

# Ordinary Council Meeting

Under Separate Cover Annexures  
Tuesday, 16 June 2026





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## Table of Contents

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15.2	Disallowance of Council's Code of Meeting Practice and Interim Meeting Arrangements	
	Annexure 1 Code of Meeting Practice (based on the 2021 Model Code).....	<b>4</b>
15.3	Local Government Remuneration Tribunal Determination of Councillor Annual Fees for 2026/27	
	Annexure 1 Local Government Remuneration Tribunal - Annual Determination 2026 .	<b>47</b>
18.1	DA2026/0010 Multi-Dwelling Housing (5 Manufactured Home Units), 33A Rosewood Avenue, Parkes	
	Annexure 1 Assessment Report - DA2026/0010 - 33A Rosewood Avenue, Parkes...	<b>153</b>
	Annexure 2 Plan Set - DA2026/0010 - 33A Rosewood Avenue, Parkes .....	<b>154</b>
	Annexure 3 Submissions Received - DA2026/0010 - 33A Rosewood Avenue, Parkes .....	<b>155</b>

# Policy

## Code of Meeting Practice



**Council Policy**  
 Code of Meeting Practice

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26 November 2024	OCM 344/24	Reviewed with the new Council. Added links to the Act and Regulations Added agenda item for Adoption of Multiple Items of Business and Councillor Reports. Added motions and amendments process as Annexure A

<b>Further Document Information and Relationships</b>	
<b>Related Legislation*</b>	NSW Local Government Act 1993, <a href="#">Part 2 How are decisions made?</a> Local Government (General) Regulation 2021, <a href="#">Part 8 Conduct</a> & <a href="#">Part 10 Meetings</a>
<b>Related Policies</b>	<a href="#">Parkes Shire Council Code of Meeting Practice Annexure A: Motions and Amendments</a> <a href="#">Parkes Shire Council Code of Conduct</a>
<b>Related Documents</b>	<a href="#">Office of Local Government - Code of Meeting Practice</a>
<b>Note:</b> Any reference to Legislation will be updated in this Policy as required. See website <a href="http://www.legislation.nsw.gov.au/">http://www.legislation.nsw.gov.au/</a> for current Acts, Regulations and Environmental Planning Instruments.	

**Council Policy**  
Code of Meeting Practice**Contents**

1. Purpose.....	1
Commencement .....	1
Scope and Application .....	1
Definitions.....	1
2 Policy Statement .....	3
3 Before the Meeting.....	3
4 Public Forums .....	8
5 Coming Together .....	10
6 The Chairperson .....	16
7 Modes of Address .....	17
8 Order of Business for Ordinary Council Meetings.....	17
9 Consideration of Business at Council Meetings.....	18
10 Rules of Debate .....	20
11 Voting.....	23
12 Committee of the Whole .....	24
13 Dealing with Items by Exception .....	24
14 Closure of Council Meetings to the Public .....	25
15 Keeping Order at Meetings .....	29
16 Conflicts of Interest .....	32
17 Decisions of the Council .....	33
18 Time Limits on Council Meetings .....	35
19 After the Meeting.....	35
20 Council Committees.....	37
21 Irregularities .....	40
22 Review .....	40
Annexure A: Motions and Amendments Process .....	40

## Council Policy

### Code of Meeting Practice



#### 1. Purpose

This Code of Meeting Practice ("Code") facilitates the effective, open and orderly conduct of meetings of the Parkes Shire Council ("Council"). It ensures clarity of process and seeks to align with Council meeting procedures with community expectations of open and transparent government, whilst complying with legislative requirements.

This Code has been prepared in accordance with the *Local Government Act 1993* ("the Act") and the *Local Government (General) Regulation 2021* ("the Regulation") and incorporates all mandatory provisions of the *Model Code of Meeting Practice for Local Councils in NSW 2021* ("the Model Code").

This Code must be interpreted in a manner that is consistent with the Act, the Regulation and the Model Meeting Code. In the event of any inconsistency, the Act, Regulation or Model Code (as the case may be) prevails to the extent of the inconsistency.

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 may adopt their own rules for meetings unless the Council determines otherwise.

#### Commencement

This Policy is effective from date of adoption by Council resolution and shall remain in force until repealed by resolution of Council.

#### Scope and Application

This Policy applies to all Council Officials, including Councillors, Council staff, Council committee members, Council delegates, and volunteers of Council.

#### Definitions

In this Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
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 recorder	any device capable of recording speech.
audio-visual link	means a facility that enables audio and visual communication between persons at different places.
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales.

**Council Policy**  
Code of Meeting Practice



Term	Definition
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	means Parkes Shire Council.
Council official	includes Councillors, members of staff of Council, administrators, Council committee members, and delegates of Council.
day	means calendar day.
division	means a request by two Councillors under clause 11.6 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.

**Council Policy**  
 Code of Meeting Practice


Term	Definition
the Regulation	means the <i>Local Government (General) Regulation 2021</i> .
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time.
year	means the period beginning 01 July and ending the following 30 June.

## 2 Policy Statement

2.1 Council and committee meetings should be:

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

## 3 Before the Meeting

### Timing of ordinary Council meetings

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

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

## Council Policy

### Code of Meeting Practice

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#### Extraordinary meetings

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

**Note: Clause 3.2 reflects section 366 of the Act.**

#### Notice to the public of Council meetings

- 3.3 The Council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the Council.

**Note: Clause 3.3 reflects section 9(1) of the Act.**

- 3.4 For the purposes of clause 3.3, 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.

- 3.5 For the purposes of clause 3.3, notice of more than one (1) meeting may be given in the same notice.

#### Notice to Councillors of ordinary Council meetings

- 3.6 The General Manager must send to each Councillor, at least three (3) days before each meeting of the Council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

**Note: Clause 3.6 reflects section 367(1) of the Act.**

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to Councillors in electronic form, but only if all Councillors have facilities to access the notice, agenda and business papers in that form.

**Note: Clause 3.7 reflects section 367(3) of the Act.**

#### Notice to Councillors of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to Councillors of an extraordinary meeting of the Council in cases of emergency.

**Note: Clause 3.8 reflects section 367(2) of the Act.**

**Council Policy**  
Code of Meeting PracticeGiving notice of business to be considered at Council meetings

- 3.9 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 three (3) business days before the meeting is to be held.
- 3.10 A Councillor may, in writing to the General Manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the General Manager 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 General Manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the Council.
- 3.12 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 must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the General Manager must either:
- (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

- 3.13 A Councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the General Manager about the performance or operations of the Council.
- 3.14 A Councillor is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the General Manager or a member of staff of the Council, or a question that implies wrongdoing by the General Manager or a member of staff of the Council.
- 3.15 The General Manager or their nominee may respond to a question with notice submitted under clause 3.13 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

- 3.16 The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting.

**Council Policy**  
Code of Meeting Practice

- 3.17 The General Manager must ensure that the agenda for an ordinary meeting of the Council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the Council, and
  - (b) if the Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
  - (d) any business of which due notice has been given under clause 3.9.
- 3.18 Nothing in clause 3.17 limits the powers of the Mayor to put a Mayoral minute to a meeting under clause 9.6.
- 3.19 The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of the Council.
- 3.20 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public, the General Manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
  - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- Note: Clause 3.20 reflects section 9(2A)(a) of the Act.**
- 3.21 The General Manager must ensure that the details of any item of business which, in the opinion of the General Manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to Councillors for the meeting concerned. Such details must not be included in the business papers made available to the public and must not be disclosed by a Councillor or by any other person to another person who is not authorised to have that information.

Statement of ethical obligations

- 3.22 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.

**Council Policy**  
Code of Meeting PracticeAvailability of the agenda and business papers to the public

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

**Note: Clause 3.23 reflects section 9(2) and (4) of the Act.**

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the General Manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.24 reflects section 9(2A) (b) of the Act.**

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the Council's website and made available to the public at a time that is as close as possible to the time they are available to Councillors.

**Note: Clause 3.25 reflects section 9(3) of the Act.**

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

**Note: Clause 3.26 reflects section 9(5) of the Act.**

Agenda and business papers for extraordinary meetings

- 3.27 The General Manager must ensure that the agenda for an extraordinary meeting of the Council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the Council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
  - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the Council before the next scheduled ordinary meeting of the Council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

**Council Policy**  
Code of Meeting PracticePre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the Council, the General Manager 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.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.35 The General Manager or a member of staff nominated by the General Manager is to preside at pre-meeting briefing sessions.
- 3.36 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.
- 3.37 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. 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.
- 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 12.00pm one (1) business day before the date 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 no more than two (2) 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.

**Council Policy**  
Code of Meeting Practice

- 4.7 The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.8 No more than two (2) 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 General Manager 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 General Manager 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 General Manager 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, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs by 12.00pm one (1) business day before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
- 4.12 The General Manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed 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 three (3) minutes.
- 4.17 Speakers at public forums cannot ask questions of the Council, Councillors, or Council staff.
- 4.18 The General Manager or their nominee may, with the concurrence of the chairperson, address the Council for up to five (5) 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.

## Council Policy

### Code of Meeting Practice



- 4.19 Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager 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.
- 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 General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
- 4.24 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.

**Note: Public forums should not be held as part of a Council or committee meeting. Council or committee meetings should be reserved for decision-making by the Council or committee of Council. Where a public forum is held as part of a Council or committee meeting, it must be conducted in accordance with the other requirements of this Code relating to the conduct of Council and committee meetings.**

## 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.**

**Council Policy**  
Code of Meeting Practice

- 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.
- 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.

**Note: Clause 5.6 reflects section 234(1)(d) of the Act.**

- 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 General Manager 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.

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

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

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

- 5.10 A meeting of the Council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
  - (b) within half an hour after the time designated for the holding of the meeting, or
  - (c) at any time during the meeting.

**Council Policy**  
Code of Meeting Practice

- 5.11 In either case, the meeting must be adjourned to a time, date, and place fixed:
- (a) by the chairperson, or
  - (b) in the chairperson's absence, by the majority of the Councillors present, or
  - (c) failing that, by the General Manager.
- 5.12 The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.
- 5.13 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 General Manager and, as far as is practicable, with each Councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the Council's website and in such other manner that the Council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 5.14 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 3.2.

Meetings held by audio-visual link

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

**Council Policy**  
Code of Meeting Practice

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

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

Attendance by Councillors at meetings by audio-visual link

- 5.18 Councillors may attend and participate in meetings of the Council and committees of the Council by audio-visual link with the approval of the Council or the relevant committee.
- 5.19 A request by a Councillor for approval to attend a meeting by audio-visual link must be made in writing to the General Manager prior to the meeting in question and must provide reasons why the Councillor will be prevented from attending the meeting in person.
- 5.20 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.
- 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.

**Council Policy**  
Code of Meeting Practice

- 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.
- Note: Clause 5.30 reflects section 10(1) of the Act.**
- 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.

**Note: Clause 5.32 reflects section 10(2) of the Act.**

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.

**Council Policy**  
Code of Meeting Practice

- 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 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.
- Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.**
- 5.38 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the General Manager and other staff at meetings

- 5.39 The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a committee of the Council of which all of the members are Councillors.
- Note: Clause 5.39 reflects section 376(1) of the Act.**
- 5.40 The General Manager is entitled to attend a meeting of any other committee of the Council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.40 reflects section 376(2) of the Act.**
- 5.41 The General Manager may be excluded from a meeting of the Council or a committee while the Council or committee deals with a matter relating to the standard of performance of the General Manager or the terms of employment of the General Manager.
- Note: Clause 5.41 reflects section 376(3) of the Act.**
- 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 General Manager.
- 5.43 The General Manager and other Council staff may attend meetings of the Council and committees of the Council by audio-visual-link. Attendance by Council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the General Manager.

**Council Policy**  
Code of Meeting Practice**6 The Chairperson**The chairperson at meetings

- 6.1 The Mayor, or at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.

**Note: Clause 6.1 reflects section 369(1) of the Act.**

- 6.2 If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.

**Note: Clause 6.2 reflects section 369(2) of the Act.**

Election of the chairperson in the absence of the Mayor and Deputy Mayor

- 6.3 If no chairperson is present at a meeting of the Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.
- 6.4 The election of a chairperson must be conducted:
- (a) by the General Manager or, in their absence, an employee of the Council designated by the General Manager to conduct the election, or
  - (b) by the person who called the meeting or a person acting on their behalf if neither the General Manager nor a designated employee is present at the meeting, or if there is no General Manager or designated employee.
- 6.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- 6.6 For the purposes of clause 6.5, the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- 6.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
- 6.8 Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

**Council Policy**  
Code of Meeting PracticeChairperson to have precedence

- 6.9 When the chairperson rises or speaks during a meeting of the Council:
- (a) any Councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.

**7 Modes of Address**

- 7.1 If the chairperson is the Mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 7.2 Where the chairperson is not the Mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.
- 7.3 A Councillor is to be addressed as 'Councillor [surname]'.
- 7.4 A Council officer is to be addressed by their official designation or as Mr/Ms [surname].

**8 Order of Business for Ordinary Council Meetings**

- 8.1 The general order of business for an ordinary meeting of the Council shall be:
1. Opening of Meeting
  2. Acknowledgement of Country
  3. Prayer
  4. Apologies and Applications for a Leave of Absence
  5. Applications to Attend by Audio-Visual Link
  6. Confirmation of Minutes
  7. Disclosures of Interests
  8. Late Business
  9. Adoption of Multiple Items of Business
  10. Mayoral Minute(s)
  11. Councillor Reports
  12. Reports of Committees
  13. Reports of the General Manager
  14. Reports of the Director Customer, Corporate Services and Economy
  15. Reports of the Director Infrastructure and Strategic Futures
  16. Reports of the Director Operations
  17. Reports of the Director Planning and Community Services
  18. Notices of Motions/Questions with Notice
  19. Confidential Matters
  20. Report of Confidential Resolutions
  21. Conclusion of Meeting
- 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.

**Council Policy**  
Code of Meeting Practice

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

- 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.

## 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 3.9, and
  - (b) unless notice of the business has been sent to the Councillors in accordance with clause 3.6 in the case of an ordinary meeting or clause 3.8 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.

**Council Policy**  
Code of Meeting Practice

- 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 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 General Manager 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

- 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 3.9 and 3.13.
- 9.15 A Councillor may, through the chairperson, put a question to another Councillor about a matter on the agenda.
- 9.16 A Councillor may, through the General Manager, put a question to a Council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the General Manager at the direction of the General Manager.

## Council Policy

### Code of Meeting Practice



- 9.17 A Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a Councillor or Council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the Council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a Councillor or Council employee.

## 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 3.9 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 3.9 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to Councillors, the Councillor may request the withdrawal of the motion when it is before the Council.
- 10.4 In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of the Council:
- (a) any other Councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the Council.

### Chairperson's duties with respect to motions

- 10.5 It is the duty of the chairperson at a meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

## Council Policy

### Code of Meeting Practice



#### 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 General Manager 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.

#### 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.

**Council Policy**  
Code of Meeting Practice

- 10.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 10.20 A Councillor who, during a debate at a meeting of the Council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 10.21 A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 10.22 A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.
- 10.23 Despite clause 10.22, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- 10.24 Despite clause 10.22, the Council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 10.25 Despite clauses 10.20 and 10.21, a Councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
  - (b) if at least two (2) Councillors have spoken in favour of the motion or amendment and at least two (2) Councillors have spoken against it.
- 10.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.
- 10.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.
- 10.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 10.29 All Councillors must be heard without interruption and all other Councillors must, unless otherwise permitted under this Code, remain silent while another Councillor is speaking.
- 10.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## Council Policy

### Code of Meeting Practice

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## 11 Voting

### Voting entitlements of Councillors

11.1 Each Councillor is entitled to one (1) vote.

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

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

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

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

### Voting at Council meetings

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

11.5 If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.

11.6 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 General Manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the Council's minutes for the meeting.

11.8 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 11.5 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.

### Voting on planning decisions

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

## Council Policy

### Code of Meeting Practice



- 11.11 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.
- 11.12 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.
- 11.13 Clauses 11.10–11.12 apply also to meetings that are closed to the public.

**Note: Clauses 11.10–11.12 reflect section 375A of the Act.**

**Note: The requirements of clause 11.10 may be satisfied by maintaining a register of the minutes of each planning decision.**

## 12 Committee of the Whole

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

**Note: Clause 12.1 reflects section 373 of the Act.**

- 12.2 All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provisions limiting the number and duration of speeches.

**Note: Clauses 10.20–10.30 limit the number and duration of speeches.**

- 12.3 The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager, is responsible for reporting to the Council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.
- 12.4 The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

## 13 Dealing with Items by Exception

- 13.1 The Council or a committee of Council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 13.2 Before the Council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask Councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

**Council Policy**  
Code of Meeting Practice

- 3.3 The Council or committee must not resolve to adopt any item of business under clause 13.1 that a Councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the Council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the Council's Code of Conduct.

**14 Closure of Council Meetings to the Public**Grounds on which meetings can be closed to the public

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

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

**Council Policy**  
Code of Meeting Practice

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

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

Matters to be considered when closing meetings to the public

- 14.3 A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
  - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

- 14.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or committee is involved, and
  - (b) are clearly identified in the advice, and
  - (c) are fully discussed in that advice.

**Note: Clause 14.4 reflects section 10B(2) of the Act.**

- 14.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 14.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 14.1.

**Note: Clause 14.5 reflects section 10B(3) of the Act.**

- 14.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
  - (b) the discussion of the matter may:
    - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
    - (ii) cause a loss of confidence in the Council or committee.

**Note: Clause 14.6 reflects section 10B(4) of the Act.**

**Council Policy**  
Code of Meeting Practice

- 14.7 In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must consider any relevant guidelines issued by the Departmental Chief Executive of the Office of Local Government.

**Note: Clause 14.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

- 14.8 Part of a meeting of the Council, or of a committee of the Council, may be closed to the public while the Council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the Council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

**Note: Clause 14.8 reflects section 10C of the Act.**

Representations by members of the public

- 14.9 The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

**Note: Clause 14.9 reflects section 10A(4) of the Act.**

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the Council in the approved form. Applications must be received by 12.00pm one (1) business day before the meeting at which the matter is to be considered.
- 14.12 The General Manager (or their delegate) may refuse an application made under clause 14.11. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than two (2) speakers are to be permitted to make representations under clause 14.9.

**Council Policy**  
Code of Meeting Practice

- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the General Manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the Council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the General Manager or their delegate is to determine who will make representations to the Council.
- 14.15 The General Manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the Council or a committee of the Council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 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 three (3) 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.

## Council Policy

### Code of Meeting Practice



#### Information to be disclosed in resolutions closing meetings to the public

- 14.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**Note: Clause 14.21 reflects section 10D of the Act.**

#### Resolutions passed at closed meetings to be made public

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

## 15 Keeping Order at Meetings

#### Points of order

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

#### Questions of order

- 15.4 The chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

**Council Policy**  
Code of Meeting Practice

- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

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

Acts of disorder

- 15.11 A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:
- (a) contravenes the Act, the Regulation or this Code, or
  - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
  - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter, or
  - (d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other Council official, or alleges a breach of the Council's Code of Conduct, or
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or the committee into disrepute.

**Note: Clause 15.11 reflects section 182 of the Regulation.**

**Council Policy**  
Code of Meeting Practice

- 15.12 The chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a), (b), or (e), or
  - (b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
  - (c) to retract and apologise without reservation for any statement that constitutes an act of disorder referred to in clauses 15.11(d) and (e).

**Note: Clause 15.12 reflects section 233 of the Regulation.**

How disorder at a meeting may be dealt with

- 15.13 If disorder occurs at a meeting of the Council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The Council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.

Expulsion from meetings

- 15.14 All chairpersons of meetings of the Council and committees of the Council are authorised under this Code to expel any person, including any Councillor, from a Council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 15.15 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.
- Note: Clause 15.16 reflects section 233(2) of the Regulation.**
- 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 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 place for the remainder of the meeting.

**Council Policy**  
Code of Meeting PracticeHow 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 15.24 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 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.

**Council Policy**  
Code of Meeting Practice**17 Decisions of the Council**Council decisions

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

**Note: Clause 17.1 reflects section 371 of the Act.**

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

Rescinding or altering Council decisions

- 17.3 A resolution passed by the Council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

**Note: Clause 17.3 reflects section 372(1) of the Act.**

- 17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

**Note: Clause 17.4 reflects section 372(2) of the Act.**

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.9.

**Note: Clause 17.5 reflects section 372(3) of the Act.**

- 17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 17.6 reflects section 372(4) of the Act.**

- 17.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

**Note: Clause 17.7 reflects section 372(5) of the Act.**

- 17.8 The provisions of clauses 17.5–17.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 17.8 reflects section 372(7) of the Act.**

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.

**Council Policy**  
Code of Meeting Practice

- 17.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the General Manager no later than two (2) business days after the meeting at which the resolution was adopted.
- 17.11 A motion to alter or rescind a resolution of the Council may be moved on the report of a committee of the Council and any such report must be recorded in the minutes of the meeting of the Council.
- Note: Clause 17.11 reflects section 372(6) of the Act.**
- 17.12 Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the Council may be moved at the same meeting at which the resolution was adopted, where:
- (a) a notice of motion signed by three Councillors is submitted to the chairperson, and
  - (b) a motion to have the motion considered at the meeting is passed, and
  - (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.
- 17.13 A 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.
- 17.14 A 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.
- 17.18 A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.
- 17.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

**Council Policy**  
Code of Meeting Practice

- 17.20 A motion moved under clause 17.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

**18 Time Limits on Council Meetings**

- 18.1 Meetings of the Council and committees of the Council are to conclude no later than 8.00pm.
- 18.2 If the business of the meeting is unfinished at 8.00pm, 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 8.00pm, and the Council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the Council, or
  - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 18.4 Clause 18.3 does not limit the ability of the Council or a committee of the Council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 18.5 Where a meeting is adjourned under clause 18.3 or 18.4, the General Manager must:
- (a) individually notify each Councillor of the time, date and place at which the meeting will reconvene, and
  - (b) publish the time, date and place at which the meeting will reconvene on the Council's website and in such other manner that the General Manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

**19 After the Meeting**Minutes of meetings

- 19.1 The Council is to keep full and accurate minutes of the proceedings of meetings of the Council.

**Note: Clause 19.1 reflects section 375(1) of the Act.**

- 19.2 At a minimum, the General Manager must ensure that the following matters are recorded in the Council's minutes:
- (a) the names of Councillors attending a Council meeting and whether they attended the meeting in person or by audio-visual link,
  - (b) details of each motion moved at a Council meeting and of any amendments moved to it,
  - (c) the names of the mover and seconder of the motion or amendment,
  - (d) whether the motion or amendment was passed or lost, and
  - (e) such other matters specifically required under this Code.

**Council Policy**  
Code of Meeting Practice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation of decisions of the Council

- 19.12 The General Manager is to implement, without undue delay, lawful decisions of the Council.

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

**Council Policy**  
Code of Meeting Practice**20 Council Committees**Application of this Part

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

Council committees whose members are all Councillors

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

Functions of committees

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

Notice of committee meetings

- 20.6 The General Manager must send to each Councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:
- (a) the time, date and place of the meeting, and
  - (b) the business proposed to be considered at the meeting.
- 20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

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.

## Council Policy

### Code of Meeting Practice



#### Non-members entitled to attend committee meetings

- 20.10 A Councillor who is not a member of a committee of the Council is entitled to attend, and to speak at a meeting of the committee. However, the Councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
  - (b) to move or second a motion at the meeting, or
  - (c) to vote at the meeting.

#### Chairperson and deputy chairperson of Council committees

- 20.11 The chairperson of each committee of the Council must be:
- (a) the Mayor, or
  - (b) if the Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the Council, or
  - (c) if the Council does not elect such a member, a member of the committee elected by the committee.
- 20.12 The Council may elect a member of a committee of the Council as deputy chairperson of the committee. If the Council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- 20.13 If neither the chairperson nor the deputy chairperson of a committee of the Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- 20.14 The chairperson is to preside at a meeting of a committee of the Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

#### Procedure in committee meetings

- 20.15 Subject to any specific requirements of this Code, each committee of the Council may regulate its own procedure. The provisions of this Code are to be taken to apply to all committees of the Council unless the Council or the committee determines otherwise in accordance with this clause.
- 20.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the Council or the committee determines otherwise in accordance with clause 20.15.
- 20.17 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.

**Council Policy**  
Code of Meeting Practice

- 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,
  - (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.

**Council Policy**  
Code of Meeting Practice

- 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.

**Note: Clause 21.1 reflects section 374 of the Act.**

**22 Review**

As part of Council's commitment to good governance and continuous improvement, this Policy must be reviewed and re-adopted by Council not less than once every four years or as Council otherwise determines in line with legislative requirements and policy changes.

**Annexure A: Motions and Amendments Process**

A process diagram to show how motions and amendments are handled in a council meeting under the code of meeting practice has been developed and included as a separate annexure. See [Council Policy - Code of Meeting Practice - Annexure A: Motions and Amendments Process](#).

**Local Government Remuneration Tribunal**

# Annual Determination

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

23 April 2026



# Contents

<b>Executive Summary</b>	<b>5</b>
Functions of the Tribunal	5
Fees	6
Categories	8
2027 Annual Review	9
<b>Section 1 – Introduction</b>	<b>11</b>
Methodology	11
Summary of submissions	12
<b>Section 2 – 2025 Determinations</b>	<b>15</b>
2025 Annual Determination	15
2025 Special Determination	15
<b>Section 3 – 2026 Review</b>	<b>17</b>
The relevant history	17
2026 Annual Review process - Fees	21
Conclusions about general fee increase in 2026	26
Fees for Deputy Mayors	27
Setting of Fees by Councils	29
2026 Annual Review process – category review	29
Correction of an identified anomaly	33
Proposed renaming of “Principal CBD” as the “Principal City”	33
Proposed reclassification of City of Parramatta Council from Major CBD to Principal CBD	34
Proposed new Metropolitan Major – High Growth Category	37
Metropolitan Major	40
Metropolitan Large	41
Metropolitan Medium	43
Proposed new Metropolitan Small – Fast Growing category	44
Metropolitan Small	46
Major Regional City	46
The proposed change to the Major Strategic Area criteria	47
Regional Strategic Area	51
Regional Centre	53
<b>Local Government Remuneration Tribunal – 2026 Annual Report and Determination</b>	<b>2</b>

# Contents

Regional Rural _____	54
Rural Large _____	56
Rural _____	57
County Councils _____	57
County Councils – Water _____	60
County Councils – Other _____	60
<b>Section 4 – The 2027 Annual Review _____</b>	<b>62</b>
Structure and fee considerations _____	62
The conduct of the 2027 Annual Review _____	65
<b>Section 5 – Determinations _____</b>	<b>69</b>
Determination No. 1 – Allocation of Councils into each of the categories as per section 239 of the Act effective 1 July 2026 _____	69
General Purpose Councils – Metropolitan _____	69
General Purpose Councils - Non-Metropolitan _____	70
County Councils _____	72
Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the Act effective from 1 July 2026 _____	73
General Purpose Councils – Metropolitan _____	73
General Purpose Councils - Non-Metropolitan _____	74
County Councils _____	74
Determination No. 3 - Fees for appointed Councillors and Chairperson as per clause 12(c), Schedule 11 of the Act effective from 1 July 2026 _____	76
Councils designated as ‘rural and remote Councils’ _____	76
<b>Appendices _____</b>	<b>77</b>
Appendix 1 Criteria that apply to categories _____	77
Principal CBD _____	77
Major CBD _____	78
Metropolitan Major _____	79
Metropolitan Large _____	79
Metropolitan Medium _____	80
Metropolitan Small _____	81
Major Regional City _____	82
<b>Local Government Remuneration Tribunal – 2026 Annual Report and Determination</b>	<b>3</b>

# Contents

Major Strategic Area _____	82
Regional Strategic Area _____	83
Regional Centre _____	84
Regional Rural _____	85
Rural Large _____	85
Rural _____	86
County Councils - Water _____	86
County Councils - Other _____	86

# Executive Summary

## Functions of the Tribunal

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

# Executive Summary

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

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

## Fees

5. For reasons explained below, the Tribunal has determined that from 1 July 2026 there must be a **3.7%** increase in the current minimum and maximum fees applicable to each category of Council, as well in the fees of the appointed Chairperson and appointed Councillors of Central Darling Shire Council. That reflecting increases in the cost of living. Relevant indicators since the 2025 adjustment, including:

- Consumer Price Index for the 12 months to February 2026 of 3.7%;
- Wage Price Index for the 12 months to December 2025 of 3.4%;
- Full-time average weekly ordinary time earnings for the 12 months to November 2025;
- NSW Public Sector Salaries increases for FY 2025/26 of 3%;
- Local Government State Award increases for FY 2025/26 of 3%;
- IPART Rate Peg Base Cost Change for FY 2025/26 of 3.6%;
- The 2025 Public Service Senior Executive remuneration determinations of the Statutory and Other Offices Remuneration Tribunal; and
- The 2025 State Members of Parliament Basic Salary remuneration determination of the Parliamentary Remuneration Tribunal.

6. The Tribunal has also taken note of the current war in the Middle East, which is likely having an adverse impact on the cost of living. But takes the view that its effects and their potential impact on fee adjustment, cannot reliably be determined at this point.

# Executive Summary

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

# Executive Summary

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

## Categories

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

# Executive Summary

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

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

## 2027 Annual Review

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

# Executive Summary

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

# Section 1 – Introduction

## Methodology

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

# Section 1 – Introduction

## Summary of submissions

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

## Section 1 – Introduction

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

## Section 1 – Introduction

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

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

## Section 2 – 2025 Determinations

### 2025 Annual Determination

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

### 2025 Special Determination

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

## Section 2 – 2025 Determinations

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

## Section 3 – 2026 Review

### The relevant history

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

## Section 3 – 2026 Review

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

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

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

## Section 3 – 2026 Review

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

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

## Section 3 – 2026 Review

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

## Section 3 – 2026 Review

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

### 2026 Annual Review process - Fees

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

## Section 3 – 2026 Review

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

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

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

## Section 3 – 2026 Review

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

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

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

## Section 3 – 2026 Review

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

## Section 3 – 2026 Review

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

## Section 3 – 2026 Review

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

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

### Conclusions about general fee increase in 2026

93. The Tribunal has considered all it has received, together with the other matters referred to in this report, having been assisted by its two assessors: s 236. Meeting with them to consider their views about the submissions the Tribunal received and the exercise of its functions on this review.
94. The result is the Tribunal's conclusions that:
- All fees should be adjusted from 1 July 2026 by **3.7%** to reflect changes in the cost of living, in the expectation that there will be further increases in those costs, driven by the consequences of the war in the Middle East, which is already having adverse impacts on the entire Australian community;
  - To make no other adjustments to fees on this review, but to invite the submissions further explained below, in the 2027 Annual Review. The Tribunal accepting that changes have occurred which ought to be reflected in the fees fixed by the Determination. But also considering that further information and consideration is required, before conclusions can be arrived at about how those changes can be fairly reflected by a further fee adjustment.

## Section 3 – 2026 Review

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

### **The same fee structure for all Mayors and Councillors**

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

### **Fees for Deputy Mayors**

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

## Section 3 – 2026 Review

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

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

## Section 3 – 2026 Review

### Setting of Fees by Councils

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

### 2026 Annual Review process – category review

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

## Section 3 – 2026 Review

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

## Section 3 – 2026 Review

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

## Section 3 – 2026 Review

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

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

## Section 3 – 2026 Review

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

### Correction of an identified anomaly

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

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

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

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

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

## Section 3 – 2026 Review

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

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

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

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

## Section 3 – 2026 Review

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

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

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

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

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

## Section 3 – 2026 Review

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

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

141. The submission and data advanced did not establish that Parramatta satisfies these criteria. Nor a basis for the conclusion that its Mayor and Councillors should receive the same fees as those received by the Mayor and Councillors of the City of Sydney.
142. The criteria which apply to its category, Major CBD, being:

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

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

## Section 3 – 2026 Review

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

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

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

### **Proposed new Metropolitan Major – High Growth Category**

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

## Section 3 – 2026 Review

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

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

*Other features may include:*

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

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

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

## Section 3 – 2026 Review

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

## Section 3 – 2026 Review

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

### **Metropolitan Major**

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

## Section 3 – 2026 Review

### Metropolitan Large

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

## Section 3 – 2026 Review

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

164. The current criteria are:

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

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

*Other features may include:*

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

## Section 3 – 2026 Review

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

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

### Metropolitan Medium

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

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

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

*Other features may include:*

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

## Section 3 – 2026 Review

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

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

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

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

### **Proposed new Metropolitan Small – Fast Growing category**

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

171. The criteria for the Metropolitan Small Council are:

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

*Other features which distinguish them from other Metropolitan Councils include:*

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

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

## Section 3 – 2026 Review

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

172. Burwood Council pointed to the criteria for Metropolitan Major, Large and Medium categories, which were considered to have regard to population growth, economic influence and impact of services, as well as considerations such as strategic importance. While Metropolitan Small criteria were confined to population size and operating revenue. It contending that its inclusion in the proposed new category was warranted due to:

- Its recognition by the NSW Government as a designated strategic centre;
- Increased complexity in planning, service delivery, and intergovernmental coordination;
- A population that is expected to double in the next 10 years due to major developments in the town centre and in close proximity to the new metro station; and
- Its economic growth and influence across Greater Sydney, specifically its night time economic initiatives.

173. The Tribunal has not concluded that the creation of this proposed new category is warranted, given the existing criteria and the resulting fees which the current categories attract.

174. Given the existing overlap in the fees of the Metropolitan Small and Medium categories and how their criteria are structured, the Tribunal is not persuaded that an intervening category is needed.

175. These submissions did help shed light on the inherent difficulties of the existing fee structures. Which has to be considered in light of the overlaps and small differences in the fee ranges between the differing categories. But that still precludes the adoption of this proposed new category.

## Section 3 – 2026 Review

### Metropolitan Small

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

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

*Other features which distinguish them from other Metropolitan Councils include:*

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

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

### Major Regional City

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

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

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

## Section 3 – 2026 Review

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

### The proposed change to the Major Strategic Area criteria

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

#### ***Major Strategic Area***

## Section 3 – 2026 Review

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

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

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

### **Regional Strategic Area**

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

## Section 3 – 2026 Review

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

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

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

## Section 3 – 2026 Review

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

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

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

## Section 3 – 2026 Review

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

### Regional Strategic Area

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

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

*Other features may include:*

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

## Section 3 – 2026 Review

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

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

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

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

## Section 3 – 2026 Review

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

190. Shellharbour City Council's proposal relied on:

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

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

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

### Regional Centre

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

## Section 3 – 2026 Review

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

*Other features may include:*

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

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

### Regional Rural

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

## Section 3 – 2026 Review

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

195. The applicable criteria for this category being:

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

*Other features may include:*

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

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

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

## Section 3 – 2026 Review

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

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

### Rural Large

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

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

*Other features may include:*

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

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

## Section 3 – 2026 Review

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

### Rural

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

### County Councils

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

*Castlereagh Macquarie County Council*

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

*Central Tablelands Water*

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

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

## Section 3 – 2026 Review

### *Goldenfields Water*

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

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

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

*The facilities it owns and operate include:*

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

### *Western Sydney Weeds Authority (formerly Hawkesbury River County Council)*

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

## Section 3 – 2026 Review

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

### *Riverina Water County Council*

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

### *Rous County Council*

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

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

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

### *Upper Hunter County Council*

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

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

## Section 3 – 2026 Review

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

*Upper Macquarie County Council*

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

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

### County Councils – Water

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

### County Councils – Other

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

## Section 3 – 2026 Review

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

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

## Section 4 – The 2027 Annual Review

### Structure and fee considerations

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

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

## Section 4 – The 2027 Annual Review

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

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

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

## Section 4 – The 2027 Annual Review

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

## Section 4 – The 2027 Annual Review

### The conduct of the 2027 Annual Review

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

## Section 4 – The 2027 Annual Review

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

## Section 4 – The 2027 Annual Review

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

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

*Metropolitan Major*

*Councils categorised Metropolitan Major;*

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

*(2) will typically serve:*

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

*(b) a widely diverse community*

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

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

*(3) will also have:*

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

## Section 4 – The 2027 Annual Review

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

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

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

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

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

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

### Local Government Remuneration Tribunal



**The Hon Acting Justice M Schmidt**

Dated: 23 April 2026

# Section 5 – Determinations

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

### General Purpose Councils – Metropolitan

#### Principal City (1)

- Sydney

#### Major CBD (1)

- Parramatta

#### Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

#### Metropolitan Large (10)

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

#### Metropolitan Medium (8)

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

#### Metropolitan Small (8)

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

# Section 5 – Determinations

## General Purpose Councils - Non-Metropolitan

### Major Regional City (2)

- Newcastle
- Wollongong

### Major Strategic Area (2)

- Central Coast
- Lake Macquarie

### Regional Strategic Area (4)

- Maitland
- Mid-Coast
- Shoalhaven
- Tweed

### Regional Centre (22)

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

### Regional Rural (14)

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

## Section 5 – Determinations

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

### Rural Large (17)

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

### Rural (37)

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

## Section 5 – Determinations

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

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

### County Councils

#### Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

#### Other (4)

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

# Section 5 – Determinations

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

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

**Table 1: Fees for General Purpose and County Councils**

### General Purpose Councils – Metropolitan

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

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

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

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

# Section 5 – Determinations

## General Purpose Councils - Non-Metropolitan

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

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

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

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

## County Councils

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

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

## Section 5 – Determinations

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

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

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

## Section 5 – Determinations

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

#### Councils designated as ‘rural and remote Councils’

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

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

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

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

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

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

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

#### Local Government Remuneration Tribunal



**The Hon Acting Justice M Schmidt**

Dated: 23 April 2026

# Appendices

## Appendix 1 Criteria that apply to categories

### Principal CBD

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

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

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

# Appendices

## Major CBD

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

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

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

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

# Appendices

## Metropolitan Major

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

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

Other features may include:

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

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

## Metropolitan Large

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

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

Other features may include:

- Total operating revenue exceeding \$200M per annum

# Appendices

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

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

## **Metropolitan Medium**

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

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

Other features may include:

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

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

# Appendices

## Metropolitan Small

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

Other features which distinguish them from other Metropolitan Councils include:

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

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

# Appendices

## Major Regional City

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

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

## Major Strategic Area

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

Other features may include:

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

# Appendices

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

## Regional Strategic Area

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

Other features may include:

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

# Appendices

## Regional Centre

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

Other features may include:

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

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

# Appendices

## Regional Rural

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

Other features may include:

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

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

## Rural Large

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

Other features may include:

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

# Appendices

## **Rural**

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

## **County Councils - Water**

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

## **County Councils - Other**

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

## DEVELOPMENT ASSESSMENT REPORT

### *Environmental Planning & Assessment Act 1979*

#### Application Details:

Development Application No: DA2026/0010  
Description of Development: Multi-Dwelling Housing (5 Manufactured Home Units)  
BCA Class: 1a  
Applicant: Parkes Holdings (NSW) Pty, Allen Van Planning Pty Ltd  
Landowner(s): L J Ellis, P N Ellis, Parkes Holdings (NSW) Pty Ltd  
Landowners consent provided:  Yes  No (All Landowners must give consent to the proposed development)

#### Property Description:

Legal Description: Lots 58 and 59 DP1213491, 33A and 33B Rosewood Avenue, Parkes  
Existing Improvements: Vacant Land  
Current land-use: R1 General Residential

#### Locality and Site Context Map:





**Site Location:**

Has the subject land been correctly identified on DA Plans and SEE?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Is the land freehold title with all owners consent?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Is the site vacant of buildings?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Are there other buildings / structures located on the subject land?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Has the proposed building location been confirmed on the subject land?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Do the provided plans, specifications and supporting documents accurately depict the site conditions?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

**Comments:** The subject land is vacant.

**Site Inspection:**

Date:	5 March 2026	
Was the Applicant present?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Was the owner present?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Comments:** Council's Land Use Planning Specialist (Grahame Fry), Cadet Town Planner (Jacob Nay), Development Engineer – Stormwater (Jack Byrnes), and Water Assets Engineer (Deepak Dhakal) inspected the site and identified the following:

- The land is currently vacant.
- Access is available from Rosewood Avenue, which is a sealed road.
- There is a downhill slope towards the east of the allotment. The elevations are from @343.5mAHD to @340.5mAHD.
- There are no overhead powerlines within proximity of the proposed development.
- There is no significant vegetation present.

The following images show the site conditions.

	<p>View of the site from the proposed access from Rosewood Avenue. Image taken facing north.</p>
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	<p>View of the site looking south-east towards Rosewood Avenue and 37 Rosewood Avenue. The slope of the land and elevated building pad from unit 1 will offset the windows and provide predominant view of the roof of 37 Rosewood Avenue rather than into the windows of the existing dwelling.</p>
	<p>View of the site from the south-east corner facing north-east.</p>

**Internal Referral Advice:**

- |  |   |                             |   |
|--|---|-----------------------------|---|
| Has an Internal Engineering Technical Referral been received?      | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| Has an Internal Engineering Infrastructure Referral been received? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A            |
| Has an Internal Building Referral been received?                   | <input type="checkbox"/> Yes            | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| Has an Internal Heritage Advice Referral been received?            | <input type="checkbox"/> Yes            | <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |

**Comments:** The proposed development has been referred to Council's Development Engineer – Stormwater who has provided the following comments:

***Development Engineer – Stormwater***

Roads and Footpaths

A new driveway must be constructed on Rosewood Avenue to council's urban standard.



Traffic Generation and Assessment

Provision of 5 resident spaces and 2 visitor spaces is consistent with the DCP parking rates and with pre-lodgement advice provided to the applicant.

Stormwater Management

A Stormwater Management Plan has been submitted showing roof and driveway runoff collected to a below-ground on-site detention (OSD) tank with controlled discharge into the Rosewood Avenue kerb. This is considered appropriate.

**Water Assets Engineer**

Additional information was requested to demonstrate that the proposed development and the floor levels of the proposed units could be adequately serviced. Preliminary sewer servicing layouts were provided and were deemed acceptable for the purpose of the Development Application.

The applicant will require a section 305 application and applicable section 64 charges may apply. Further details regarding the servicing of the site will be required at future development stages. The information provided does not inhibit adequate servicing of the site.

**Easement(s):**

Are there any PSC easements applying to the subject land?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Is the proposed development clear of easements?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Are there any proposed easements?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Are easements required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A

**Comments:** There are no easements applying to the land. No easements are proposed or required.

**Consolidation of Lots:**

Are there multiple lots owned by the landowner in the same holding?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Is there a need to consolidate lots?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A

**Comments:** The proposal includes the construction of manufactured home units over two lots. Lots 58 and 59 DP1213491 are required to be consolidated, and a Condition of Consent has been recommended.

**Section 1.17 Biodiversity Conservation Act 2016 / Fisheries Management Act 1994**

**Biodiversity:**

Is the land identified on the Biodiversity Values Map?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Does the development include clearing/disturbance of vegetation above the relevant threshold? (as identified in 7.2 of the Biodiversity Conservation Regulation 2017)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Is the development otherwise likely to affect threatened species? (as identified in Clause 7.1 and 7.2 of the Biodiversity Conservation Regulation 2017)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Is the development proposed on land identified as an area of outstanding biodiversity value?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A



**Comments:** The subject land is not identified on the Biodiversity Values Map. The proposal will take place on land that is located in an urban area, has been cleared of vegetation, and is vacant. The development is not assessed to have any adverse impacts on terrestrial biodiversity within the locality.

**Fisheries:**

- Is the proposed development or activity likely to have an adverse effect on the life cycle of a threatened species such that a viable local population of the species is likely to be placed at risk of extinction?  Yes  No  N/A
- Is the proposed development or activity likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction?  Yes  No  N/A
- In relation to a threatened species, population or ecological community will the proposed development lead to the removal or fragmentation of a habitat and does the habitat have an important role in the ongoing survival of the species?  Yes  No  N/A
- Is the proposed development or activity likely to have an adverse effect on any critical habitat (either directly or indirectly)?  Yes  No  N/A

**Comments:** The subject land is not within proximity of any watercourses. No adverse impacts are assessed.

**Section 4.14 Consultation and development consent—certain bush fire prone land**

- Is the site identified on the Bushfire Prone Land Map?  Yes  No  N/A
- Does the development comply with "Planning for Bushfire Protection" or a certificate provided by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirement?  Yes  No  N/A
- If no, has consultation been done Commissioner for Rural Fire Service?  Yes  No  N/A

**Comments:** Not relevant to the proposal.

**Contributions:**

- Does the Section 7.11 Contributions Plan apply?  Yes  No
- Are Section 7.11 Contributions payable?  Yes  No
- Does the Section 7.12 Contributions Plan apply?  Yes  No
- Are Section 7.12 Contributions payable?  Yes  No
- Were Section 7.11 Contributions paid on the land under previous applications?  Yes  No
- Does the Developer Services Plan apply?  Yes  No  N/A
- Are Water Contributions payable?  Yes  No
- Are Sewer Contributions payable?  Yes  No

**Comments:** The subject land was created under Development Consent No. DA99274 which included the payment of a contribution for the dedication of land for open space purposes in accordance with the Parkes Shire Council's Section 94 Contributions Plan 1992. Accordingly, a condition requiring Section 7.12 contributions to be paid will not be imposed.

The Parkes Shire Council Development Servicing Plan for Water Supply and Sewage Services 2006 applies to the proposed development. The applicant will be required to pay a contribution fee in accordance with Council's Section 64 Developer Contributions for Water and Sewer. These will be calculated and enforced under applications under the Water Management Act 2000.



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## Section 4.15(1) Assessment

### S4.15(1)(a)(i) The provisions of any environmental planning instrument

#### Local Environmental Plans

The Parkes Local Environmental Plan 2012 applies to all land within the Parkes Local Government Area. The site of the proposed development is zoned R1 General Residential under the Parkes Local Environmental Plan 2012. The Land Use Table for the R1 General Residential zone permits the construction of Multi-dwelling housing with consent of Council.

Clause 2.3(2) of Parkes Local Environmental Plan 2012 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R1 General Residential zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide attractive, affordable, well located and market-responsive residential land.
- To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.
- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.

The development is consistent with the objectives of the R1 General Residential zone. The proposed development provides for the housing needs of the community, consistent and compatible with existing developments in the locality. The development will be within proximity of employment opportunities, public transport and public recreation areas.

The following provisions of the Parkes Local Environmental Plan 2012 have been especially considered in the assessment of the proposal:

- **Clause 1.9A Suspension of Covenants, Agreements and Instruments** - Clause 1.9A ensures that covenants imposed on site, which are not listed in clause 1.9A(2), do not restrict the carrying out of permissible development on site. The subject site is subject to a multitude of restrictions which are suspended for the purpose of this enabling development.
- **Clause 6.1 Earthworks** - Clause 6.1 ensures that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or feature of the surrounding land. All earthworks will be required to be undertaken in accordance with the National Construction Code (NCC) and conditions of development consent. The proposal is for the installation of manufactured homes on the site which will be installed on bearers and joists, minimising the need for significant earthworks. Balanced cut and fill is proposed to prepare the site for development, particularly for the construction of the driveway and car parking areas.
- **Clause 6.7 Essential Services** - Clause 6.7 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required. It is proposed to connect all new dwellings to reticulated water supply and sewerage infrastructure, electricity, gas, telecommunications and stormwater infrastructure in Rosewood Avenue. The existing infrastructure is a suitable capacity to support the proposed multi-dwelling housing. Access to the site will be via Rosewood Avenue which is a sealed road with kerb and gutter infrastructure. The applicant has provided DRAINS Modelling of the proposed stormwater management and have included On-Site Detention to manage the stormwater outputs. The proposal also includes a rainwater tank for each manufactured home unit and internal pits and pipe stormwater systems. Council's Technical Staff have reviewed the updated hydraulic plans and confirmed they are satisfactory and will effectively manage stormwater generated from the proposed development. No adverse impacts are assessed.

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#### State Environmental Planning Policies

The following State Environmental Planning Instruments (SEPPs) apply to the Parkes Local Government Area:



- SEPP (Biodiversity and Conservation) 2021
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing) 2021
- SEPP (Industry and Employment) 2021
- SEPP (Planning Systems) 2021
- SEPP (Precincts - Regional) 2021
- SEPP (Primary Production) 2021
- SEPP (Resilience and Hazards) 2021
- SEPP (Resources and Energy) 2021
- SEPP (Sustainable Buildings) 2022
- SEPP (Transport and Infrastructure) 2021

The following SEPPs are specifically relevant to the assessment of the proposed development:

- **SEPP (Biodiversity and Conservation) 2021** – Clause 2.6 of the Biodiversity and Conservation SEPP requires any person clearing native vegetation in a non-rural area to obtain permit granted by the Council under Part 2.2 of the SEPP. The Parkes Shire Development Control Plan 2021 does not prescribe any vegetation to which Part 2.2 applies and therefore a permit under Part 2.2 is not required.
- **SEPP (Transport and Infrastructure) 2021** - Clause 2.48 of SEPP Transport and Infrastructure requires a Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:
  - within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
  - within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
  - immediately adjacent to an electricity substation,
  - within 5m of an overhead power line,
  - includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line, or
  - placement of power lines underground.

The relevant parts of the proposal are not located within the minimum separation distances prescribed, or immediately adjacent to, any of the above infrastructure. As such, the subject application is considered to satisfy the provisions of Clause 2.48 SEPP Transport and Infrastructure.

- **SEPP (Resilience and Hazards) 2021** - Clause 4.6 of SEPP Resilience and Hazards requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. The site is vacant land, within a largely developed subdivision. There is no evidence of contamination on the site. A search of the NSW Contaminated Land Register does not show the site as contaminated land. No further investigations/actions are considered necessary at this stage.
- **SEPP (Sustainable Buildings) 2022** - The proposed development is not a BASIX development or a BASIX optional development.

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#### **S4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument**

There are no draft LEPs or draft SEPPs that apply to the subject land.

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#### **S4.15(1)(a)(iii) The provisions of any development control plan**

The Parkes Shire Development Control Plan 2021 applies. The proposed development has been assessed against the relevant controls of Part C - Residential Development as follows:



Clause	Comment
C.3.2 - Site Area and Frontage	The site is an irregular shape, being a battle-axe handle allotment. The access handle for the development is approximately 12 metres, with the length and width of the blocks being greater than 30 metres. The length and width of the blocks being in excess of 30 metres and the provision of a suitable access handle enabling two-way traffic is considered to comply with the objective of the part. The DCP control for site area is a minimum 280m <sup>2</sup> per dwelling unit, requiring a site area of 1,400m <sup>2</sup> . The subject site (once consolidated) has an area of approximately 1,950m <sup>2</sup> complying with the minimum site area requirements.
C.3.3 - Earthworks, Retaining Walls, Structural Support and Drainage	Complies. The development will require earthworks to enable the installation of the manufactured homes. The manufactured homes will be installed on bearers and joists, minimising the need for substantial earthworks to facilitate the development. Balanced cut and fill is proposed to prepare the site for development.
C.3.4 - Streetscape	Complies. The proposal is located on a battle-axe block and does not include any dwellings dominating the street frontage. Kitchen, bathroom and laundry facilities will not dominate the street frontage. No existing street trees will be removed as a result of the proposal.
C.3.5 - Setbacks Battle Axe Lots	<p>The proposed manufactured homes will be located at least 900mm from the side boundaries and 5 metres from the rear boundary to the wall of the units. The front setback is also in excess of 3 metres.</p> <p>The proposal includes decks which extend into the rear setback of the site, resulting in an approximate 2.1m rear setback in lieu of the 5 metre development standard. The proposal includes privacy screens on the Unit 2 deck to provide privacy to the adjoining property and mature landscaping is also proposed. This unit will also predominantly have a view of the neighbour's shed rather than a habitable area or private open space. Additionally, the existing shed on the adjoining property (17 Alder Avenue) does not contain any windows fronting the proposed unit. Unit 3 will be built on ground level and will also benefit from the landscaping. The view into the neighbour's backyard will also be protected by an existing shed.</p>
C.3.6 - Building Design	Complies. The proposed development will not exceed 9 metres in height above existing ground level. The proposal has been designed to ensure that at least 3 hours of solar access is provided to key living spaces and private open spaces during the winter solstice. The adjoining property to the south-east which will be most impacted by potential overshadowing (37 Rosewood Avenue) contains their private open space to the east of their site and contains secondary windows to their living spaces located on other faces of the house to enable solar access to these rooms. No air conditioning units or solar panels have been proposed under this application.
C.3.7 - Privacy	<p>Complies. The proposal includes a number of decks and windows which have been designed to address potential overlooking and privacy concerns.</p> <p>Unit 1 contains two windows fronting 37 Rosewood Avenue and no decks are proposed. The windows fronting this allotment will face the laundry door and garage of the adjoining property.</p> <p>Unit 2 includes landscaping screening and privacy screens to minimise potential overlooking and privacy concerns. The proposed deck will predominantly front the shed of the adjoining property on 17 Alder Avenue and the rear façade of 15 Alder Avenue. This unit will not have direct view of adjoining private open spaces or living areas.</p> <p>Unit 3 has been designed to also benefit from vegetation screening as to limit potential overlooking. Views into 19 Alder Avenue will be restricted due to an existing shed on that site. Minor views into 17 Alder Avenue will be limited due to the reduced elevation of the building and the landscaping required.</p> <p>The property adjoining the site to the north-west is currently vacant.</p> <p>Unit 5 maintains a setback greater than 3.5 metres from 31 Rosewood Avenue to the south. No windows or decks front the south-westernmost boundary from this unit.</p> <p>The units are single storey. Requirements for privacy screens on second storey windows is not required.</p>



<i>C.3.8 - Private Open Space</i>	Complies. Each dwelling will include private open space with width and depth greater than 3 metres and an area greater than 50m <sup>2</sup> . Private open space has generally been orientated towards the north and north-eastern aspects, enabling for the maximisation of solar to these spaces. Fencing is proposed to delineate the units and their respective private open spaces.
<i>C.3.9 - Driveways, Access and Car Parking</i>	Complies. The proposal includes a driveway access which enables two-laned traffic. The proposal includes a carport for each dwelling and two visitor car parking spaces as stipulated in the Parkes Shire Development Control Plan 2021. The proposal also includes two dedicated vehicle turning bays to enable vehicles to enter and exit the site in a forward direction, including emergency services vehicles and the like.
<i>C.3.10 - Stormwater Management</i>	Complies. The proposal includes rainwater tanks to manage the stormwater generated from the proposed units. This stormwater will then be directed to an internal pits and pipe system, which will collect stormwater generated from the impervious area of the proposed driveway and parking spaces. Strip drains are also incorporated in this design. A 24,500L On-site detention tank is also proposed to manage the release of stormwater from the pits and pipes to Rosewood Avenue. DRAINS models have been provided demonstrating that the post-development flows will not exceed the pre-development flows. All stormwater will be managed on-site and directed to a legal discharge point without creating a nuisance to neighbouring residents.
<i>C.3.11 - Utilities</i>	Complies. The subject land is to be connected to Council's reticulated water and sewer networks. The land can be connected to electricity and telecommunications networks. Each dwelling will be individually connected to each respective utility.

**S4.15(1)(a)(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

There are no planning agreements relating to the site. The applicant has not requested Council to enter into any form of planning agreement.

**S4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph**

Division 1 of Part 4 of the Environmental Planning and Assessment Regulation 2021 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

Clause	Comment	Compliance	
<i>Clause 61(1) - Building Demolition</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 61(2) - Subdivision Order</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 61(3) - Dark Sky Planning Guideline</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 61(4) - Low rise housing diversity design guide.</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clauses 62 - Change of Use Fire Safety and Structural Capacity Considerations</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 63 - Temporary Structures</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clauses 64 - Fire Safety Upgrades</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 65 - Conservation Plan Opera House</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 66 - Contributions Plan (Sydney)</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No



<i>Clause 66A – Council-related Development Application</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 67 - Modification or surrender of existing use</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Clause 68 - Modification or surrender of development consent</i>	Not relevant to the proposal.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**S4.15(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality**

- Context and Setting** – The subject land is located in an urban residential area, zoned R1 General Residential. The site is located on the side of a hill and has downhill slope towards the east of the allotment. The adjoining land is occupied by a dwelling-houses to the north-east, south-east and south-west, and vacant land zoned R1 General Residential to the north-west. The proposal is appropriate and consistent with the predominant development in the area and is not expected to create significant impacts on the context and setting of the area.
- Land Use Conflict** – The proposal is for the construction of Multi-Dwelling Housing (5 manufactured dwellings). development to be located upon an R1 General Residential site, with detached dwelling-houses, dual occupancies, secondary dwellings and ancillary outbuildings being the predominant and expected land uses in an established residential area. Following revision of the initial plans and addressing of community submissions during the notification period (refer to section 4.15(1)(d) of this report), the proposed development will not create any issues to adjoining properties regarding overshadowing, overlooking, noise, vibration or stormwater management subject to suitable conditions of consent. The development on the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflict.
- Access and Traffic** – The applicant is proposing vehicle access from Rosewood Avenue which can support two-way traffic. The access and cross over points will be required to comply with Council's technical engineering specifications. Council's engineers have reviewed the proposal and confirmed the access geometry is suitable in terms of vehicle crossovers and stormwater management. The development will not generate any additional traffic above or beyond the capabilities of the local road network. No adverse impacts have been assessed.
- Public Domain** – The proposed development will not compromise the availability and enjoyment of public recreational opportunities in the locality. It is assessed that minimal impact will result on the existing public domain.
- Utilities** – The proposed development can be connected to Council's reticulated water system and reticulated sewerage system. All proposed dwellings will require separate connection to reticulated services, which will not be above or beyond the system's capabilities. No adverse impacts are assessed.
- Heritage** – The subject site is not listed in the Parkes Local Environmental Plan 2012 as containing any items of Local or State significance. Site inspection did not identify any sites, items, or places of heritage significance. The information supplied by the applicant did not identify any heritage sites, items, or places. No adverse impacts are assessed.
- Other land resources** – The development will not have detrimental effects of conserving and using valuable land resources and water supply catchments.
- Bushfire** – The site is not identified on the bushfire prone land map. No adverse impacts are assessed.
- Surface Water and Groundwater** – The site is not identified on the groundwater vulnerable land map. All stormwater is managed onsite and directed to infrastructure in Rosewood Avenue. No adverse impacts are assessed.
- Soils** – There is a downhill slope towards the east of the allotment. The elevations are from @343.5mAHD to @340.5mAHD. Roof water from the proposed development will be managed in accordance with the BASIX commitments. All stormwater will be managed on-site and directed to a legal discharge point in Rosewood Avenue without creating a nuisance to neighbouring residents. No adverse impacts upon soils are assessed.
- Air & Microclimate** – No adverse impacts have been assessed.



- **Noise and Vibration** – The development is located close enough to neighbouring properties that construction noise could be a potential problem. It is considered that the on-going use of the development will not cause any significant noise and vibration issues, with noise levels being consistent with the anticipated residential noise levels in the locality. It is considered appropriate to limit the times of construction activities by way of condition of consent. No adverse impacts are assessed.
- **Flora and Fauna** – The subject allotment is a vacant allotment. The site is not identified on the terrestrial biodiversity land map. A site inspection did not reveal any significant vegetation onsite. The site will be cleared of any remnant/sundry vegetation to allow construction of the development. The proposal also includes landscaping plans which will be required to be provided prior to the occupation or use of the proposed manufactured homes.
- **Waste** - Construction waste will be required to be disposed of at an approved waste facility. Bin storage areas are indicated on the site plan for each unit. Kerbside collection is available for the pickup of ongoing waste generated from the development. No adverse impacts are assessed.
- **Natural Hazards** – The site is not flood prone nor is it identified on the Bushfire Prone Land Map. No adverse impacts assessed.
- **Technological Hazards** – The information supplied by the applicant does not indicate any past land contamination. The site Inspection and Council's Contaminated Sites Register does not reveal any evidence of contamination.
- **Safety Security and Crime Prevention** – The proposal does not pose a safety, security or crime prevention risk.
- **Social Impact in the Locality** – Due to the type and scale of the proposed development, the social impacts of the development are not significant. No adverse impacts are assessed.
- **Economic Impact in the Locality** – Due to the type and scale of the proposed development, the economic impacts of the development are not significant. No adverse impacts are assessed.
- **Site Design and Internal Design** – The size and scale are appropriate for the subject lot. It is assessed that the development on the site will not detrimentally affect the adjoining land.
- **Cumulative Impacts** – The proposal is consistent with the Parkes Local Environmental Plan 2012 and the Parkes Shire Development Control Plan 2021. The proposal is adjoined by compatible residential land uses. It is assessed that the cumulative impacts of the proposed development are not such that the application should be refused.

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#### **S4.15(1)(c) the suitability of the site for the development**

The site has the capacity to support the proposal without creating adverse impacts on the site and adjoining land. The proposed development will be wholly located on the subject allotment. The proposed development will be in character for the residential area and will not lead to cumulative impacts on the environment, neighbouring land-uses, and cultural or heritage items.

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#### **S4.15(1)(d) any submissions made in accordance with this Act or the regulations**

The proposed development was publicly advertised, and adjoining owners notified, between 25 February 2026 and 11 March 2026, in accordance with the Parkes Shire Community Participation Plan 2022. Council received two (2) submissions, all presenting objections to the proposed development, during the Public Exhibition period. These submissions are noted below:

**B J Rathbone & T P Rathbone**  
**17 Alder Avenue, Parkes**

**Rathbone Submission / Issue: The proposed development substantially increases impervious surface area. Without certified hydraulic modelling, on-site stormwater detention design, and confirmed discharge points, we cannot be assured that runoff will not be redirected onto neighbouring properties.**



**Assessment Response:** Further information was requested from the applicant to demonstrate adequate stormwater management would be provided to the site and that the post-development flows would not exceed the pre-development flows. The applicant has provided DRAINS Modelling of the proposed stormwater management and have included On-Site Detention to manage the stormwater outputs. Council's Technical Staff have reviewed the updated hydraulic plans and confirmed they are satisfactory and will effectively manage stormwater generated from the proposed development.

**Rathbone Submission / Issue:** The elevation of the proposed dwellings will result in direct overlooking into our property. This is an unreasonable intrusion and inconsistent with planning principles intended to protect residential privacy.

**Assessment Response:** The applicant has provided further information proposing a lowering of the initially nominated floor levels of Units 2 and 3 which will reduce potential overlooking/privacy impacts to adjoining properties. Further vegetation screening through landscaping has also been provided to address privacy and screening on the north-eastern and south-eastern boundaries, which is supported. The location of Unit 2 will result in the private open space predominantly facing a shed on the neighbouring property at 17 Alder Avenue, limiting the ability for overlooking directly into the private open space of that property. Additionally, privacy screens have been proposed to be incorporated into the design of proposed Unit 2 and the carports proposed for Units 2 and 3.

**Rathbone Submission / Issue:** The development introduces up to 10–15 additional residents and associated vehicle movements. We are concerned that the noise impacts from vehicles entering and exiting this development daily will materially and unreasonably increase daily disturbance to neighbouring properties.

**Assessment Response:** Multi-dwelling housing is a permissible land use in the R1 General Residential land zone as stipulated within the Parkes Local Environmental Plan 2012. The proposed density (five dwellings over a total land area of 1950m<sup>2</sup>) is compliant with the site area component of the Parkes Shire Development Control Plan 2021. The proposal is for a residential development within a residential area. The noise generated from the proposal will be consistent with the anticipated noise generation from dwellings within a general residential area.

## Submission 2

Name and Address Withheld

**Submission 2 Submission / Issue:** The application describes the proposal as “Multi Dwelling Manufactured Housing (5 Manufactured Home Units).” It is not clear from the exhibited documentation whether the dwellings are intended to operate as standard private residential accommodation or under a community, affordable, transitional, supported, or other structured housing model. The intended occupancy model is a material planning consideration, and increases risk for neighbouring properties.

**Assessment Response:** The application has not been submitted for community title subdivision, affordable housing or the like which would impact the assessment of the application under the *State Environmental Planning Policy (Housing) 2021* or similar. The proposal is for five multi-dwelling, manufactured units to be installed on the site. This is a permitted land use on the site in accordance with the Parkes Local Environmental Plan 2012.

**Submission 2 Submission / Issue:** I was part of a process with the developer under a Section 88B for an easement to be built through my property whilst building to manage water discharge onto Alder Avenue. Please confirm if this is the same process required for DA2026/0010 and if the Adler Avenue adjoining neighbours have been made aware and given opportunity to respond.

**Assessment Response:** Stormwater is proposed to be discharged to Rosewood Avenue as the legal point of discharge. No easements are required for the proposed arrangement as no stormwater will be directed through adjoining properties. The two lots which currently form the subject site will also be consolidated as a condition of consent, removing the need for easements to manage internal services.

**Submission 2 Submission / Issue:** This level of site coverage will inevitably increase peak stormwater discharge unless properly mitigated. I therefore formally request civil engineering certification and robust plans for the site to ensure the development has a stormwater system tested and analysed in event of key weather event and endorsed by Council for the storm events.



**Assessment Response:** Further information was requested from the applicant to demonstrate adequate stormwater management would be provided to the site and that the post-development flows would not exceed the pre-development flows. The applicant has provided DRAINS Modelling of the proposed stormwater management and have included On-Site Detention to manage the stormwater outputs. Council's Technical Staff have reviewed the updated hydraulic plans and confirmed they are satisfactory and will effectively manage stormwater generated from the proposed development.

**Submission 2 Submission / Issue:** Assurance need to be made that there is no net increase in runoff leaving the site; no stormwater is directed toward neighbouring properties, specifically mine as a direct neighbour and downhill from the development; interallotment drainage is not relied upon; existing overland flow paths are maintained; downstream infrastructure has sufficient capacity and all certified by a civil engineer.

**Assessment Response:** The updated stormwater management plans, modelling and hydraulic plans have demonstrated that there will be no net increase to stormwater. Interallotment drainage is not proposed. Internal pits and pipes will be utilised to manage the stormwater management within the subject site, and the stormwater will be directed to the Rosewood kerb and gutter as the legal point of discharge.

**Submission 2 Submission / Issue:** I request formal information on how on-street parking for 5 residential properties would be managed without my immediately adjacent driveway being impacted. Significant traffic generation is a huge risk with this development and to my residential property.

**Assessment Response:** The proposed development includes one on-site parking space per unit plus an additional two visitor car parking spaces for the site. This arrangement is compliant with the Parkes Shire Development Control Plan 2021.

**Submission 2 Submission / Issue:** I request that, should this development go ahead, it is entirely concreted or asphalt driveways with two-way access minimum and turning circle within the property with a stormwater design that does not allow for any additional water to enter my property via my driveway, or in and under my retaining wall on the west side.

**Assessment Response:** The proposal includes a vehicle turning bay enabling vehicles to enter and exit the site in a forward direction. The proposed driveway has been designed to be 6.2 metres in width which is a suitable width to enable two-way movement of vehicles. The proposal includes earthworks to grade the site in an appropriate manner as to not cause a nuisance to adjoining properties. Stormwater from the proposed units will be directed to rainwater tanks with overflow directed to Rosewood Avenue. Stormwater generated from the additional impervious area from the driveway, parking spaces and turning bays will be managed via pits and pipes and will be directed to Rosewood Avenue.

**Submission 2 Submission / Issue:** Thick, established vegetation on all egress side points is specifically requested.

**Assessment Response:** Established vegetation is proposed along the north-eastern boundary and includes a return along the south-eastern boundary. It is not considered necessary to require vegetation along the access/egress point. The proposal includes a 1,800mm colorbond fence on the eastern side of the driveway, providing privacy to unit 1. There are no standards prescribing additional vegetation or landscaping.

**Submission 2 Submission / Issue:** How waste collection logistics are workable and compliant when there is a battleaxe block and my driveway would be significantly impacted by up to 15 bins and general waste, 10 on waste collection nights/mornings and if left out.

**Assessment Response:** The proposal includes an on-site waste storage area for each of the dwelling units. These are located behind the building line of the proposed dwellings. Waste collection will be via Council's kerbside pickup. Bins will be removed after collection as is common within residential areas.

**Submission 2 Submission / Issue:** I request the following: Minimum landscaping area requirements with established vegetation that redirects stormwater appropriately

**Assessment Response:** The applicant has provided a landscaping plan which complies with the provisions of the Parkes Shire Development Control Plan 2021. Stormwater management has been addressed via internal pits and pipes, rainwater tanks and on-site detention.



**Submission 2 Submission / Issue: I request the following: Private open space provisions given the entire west side of my development faces the proposed development – without inhibiting natural light critical to the design and climatic adjustment of my home.**

**Assessment Response:** The proposed development has indicated the location of private open space for each unit in accordance with the Parkes Shire Development Control Plan 2021. At least 50 sqm of private open space has been provided to each unit. The location of the private open space does not inhibit the provision of at least 3 hours of solar access (calculated during the winter solstice) to key living areas or private open space on adjoining properties.

**Submission 2 Submission / Issue: I request the following: Minimum site coverage controls and into perpetuity the maintenance and upkeep of said controls.**

**Assessment Response:** The proposed development meets the minimum site requirements for the proposed development, this being 280m<sup>2</sup> per dwelling unit in accordance with the Parkes Shire Development Control Plan 2012. There are no minimum floor space ratios or similar applying to the site. The maintenance and upkeep of the property is the responsibility of the landowner.

**Submission 2 Submission / Issue: I request the following: Boundary setbacks and overshadowing standards – particularly relevant to a past proposal/DA with Council for a 3m high boundary fence on the west side of my property by the landowner adjacent that would have overshadowed the entire home and significantly reduced the value of my property for resale.**

**Assessment Response:** The proposal does not include a 3 metre high boundary fence. Fences noted on the provided plans are 1.8 metre high colorbond fences. The applicant has provided further information proposing a lowering of the initially nominated floor levels of Units 2 and 3 which will reduce potential overlooking/privacy impacts to adjoining properties. Further vegetation screening through landscaping has also been provided to address privacy and screening on the north-eastern and south-eastern boundaries. The proposal is for single-storey units which meet the setbacks prescribed within the Parkes Shire Development Control Plan 2021. The proposed units do not inhibit the provision of at least 3 hours of solar access (calculated during the winter solstice) to key living areas or private open space on adjoining properties.

**Submission 2 Submission / Issue: I request the following: Industry standard privacy protections and noise concentration barriers specifically related to loss of privacy for my family due to elevation of the proposed block and multi-dwelling development (up to 10-15+ additional occupants) proposed risk**

**Assessment Response:** The proposed development will be constructed in accordance with the relevant provisions within the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. Multi-dwelling housing is a permissible land use in the R1 General Residential land zone as stipulated within the Parkes Local Environmental Plan 2012. The proposed density (five dwellings over a total land area of 1950m<sup>2</sup>) is compliant with the site area component of the Parkes Shire Development Control Plan 2021. The proposal is for a residential development within a residential area. The noise generated from the proposal will be consistent with the anticipated noise generation within a general residential area. It is not considered necessary to require noise barriers or similar due to the nature and scale of the development.

**Submission 2 Submission / Issue: Approval of a concentrated multi-dwelling outcome within a subdivision designed for detached residential housing may represent a material departure from the established development pattern and neighbourhood planning intent.**

**Assessment Response:** Multi-dwelling housing is a permissible land use in the R1 General Residential land zone as stipulated within the Parkes Local Environmental Plan 2012. The proposed density (five dwellings over a total land area of 1950m<sup>2</sup>) is compliant with the site area component of the Parkes Shire Development Control Plan 2021.

**Submission 2 Submission / Issue: The Rosewood subdivision is understood (since its inception and my purchase of two blocks) to operate under established development governance mechanisms, including contractual building controls and/or restrictive covenants registered on title ... While I acknowledge that private covenants are not enforced by Council, the existence of such governance frameworks reflects the intended low-density residential character of the subdivision and the reasonable expectations of existing property owners. Council should carefully consider whether the proposed multi-dwelling configuration is consistent with: The established built form**



**character of Rosewood Avenue, The intended planning outcomes of the subdivision, The density assumptions underpinning the estate design, The broader strategic planning objectives for this locality**

**Assessment Response:** The proposed development is permissible in the R1 General Residential land zone and is compliant with the objectives of the zone, particularly “To provide for a variety of housing types and densities”. The proposal is also compliant with the relevant provisions of the Parkes Shire Development Control Plan 2021, including development standards relating to density, built form, streetscape and setbacks.

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#### **S4.15(1)(e) the public interest**

The proposal is assessed to pose no significant impacts on the public interest.

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#### **Assessment Conclusion / Recommendation**

Consent be granted subject to condition(s) detailed in Annexure ‘A’ *attached*.

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#### **Annexure A**

##### **Conditions:**

##### **Approved Plans and Documents**

###### *Approved Plans and Supporting Documentation*

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.
  - 1) The stamped approved plans prepared by Luxury Homes by Brentnall, Project No: 2025-PKS002, Drawing No. V2-A100 – V2-A102, V2-A201 - V2-A203, V2-A301, V2-A302, V2-CUT01 (inclusive), Revision C, dated 2 June 2026.
  - 2) The stamped approved floor plans prepared by Luxury Homes by Brentnall, Project No: 2025-PKS002, Drawing No. V1-A401 - V1-A403 (inclusive), Revision C, dated 10 June 2026.
  - 3) The stamped approved Stormwater Concept Management Plan prepared by BMB Engineers, Dwg No. SWD 2227-1, sheets 1 – 3 (inclusive), Revision C, dated 20 May 2026.
  - 4) The preliminary Sewer Servicing Layout prepared by Heath Consulting Engineers, Job No. 20\_018, drawing No. 20018C-SE02, revision A, dated 5 June 2026.
  - 5) The stamped approved Statement of Environmental Effects.

except as varied by the conditions listed herein or as marked in red on the approved plans. A current and approved copy of the approved stamped by Parkes Shire Council is to be maintained on site for constructional and reference purposes.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

###### *Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989*

2.
  - 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
  - 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract



of insurance is in force before building work authorised to be carried out by the consent commences.

- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.
- 4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply—
  - a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
  - b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

#### *Erection of Signs*

3. 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - a) showing the name, address and telephone number of the principal certifier for the work, and
  - b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be—
  - a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - b) removed when the work has been completed.
- 4) This section does not apply in relation to—
  - a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

#### *Inspection by Council*

4. Prior to occupation of the dwelling, an inspection is to be carried out by Council's Building Surveyor, verifying all relevant requirements of the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993 have been satisfied.

#### *Notification of Home Building Act 1989 requirements*

5. 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—



- a) for work that requires a principal contractor to be appointed—
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer of the work under the Home Building Act 1989, Part 6,
- b) for work to be carried out by an owner-builder—
  - i) the name of the owner-builder, and
  - ii) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

#### *Notice of Installation of Manufactured Homes*

6. The consent owner must give Council written notice within seven (7) days of the completed installation in accordance with Clause 159 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

#### *Shoring and adequacy of adjoining property*

7. 1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
  - 2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
    - a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
    - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
  - 3) This section does not apply if—
    - a) the person having the benefit of the development consent owns the adjoining land, or
    - b) the owner of the adjoining land gives written consent to the condition not applying.

#### **Before Issue of a Construction Certificate**

No additional conditions have been applied to this stage of development.

#### **Before Works Commence**

##### *Erosion and sediment controls in place*

8. Before any site work commences, the Consent Authority must be satisfied the erosion and sediment controls are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

##### *Obtaining a Section 305 Certificate*

9. Prior to the commencement of works, evidence of an approved Section 305 Water Management Act 2000 Application for water supply and sewerage management system works from Parkes Shire Council is to be provided to the Certifier.



Note: The applicant is advised that the development may be subject to developer charges pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000. These fees will be confirmed with the issue of a Section 306 Certificate and will be required to be paid in full prior to the issue of an occupation certificate in accordance with Section 64 of the Local Government Act 1993.

The current Section 64 developer charges per ET set out in Council's published fees and charges for 2025/26 are:

- Water = \$15,190.0
- Sewer = \$5,945.00

This charge is reviewed each financial year. The current contribution rate is to be confirmed prior to payment.

#### *Notice of Commencement*

10. The applicant is to submit to Parkes Shire Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works'.

#### *Section 138 Approval*

11. Prior to any work commencing within a public road reserve, the Applicant shall submit an Application under Section 138 of the Roads Act 1993 to carry out road works, including detailed engineering design drawings of intended works, sediment control plans, environmental management plans, work method statements and traffic control plans.

#### *Section 68 Approval (Manufactured Homes)*

12. The Applicant is to obtain all relevant approvals to install a manufactured home, carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Parkes Shire Council prior to commencing works and comply with any conditions of that permit. All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia.

### **During Building Works**

#### *Cut and Fill Management*

13. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to the appropriate engineering standards.
  - A retaining wall or structure that does not comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will require prior consent from Council.
  - Cutting and filling on the site and the erection of retaining walls may require the approval and certification of a suitably qualified structural/geotechnical engineer.

#### *Cut and Fill Regulation*

14. While building work is being carried out, the consent authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
  - 1) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the consent authority.



- 2) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

#### *Driveway Access*

15. The applicant is to construct a new concrete driveway at the nominated location, from the back of existing layback to boundary in accordance with the following Parkes Shire Council minimum standards:
  1. Driveway 3-6 metres wide
  2. Concrete slab shall be 150mm thick, 32MPa GP concrete, founded on 75mm of compacted gravel.
  3. Concrete slab shall be dowelled into the existing kerb and gutter using R12 Galvanised dowels (250 grade) spaced at 300mm centres, 400mm long and centrally placed.
  4. At grade of existing verge/footway (must be between +2% and +4% grade from top of kerb to boundary)
  5. Design levels of driveway to be submitted with Section 138 Permit for approval.

All works must be completed prior to the occupation or use of the development.

#### *Construct Internal Manoeuvring and Parking Hardstand*

16. During construction, all internal driveways, hardstand areas and parking areas shall be constructed in concrete in accordance with the following:
  1. Approved engineering design plans
  2. AS 2890.1–2004 Off-Street Car ParkingThe work must be completed prior to the occupation or use of the manufactured home units.

#### *Provision of Toilets*

17. Throughout the course of building operations on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out. Toilet facilities are to be provided at a rate of one toilet for every 20 persons or part of 20 persons employed at the site.

#### *Rubbish & Debris*

18. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container for disposal at an approved Parkes Shire Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.
  - No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.
  - The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

#### *Stormwater Connection and Disposal*

19. All roofed and paved areas shall be drained so that water from those areas is conveyed to the street gutter at the front of the property in accordance with the approved stormwater management plan and Australian Standard 3500, 'National Plumbing and Drainage'. Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water and surface drainage to the approved method of disposal.



### *Disposal of Waste*

20. All building rubbish, demolition material and debris shall be disposed at an approved Parkes Shire Council Waste Facility.

### *Hours of work*

21. Site work must only be carried out between the following times –

Between 7:00 am and 6:00 pm on weekdays;  
Between 8:00 am and 1:00 pm on Saturdays;  
No work permitted on Sundays or Public Holidays.

Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

### *Manufactured Homes Regulations*

22. The manufactured home and any associated structure must be designed, constructed and installed in accordance with the requirements of Subdivision 3 of Division 2 of Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

### *Stormwater Connection and Disposal*

23. All roofed and paved areas shall be drained so that water from those areas is conveyed to street gutter in accordance with Australian Standard 3500, 'National Plumbing and Drainage'. Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water and surface drainage to the approved method of disposal.

### *Work to be Within Property Confines*

24. All loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out on the nature strip, footpath or public roadway system.

### *Issue Reticulated Sewerage and Water Compliance Certificate*

25. Prior to the occupation or use of the dwelling, a Certificate of Compliance in accordance with Section 307 of the Water Management Act 2000 is to be obtained from Parkes Shire Council, certifying that all works, fees and charges, required in connection with the provision of the reticulated sewerage and water supply to the development have been undertaken and complied with in full.

### *Final inspection Record for Driveway Works*

26. Prior to the occupation or use of the development a Certificate of Completion is to be provided to the Consent Authority confirming that all works and fees / contributions required for the provision of a layback, crossover and driveway have been completed in full to the satisfaction of Council's Director Operations.

### *Dwelling and Unit Address*

27. The street number allocated to the dwellings/units shall be displayed so that it is clearly visible from Rosewood Avenue prior to the occupation or use of the development. The street numbers allocated to the new dwellings/units will be as follows:



- 1) Unit 1 – 1/33 Rosewood Avenue, Parkes
- 2) Unit 2 – 2/33 Rosewood Avenue, Parkes
- 3) Unit 3 – 3/33 Rosewood Avenue, Parkes
- 4) Unit 4 – 4/33 Rosewood Avenue, Parkes
- 5) Unit 5 – 5/33 Rosewood Avenue, Parkes

#### *Consolidation of Lots*

28. Prior to the occupation or use of the manufactured units, the applicant is to provide evidence to the consent authority that Lot 58 DP1213491 and Lot 59 DP1213491 have been consolidated into a single allotment.

#### *Landscaping to be Provided*

29. Prior to the occupation or use of the manufactured units, mature landscaping in accordance with the stamped approved plans must be completed to the satisfaction of Council's Director of Planning and Community Services.

#### *Repair of Infrastructure*

30. At the completion of work
- 1) Any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or
  - 2) If the works in (1) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council.

#### **Prior to Issue of an Occupation Certificate**

No additional conditions have been applied to this stage of development.

#### **Ongoing and Operational**

##### *Landscape Management*

31. Landscaping in accordance with the approved plans shall be maintained in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property unless otherwise approved by Council.

##### *Visitor Carparking*

32. Visitor carparking is to be provided and maintained in perpetuity in accordance with the approved stamped plans.

**18.1 DA2026/0010 MULTI-DWELLING HOUSING (5 MANUFACTURED HOME UNITS),  
33A ROSEWOOD AVENUE, PARKES**

Annexure B: Plan Set – DA2026-0010 – 33A Rosewood Avenue, Parkes: [2026-06-16-item-18.1-annexure-b-plan-set-da2026\\_0010-33a-rosewood-avenue.pdf](#)

Tim &amp; Bev Rathbone

10 March 2026

The Office of the General Manager  
2 Cecile Street**Parkes NSW 2870****Re: Submission - DA 2026/0010 - 33A Rosewood Avenue, Parkes  
Proposed Multi-Dwelling Housing (xS Manufactured Home Units)**

To whom it may concern,

We write in relation to Development Application DA 2026/0010, which seeks approval for the construction of five (5) manufactured home units at 33A Rosewood Avenue, Parkes. As owners of a direct neighbouring property, we request that Council undertake a thorough and comprehensive assessment of this proposal.

Based on the information available, we hold concerns relating to infrastructure capacity, stormwater impacts, amenity, privacy and noise generation.

**INFRASTRUCTURE CAPACITY, STORMWATER RISK & ENGINEERING REQUIREMENTS**

The proposed development substantially increases impervious surface area. Without certified hydraulic modelling, on-site stormwater detention design, and confirmed discharge points, we cannot be assured that runoff will not be redirected onto neighbouring properties-particularly ours, which sits directly downhill of Rosewood Avenue. Our property already bears significant drainage burden, and additional unmanaged runoff poses an unacceptable and measurable risk.

We therefore formally request that Council require:

- Certified hydraulic modelling by a qualified professional engineer;
- Confirmation of stormwater infrastructure capacity;
- Civil engineering designs demonstrating no increase in runoff to adjoining lots;
- Assurance that engineered stormwater controls, once installed, are protected and enforced in perpetuity.

#### PRIVACY & AMENITY

The elevation of the proposed dwellings will result in direct overlooking into our property. This is an unreasonable intrusion and inconsistent with planning principles intended to protect residential privacy.

#### NOISE GENERATION

The development introduces up to 10–15 additional residents and associated vehicle movements. We are concerned that the noise impacts from vehicles entering and exiting this development daily will materially and unreasonably increase daily disturbance to neighbouring properties.

We expect that these matters will be given full and proper weight in Council's assessment.

Thank you.

Tim & Bev Rathbone

07/03/2026



To:  
Planning & Community Services  
Parkes Shire Council  
2 Cecile Street  
Parkes NSW 2870

Re: Submission - DA2026/0010 - 33A Rosewood Avenue, Parkes Proposed Multi Dwelling Housing (5 Manufactured Home Units)

To whom it may concern,

I write in relation to **Development Application DA2026/0010** for the proposed construction of five (5) manufactured home units at 33A Rosewood Avenue, Parkes.

 I request that I request that Council undertake a rigorous and comprehensive assessment of this application, particularly in relation to land use classification, stormwater management, infrastructure capacity, and residential amenity impacts, specifically related to impact on existing residential owners.

Five dwellings on two consolidate residential blocks represents a material intensification of use. It also does not correlate with the family residential direction of the Rosewood subdivision.

Whilst I am supportive of housing and population growth in Parkes, the proposed development is not what was anticipated in the Rosewood subdivision purchasing two adjacent blocks and building a home. I would appreciate this objection be considered to lessen the impact on my property as much as possible, and where practicable have my concerns directly addressed.

Summarised the key concerns are:

- **Stormwater management** within the Rosewood subdivision is a known issue and requires detail civil engineering designs and plans. The 88B instrument activation - -an \_\_\_\_\_ internal easement to Alder Avenue in 2022/23 during build) demonstrates the risk associated with the stormwater management in this area of the subdivision, and the build of the proposed multi-dwelling housing demonstrates a substantial increase in impervious surface area and management of stormwater, of which my development is directly adjacent and 'downstream'.

Significant and **specific risks in land user and the operational model** of multi dwelling modular houses and disclosure of intention to use for social housing, the anticipation that the Rosewood subdivision was for standard residential housing (and relevant breaches of covenants on register titles), how significant waste management increases and risk will be managed, cumulative intensity of parking and occupancy turnover, alongside significant traffic movements daily and other factors will impact on the safety of myself and my young family.

- **Assurance** that should this objection not delay or stop the development that the requested controls in this letter are **enforced firmly and into perpetuity** - for concreting surfaces, civil engineering of stormwater management, advanced vegetation along interfaces with my property, advanced landscaping, solid land and ground barriers protecting my property, fencing to reduce noise and increase privacy without providing a barrier to required natural light the west side of my property, appropriate easement installed to Alder Avenue similar to the requirement on my property (888) and enforceable on covenant or other method. Protecting privacy to my property and into perpetuity irrespective of residential churn on the property. These will protect both my property and also my young family from privacy breaches.

The application describes the proposal as "Multi Dwelling Manufactured Housing (5 Manufactured Home Units)." It is not clear from the exhibited documentation whether the dwellings are intended to operate as standard private residential accommodation or under a community, affordable, transitional, supported, or other structured housing model. The intended occupancy model is a material planning consideration, and increases risk for neighbouring properties. Matters such as parking demand, occupancy turnover, management oversight, behavioural intensity, infrastructure loading and cumulative neighbourhood impact are of relevance to this development and my objection.

If the proposal involves community or managed housing in any form, this should be explicitly disclosed and assessed under the appropriate planning framework. Under the LEP, I request further transparent information in relation to these factors, or direction on where to find this in the LEP and review myself.

The Rosewood subdivision (in my own experience alone) presents a **notable risk in stormwater management**. a Section 888

for an easement to be built through my property whilst building to manage water discharge onto Alder Avenue. Please confirm if this is the same process required for DA2026/0010 and if the Adler Avenue adjoining neighbours have been made aware and given opportunity to respond.

The proposed development represents a substantial increase in impervious surface area through (and therefore risk to my property directly adjacent and downstream):

- Five roofed dwelling structures
- Multiple carports (**not closed in garages** as stipulated in the covenant on the subdivision titles)- **Reference DP1213491 Plan of Subdivision registered 22.01.2016 > File number DA99274.**
- Driveways and hardstand areas
- A central vehicle turning bay

Based on the publicly available documentation, there is no clear evidence of:

- Certified hydraulic modelling by a certified professional engineer
- Pre- and post-development runoff comparison
- On-site detention (OSD) design
- Defined lawful point of discharge
- A 1 in 5-year, 1 in 20-year and 1 in 100-year flood event, given the notable climatic intensity and changes facing all owner occupiers in the subdivision and across Australia.

This level of site coverage will inevitably increase peak stormwater discharge unless properly mitigated. I therefore **formally request civil engineering certification and robust plans** for the site to ensure the development has a stormwater system tested and analysed in event of key weather event and endorsed by Council for the storm events - particularly given my own experience and significant challenge of managing stormwater to date on my double property.

Assurance need to be made that there is **no net increase** in runoff leaving the site; no stormwater is directed toward neighbouring properties, specifically mine as a direct neighbour and downhill from the development; interallotment drainage is not relied upon; existing overland flow paths are maintained; downstream infrastructure has sufficient capacity and all certified by a civil engineer.

Stormwater risk is measurable and predictable. Without appropriate engineered controls, neighbouring properties may be exposed to increased flooding or surface water concentration, and or confirmation of additional controls (such as that which I was required to comply with). I request that Council require certified hydraulic engineering documentation prior to determination.

In relation to infrastructure capacity and cumulative intensity, as a battleaxe block, there is significant risk to safety to my children and ease of **access** **with** one single entry point to the multi-dwelling facility. Vehicle movements prove to be of significant risk with the design and multi-dwelling configuration of the development - unless there is a two-way entry and exit driveway, the traffic estimated before and after school, departure and arrival from work and lunch x5 dwellings and possibly 10-15 vehicle poses up to 60+ movements of vehicle movements daily. This is of significant concern with the design of the block and no clarity on number of occupants and estimate vehicles for the development. Rosewood subdivision has many children enjoying the street on bikes and scooters, and the material increase of this significant poses significant safety and operational risk.

I request formal information on how on-street parking for 5 residential properties would be managed without my immediately adjacent driveway being impacted. Significant traffic generation is a huge risk with this development and to my residential property.

I request that, should this development go ahead, it is entirely concreted or asphalt driveways with **two-way access minimum and turning circle within the property**, with a stormwater design that does not allow for any additional water to enter my property via my driveway, or in and under my retaining wall on the west side. Thick, established vegetation on all egress side points is specifically requested, alongside the civil engineering design to ensure significant stormwater does not enter my property.

Five dwellings on a single residential lot represent a material intensification of use. Please confirm formally how the following will be met: (on top of standard Council controls for sewer and water capacity/supply and pressure) how **waste collection logistics** are workable and compliant when there is a battleaxe block and would be significantly impacted by up to 15 bins and general waste, 10 on waste collection nights/mornings and if left out.

Rosewood Avenue is a residential street not originally designed for medium-density concentration. The cumulative impact of increased occupancy must be carefully considered. The site layout appears highly constrained, with concentrated built form and limited visible deep soil areas. I request the following

- Minimum landscaped area requirements with established vegetation that redirects stormwater appropriately.

- Private open space provisions given the entire west side of my development faces the proposed development - without inhibiting natural light critical to the design and climatic adjustment of my home.
- Minimum site coverage controls and into perpetuity the maintenance and upkeep of said controls.
- Boundary setbacks and overshadowing standards - particularly relevant to a past proposal/DA with Council for a 3m high boundary fence on the west side [REDACTED] [REDACTED] by the landowner adjacent that would have overshadowed the entire home and significantly reduced the value of my property for resale.
- Industry standard privacy protections and noise concentration barriers specifically related to loss of privacy for my family due to elevation of the proposed block and multi-dwelling development (up to 10-15+ additional occupants) proposed risk to my:
  - o Master bedroom
  - o Ensuite
  - o Living Room
  - o Laundry
  - o Regular use outdoor area

The Rosewood subdivision is understood (since its inception [REDACTED] -to operate under established development governance mechanisms, including contractual building controls and/or restrictive **covenants registered on title (Reference DP1213491 Plan of Subdivision registered 22.01.2016 > File number DA99274.)**.

These controls were implemented to guide the built form, density, and residential character of the estate and breaches of elements of this covenant is evident in the design.

While I acknowledge that private covenants are not enforced by Council, the existence of such governance frameworks reflects the intended low-density residential character of the subdivision and the reasonable expectations of existing property owners. Council should carefully consider whether the proposed multi-dwelling configuration is consistent with:

- The established built form character of Rosewood Avenue
- The intended planning outcomes of the subdivision
- The density assumptions underpinning the estate design
- The broader strategic planning objectives for this locality

Approval of a concentrated multi-dwelling outcome within a subdivision designed for **detached residential housing** may represent a material departure from the established development pattern and neighbourhood planning intent. The currently exhibited documentation does not contain sufficient technical detail to enable a complete and transparent assessment/understanding of the proposal.

[REDACTED], I formally request that my name and identifying details **not be published in Council public business papers**, public registers, or on any publicly accessible forum in connection with this submission, outside the Part 2 confidential section of the business paper. I respectfully request that my details be redacted from publicly available documentation and that confirmation of this redaction be provided to me in writing via return correspondence.

In the absence of certified hydraulic modelling, civil engineering designs for stormwater infrastructure capacity confirmation and clear clarification of the intended land use classification, I object to this DA proposal.

I formally request that Council defer determination and require the applicant to provide the necessary supporting documentation for public review prior to any decision being made.

**Additional:** Anything that Council does to address these concerns, I request these controls to be listed on **title notation** including maintenance and controls; and protected and controlled in future developments proposed **into perpetuity**, irrespective of the outcome of this DA for a multi-dwelling development.

Thank you,

