council's Code of Conduct or information about the

consideration of a matter under the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*

- i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
- j) commits the Council to any action
- k) violates an order made by a court
- l) breaches copyright
- m) advertises, endorses, or solicits commercial products or business.

6 USE OF MEDIA DURING EMERGENCIES

- 6.1 During emergencies, such as natural disasters or public health incidents, The Manager Communications & Engagement will be responsible for coordinating media releases and statements on behalf of the Council.
- 6.2 Councillors, Council staff and other Council officials must not provide comment or information to the media that is inconsistent with official advice issued by the Council and any other agency coordinating the emergency response.

7 MEDIA ENGAGEMENT IN THE LEAD UP TO ELECTIONS

- 7.1 This policy does not prevent the Mayor or Councillors who are candidates at a Council or any other election from providing comment to the media in their capacity as candidates at the election.



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7.2 Any media comment provided by the Mayor or Councillors who are candidates at a Council or another election must not be provided in an advertisement, newspaper column, or a radio or television broadcast paid for by the Council or produced by the Council or with Council resources.

8 RECORDS MANAGEMENT REQUIREMENTS

8.1 Media content created and received by Council officials (including Councillors) acting in their official capacity is a Council record and may be subject to information access applications made under the Government Information (Public Access) Act 2009. These records must also be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

9 DEFINITIONS

In this Media Policy, the following terms have the following meanings:

Council official	Councillors, members of staff and delegates of the council (including members of committees that are delegates of the council)
Media Coordinator	means a person appointed under clause 1.3 of this policy
Media	means print, broadcast and online media used for communicating information to the public, including, but not limited to, newspapers, magazines, internet publishers, radio, and television broadcasters
Personal information	means information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
Social media	means online platforms and applications, such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards, that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr and Wikipedia

All policies can be reviewed or revoked by the Council, at any time.

ST19 – Strategic Policy – Media

Amendment: Formatting Updates Only.

Review Due: November 2028

Version 1_25

Last Revision: August 2025

Approved By:

Minute Number:

Approval Date:



Strategic Policy – ST26

Council-Related Development
Applications – Managing
Conflict of Interests

FOR ADOPTION

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STRATEGIC POLICY – ST26

1 PURPOSE

- 1.1 This policy aims to manage potential conflict of interests and increase transparency at all stages of the development process for Council-related development.

2 APPLICABILITY

- 2.1 This policy applies to all Council-related Development.

3 PROCESS FOR IDENTIFYING AND MANAGING POTENTIAL CONFLICT OF INTERESTS

Management Controls and Strategies

- 3.1 Management controls for the assessment of an application for council-related development:

- a) Development Applications will be assessed by Council's Development Assessment Team or as otherwise directed by Council's CEO following an assessment of whether or not there is a potential conflict of interest. The assessment could for example include consideration of the type of development (non-controversial, small scale development, development of a certain value with or without commercial interest, controversial development) or the Capital investment value (Refer to Section 3 of this policy relating to risk assessment). In circumstances where it is determined by the CEO that a potential conflict of interest exists the CEO may consider alternate options to the assessment of the development application, such as referral to either:
- (1) another council;
 - (2) independent planning consultant.
- b) The applicant/proponent shall only engage with the assessing officer/s of the development application, the same as any other member of the general public.

- c) Council related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (Environmental Planning and Assessment Act 1979, schedule 1, clause 9B)

- 3.2 The following management controls that shall apply to the determination of a development application for council-related development.

- a) Determination of an application could be undertaken by staff under delegation – this is appropriate only if the CEO is of the view that the proposal is considered to be a low risk level or non- controversial.
- b) Determination of significant Council related development where the CEO is of the view that Council will be financial beneficiary will be undertaken by PDC/Council.
- c) Determination of Council related development with a CIV greater than \$2,500,000 but less than \$5,000,000 will be undertaken by PDC/Council.
- d) Determination of Council related development with a CIV of more than \$5,000,000 will be undertaken by the Western Region Planning Panel, a statutory body independent of Council.

- 3.3 Management controls relating to the regulation and enforcement of approved Council related development:

- a) The regulation and enforcement of approved Council related development shall be in accordance with the relevant legislation.
- b) The regulation and enforcement of Council related development may include:
 - Engagement of a private certifier
 - publication of certificates issued under Part 6 of the Act on the NSW Planning Portal
 - Peer review by a neighbouring council and/or entering into a shared services arrangement with a neighbouring council.



STRATEGIC POLICY – ST26

- Reporting of key milestones to Council/PDC.
- 3.4 The management strategy for the following kinds of development is that no management controls need to be applied:
 - a) Exempt developments
 - b) commercial fit outs and minor changes to the buildings
 - c) internal alterations or additions to buildings that are not a heritage item
 - d) advertising signage
 - e) minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
 - f) development where the council might receive a small fee for the use of their land.
 - g) Subdivisions comprising boundary adjustments, provision of public facilities and/or assets, road widenings etc and community land used for a public purpose
 - h) temporary structures and/or the use of land for community events.

4 IDENTIFYING WHETHER A POTENTIAL CONFLICT OF INTEREST EXISTS, ASSESSMENT OF THE RISK LEVEL AND DETERMINATION OF APPROPRIATE MANAGEMENT CONTROLS

- 4.1 Development applications lodged with the council that are council-related development are to be referred to the Chief Executive Officer for a conflict-of-interest risk assessment.
- 4.2 The Chief Executive Officer is to:
 - a) assess whether the application is one in which a potential conflict of interest exists.
 - b) identify the phase(s) of the development process at which the identified conflict of interest arises.
 - c) assess the level of risk involved at each

- phase of the development process.
- d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in the policy. *Note: The Chief Executive Officer could determine that no management controls are necessary in the circumstances.*
- e) document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

5 MANAGEMENT STATEMENT

- 5.1 In accordance with Clause 66A of the Environmental Planning and Assessment Regulation the applicant for a Council related development application is required to either provide a "statement" specifying how the Council will manage conflicts of interest that may arise in connection with the application because the Council is the consent authority or alternatively provide a "statement" that the Council does not have a management strategy for the application. The latter option would typically apply to minor types of development.
- 5.2 The matters that need to be addressed in the "Statement" are not limited to the following list, and will vary given the nature of the development:
 - Preliminary discussions with Council's assessing officer/s
 - The interaction between the applicant/proponent and Council's assessing officer/s whilst the development is under assessment.
 - The interaction between the applicant/proponent and Council's assessing officer/s following the determination of the application.



STRATEGIC POLICY – ST26

Example - Council Conflict of Interests Management Statement

Name/Address
DA XXX/20XX
Orange City Council is the applicant. (insert the reason for the conflict)
The Council is managing potential conflict of interests in this matter as follows: • (insert management strategy(s))
Anyone with concerns about Council fulfilling its obligations should report their concerns to the Council.

6 DEFINITIONS

Application	an application for consent under Part 4 of the Act to carry out development and includes an application for a complying development certificate and an application to modify a development consent
Council	Orange City Council
Council-related development	development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority
Development process	application, assessment, determination, and enforcement
The Act	the Environmental Planning and Assessment Act 1979

All Policies can be reviewed or revoked by the Council, at any time.

ST26 – Strategic Policy – Council-Related Development Applications – Managing Conflict of Interests

Amendments: Formatting Updates Only.		
Review Due: November 2028	Version 1_25	Last Revision: August 2025
Approved By:	Minute Number:	Approval Date:

6 CLOSED MEETING - SEE CLOSED AGENDA

The Chief Executive Officer will advise the Council if any written submissions have been received relating to any item advertised for consideration by a closed meeting of Orange City Council.

The Mayor will extend an invitation to any member of the public present at the meeting to make a representation to Council as to whether the meeting should be closed for a particular item. In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

RECOMMENDATION

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Minutes of the Audit Risk & Improvement Committee 4 June 2025

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 Submission Redaction Report 5 August 2025

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

6.1 MINUTES OF THE AUDIT RISK & IMPROVEMENT COMMITTEE 4 JUNE 2025

RECORD NUMBER: 2025/1394

AUTHOR: Janessa Constantine, Manager Corporate Governance

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (f) matters affecting the security of the Council, Councillors, Council staff or Council property.

6.2 SUBMISSION REDACTION REPORT 5 AUGUST 2025

RECORD NUMBER: 2025/1294

AUTHOR: Janessa Constantine, Manager Corporate Governance

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

7 RESOLUTIONS FROM CLOSED MEETING