

13.4 Councillor membership for Council Committees

CSP Objective: Outcome 5.2: Governance is transparent and builds trust

CSP Strategy: 5.2.1 Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Delivery Program: 5.2.1.1 Provide public access to Council business through Council meetings, briefings, public access forums and Council committee meetings.

Item 13.4

Summary

Councillor membership for Council Committees is to be determined.

Financial implication

The committees that are the subject of this report are essential in delivering important operational decisions which will assist in Council meeting legislative requirements essential to the financial sustainability of Council and ongoing generation of revenue.

Risk implication

Some of these listed committees have legislative requirements to operate and continuation of membership ensures Council is not delaying business critical decisions and presenting an operational or reputational risk to Council.

Policy

Committees will be managed through the Committees Framework Policy and the Committee Terms of Reference. All Committee members will be required to strictly adhere with Council's Code of Conduct, Media Policy and other policies of Council.

Consultation (internal)

Chief Executive Officer

Communication/Community engagement

There are community representations on the Finance Advisory Committee, Tourism and Economic Advisory Committee and the Kiama Local Traffic Committee.

Attachments

- 1 Audit Risk and Improvement Committee Charter [↓](#)
- 2 Finance Advisory Committee - Terms of Reference [↓](#)
- 3 Kiama Local Traffic Committees - Transport for NSW guidelines. [↓](#)
- 4 Office of Local Government Guidelines for the appointment and oversight of general managers [↓](#)
- 5 Tourism and Economic Advisory Committee - Terms of Reference [↓](#)

Enclosures

Nil

Report of the Chief Executive Officer

13.4 Councillor membership for Council Committees (cont)

RECOMMENDATION

That Council determine the Councillor membership for the following Council committees:

1. Audit, Risk and Improvement Committee
2. Finance Advisory Committee
3. Kiama Local Traffic Committee
4. Performance Review Committee, being the Mayor and Deputy Mayor, and one Councillor nominated by Councillors, and one Councillor nominated by the Chief Executive Officer.
5. Tourism and Economic Advisory Committee.

Membership requirements

The terms of reference (ToR) for these Committees state the following Councillor membership is required:

Committee	Schedule	Membership
Audit, Risk and Improvement Committee	At least 4 times per year	1 Councillor (non-voting)
Finance Advisory Committee	Bi-monthly	Mayor 1 Councillor
Kiama Local Traffic Committee	Monthly	1 Councillor
Performance Review Committee	Mid-year and yearly reviews	Mayor Deputy Mayor 1 Councillor nominated by Council 1 Councillor nominated by the CEO (This is in line with the Office of Local Government Guidelines issued under section 23A of the Local Government Act 1993 on the Appointment and Oversight of General Managers 2022.)
Tourism and Economic Advisory Committee	Bi-monthly	2 Councillors

The terms of references/guidelines for each committee are attached for Councillors information.

Report of the Chief Executive Officer

13.4 Councillor membership for Council Committees (cont)

Summary

Councillors are required to determine Councillor membership of these committees following the membership requirements noted above. The tenure of these memberships will be in line with the Council term, concluding in September 2028.

Item 13.4



Audit, Risk and Improvement Committee Charter

Responsible Officer	Internal Auditor
Department	Office of the CEO
Date endorsed	13 February 2024
Next review date	February 2025
TRIM reference	24/40259

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1. Policy statement / Objectives

Kiama Municipal Council has established an Audit, Risk and Improvement Committee (the Committee) in compliance with section 428A of the *Local Government Act 1993*, relevant supporting clauses of the *Local Government (General) Regulation 2021*, and the *Guidelines for risk management and internal audit for local government in NSW*. This Charter sets out the Committee’s objectives, authority, composition and tenure, roles and responsibilities, reporting, and administrative arrangements.

The objective of Kiama Council’s Audit, Risk and Improvement Committee is to provide independent assurance to Council by monitoring, reviewing, and providing advice about the Council’s governance processes, compliance, risk management and control frameworks, external accountability obligations, and overall performance.

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2. Independence

The Committee is to be independent to ensure it has no real or perceived bias or conflicts of interest that may interfere with its ability to act independently and to provide Council with robust, objective, and unbiased advice and assurance.

The Committee is to have an advisory and assurance role only and is to exercise no administrative functions, delegated financial responsibilities or any management functions of the Council. The Committee will provide independent advice to the Council that is informed by the Council's internal audit and risk management activities and information and advice provided by staff, relevant external bodies, and subject matter experts.

The Committee must always ensure it maintains a direct reporting line to and from the Council's internal audit function and act as a mechanism for internal audit to report to the governing body and the Chief Executive Officer (CEO) on matters affecting the performance of the internal audit function.

3. Authority

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- access any information it needs from Council
- use any Council resource it needs
- have direct and unrestricted access to the CEO and senior management of the Council
- seek the CEO's permission to meet with any other Council staff member or contractor
- discuss any matters with the external auditor or other external parties;
- request of the CEO the attendance of any employee at Committee meetings; and
- obtain external legal or other professional advice in line with Councils' procurement policies and budgetary arrangements. Prior discussion with the CEO must be obtained to determine the appropriateness of any reimbursement by Council for external legal or other professional advice.

Information and documents pertaining to the Committee are confidential and are not to be made publicly available. The Committee may only release Council information to external parties that are assisting the Committee to fulfil its responsibilities with the approval of the CEO, except where it is being provided to an external investigative or oversight agency to inform that agency of a matter that may warrant its attention.

4. Composition and tenure

The Committee consists of an independent chair and two independent members who have voting rights and one non-voting councillor, as required under the *Guidelines for risk management and internal audit for local government in NSW*. As required by the Guidelines, the Mayor is ineligible to be a Councillor member.

The governing body is to appoint the chair and members of the Committee. Current Committee members are:

David Pendleton	Independent chair (voting)
Rhonda Wheatley	Independent member (voting)
Jim Mitchell	Independent member (voting)
Cr Jodi Keast	Councillor member (non-voting)

All Committee members must meet the independence and eligibility criteria prescribed in the *Guidelines for risk management and internal audit for local government in NSW*.

Members will be appointed for up to a four-year term. Members can be reappointed for one further term, but the total period of continuous membership cannot exceed eight years. This includes any term as chair of the Committee. Members who have served an eight-year term (either as a member or as chair) must have a two-year break from serving on the committee before being appointed again. To preserve the Committee's knowledge of the Council, ideally, no more than one member should retire from the Committee because of rotation in any one year.

The terms and conditions of each member's appointment to the Committee are to be set out in a letter of appointment. New members will be thoroughly inducted to their role and receive relevant information and briefings on their appointment to assist them to meet their responsibilities.

Before approving the reappointment or extension of the Chair's or an independent member's term, the governing body is to undertake an assessment of the Chair's or Committee member's performance. Reappointment of the Chair or a Committee member is also to be subject to that person still meeting the independence and eligibility requirements.

Members of the Committee must possess and maintain a broad range of skills, knowledge, and experience relevant to the operations, governance and financial management of the Council, the environment in which the Council operates, and the contribution that the committee makes to the Council. At least one member of the Committee must have accounting or related financial management experience with an understanding of accounting and auditing standards in a local government environment. All members should have sufficient understanding of the Council's financial reporting responsibilities to be able to contribute to the Committee's consideration of the Council's annual financial statements.

5. Role

As required under section 428A of the *Local Government Act 1993* (the Act), the role of the committee is to review and provide independent advice to the Council regarding the following aspects of the Council's operations:

- compliance
- risk management
- fraud control
- financial management
- governance
- implementation of the strategic plan, delivery program, and strategies
- service reviews
- collection of performance measurement data by the Council, and
- internal audit.

The committee must also provide information to the Council for the purpose of improving the Council's performance of its functions.

The Committee's specific audit, risk and improvement responsibilities under section 428A of the Act are outlined in Schedule 1 to this charter.

The Committee will act as a forum for consideration of the Council's internal audit function and oversee its planning, monitoring and reporting to ensure it operates effectively.

The Committee has no power to direct external audit or the way it is planned and undertaken but will act as a forum for the consideration of external audit findings.

The Committee is directly responsible and accountable to the governing body for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that the primary responsibility for the management of the Council rests with the governing body and the CEO.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the governing body from time to time.

6. Responsibilities of Members

6.1. Independent members

The chair and members of the Committee are expected to understand and observe the requirements of the *Guidelines for risk management and internal audit for local government in NSW*. Members are also expected to:

- make themselves available as required to attend and participate in meetings
- contribute the time needed to review and understand information provided to it
- apply good analytical skills, objectivity and judgement
- act in the best interests of the Council
- have the personal courage to raise and deal with tough issues, express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of inquiry
- maintain effective working relationships with the Council
- have strong leadership qualities (Chair)
- lead effective committee meetings (Chair), and
- oversee the Council's internal audit function (Chair).

6.2. Councillor members

To preserve the independence of the Committee, the Councillor member of the Committee is a non-voting member. Their role is to:

- relay to the Committee any concerns the governing body may have regarding the Council and issues being considered by the Committee
- provide insights into local issues and the strategic priorities of the Council that would add value to the Committee's consideration of agenda items
- advise the governing body (as necessary) of the work of the Committee and any issues arising from it, and
- assist the governing body to review the performance of the Committee.

Issues or information the Councillor member raises with or provides to the Committee must relate to the matters listed in Schedule 1 and issues being considered by the Committee.

The Councillor member of the Committee must conduct themselves in a non-partisan and professional manner. The Councillor member of the Committee must not engage in any conduct that seeks to politicise the activities of the Committee or the internal audit function or that could be seen to do so.

If the Councillor member of the Committee engages in such conduct or in any other conduct that may bring the committee and its work into disrepute, the chair of the Committee may recommend to the Council that the Councillor member be removed from membership of the Committee. Where the Council does not agree to the Committee Chair's recommendation, the Council must give reasons for its decision in writing to the Chair.

6.3. Conduct

Independent committee members are required to comply with the Council's code of conduct.

Complaints alleging breaches of the Council's code of conduct by an independent committee member are to be dealt with in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*. The CEO must consult with the governing body before taking any disciplinary action against an independent committee member in response to a breach of the Council's code of conduct.

6.4. Conflicts of interest

Once a year, committee members must provide written declarations to the Council stating that they do not have any conflicts of interest that would preclude them from being members of the Committee. Independent Committee members are 'designated persons' for the purposes of the Council's code of conduct and must also complete and submit returns of their interests.

Committee members and observers must declare any pecuniary or non-pecuniary conflicts of interest they may have in a matter being considered at the meeting at the start of each meeting or as soon as they become aware of the conflict of interest. Where a Committee member or observer declares a pecuniary or a significant non-pecuniary conflict of interest, they must remove themselves from committee deliberations on the issue. Details of conflicts of interest declared at meetings must be appropriately minuted.

6.5. Standards

Committee members are to conduct their work in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and current Australian risk management standards, where applicable.

7. Work plans

The work of the Committee is to be thoroughly planned and executed. The Committee must develop a strategic work plan every four years to ensure that the matters listed in Schedule 1 are reviewed by the Committee and considered by the internal audit function. The strategic work plan must be reviewed at least annually to ensure it remains appropriate.

The Committee may, in consultation with the governing body, vary the strategic work plan at any time to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the strategic work plan. Any decision to vary the strategic work plan must be made by the Committee.

The Committee must also develop an annual work plan to guide its work, and the work of the internal audit function over the forward year.

The Committee may, in consultation with the governing body, vary the annual work plan to address new or emerging risks. The governing body may also, by resolution, request the committee to approve a variation to the annual work plan. Any decision to vary the annual work plan must be made by the Committee.

When considering whether to vary the strategic or annual work plans, the Committee must consider the impact of the variation on the internal audit function's existing workload and the completion of pre-existing priorities and activities identified under the work plan.

8. Assurance reporting

The Committee must regularly report to the Council to ensure that it is kept informed of matters considered by the Committee and any emerging issues that may influence the strategic direction of the Council or the achievement of the Council's goals and objectives.

The Committee will provide an update to the governing body and the CEO of its activities and opinions after every committee meeting.

The Committee will provide an annual assessment to the governing body and the CEO on the Committee's work and its opinion on how the Council is performing.

The committee will provide a comprehensive assessment every council term of the matters listed in Schedule 1 to the governing body and the CEO.

The Committee may at any time report to the governing body or the CEO on any other matter it deems of sufficient importance to warrant their attention. The Mayor and the Chair of the Committee may also meet at any time to discuss issues relating to the work of the Committee.

Should the governing body require additional information, a request for the information may be made to the Chair by resolution. The Chair is only required to provide the information requested by the governing body where the Chair is satisfied that it is reasonably necessary for the governing body to receive the information for the purposes of performing its functions under the Local Government Act. Individual Councillors are not entitled to request or receive information from the Committee.

9. Administrative arrangements

9.1. Meetings

The Committee will meet at least five times per year, with one of these meetings to include review and endorsement of the annual audited financial statements.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members or CEO may make requests to the Chair for additional meetings.

Committee meetings can be held in person, by telephone or videoconference. Proxies are not permitted to attend meetings if a Committee member cannot attend.

A quorum will consist of a majority of independent voting members. Where the vote is tied, the Chair has the casting vote.

The Chair of the Committee will decide the agenda for each Committee meeting. Each Committee meeting is to be minuted to preserve a record of the issues considered and the actions and decisions taken by the Committee.

The CEO and the Internal Auditor should attend committee meetings as non-voting observers. The external auditor (or their representative) is to be invited to each committee meeting as an independent observer. The Chair can request the Council's Chief Finance Officer, head of risk management function, senior managers, any Councillors, any employee/contractor of the council and any subject matter expert to attend committee meetings. Where requested to attend a meeting, persons must attend the meeting where possible and provide any information requested. Observers have no voting rights and can be excluded from a meeting by the Chair at any time.

The Committee can hold closed meetings whenever it needs to discuss confidential or sensitive issues with only voting members of the Committee present.

The Committee must meet separately with the Internal Auditor and the Council's external auditor at least once each year.

9.2. Dispute resolution

Members of the Committee and the Council's management should maintain an effective working relationship and seek to resolve any differences they may have amicably and professionally by discussion and negotiation.

In the event of a disagreement between the committee and the CEO or other senior managers, the dispute is to be resolved by the governing body.

Unresolved disputes regarding compliance with statutory or other requirements are to be referred to the Departmental Chief Executive in writing.

9.3. Secretariat

Council management will arrange to provide secretariat support to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated at least one week before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

Once the minutes have been approved by the Chair, the Secretariat shall arrange for the minutes to be provided to Council.

9.4. Resignation and dismissal of members

Where the chair or a committee member is unable to complete their term or does not intend to seek reappointment after the expiry of their term, they should give six weeks notice to the Chair and the governing body prior to their resignation to allow the Council to ensure a smooth transition to a new Chair or Committee member.

The governing body can, by resolution, terminate the appointment of the Chair or an independent Committee member before the expiry of their term where that person has:

- breached the council's code of conduct
- performed unsatisfactorily or not to expectations
- declared, or is found to be in, a position of a conflict of interest which is unresolvable
- been declared bankrupt or found to be insolvent
- experienced an adverse change in business status
- been charged with a serious criminal offence
- been proven to be in serious breach of their obligations under any legislation, or
- experienced an adverse change in capacity or capability.

The position of a Councillor member on the Committee can be terminated at any time by the governing body by resolution.

9.5. Review arrangements

At least once every Council term, the governing body must review or arrange for an external review of the effectiveness of the Committee.

This Charter is to be reviewed annually by the Committee and once each Council term by the governing body. Any substantive changes are to be approved by the governing body.

10. Authorisation

Reviewed by Chair of the Audit, Risk and Improvement Committee

David Pendleton

12 December 2023

Adopted by Council in accordance with a resolution of the governing body.

Council date: 13 February 2024

Council resolution no: 24/019OC

Schedule 1

Kiama Council Audit, Risk and Improvement Committee responsibilities

Responsibilities of the committee related to each matter listed in section 428A of the Local Government Act 1993 are detailed in this schedule.

Audit

Internal audit

- Provide overall strategic oversight of internal audit activities
- Act as a forum for communication between the governing body, CEO, senior management, the internal audit function and external audit
- Coordinate, as far as is practicable, the work programs of internal audit and other assurance and review functions
- Review and advise the Council:
 - on whether the Council is providing the resources necessary to successfully deliver the internal audit function
 - if the Council is complying with internal audit requirements, including conformance with the International Professional Practices Framework
 - if the Council's Internal Audit charter is appropriate and whether the internal audit policies and procedures and audit/risk methodologies used by the Council are suitable
 - of the strategic four-year work plan and annual work plan of internal audits to be undertaken by the Council's internal audit function
 - if the Council's internal audit activities are effective, including the performance of the internal audit function
 - of the findings and recommendations of internal audits conducted, and corrective actions needed to address issues raised
 - of the implementation by the Council of these corrective actions
 - on the appointment of the head of the internal audit function and external providers, and
 - if the internal audit function is structured appropriately and has sufficient skills and expertise to meet its responsibilities.

External audit

- Act as a forum for communication between the governing body, CEO, senior management, the internal audit function and external audit
- Coordinate as far as is practicable, the work programs of internal audit
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit and provide feedback on the audit services provided
- Review all external plans and reports in respect of planned or completed audits and monitor Council's implementation of audit recommendations
- Provide advice to the governing body and/or CEO on action taken on significant issues raised in relevant external audit reports and better practice guides.

Risk

Risk management

Review and advise the Council:

- if Council has in place a current and appropriate risk management framework that is consistent with the Australian risk management standard
- whether the Council is providing the resources necessary to successfully implement its risk management framework
- whether the Council's risk management framework is adequate and effective for identifying and managing the risks the Council faces, including those associated with individual projects, programs and other activities
- if risk management is integrated across all levels of the Council and across all processes, operations, services, decision-making, functions and reporting
- of the adequacy of risk reports and documentation, for example, the Council's risk register and risk profile
- whether a sound approach has been followed in developing risk management plans for major projects or undertakings
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- if the Council has taken steps to embed a culture which is committed to ethical and lawful behaviour
- if there is a positive risk culture within the Council and strong leadership that supports effective risk management
- of the adequacy of staff training and induction in risk management
- how the Council's risk management approach impacts on the Council's insurance arrangements
- of the effectiveness of the Council's management of its assets, and
- of the effectiveness of business continuity arrangements, including business continuity plans, disaster recovery plans and the periodic testing of these plans.

Internal controls

Review and advise the Council:

- whether the Council's approach to maintaining an effective internal audit framework, including over external parties such as contractors and advisors, is sound and effective
- whether the Council has in place relevant policies and procedures and that these are periodically reviewed and updated
- whether appropriate policies and procedures are in place for the management and exercise of delegations
- whether staff are informed of their responsibilities and processes and procedures to implement controls are complied with
- if the Council's monitoring and review of controls is sufficient, and
- if internal and external audit recommendations to correct internal control weaknesses are implemented appropriately.

Compliance

Review and advise the Council of the adequacy and effectiveness of the Council's compliance framework, including:

- if the Council has appropriately considered legal and compliance risks as part of the Council's risk management framework
- how the Council manages its compliance with applicable laws, regulations, policies, procedures, codes, and contractual arrangements, and
- whether appropriate processes are in place to assess compliance.

Fraud and corruption

Review and advise the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities, including whether the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information.

Financial management

Review and advise the Council:

- if the Council is complying with accounting standards and external accountability requirements
- of the appropriateness of the council's accounting policies and disclosures
- of the implications for the Council of the findings of external audits and performance audits and the Council's responses and implementation of recommendations
- whether the Council's financial statement preparation procedures and timelines are sound
- the accuracy of the Council's annual financial statements prior to external audit, including:
 - management compliance/representations
 - significant accounting and reporting issues
 - the methods used by the Council to account for significant or unusual transactions and areas of significant estimates or judgements
 - appropriate management signoff on the statements
- if effective processes are in place to ensure financial information included in the Council's annual report is consistent with signed financial statements
- if the Council's financial management processes are adequate
- the adequacy of cash management policies and procedures
- if there are adequate controls over financial processes, for example:
 - appropriate authorisation and approval of payments and transactions
 - adequate segregation of duties
 - timely reconciliation of accounts and balances
 - review of unusual and high value purchases
- if policies and procedures for management review and consideration of the financial position and performance of the council are adequate
- if the Council's grants and tied funding policies and procedures are sound.

Governance

Review and advise the Council regarding its governance framework, including the Council's:

- decision-making processes
- implementation of governance policies and procedures

- reporting lines and accountability
- assignment of key roles and responsibilities
- committee structure
- management oversight responsibilities
- human resources and performance management activities
- reporting and communication activities
- information and communications technology (ICT) governance, and
- management and governance of the use of data, information and knowledge.

Improvement

Strategic planning

Review and advise the Council:

- of the adequacy and effectiveness of the Council's integrated, planning and reporting (IP&R) processes
- if appropriate reporting and monitoring mechanisms are in place to measure progress against objectives, and
- whether the Council is successfully implementing and achieving its IP&R objectives and strategies.

Service reviews and business improvement

- Act as a forum for communication and monitoring of any audits conducted by external bodies and the implementation of corrective actions (for example, NSW government agencies, Commonwealth government agencies, insurance bodies)
- Review and advise the Council:
 - If the Council has robust systems to set objectives and goals to determine and deliver appropriate levels of service to the community and business performance
 - if appropriate reporting and monitoring mechanisms are in place to measure service delivery to the community and overall performance, and
 - how the Council can improve its service delivery and the Council's performance of its business and functions generally.

Performance data and measurement

Review and advise the Council:

- if the Council has a robust system to determine appropriate performance indicators to measure the achievement of its strategic objectives
- if the performance indicators the Council uses are effective, and
- of the adequacy of performance data collection and reporting.



Terms of reference: Finance Advisory Committee

24/40943

Committee name:	Finance Advisory Committee
Status:	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/>
Purpose:	Role of the Committee is to: <ul style="list-style-type: none"> act in an advisory capacity to council on financial matters encourage sound financial practice and reporting for Kiama Municipal Council provide expert advice to Council and community on the long term financial sustainability of Council review the efficacy of Council's Long Term Financial Plan and strategies to sustainably deliver Council's financial objectives. review action plans aimed at delivering financial performance review service levels ensuring sustainable resourcing review and monitor Council's financial performance review and investigate opportunities proposed by Council officers or other committee members.
Objectives:	Objectives of the Committee are to: <ul style="list-style-type: none"> provide expert advice which informs the future financial sustainability of Council support and provide advice to Council's Chief Executive Officer and Chief Financial Officer act as a conduit between the community and Council on financial concerns make recommendations to Council on specific financial concerns and matters.
Meetings:	Meetings are held every second month on the first Thursday of the month. FAC presentations will be provided to Councillor briefings, subject to a Council decision on timing.
Venue:	Meetings will be held at the Kiama Council Chambers, other suitable venues as required or by video conference.
Membership:	Members are formally appointed by Council and comprise: <ul style="list-style-type: none"> Mayor

Item 13.4

Attachment 2

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24/40362

2

Committee name:	Finance Advisory Committee
	<ul style="list-style-type: none"> • 1 Councillor representative • Chief Executive Officer • Chief Financial Officer • Chief Executive Officer • 5 community members. <p>Councillors can attend meetings as an observer. Other Council officers may attend by invitation from the Committee through the CEO for relevant items of discussion</p>
Term of membership:	<p>Non-Councillor membership of the Finance Advisory Committee will be for the length of a Council term. NB: a specified term does not preclude an incumbent from reapplying to serve on consecutive terms.</p>
Selection of members:	<p>When positions become vacant the selection of new committee members will be undertaken:</p> <ul style="list-style-type: none"> • through a public invitation for EOI by applicants • by consideration of applications by Council • by Council approval of successful applicants. <p>The following factors will be taken into consideration when determining members:</p> <ul style="list-style-type: none"> • the persons relevant experience and expertise • whether the person is a resident of the Kiama Local Government Area • there is a gender balance • there is representation from across the full Kiama geographical area • cultural and age diversity is represented • committee members are able to demonstrate that they are connected and representative” of the community.
Meeting quorum:	<p>A Quorum will be deemed to have been met under the following criteria: a minimum of 50% plus 1 or per statutory requirement (if required).</p>
Meeting administration:	<ul style="list-style-type: none"> • Meetings are to be chaired by a non-Councillor Committee member as elected by the committee and endorsed by Council. • The agenda and business papers will be circulated no less than five days prior to a scheduled meeting. • Minutes will be taken by a representative of Council. • Minutes shall be approved by the Chair and circulated to each member and to Councillors within two weeks of the meeting being held.

Item 13.4

Attachment 2

Committee name:	Finance Advisory Committee
	<ul style="list-style-type: none"> • Minutes are to be brief and focused on action items and advice. • Recommendations from the meeting that require Council endorsement will be reported separately to the next Ordinary Meeting of Council. • While the Performance Improvement Order is in place the Minutes will be reported to the next Ordinary Meeting of Council to be received.
Responsibility	<p>Committee members will:</p> <ol style="list-style-type: none"> 1. act in an advisory role to Council staff, the Council and Councillors on financial matters arising in performance of the role of the Committee 2. provide strategic guidance on developing and implementing Council's financial management policies and strategies 3. provide information and analysis to Council on the sustainably funding performance of Council's functions 4. at all times comply with Council's Code of Conduct 5. at all times contribute in a positive and respectful manner 6. avoid disruption, contrary conduct or being wasteful of time and resources.
Conflicts of interest	<ul style="list-style-type: none"> • Conflicts of Interest are to be called as a matter of process. • Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately noted. • Committee members must complete a declaration of interest form. • Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. • Where there is a conflict, Council's Code of Conduct will be adhered.
Termination of membership:	<p>Non-Councillor member positions will be declared vacant/terminated when a member:</p> <ol style="list-style-type: none"> 1. completes their designated term and retires from the committee 2. completes their term and is not re appointed 3. resigns their membership, in writing, to the Chairperson 4. fails to attend more than 75% of scheduled meetings unless granted special leave of absence by the Chairperson 5. acts in a way that is contrary to their responsibility as outlined (above).

24/40362

4

Committee name:	Finance Advisory Committee
	NOTE: Council on the recommendation of the committee chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Code of Conduct, is deemed inappropriate or is regarded as failing to provide productive and valued input.
Process for termination of membership:	<p>Where a (non-Councillor or staff) committee member's behaviour is considered unsatisfactory and contrary to their responsibilities (identified above), the Chairperson will draw this to the attention of the relevant committee member and reinforce the required level of conduct. The Chairperson will make a written record of this and provide to a relevant council officer for recording. The committee member will be able to sight and sign the written record.</p> <p>Where there is re-occurrence of unsatisfactory behaviour the committee member will be warned formally in writing by the Chairperson. Counselling (to be provided by the General Manager or Public Officer) will reinforce the standard of conduct expected as well as the implications of the behaviour on the committee members and Council. In addition, counselling will reinforce potential for termination from the committee should the behaviour continue. A written record shall be kept of the formal warning and counselling.</p> <p>If the committee member's behaviour does not improve after the formal warning and counselling, the committee member's appointment may, on the recommendation of the Chairperson, be terminated by Council resolution.</p>

Item 13.4

Attachment 2



A guide to the delegation to councils for the regulation of traffic

Including the operation of Traffic Committees

Item 13.4

Attachment 3



[Inside front cover
– provided for double sided printing purposes only]

**A Guide to
the Delegation to Councils
for the Regulation of Traffic**
(including the operation of
Traffic Committees)

Item 13.4

Attachment 3





Roads and Traffic Authority
www.nsw.rta.gov.au

VERSION: 1.3
ISSUED: March 2009

APPROVED BY:

SIGNED

Phil Margison
General Manager
Traffic Management

AUTHORISED FOR USE BY:

SIGNED

Michael Bushby
Director
Network Management

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www.rta.nsw.gov.au/trafficinformation/downloads/technicalmanuals_dll.html

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Delegation to Councils for the Regulation of Traffic

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Delegation to Councils for the Regulation of Traffic

Amendment record

Please note that the following updates have been made to this document.

Version Number	Page(s)	Description	Issued
1.1	8-11	Sections 5.3, 5.3.2, 5.3.4 & 5.3.5 amended to introduce optional public galleries	December 2007
1.2	Various	Hyperlink to Council Delegation Reference document updated	February 2009
1.3	Various	Sections 1.0, 2.0, 3.1, 5.1, 7.1, 7.2 & Flowcharts amended to reflect release of a new Delegation	March 2009



Delegation to Councils for the Regulation of Traffic

1. Introduction

The Roads and Traffic Authority is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

New South Wales has many roads, which range from freeways to local streets. All these roads require the control of traffic. The RTA believes that the most effective means of dealing with the number and range of traffic related matters, particularly those which arise on regional and local roads, is to deal with them at the local level. The RTA has therefore delegated certain aspects of the control of traffic on regional and local roads to the Councils of Local Government areas.

The RTA continues to manage NSW's State road network. However, local government continues to also play an important role in the management of this road network by providing traffic input and advice when necessary.

These guidelines provide the policy and framework for Councils to exercise the traffic functions delegated to them by the RTA. They outline the delegated functions, the limitations that apply to Councils when exercising their delegated functions, the responsibilities of the various parties involved in the process, and the roles of the local and regional traffic committees.

Note: These guidelines do not cover B-double route approvals as they are the subject of a separate delegation.

These guidelines have been prepared by the RTA:

- (i) in accordance with current NSW legislation; and
- (ii) in consultation with RTA's Legal Branch, the NSW Police, LGSA, and representatives from a number of metropolitan Councils.

It is important to note that the legislative power to control traffic through the authorisation of traffic control devices, lies with the RTA and the delegation of this power does not remove the RTA's ability to exercise those delegated functions should circumstances warrant action.

2. Definitions and abbreviations

classified road – any of the following: a main road, a State highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a State work. See *Roads Act 1993, Part 5* for further details.

Council – the council of a local government area and includes an Administrator.

Delegation – 'Delegation to Councils – Regulation of Traffic' document.

LGSA – Local Government Association of NSW and the Shires Association of NSW.

LTC – Local Traffic Committee.



Delegation to Councils for the Regulation of Traffic

prescribed traffic control device - a sign, signal, marking, structure or other device to direct or warn traffic on a road or road related area (or part of a road or road related area) that is prescribed by the regulations for the purposes of this definition.

regulate traffic – for the purposes of the *Roads Act* means to restrict or prohibit the passage along a road of persons, vehicles or animals.

Roads Act – *Roads Act 1993*.

roads and road related areas – have the same meaning as in *ARR Rules 12 and 13*. Each reference to a road includes reference to a road-related area unless otherwise expressly stated.

Regional Road – a road shown to be a Regional road in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

RR – NSW Road Rules 2008.

RTA – Roads and Traffic Authority, NSW.

RTC – Regional Traffic Committee.

State Road – a road declared to be a State Road under the *Roads Act 1993* and documented in the RTA's *Schedule of Classified Roads and State and Regional Roads*.

STMA – *Road Transport (Safety and Traffic Management) Act 1999*.

STMR – *Road Transport (Safety and Traffic Management) Regulation 1999*.

Sub-delegate – any Councillor, the General Manager or an employee of the Council who has been formally delegated by the Council.

TMP – Traffic Management Plan.

Traffic control facility – means:

- (a) traffic control lights and equipment used in connection with traffic control lights; or
- (b) any sign, marking, structure or device containing or relating to a requirement or direction, contravention of which is an offence arising under:
 - (i) the *Transport Administration Act, 1988* or the regulations; or
 - (ii) any other Act, regulation or by-law prescribed for the purposes of Section 45E of the *Transport Administration Act, 1988*; or
- (c) any sign, marking, structure or device that is intended to promote safe and orderly traffic movement on roads or road related areas or to warn, advise or inform the drivers of vehicles or pedestrians of any matter or thing in relation to vehicular or pedestrian traffic or road conditions or hazards; or
- (d) any bridge or subway or other facility for use by pedestrians over, across, under or alongside a road or road related area; or
- (e) any other thing prescribed as a traffic control facility by the Regulations under the *Transport Administration Act, 1988*.



Delegation to Councils for the Regulation of Traffic

3. Delegation of functions

Traffic control facilities and prescribed traffic control devices may be authorised for use on a road or road related area, whether a public road or on private land, only by the RTA or Councils. In addition, traffic may be regulated for various purposes by means of notices or barriers erected by a roads authority.

The *Transport Administration Act, 1988* confers the following powers to the RTA:

- to exercise the functions relating to safety and traffic management set out in Section 52A;
- to delegate its functions to other public agencies such as councils (Section 50);
- to give directions to public authorities in relation to RTA functions under Part 6 (Section 53A).

The *Road Transport (Safety & Traffic Management) Act, 1999* provides for a system of traffic laws relating to all vehicles (motorised and non-motorised) and pedestrians found in subordinate legislation made under the Act. Principally, these are:

- *Road Transport (Safety and Traffic Management) Regulation 1999*, and
- *Road Rules 2008*.

Part 8 (Sections 114 to 124) of the *Roads Act, 1993* deals with the regulation of traffic on public roads by erecting notices or barriers or taking any other action which may be necessary in order to manage traffic. The reference to regulating traffic in Part 8 should not be confused with the authorisation of prescribed traffic control devices under Division 1 of Part 4 (Sections 50 to 55) of the *Road Transport (Safety and Traffic Management) Act, 1999*. For the purposes of Part 8, regulating traffic includes such things as implementing road closures and other physical restrictions. Road closures effected by this part of the legislation remain as public roads after the road closure.

Note: Road closures effected under Part 4 of the *Roads Act, 1993* do not remain as a public road.

A Council can regulate traffic for the specific reasons set out in Division 1 of Part 8 (Section 115) of the *Roads Act, 1993* such as carrying out work on a road, etc. whereas the RTA can regulate traffic for any purpose.

If a Council wishes to regulate traffic for purposes other than those specified in Division 1 of Part 8 (Section 115) of the *Roads Act, 1993*, (e.g. for amenity reasons) it must seek the advice of its Local Traffic Committee. The procedures for regulating traffic covering road closures, traffic calming, etc. are detailed in Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act, 1993*.

The delegation of these functions is carried out by the RTA, issuing Councils the RTA document, [Delegation to Councils – Regulation of Traffic](#).



Delegation to Councils for the Regulation of Traffic

The functions delegated to Council in the *Delegation* are:

1. authorisation of prescribed traffic control devices covered under Division 1 of Part 4 (Sections 50 to 55) of the *STMA*;
2. regulation of traffic under Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act*;
3. authorisation of special event parking schemes under Division 2 of Part 5 (Clauses 122 and 123) of the *STMR* on public roads other than classified roads.

The Council may sub-delegate their powers to Councillors, the General Manager or an employee of the Council for Items 1 and 3 above.

The Council **may not** sub-delegate Item 2.

Note: There is a separate delegation for B-double route approvals.

3.1 Limitations

The exercise of functions delegated to Council is subject to a number of conditions or limitations as documented in Schedule 4 (Limitations) of the [Delegation](#).

Councils:

- are only permitted to authorise the implementation of certain traffic control facilities / prescribed traffic control devices on roads and road related areas within their area of operations. Council cannot exercise a function on a State Road as defined in the RTA document [Schedule of Classified Roads and State and Regional Roads](#).
- may only authorise prescribed traffic control devices as nominated in the RTA's online [Traffic Signs Database](#) indicated as "Delegated to Council for Authorisation – Yes".
- listed in Schedule 1 of the *Delegation*, must not exercise delegated functions listed in Schedule 4 of the *Delegation* including referral of issues for formal advice until a TMP has been assessed by the RTA. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.
- must not exercise a function in respect of the following signs:

Permissive parking signs
No Parking signs
No Stopping signs

on any public road or road or road related area (or any part thereof), which falls within a 1 km radius of any train station listed in the RTA's document [Nominated Train Stations with Commuter Parking](#), and which has current unrestricted parking, without the approval of the RTA.

- are not empowered to authorise traffic control lights.
- are not empowered to interfere with traffic control lights, including the addition of any signs.



 Delegation to Councils for the Regulation of Traffic

- may authorise portable traffic control lights for roadworks, see RTA's document, *Portable Traffic Signals Guide to Use*.
- cannot authorise an internally illuminated traffic control device.
- must obtain the advice of the NSW Police and the RTA prior to exercising their delegated powers.
- must establish an LTC. Refer to Section 5 LOCAL TRAFFIC COMMITTEE.
- may authorise "Roadwork Speed Limit" signs under the conditions outlined in the [Delegation](#).
- may sub-delegate traffic management powers (delegated functions), in respect of Division 1 of Part 4 (Traffic control devices) of the *STMA*, and Division 2 of Part 5 (Special Event parking schemes) of the *STMR*.
- **may not** sub-delegate traffic management powers (delegated functions), in respect of Division 2 of Part 8 (Sections 116 to 119) of the *Roads Act*.

3.1.1 Traffic Management Plans

A Council, listed in Schedule 1 (*Delegates*) of the RTA's [Delegation](#), must develop and submit to the RTA, a TMP if it intends to do any of the following:

- prohibit the passage of pedestrian, vehicle or motor vehicle traffic on a road or road related area by physical means or regulatory signs or both;
- install or display any road sign, marking or physical device that prohibits or compels a vehicle with respect to a turning movement;
- change a two-way street into a one-way street or reversing the direction of a one-way street; and
- reduce the number of traffic lanes on a road or road related area by physical means or regulatory signs or both.

A TMP is not required if a council certifies to the RTA in writing that a NO TRUCKS or NO BUSES traffic control sign is to be erected solely for the purposes of protecting a road from damage by the passage of motor vehicles.

Where a Council seeks to exercise its delegated powers in respect of a function that requires a TMP, the Council must submit the TMP to the RTA for review prior to the matter being referred to the LTC for formal advice.

The TMP must outline the scope of the traffic management changes proposed. It must also include an assessment of the impact of those changes and proposed measures to ameliorate any potential impact arising from the proposal.



Delegation to Councils for the Regulation of Traffic

See the RTA document, [Procedures for use in the preparation of a Traffic Management Plan](#).

Note: The RTA's acceptance of the TMP merely indicates that due process has been followed and does not indicate its position on the proposal when it is referred to the LTC for consideration.

4. Exercising delegated functions

Councils may only exercise their delegated functions in accordance with the [Delegation](#). Councils may sub-delegate certain powers to Councillors, the General Manager or an employee of the Council. Refer to Section 3 DELEGATION OF FUNCTIONS.

The *Delegation* requires Council to seek the advice of the NSW Police and the RTA prior to exercising their delegated functions. This is usually done via the LTC.

In cases where the LTC advice is unanimous, and Council intends to follow that advice, Council may authorise the implementation of the facility or device without further notifying the RTA or the NSW Police.

If the elected Council wishes to exercise a delegated function when the LTC advice is not unanimous, or the elected Council wishes to act contrary to unanimous LTC advice, then Council must notify in writing, both the NSW Police and the RTA representatives on the LTC.

Note: Council does not need to notify the NSW Police or the RTA if Council decides not to proceed with any proposal for any reason.

Council then must refrain from taking any action for 14 days so that the NSW Police or the RTA is given an opportunity to appeal to the Chairperson, Regional Traffic Committee should they wish.

In the case of an appeal, the decision of the Chairperson, Regional Traffic Committee is binding and final for matters under the STMA. For matters under the Roads Act, further appeals may be made to the Minister for Roads. Refer to Section 6 REGIONAL TRAFFIC COMMITTEE, for more details.

5. Local Traffic Committee

5.1 General

The LTC has no decision-making powers. The LTC is primarily a technical review committee, which is required to advise the Council on matters referred to it by Council. These matters must be related to prescribed traffic control devices and traffic control facilities for which Council has delegated authority.

The LTC should consider the technical merits of the proposal and ensure that the proposal meets current technical guidelines.



 Delegation to Councils for the Regulation of Traffic

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to the RTA or relevant organisation. Such matters must not be referred to the LTC. However, the RTA will generally seek the views of the Council on State Road traffic issues via the informal items process.

A Council is not bound by the advice of its LTC. Refer to Section 4 EXERCISING DELEGATED FUNCTIONS.

Where required, a TMP must be submitted to, and reviewed by, the RTA before that matter can be referred to the LTC. Refer to Section 3.1.1 TRAFFIC MANAGEMENT PLANS.

The LTC should not consider any proposal requiring a TMP prior to the review of the TMP by the RTA.

Similarly, the LTC should not consider any proposal to alter unrestricted parking to permissive or restricted parking on roads within a 1 km radius of any train station nominated in the RTA's document [Nominated Train Stations with Commuter Parking](#), without the prior approval of the RTA.

Note: The LTC should not be confused with a separate Council Traffic Committee, formed by Council under the Local Government Act. The establishment of which is a Council prerogative. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

5.2 Members

The LTC is to be made up of four formal members. The members are as follows:

- one representative of Council
- one representative of the NSW Police
- one representative of the RTA
- the local State Member of Parliament (MP) or their nominee.

The Council's representative may be any Councillor or Council officer. The Council representative may be a sub-delegate if Council has formally approved this.

Where a Council LGA is represented by more than one MP, or covered by more than one NSW Police LAC, MPs or NSW Police officers representing the relevant electorate or LAC are entitled to be members of the LTC. However they are only permitted to vote on matters, which effect their electorate or LAC. Refer to Section 5.3.6 VOTING.

The Council (in consultation with the formal members of the LTC) may also decide to have additional informal (non-voting) advisors to the LTC who can provide input into the process. These additional advisors can include a:

- Road Safety Officer



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- Ministry of Transport representative
- Fire Brigade representative
- Ambulance Service representative
- Bus operator representative
- Transport Workers Union representative
- Chamber of Commerce representative

Generally, informal advisors are not required to attend every LTC meeting. Their attendance is only required when items appear on the Agenda which effect their area of expertise or responsibility.

The informal advisors of the committee are not entitled to a vote. Refer to Section 5.3.6 VOTING.

5.3 Meetings

The LTC is not a committee within the meaning of the *Local Government Act, 1993*. The operating arrangements for the LTC are contained in these guidelines.

At LTC meetings the following are at the discretion of Council:

- conduct at meeting
- frequency of meetings
- format of meetings. [Within the following guidelines.]
- provision for a public gallery.

5.3.1 Meeting Formats

The most common format for LTC meetings is a monthly face to face meeting held in the offices of the Council.

The meeting is to be convened by a Council representative. The convenor may be the Council's voting member or may be an additional non-voting member of the LTC.

While there is no need for a specific quorum to allow an LTC meeting to proceed, it must be remembered that any advice can only be returned to the elected Council by the LTC if the views of the RTA and the NSW Police have been obtained.

Acceptable alternative meeting formats include:

- Electronic meetings – where the advice of the members is sought via facsimile or email. This allows items to be considered as they arise and may reduce response time.
- A combination of electronic (for minor issues) and face-to-face meetings. This allows minor issues to be addressed between meetings. The response time for minor issues may be reduced using this format and this format can result in shorter face to face meetings. It may even be possible to increase the interval between meetings.



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Note: Should Council wish to adopt these (or any other) alternate formats then they should seek the advice of the RTA prior to making a final decision."

It is strongly recommended that any format where the LTC and the normal Council meeting are held concurrently is to be avoided. The LTC is principally a technical review committee, and due consideration and debate is required when considering a proposal. This particular meeting format does not lend itself to this process.

Note: Any change to the meeting format must be agreed to by the formal members of the LTC. When proposing to discuss a format change, reasonable advanced notice must be provided.

5.3.2 Agendas, minutes and reports

All LTC meetings require the preparation of an agenda.

An LTC agenda must be prepared by Council and circulated to all formal members and informal advisors of the committee a minimum of one week prior to the meeting. This will allow members to fully consider the issues and determine their response on each item. This period will also allow a site visit if necessary.

For each agenda item, Council must prepare a report which must contain a brief summary of the issue, details of the proposed solution including a plan if the proposal involves signs, lines or structures, details of the policies / guidelines / standards used (if any) and the proposed recommendation to the elected Council. This report must be sent to the members of the LTC with the Agenda.

Note: For the information of the members of the LTC, the meeting papers should also include a summary of the final decisions made by the elected Council (or their sub-delegate) on items addressed at the previous meeting or on any items addressed since the last meeting.

The LTC agenda should only contain items, which require the elected Council to exercise its delegated functions. If no action is required, or advice only is being sought, or the issue does not require the exercise of delegated functions then the issue should not appear on the LTC agenda. Such issues should be dealt with as general traffic advice. Refer to Section 8 TRAFFIC ENGINEERING ADVICE.

Items, which do not appear on the agenda (i.e. items without notice), must only be considered if the elected Council has referred the issue and Council officers have been able to prepare a report on the proposal in the normal manner. Items raised without notice must be referred to the next meeting (or dealt with separately between meetings) if any member of the committee requests time to consider the issue.

All LTC meetings require the preparation of minutes.



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Council must prepare the minutes of the meeting. Copies of the LTC minutes must be forwarded to all LTC members for their concurrence prior to the recommendations either being presented to the elected Council or acted on by the Council's sub-delegate.

Note: B-double routes are the subject of a separate delegation and should have a separate agenda and minutes.

Note: The RTA members of the LTC must keep a copy of all minutes for the future reference of the RTA.

Councils may also need to prepare a report to the elected Council. This report must indicate the type of support from the LTC (i.e. unanimous or not unanimous). Where the advice is not unanimous, dissenting votes should be noted. Refer to Section 5.3.6 VOTING.

Note: All proposals recommended by the LTC must still be formally approved by the elected Council (or their sub-delegate), subject to certain limitations. Refer to Section 3.1.

5.3.3 Site visits

It is recommended that each member of the LTC undertake a site visit prior to considering any proposal. This site visit may be undertaken individually by LTC members, or may be organised by Council as a joint visit of all members of the LTC.

Where this is not practical due to issues such as time or distance, then it is recommended that modern electronic alternative methods be used.

5.3.4 Public participation

The role of the LTC is to consider the technical aspects of any proposal and make a recommendation to the Council. The merits of the scheme, from a public perspective, is the responsibility of the Council and thus residents views should be taken into account by the Council rather than the LTC.

However, there is nothing preventing the LTC members from agreeing to allow residents, or other interested stakeholders, to address the committee, if it so chooses. In addition, the LTC members may agree to limit the number of public presenters on any particular item and/or place time limits on them. Any such constraints should be conveyed to the presenters at the time they are notified of the LTC's agreement for them to address the committee.

The LTC's advice to Council is not binding upon the Council therefore ideally this advice should not be released to the public until the Council has decided whether or not to exercise its delegated authority. However, where Council has decided to allow the public to be in attendance at the LTC meetings, the convenor must make it clear to the public gallery that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for members of the public who may only attend the meeting for a specific item.



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5.3.5 Media participation

The role of the LTC is to consider the technical aspects of proposals and provide their advice to Council. Media involvement, or interest, in the process should be addressed through the normal Council meeting process.

However, should the media be interested in a proposal, they can attend the LTC meeting if the Council has decided to allow a public gallery. Again as with the general public, the convenor must make it clear that the Council is still required to accept the recommendation of the LTC to finalise the issue. This should be done after each item to cater for the media who may only attend for a single item. The media is not permitted to address the LTC.

5.3.6 Voting

While an organisation, which is a voting member, may choose to send more than one representative, that organisation is still limited to one vote only. For example:

- Where the LTC is chaired by a convenor who is a member of the elected Council and the LTC also has a Council staff member on the committee, the Council as an organisation is still only entitled to one vote [i.e. the Council representatives are not entitled to a vote each]
- Where the Council representative is also the convenor, the Council is still only entitled to one vote. There is no casting vote available to the convenor in the case of a tied vote.
- Where a Council LGA is represented by more than one State MP, only the MP representing the State electorate containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one State electorate, then each State MP for those electorates may vote.
- Where a Council LGA has more than one NSW Police LAC, only the NSW Police officer representing the LAC containing the proposal is permitted to vote. However, if the proposal is actually contained in more than one LAC, then each NSW Police officer for those LACs may vote.

Council must consult with the Ministry of Transport where public passenger transport matters are affected.

LTC advice to Council on a proposal referred to it by Council must be one of the following:

- 1) unanimous support;
- 2) majority support;
- 3) split vote;
- 4) minority support; or
- 5) unanimous decline.



A Council's action on the above LTC advice will be:

- (a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- (b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- (c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RTA or the NSW Police representatives of the decision.
- (d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RTA and the NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. Refer to Section 5.4, APPEALS.
- (e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RTA and NSW Police representatives in writing of their intention to approve the proposal. The RTA or the NSW Police may then lodge an appeal to the RTC. See Section 5.4, APPEALS.

Flowcharts have been provided to assist with the understanding of this process.

Refer to the relevant flowcharts in Appendix A for:

- the *Road Transport (Safety and Traffic Management) Act, 1999*; or
- the *Roads Act, 1993*.

Due to the fact that the RTA and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RTA and the NSW Police have provided their vote on the issue.

5.4 Appeals

5.4.1 Road Transport (Safety and Traffic Management) Act 1999

Where a determination of Council to proceed is contrary to a unanimous decline or is based on the non-unanimous advice of the LTC, then Council must notify both the NSW Police and the RTA representatives of its decision. Council must not exercise any of the functions, in relation to the subject proposal, for a period of 14 days from the date of notification in writing.

An appeal, may only be lodged by either the NSW Police or the RTA. The appeal is made to the Chairperson, RTC and must be lodged within the 14 day period. As a matter of courtesy, it is expected that the appellant informs Council in the initial stages of their intention to lodge an appeal.



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To assist with the process the appeal should be lodged using RTC Form 1 Regional Traffic Committee – Appeal. A copy of this form can be found in Appendix A of this document.

The RTA provides secretarial services to the RTC and appeals must be forwarded to:

Secretariat
Office of the Chairperson
Regional Traffic Committees
Level 16 101 Miller Street
Locked Bag 928
NORTH SYDNEY NSW 2059

Facsimile: 8588 4164
Email: regional_traffic_committee@rta.nsw.gov.au

The Secretary will then notify all parties in writing that an appeal has been lodged.

The Chairperson, RTC notifies Council regarding the outcome of the appeal hearing. It is important that Council does not act until further advice has been received from the Chairperson, RTC about the issue under appeal.

The Chairperson's decision may:

- (i) uphold the appeal, i.e. not support the Council's decision, or
- (ii) reject the appeal. Rejection of the appeal could either support the Council's decision unconditionally or apply conditions.

Refer to Appendix A of this document for the Terms of Reference for the RTC and flowcharts indicating the process involved in the implementation or rejection of a proposal.

5.4.2 Roads Act 1993 – Division 2 of Part 8

The appeal process is similar to that specified above for *Road Transport (Safety and Traffic Management) Act, 1999* matters. However, in cases where Council is not satisfied with the determination by the Chairperson, RTC, Council may further appeal to the Minister for Roads.

The Minister's decision may be:

- (i) rejection of the Council appeal, or
- (ii) approval of the Council proposal either unconditionally or with conditions.

See the flowcharts in Appendix A which indicate the process involved in the implementation or rejection of a Council proposal.



6. Regional Traffic Committee

The RTC operates across the state. Meetings are generally held in the offices of the local Council.

The purpose of the RTC is to deal with appeals from the RTA or the NSW Police members of the LTC on matters delegated to Councils.

The members of the RTC are:

- Independent Chairperson (appointed by the RTA with concurrence from the LGSA)
- LGSA nominee (usually a Local Government Engineer from the region)
- RTA representative (usually the Regional Traffic Manager)

It should be noted the LGSA and RTA representatives merely provide advice as required by the Chairman.

In addition, nominees of the NSW Police, Council and the local State MP may attend as observers.

When a notice of appeal and relevant information is lodged with the RTC, the Chairperson will convene a meeting and the appeal matter is discussed. The Chairman shall determine who, if anyone, shall be permitted to address the appeal based on the documented evidence presented by each party prior to the Appeal. Generally the members of the RTC and each party to the appeal attend the meeting only.

The decision of the Chairperson, RTC in regard to such matters is final, except in matters relating to the *Roads Act, 1993*, wherein Council may further appeal to the Minister for Roads. Refer to Section 5.4.2.

Note: The RTC should not be confused with the Regional Development Committee, which deals with SEPP11 issues under the *Environmental Planning and Assessment Act 1979*.

7. Responsibilities

7.1 Council

The Council has responsibility for:

- exercising the delegated functions related to the *Roads Act 1993*
- documenting the sub-delegation of Council powers

Note: Councils cannot sub-delegate their Roads Act powers.

- seeking the advice of the NSW Police and the RTA prior to exercising delegated functions.
- obtaining the views of local residents affected by any proposal, if necessary. [This is to be done outside the LTC process]
- preparing any TMP required under Schedule 4 of the [Delegation](#) or when considered necessary by Council.



 Delegation to Councils for the Regulation of Traffic

- seeking the approval of the RTA to any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document [Nominated Train Stations with Commuter Parking](#). [This is to be done outside the LTC process]
- convening meetings of the LTC.
- referring items to the LTC.
- providing secretarial services to the LTC.
- preparing the LTC meeting agenda.
- preparing a technical report on each issue.
- documenting the LTC advice (including providing a report to the elected Council)
- providing minutes of meetings to all LTC members
- providing a summary of the final decisions made by Council on items addressed at previous LTC meetings or any addressed since the last meeting.
- notifying the RTA and the NSW Police if the elected Council intends to exercise its delegated functions contrary to the advice of the LTC.

Note: Deciding not to proceed does not constitute exercising a function and therefore does not require notification.

7.2 RTA

The RTA has responsibility for:

- reviewing any TMP submitted to it.
- approving any proposal to alter unrestricted parking to permissive or restricted parking on any road within a 1 km radius of any train station nominated in the RTA's document [Nominated Train Stations with Commuter Parking](#).
- providing advice on Council proposals referred to the LTC.
- appointing the Chairperson of the RTC (with the concurrence of LGSA)
- providing secretarial services to the RTC.

7.3 NSW Police

The NSW Police have responsibility for:

- providing advice on Council proposals referred to the LTC.

7.4 Local State Member of Parliament

The local State Member of Parliament has responsibility for:

- providing advice on Council proposals referred to the LTC.
- nominating someone to represent them if necessary.



8. Traffic engineering advice

Councils often require advice on, or investigation of options for, difficult traffic problems. Council may also wish to consider traffic issues, which are outside the *Delegation* (e.g. installation of speed limits or traffic control signals). As these problems or issues do not require the exercise of delegated functions at that point in time (though they may or may not require it in the future) they should not be dealt with as formal items by the LTC.

Council may take advantage of the knowledge and experience of the LTC members to help them to resolve or clarify an issue. When wishing to utilise the expertise of the LTC members in this manner, Council could either include items on the agenda under a separate Informal Items section or produce a separate agenda.

Informal items should be dealt with following the completion of formal LTC items where Council intends to exercise a delegated function. Any outcomes from discussions on informal items cannot be included in the LTC report to the Council. However, Council can use any outcomes from these discussions in their deliberations on such issues.

Delegation to Councils for the Regulation of Traffic



Item 13.4

Attachment 3

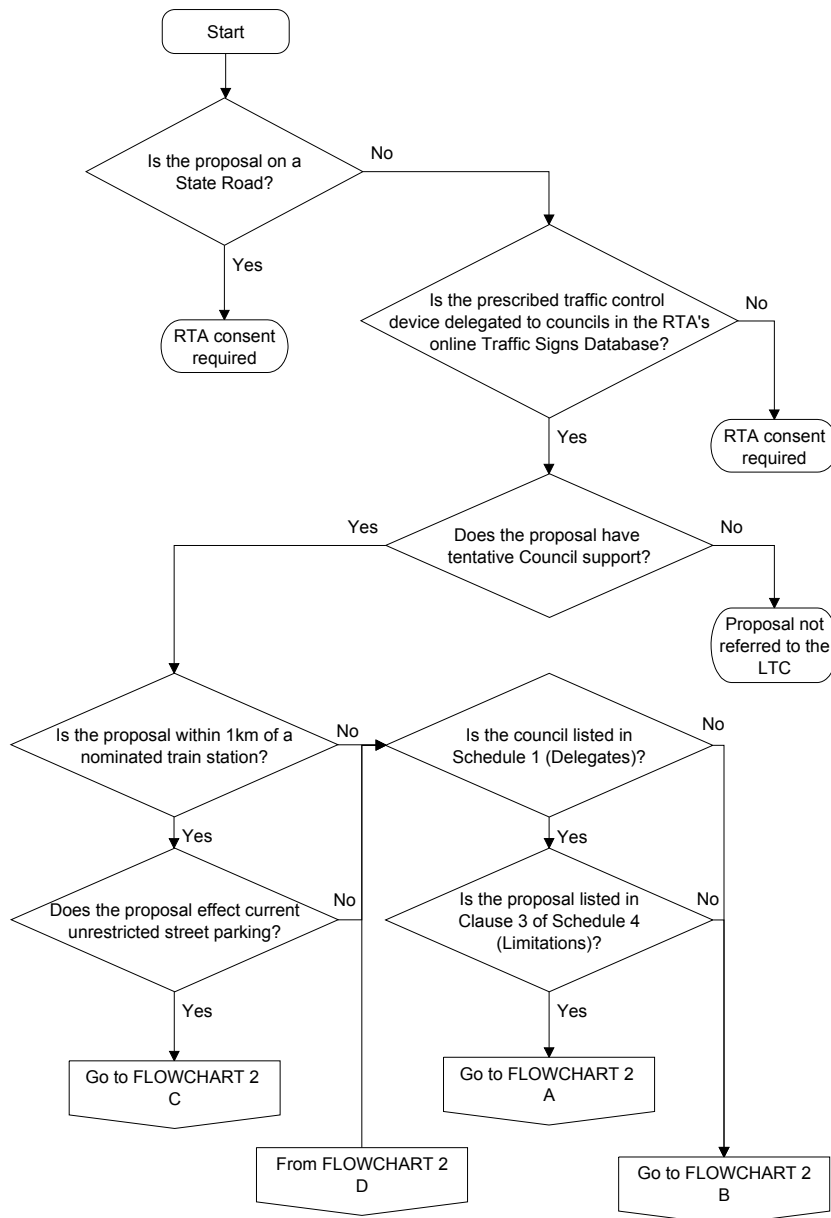
APPENDIX A



Delegation to Councils for the Regulation of Traffic

Process for Exercising Delegated Road Transport Powers

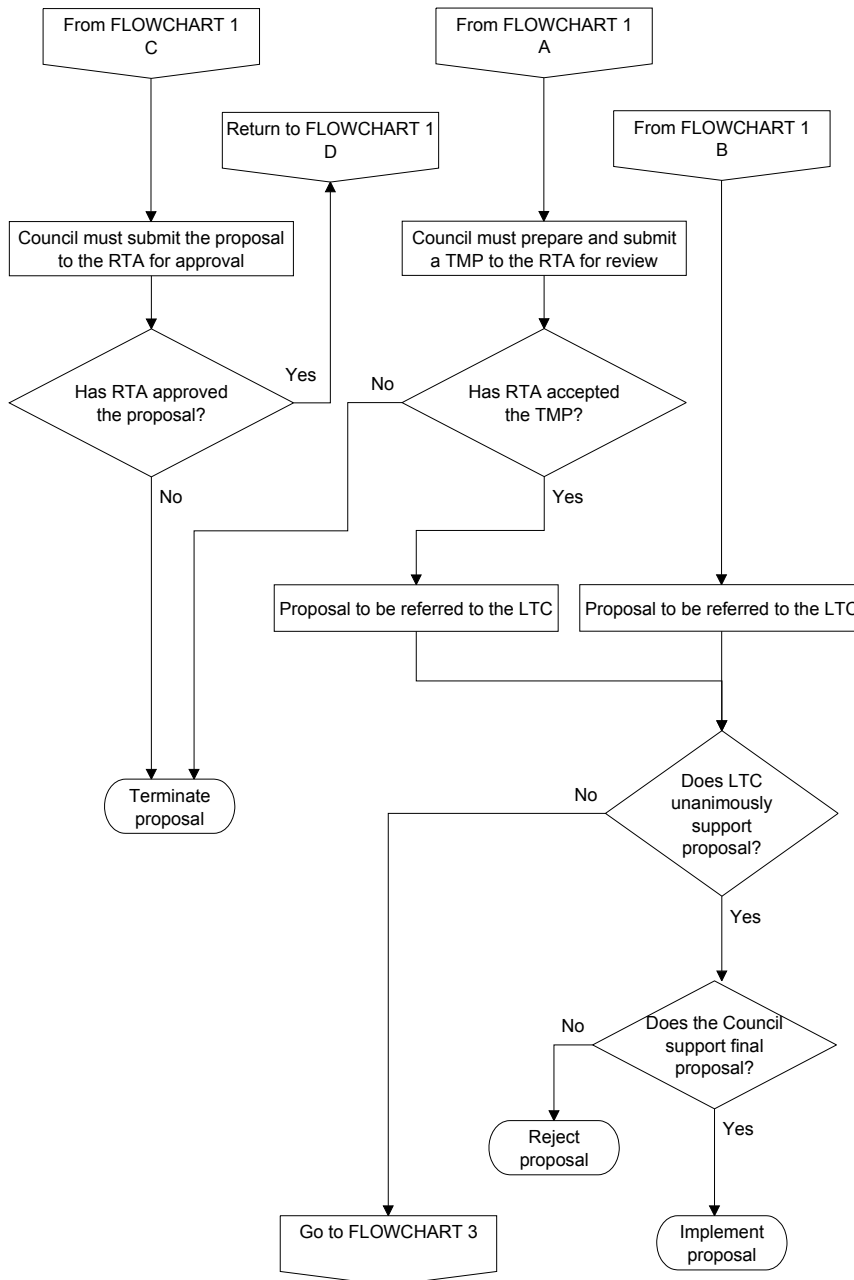
FLOWCHART I
(Road Transport (Safety and Traffic Management) Act, 1999)





Delegation to Councils for the Regulation of Traffic

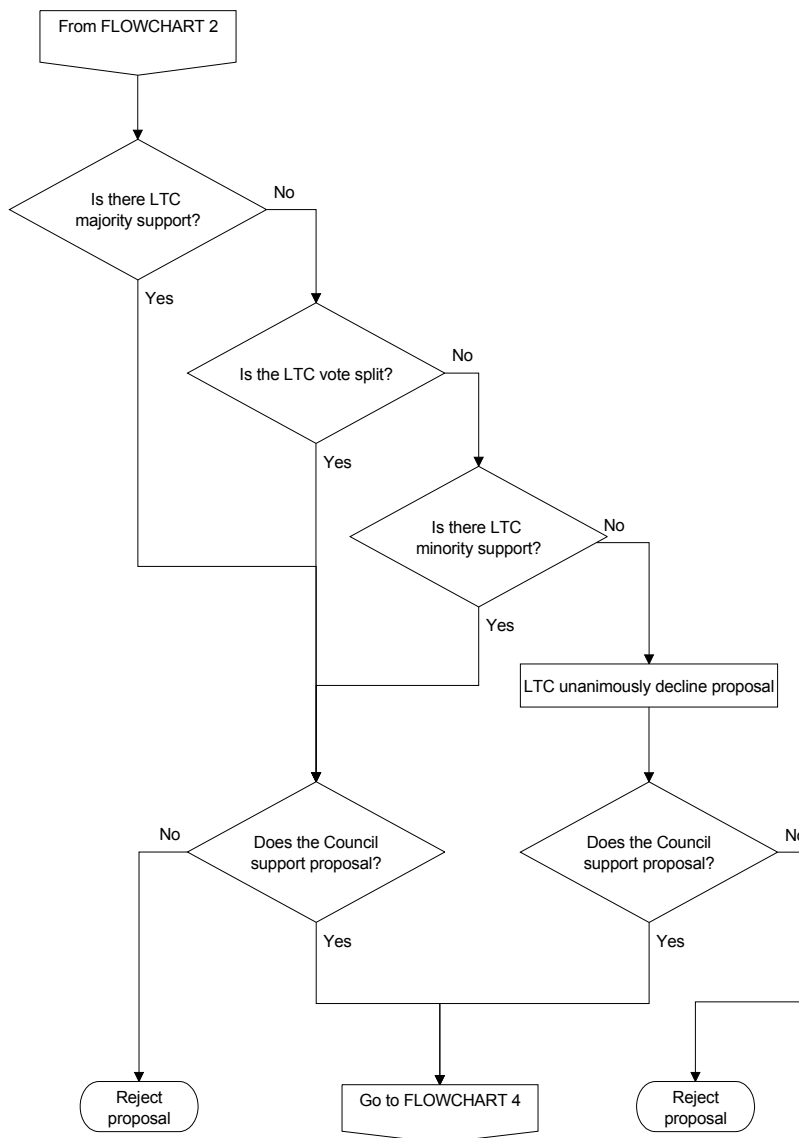
FLOWCHART 2
(Road Transport (Safety and Traffic Management) Act, 1999)





Delegation to Councils for the Regulation of Traffic

FLOWCHART 3
(Road Transport (Safety and Traffic Management) Act, 1999)



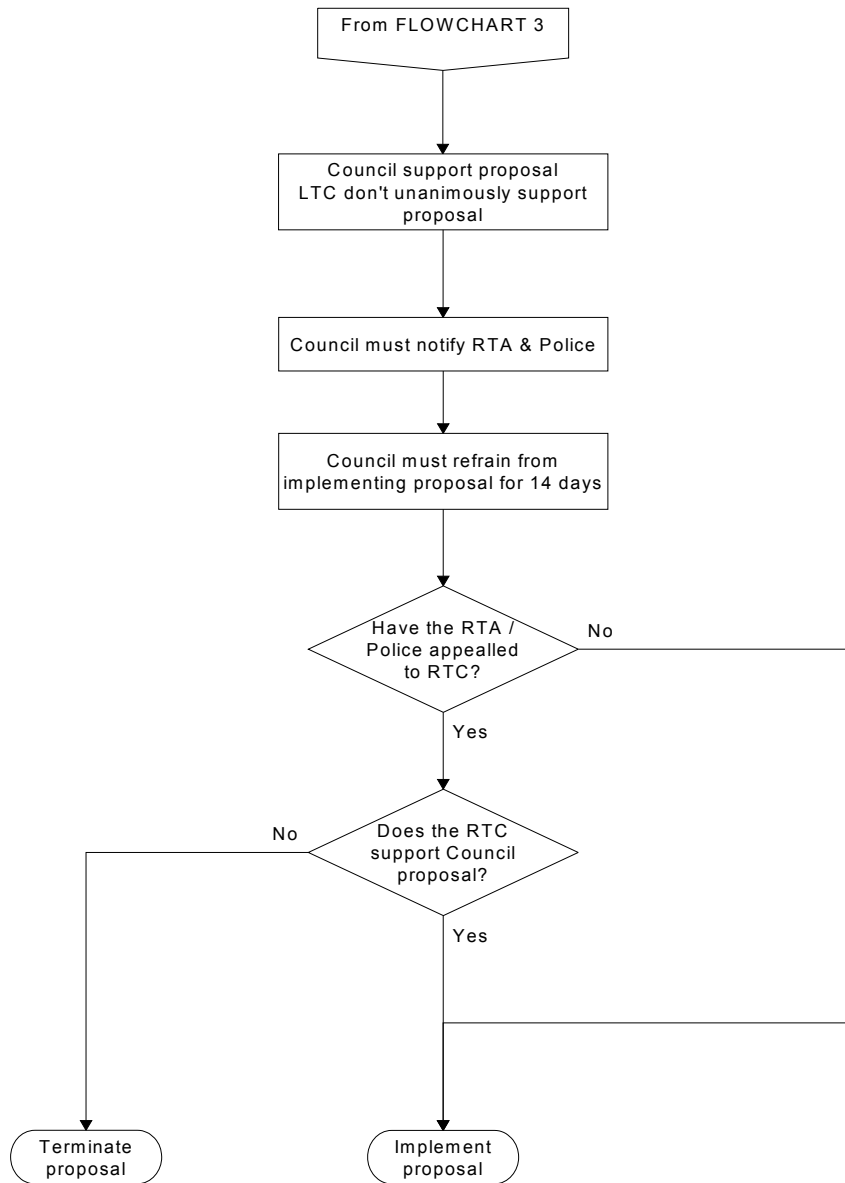
Item 13.4

Attachment 3



Delegation to Councils for the Regulation of Traffic

FLOWCHART 4
(Road Transport (Safety and Traffic Management) Act, 1999)



Item 13.4

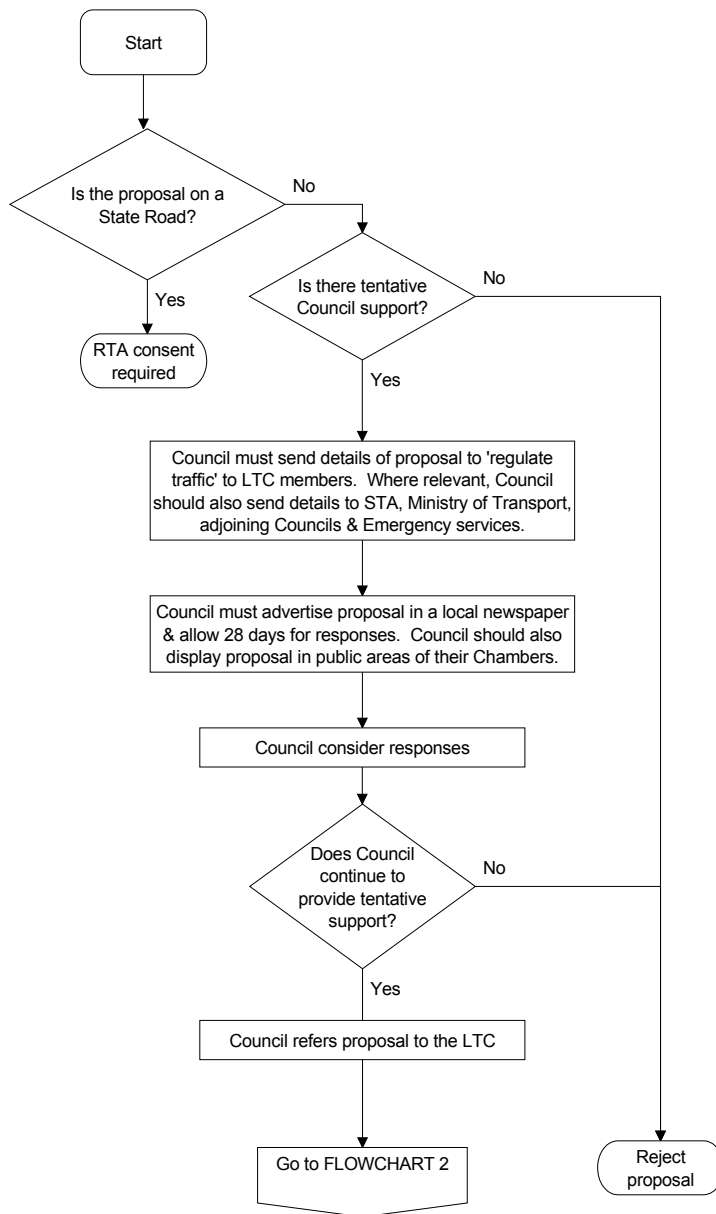
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Delegation to Councils for the Regulation of Traffic

Process for Exercising Delegated Roads Act Powers

FLOWCHART 1
(Roads Act, 1993)



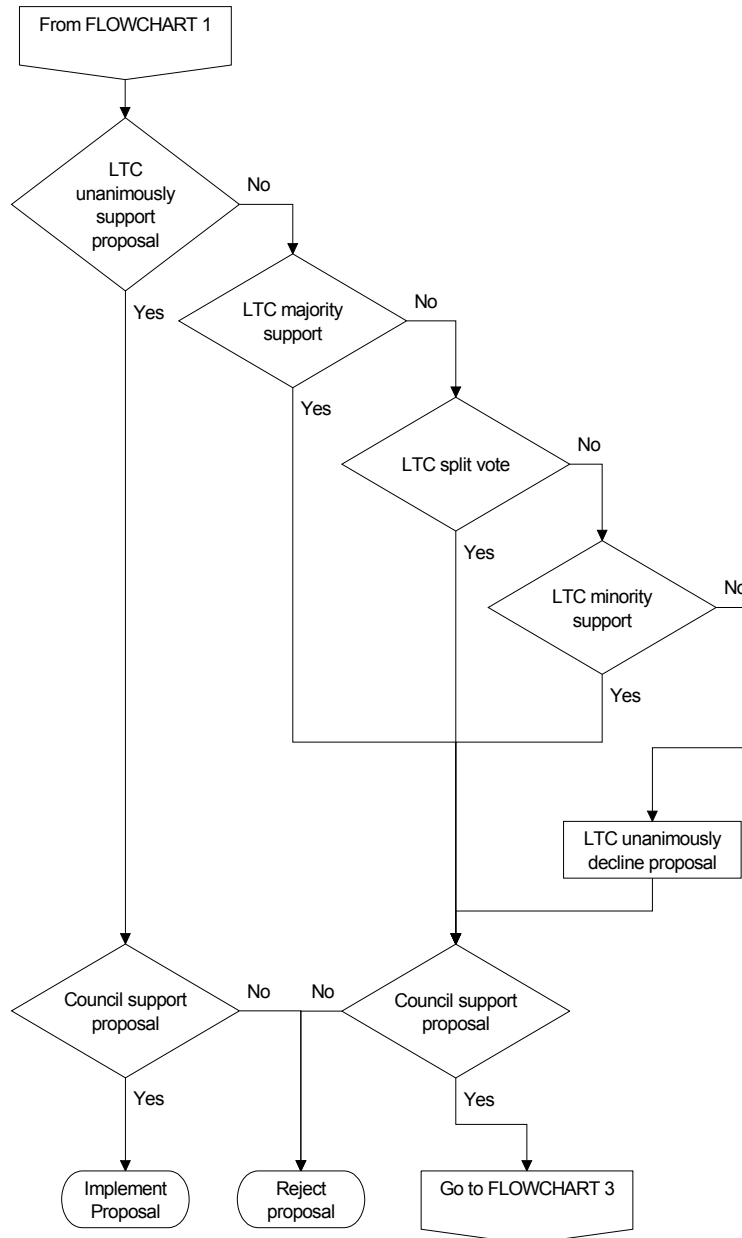
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Delegation to Councils for the Regulation of Traffic

FLOWCHART 2
(Roads Act, 1993)



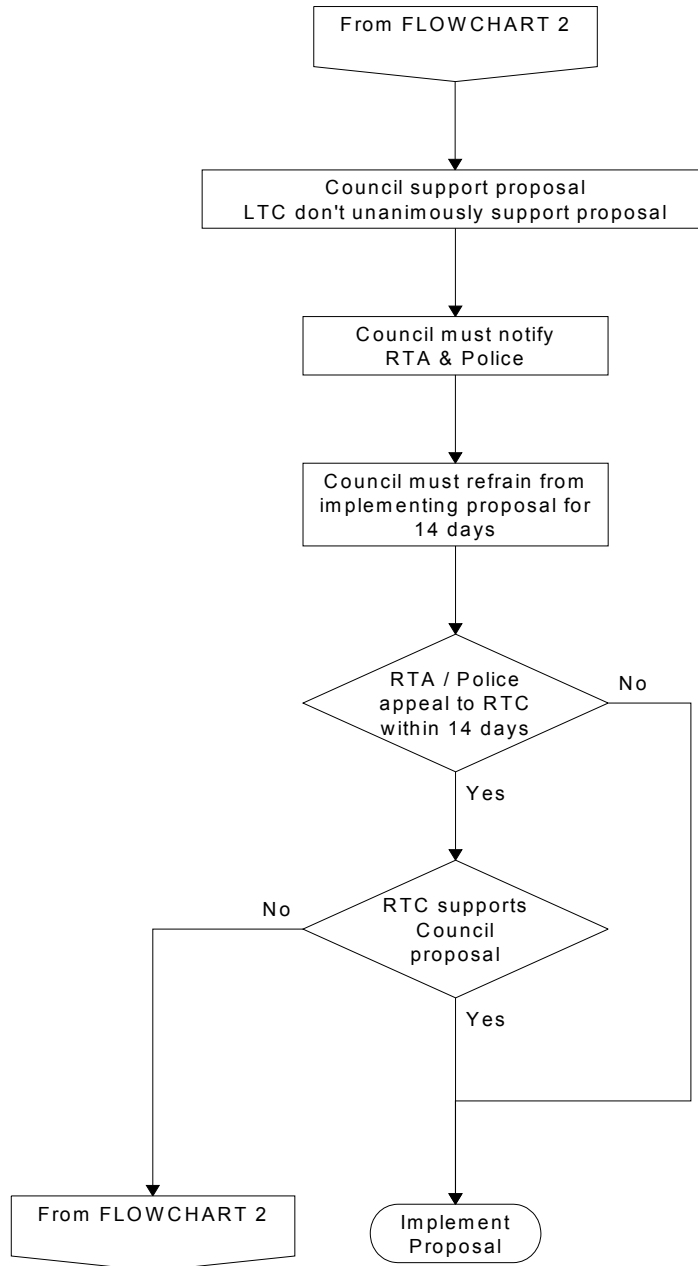
Item 13.4

Attachment 3



Delegation to Councils for the Regulation of Traffic

FLOWCHART 3
(Roads Act, 1993)



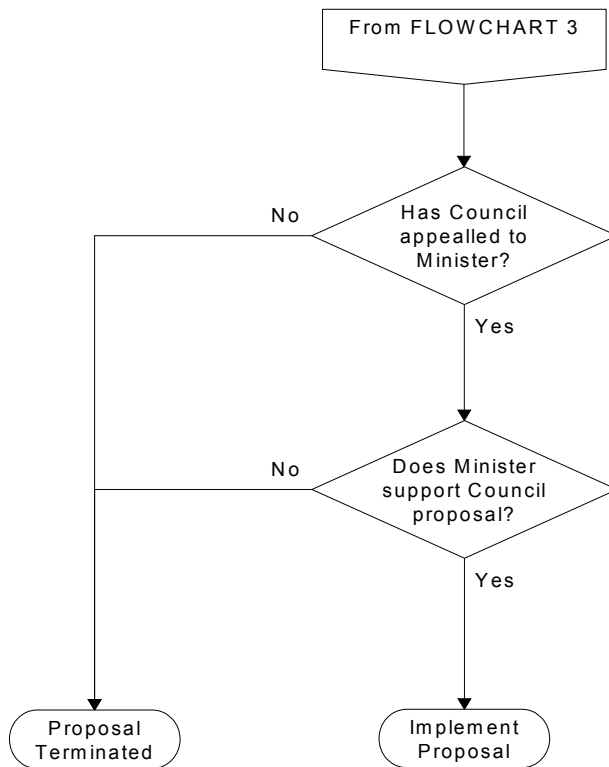
Item 13.4

Attachment 3



Delegation to Councils for the Regulation of Traffic

FLOWCHART 4
(Roads Act, 1993)



Item 13.4

Attachment 3



Delegation to Councils for the Regulation of Traffic

RTC TERMS OF REFERENCE

SCOPE	<p>The Regional Traffic Committee deals with appeals from members of the Local Traffic Committees (RTA and NSW Police only) on matters delegated to Councils by the Roads and Traffic Authority.</p>
ROLES	<ul style="list-style-type: none"> • The Roads and Traffic Authority (hereinafter called "the Authority") pursuant to Section 50 of the Transport Administration Act 1988 and all other enabling powers hereby delegates to the chairperson of a Regional Traffic Committee appointed by the Authority. -- The exercise of all those functions of the Authority necessary to determine appeals by a member of the Local Traffic Committee in connection with the exercise of any of the functions delegated by the Authority to a council, or any of the functions sub-delegated by it, in respect of: <ol style="list-style-type: none"> 1. Division 2 of Part 8 (Regulation of traffic by roads authorities) of the Roads Act 1993. 2. Division 1 of Part 4 (Traffic control devices) of the Road Transport (Safety and Traffic Management) Act 1999. 3. Division 2 of Part 5 (Special event parking schemes) of the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999.
MEMBERSHIP	<ul style="list-style-type: none"> • Independent Chairperson, Regional Traffic Committees • Local Government and Shires Associations for each RTA Region • Roads and Traffic Authority for each RTA Region
ENQUIRIES	<p>Should you have any further enquires please do not hesitate to contact the Secretary, Regional Traffic Committees by Facsimile on 8588 4164 or Email: regional_traffic_committee@rta.nsw.gov.au</p>



Delegation to Councils for the Regulation of Traffic

REGIONAL TRAFFIC COMMITTEE APPEAL FORM

SUBJECT OF APPEAL:													
APPELLANT (APPEAL) CONTACT:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; padding: 5px;">Title:</td> <td style="width: 75%;"></td> </tr> <tr> <td style="padding: 5px;">Name:</td> <td></td> </tr> <tr> <td style="padding: 5px;">Organisation:</td> <td></td> </tr> <tr> <td style="padding: 5px;">Phone:</td> <td></td> </tr> <tr> <td style="padding: 5px;">Fax:</td> <td></td> </tr> <tr> <td style="padding: 5px;">E-mail:</td> <td></td> </tr> </table>	Title:		Name:		Organisation:		Phone:		Fax:		E-mail:	
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Fax:													
E-mail:													
DATE APPEAL SUBMITTED:	•												
REASON FOR APPEAL:	•												
RELEVANT HISTORY:	• • • •												
SUPPORTING DOCUMENTS:	• • <p style="text-align: center;">(Please attach documents)</p>												
PARTIES TO APPEAL:	• • •												
DATE RECEIVED													
RTC use only													

Forward to:

Secretariat
Office of the Chairperson
Regional Traffic Committees
Level 16 101 Miller Street
Locked Bag 928
NORTH SYDNEY NSW 2059

Facsimile: 8588 4164
Email: regional_traffic_committee@rta.nsw.gov.au

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For further enquiries:



www.rta.nsw.gov.au/trafficinformation/guidelines



technical_directions_publication@rta.nsw.gov.au

Guidelines for the Appointment and Oversight of General Managers

2022



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INTRODUCTION

The *Local Government Act 1993* (the Act) requires councils to appoint a person to be the council's general manager (section 334).

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager and to monitor their performance (section 223).

These Guidelines have been developed to assist councillors when performing their functions under the Act relating to the appointment of general managers and overseeing their performance. They provide guidance on:

- the role of the general manager and the importance of a good working relationship between councillors and the general manager
- the recruitment process and the appointment of a general manager
- day to day oversight of and liaison with the general manager
- the performance review process
- separation, and
- renewal of the general manager's contract.

These Guidelines are issued under section 23A of the Act and must be taken into consideration by councils when exercising their functions in relation to the recruitment and oversight of general managers. They should be read in conjunction with the relevant provisions of the Act and the *Local Government (General) Regulation 2021* (the Regulation) and the standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act (the approved standard contract).

ROLE OF THE GENERAL MANAGER

Councillors comprise the governing body of a council and make decisions by passing resolutions. It is the general manager's role to implement the lawful decisions of the council and to carry out the functions conferred on them by the Act and Regulation and other legislation.

General managers also perform other functions delegated to them by the governing body.

The governing body monitors the implementation of its decisions through the general manager's reports to council meetings.

Key functions of the general manager

The Act confers certain functions on general managers of councils (section 335). Key aspects of the general manager's role are set out below:

Management of the council

The general manager is responsible for conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies approved by the governing body of the council and implementing without undue delay, lawful decisions of the governing body.

Assisting the governing body to set the strategic direction

The general manager also plays a key role in assisting the governing body to develop the council's strategic direction. The general manager is responsible for guiding the preparation of the community strategic plan and the council's response to it via the delivery program and operational plans. The general manager is also responsible for implementing the delivery program and operational plans and reports to the governing body on their

implementation. More information on this is available on the Office of Local Government's [website](#).

Determining the organisation structure

The general manager is responsible for determining the organisation structure of the council (other than senior staff positions) following consultation with the governing body and in accordance with the budget approved by the governing body (section 332). The positions within the organisation structure of the council must be determined to give effect to the priorities set out in the council's strategic plans, including the community strategic plan and delivery program.

Appointment and direction of staff

The general manager is responsible for the appointment and direction of staff and their dismissal. The general manager must consult with the governing body before appointing or dismissing senior staff.

Supporting councillors

The general manager is also responsible for ensuring councillors are provided with the information and the advice they require to make informed decisions and to carry out their civic duties.

The general manager should ensure that council meeting business papers contain sufficient information to allow councillors to make informed decisions and to allow them to effectively monitor and review the council's operations and performance. This will assist councils in ensuring they are complying with statutory requirements, keeping within the budget approved by the council, and achieving the strategic goals set by the council in its delivery program and operational Plan.

The governing body may direct the general manager to provide councillors with advice but

cannot direct them as to the content of that advice.

Requests by councillors for assistance or information outside of meetings should be made to the general manager unless the general manager has authorised another staff member to receive such requests. The *Model Code of Conduct for Local Councils in NSW* contemplates that councils should adopt a policy to provide guidance on interactions between councillors and staff. The policy should be agreed to by both the governing body and the general manager. To assist councils, the Office of Local Government has prepared a model councillor and staff interaction policy which reflects best practice. This is available on the Office of Local Government's [website](#).

The delegation of functions to the general manager

A governing body may delegate certain functions of the council to the general manager but cannot delegate the functions set out in section 377(1) of the Act. The delegation of a council's functions must be made by resolution and be evidenced in writing. Delegations must be reviewed during the first 12 months of each term of the council (section 380).

The general manager may sub-delegate a function delegated to them by the governing body (section 378). However, the general manager still retains responsibility to ensure that any sub-delegated function is carried out appropriately.

The importance of a good working relationship with the general manager

The position of general manager is pivotal in a council. It is the interface between the governing body which sets the strategic

direction of the council and monitors its performance, and the administrative body of the council, headed by the general manager, which implements the decisions of the governing body. A good working relationship between the general manager and the councillors is therefore critical for good governance and a well-functioning council. Where this relationship breaks down, this can quickly lead to dysfunction.

The Centre for Local Government at the University of Technology in Sydney has identified the following as key components of a good working relationship between councillors and the general manager:

- mutual trust and respect
- councillors publicly supporting the work of the general manager
- councillors dealing with any performance concerns through appropriate channels e.g., not the media or council meetings
- councillors not getting involved in the day-to-day operational matters of the council (which makes it difficult for the general manager to do their job)
- councillors having a clear understanding of how and when to approach the general manager or other staff for information or support and following agreed protocols
- regular meetings between the general manager, mayor and councillors to ask questions and share information and advice
- respect of confidentiality, and
- any conflict is dealt with professionally and quickly and where it can't be addressed informally, proper processes are followed.

RECRUITMENT AND SELECTION

Requirements of the *Local Government Act 1993*

One of the prescribed functions of the governing body of a council is to determine the process for the appointment of the general manager (section 223).

When recruiting a new general manager, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position (section 348).

As with the appointment of all council staff, councils must ensure that the appointment of the general manager is made using merit selection principles (section 349). Recruitment using merit selection is a competitive process where the applicant who demonstrates that they have the best qualifications and experience relevant to the role is appointed. Equal employment opportunity principles also apply to the recruitment of general managers (sections 349 and 344).

The recruitment process must be open and transparent, but the confidentiality of individual applicants must be maintained. A failure to maintain appropriate confidentiality may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

Councils should engage an external recruitment consultant to assist them with the recruitment process and that person should have a role in verifying that proper processes and procedures are followed in the appointment of the general manager.

There are a range of possible approaches to undertaking the recruitment of the general manager. The guidance contained in these Guidelines reflects what the Office of Local Government considers to be best practice.

The pre-interview phase

As noted above, the council's governing body is responsible for determining the process for recruiting the general manager.

The governing body should delegate the task of recruitment to a selection panel led by the mayor and approve the recruitment process. The panel will report back to the governing body on the process and recommend the most meritorious applicant for appointment by the council.

The selection panel should consist of at least the mayor, the deputy mayor, another councillor and a suitably qualified person independent of the council. Where practicable, the selection panel membership should remain the same throughout the entire recruitment process.

Selection panels should, where possible, have a mix of genders.

The council's governing body should delegate to one person (generally the mayor) the task of ensuring:

- the selection panel is established
- the general manager's position description is current and evaluated in terms of salary to reflect the responsibilities of the position
- the proposed salary range reflects the responsibilities and duties of the position
- the position is advertised according to the requirements of the Act
- information packages are prepared, and
- applicants selected for interview are notified.

The mayor, or another person independent of council staff, should be the contact person for the position and should maintain confidentiality with respect to contact by potential applicants.

Interview phase

Interviews should be held as soon as possible after candidates are short listed.

Questions should be designed to reflect the selection criteria for the position and assist the selection panel to assess the suitability of the candidate for the position.

Interviews should be kept confidential.

All written references must be checked. The selection panel must delegate the task of contacting referees to one panel member. Other panel members should not contact referees.

If contact with someone other than a nominated referee is required, the applicant's permission must be sought.

At least 2 referees must be contacted and asked questions about the candidate relevant to the selection criteria.

Where tertiary qualifications are relied on, they should be produced for inspection and if necessary, for verification.

Appropriate background checks must be undertaken, for example, bankruptcy and criminal records checks and whether the candidate has been disqualified from managing a corporation by the Australian Securities and Investments Commission. For guidance on better practice recruitment background checks, see the Australian Standard AS 4811:2022 [Workforce Screening](#) and the Independent Commission Against Corruption's publication, *Strengthening employment screening practices in the NSW public sector* which is available on its [website](#).

Selection panel report

The selection panel is responsible for preparing a report to the council's governing body that:

- outlines the selection process

- recommends the most meritorious applicant with reasons
- recommends an eligibility list if appropriate
- recommends that no appointment is made if the outcome of interviews is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of the council.

The appointment of a general manager is a non-delegable function of the council under section 377 of the Act and a general manager cannot be appointed without a formal resolution of the council.

The council's governing body must by resolution approve the position of the general manager being offered to the successful candidate before the position is offered to the candidate.

Finalising the appointment

The mayor makes the offer of employment after the governing body has resolved to appoint the successful candidate. The initial offer can be made by telephone.

Conditions such as term of the contract (1-5 years) and remuneration package (within the range approved by the governing body of the council) can be discussed by telephone but must be confirmed in writing.

The standard contract of employment for general managers approved by the Departmental Chief Executive of the Office of Local Government under section 338 of the Act must be used. The approved standard contract is available on the Office's [website](#). The terms of the approved standard contract must not be varied. Only the term of the contract and the schedules to the approved standard contract can be adapted by councils.

General managers must be employed for 1–5 years.

The contract governs:

- the duties and functions of general managers
- performance agreements
- the process for renewal of employment contracts
- termination of employment and termination payments
- salary increases, and
- leave entitlements.

It should be noted that the Departmental Chief Executive of the Office of Local Government cannot approve individual variations to the standard terms of the contract.

Candidates who are placed on the eligibility list and unsuccessful applicants should be advised of the outcome of the recruitment process before the successful applicant's details are made public.

Record keeping

Councils should retain all records created as part of the recruitment process including the advertisement, position description, selection criteria, questions asked at interview, interview panel notes, selection panel reports and notes of any discussions with the selected candidate. These records are required to be stored and disposed of in accordance with the *State Records Act 1998*.

DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER

While one of the prescribed functions of the governing body is to monitor the general manager's performance, day-to-day oversight of and liaison with the general manager should be undertaken by the mayor.

The mayor's role in the day-to-day management of the general manager should include:

- approving leave
- approving expenses incurred, and
- receiving and managing complaints about the general manager in accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*.

The council's governing body should ensure there are adequate and appropriate policies in place to guide the mayor in the day-to-day oversight of and liaison with the general manager and keep those policies under regular review.

Some of the key policies the governing body should ensure are in place are those relating to:

- leave
- travel
- credit cards
- purchasing and procurement
- expenses and facilities
- petty cash, and
- financial and non-financial delegations of authority.

The governing body should also ensure there are appropriate policies in place with respect to the expenditure of council funds and reporting requirements in relation to that expenditure.

The council's governing body should satisfy itself that any policy governing the conferral of a benefit on the general manager, such as use of a motor vehicle, allows the actual dollar value of that benefit to be quantified so it can be accurately reflected in the general manager's salary package in Schedule C to the approved standard contract.

PERFORMANCE MANAGEMENT

Managing the performance of the general manager

The general manager is made accountable to the council for their performance principally through their contract of employment.

The role of the governing body is to monitor the general manager's performance in accordance with their contract of employment.

The performance of the general manager must be reviewed at least annually against the agreed performance criteria for the position. Councils may also choose to undertake more frequent interim reviews of the general manager's performance.

The agreed performance criteria must be set out in an agreement that is signed within three months of the commencement of the contract. Development of the performance agreement is discussed below.

Establishing a performance review panel

The governing body must establish a performance review panel led by the mayor, and delegate the task of undertaking the general manager's performance reviews to the panel. The extent of the delegation should be clear.

It is recommended that full responsibility for performance management be delegated to the performance review panel, including discussions about performance, any actions that should be taken and the determination of the new performance agreement.

Performance review panels should comprise of the mayor, the deputy mayor, another councillor nominated by council and a councillor nominated by the general manager.

The council's governing body may also consider including an independent observer on the panel. Panel members should be trained in the performance management of general managers.

The role of the review panel includes:

- conducting performance reviews
- reporting the findings and recommendations of reviews to the council, and
- development of the performance agreement.

The governing body and the general manager may agree on the involvement of a suitably qualified external facilitator such as a human resources professional to assist with the performance review process and the development of a new performance agreement. That person may be selected by the governing body or the performance review panel.

Councillors who are not members of the performance review panel may be invited to contribute to the performance review process by providing feedback to the mayor on the general manager's performance relevant to the agreed performance criteria.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should report back to the governing body of the council in a closed session on the findings and recommendations of performance reviews as soon as practicable following any performance review. This should not be an opportunity to debate the results or revisit the general manager's performance review. The general manager should not be present when the matter is considered.

The performance agreement, action plan and any associated records that contain specific information about the work performance or conduct of the general manager are to remain confidential unless otherwise agreed to by the general manager or are required to be disclosed by law. The unauthorised disclosure of this information may constitute a breach of the Act, the council's code of conduct and the *Privacy and Personal Information Protection Act 1998*.

Establishing the performance agreement

The performance agreement is the most important component of successful performance management. The performance agreement should include clearly defined and measurable performance indicators against which the general manager's performance can be measured.

As one of the general manager's key responsibilities is to oversee the implementation of the council's strategic direction, it is important to align the general manager's performance criteria to the goals contained in the community strategic plan, and the council's delivery program and operational plans.

The performance agreement should also include indicators relevant to the general manager's personal contribution to the council's key achievements and their core capabilities, including leadership qualities.

The performance agreement should also include indicators related to promoting and maintaining an ethical culture within the council. These could include the conduct and measurement of the outcomes from staff surveys and the promotion of whistleblowing procedures under the *Public Interest Disclosures Act 1994* and the reporting of suspected wrongdoing to appropriate oversight agencies including the Independent Commission Against Corruption and the Office of Local Government.

The performance agreement should contain but not be limited to key indicators that measure how well the general manager has met the council's expectations with respect to:

- service delivery targets in the council's delivery program and operational plans
- budget compliance
- organisational capability
- timeliness and accuracy of information and advice to councillors
- timely implementation of council resolutions
- management of organisational risks
- promotion of an ethical culture
- ensuring a safe workplace and facilitating compliance with the *Work Health and Safety Act 2011*, and
- leadership and providing a consultative and supportive working environment for staff etc.

Performance review process

The approved standard contract requires that the performance of the general manager must be formally reviewed at least annually. The governing body of the council may also undertake interim performance reviews as appropriate.

The assessment should include:

- a self-assessment by the general manager, and
- an assessment by the review panel of the general manager's performance against the performance agreement.

The performance review meeting should be scheduled with sufficient notice to all parties in accordance with clauses 7.6 and 7.7 of the approved standard contract. These require:

- the general manager to give the council 21 days' written notice that an annual performance review is due, and
- the council to give the general manager at least 10 days' written notice that the performance review is to be conducted.

The meeting should concentrate on constructive dialogue about the general manager's performance against all sections of the performance agreement.

The meeting should identify any areas of concern and agreed actions to address those concerns.

In undertaking the performance review, care must be taken to ensure that the review is conducted fairly and in accordance with the principles of natural justice. The appointment by the council, in agreement with the general manager, of a suitably qualified external facilitator to advise on the process (see above) should assist councils to comply with these requirements.

The council's governing body must advise the general manager, in writing, in clear terms, the outcome of any performance review.

The new performance agreement for the next period should be prepared as soon as possible after the completion of the previous period. The agreement should be presented to the governing body of the council for discussion in a closed meeting together with the outcomes of the previous review period.

REMUNERATION AND REWARD

Under the approved standard contract, general managers are entitled to an annual increase in their salary package on each anniversary of the contract, equivalent to the latest percentage increase in remuneration for NSW public sector senior executive office holders as determined by the Statutory and Other Offices Remuneration Tribunal.

Councils may also approve discretionary increases to the general manager's total remuneration package under the approved standard contract as a reward for good performance. Discretionary increases may only be approved after a formal review of the general manager's performance has been undertaken and the general manager's performance has been assessed as being better than satisfactory.

Any discretionary increases should be modest and in line with community expectations and only apply for one year unless the council determines that it is to apply for the balance of the contract. All discretionary increases in remuneration, together with the reasons for the increase, must be reported to an open meeting of the council.

Councils may also on one occasion during the term of the contract approve the payment of a retention bonus to the general manager as an incentive for them to serve out their contract. If approved, the retention bonus is to be accrued on an annual, pro-rata basis for the remainder of the contract and is to be paid at the end of the contract period.

SEPARATION

Termination of the general manager's employment

The approved standard contract sets out how the general manager's employment contract can be terminated before its expiry date by either the governing body or the general manager (see clause 10 of the approved standard contract). The circumstances in which the general manager's employment contract may be terminated are set out below:

By agreement

The contract may be terminated at any time by written agreement between the council and the general manager.

Resignation

The general manager may terminate the contract by giving 4 weeks written notice to the governing body of the council.

Incapacity

A council may terminate the general manager's contract by giving them 4 weeks written notice or by paying the equivalent of 4 weeks' remuneration calculated in accordance with Schedule C of the approved standard contract where:

- the general manager has become incapacitated for 12 weeks or more
- they have exhausted their sick leave, and
- the duration of the incapacity is either indefinite or for a period that would make it unreasonable for the contract to be continued.

Poor performance

A council may terminate the general manager's contract by giving them 13 weeks written notice or by paying the equivalent of 13 weeks' remuneration calculated in accordance with Schedule C of the approved

standard contract on grounds of poor performance.

A council may only terminate the general manager's contract on the grounds of poor performance where:

- a performance review has been conducted, and
- the council has concluded that the general manager's performance falls short of the performance criteria or the terms of their performance agreement, and
- the general manager has been afforded a reasonable opportunity to utilise dispute resolution under clause 17 of the contract (see below).

No fault termination

A council may terminate the general manager's contract at any time by giving them 38 weeks written notice or paying the equivalent of 38 weeks remuneration calculated in accordance with Schedule C of the approved standard contract. If there are less than 38 weeks left to run in the term of the general manager's contract, the council can pay out the balance of the contract in lieu of notice.

Where the council proposes to terminate the general manager's contract on these grounds, if either party requests it and both parties agree, they may participate in mediation in relation to the proposed decision to terminate the contract. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

Where a council terminates the contract on these grounds, it must give the general manager reasons for its decision to terminate their employment where the general manager requests it.

Summary dismissal

Councils may summarily dismiss the general manager on the grounds set out under clause 10.4 of the approved standard contract. These include:

- serious or persistent breach of the employment contract
- serious and wilful disobedience of any reasonable and lawful instruction or direction given by the council,
- serious and wilful misconduct, dishonesty, insubordination or neglect in the discharge of the general manager's duties and functions under their contract,
- failure to comply with any law or council policy concerning sexual harassment or racial or religious vilification
- serious or persistent breach of the council's code of conduct
- commission of a crime, resulting in conviction and sentencing (whether or not by way of periodic detention), which affects the general manager's ability to perform their duties and functions satisfactorily, or that brings the council into disrepute
- absence without approval for a period of 3 or more consecutive business days.

Automatic termination

The general manager's contract of employment is automatically terminated where the general manager becomes bankrupt, or they are disqualified from managing a corporation under Part 2D.6 of the *Corporations Act 2001*.

Where this occurs, the general manager's employment with the council automatically ends without the need for a decision by the council to terminate their contract of employment.

Suspension of the general manager

Councils may suspend the general manager, for example while allegations against them are

being investigated. Suspension should be on full pay for a clearly defined period.

Councils should not suspend a general manager's employment without first seeking expert legal advice. It would not be appropriate to seek advice from council human resources staff on the proposed suspension of the general manager.

Any decision to suspend a general manager should be made at a closed council meeting, having first carefully considered the expert legal advice received in relation to the specific matter.

The principals of procedural fairness apply to any decision to suspend a general manager, i.e., the general manager must be advised of the circumstances leading to their suspension, the reasons for the suspension, the period of the suspension and be given a right to respond to the decision to suspend.

Dispute resolution

The approved standard contract contains a dispute resolution clause at clause 17. These provisions are designed to encourage councils and general managers to attempt to resolve disputes when they arise.

Councils are required to offer the general manager an opportunity to utilise dispute resolution before they can terminate their employment for poor performance.

Where it is proposed to terminate the contract on the "no fault" grounds (clause 10.3.1(e)), if either party requests it and both parties agree, they may participate in mediation under clause 17 in relation to the proposed decision to terminate. If the council does not agree to participate in mediation, it must give the general manager reasons for its decision where the general manager requests them.

The governing body of the council should ideally resolve to delegate this function to the mayor or a panel of 3 councillors including the mayor.

If the dispute involves the mayor, then the deputy mayor should take the mayor's place. If there is no deputy mayor then the governing body should resolve to appoint another councillor to take the mayor's place.

The governing body of the council and the general manager should agree on an independent mediator to mediate the dispute. The approved standard contract allows the Departmental Chief Executive of the Office of Local Government to appoint a mediator where the parties cannot agree on one.

Councils and general managers may also agree on a mediator when the contract is made.

RENEWING THE GENERAL MANAGER'S CONTRACT

Clause 5 of the approved standard contract sets out the process for renewing the general manager's contract of employment. The key steps in the process are as follows:

- At least 9 months before the contract expires (or 6 months if the term of employment is for less than 3 years), the general manager must apply to the council in writing if seeking re-appointment to the position
- At least 6 months before the contract expires (or 3 months if the term of employment is for less than 3 years), the council must respond to the general manager's application by notifying the general manager in writing of its decision to either offer the general manager a new contract of employment (and on what terms) or to decline their application for re-appointment
- At least 3 months before the contract expires (or 1 month if the term of employment is for less than 3 years) the general manager must notify the council in writing of their decision to either accept or decline the offer made by the council.

Approval may be sought from the Departmental Chief Executive of the Office of Local Government to vary these timeframes in exceptional or unforeseen circumstances.

The terms of the new contract of employment, and in particular the schedules to the new contract, should be set out in the letter of offer. Before offering a new contract, the council should carefully review the terms of the schedules to the new contract.

The governing body should ensure that the performance criteria of the new performance agreement adequately reflect its expectations of the general manager's performance.

The governing body should also consider previous performance reviews conducted under previous contracts.

The process of deciding whether to offer the general manager a new contract should be as follows:

- a performance review is conducted
- findings and recommendations are reported to a closed council meeting in the absence of the general manager
- the closed meeting considers and decides whether to offer a new contract of employment to the general manager and on what terms as set out in the schedules to the contract
- the mayor informs the general manager of the council's decision.

Details of the decision to offer a new contract and a salary package should be reported to an open council meeting.

Appendix 1 – Performance management timelines

Timeline	Activity	Responsibility
At commencement of each new council	Provide induction training on performance management of the general manager	Council
Within 3 months of the commencement date of the contract	A performance agreement setting out agreed performance criteria must be signed between the general manager and the council	Council or council panel General Manager
Within 2 months of the signing of the performance agreement	The general manager must prepare and submit to the council an action plan which sets out how the performance criteria are to be met	General Manager
21 days' notice (before annual review)	The general manager gives the council written notice that an annual performance review is due	General Manager
At least 10 days' notice	The council must give the general manager written notice that the performance review is to be conducted	Council or council panel
After 6 months	The council may also decide, with the agreement of the general manager, to provide interim feedback to the general manager midway through the annual review period	Council or council panel General Manager
Prior to the annual review	Ensure all councillors on the review panel have been trained in performance management of general managers	Council
Prior to the annual performance review	The general manager may submit to council a self-assessment of their performance	General Manager
Annually	The general manager's performance must be reviewed having regard to the performance criteria in the agreement	Council or council panel General Manager
Annually	The performance agreement must be reviewed and varied by agreement	Council or council panel General Manager
Within 6 weeks of the conclusion of the performance review	Council will prepare and send to the general manager a written statement with council's conclusions on the general manager's performance during the performance review period	Council or council panel
As soon as possible after receipt of the statement	The general manager and the council will agree on any variation to the performance agreement for the next period of review	Council or council panel General Manager

Appendix 2 – Stages of performance management

STAGE	ACTION	PROCESS
1. Developing performance agreement	<ul style="list-style-type: none"> ▪ Examine the position description and contract ▪ List all position responsibilities from the position description ▪ Identify stakeholder expectations ▪ List the key strategic objectives from the delivery program and operational plans ▪ Develop performance measures (identify indicators - set standards) 	<ul style="list-style-type: none"> ▪ Good planning ▪ Direct and effective communication ▪ Open negotiation ▪ Joint goal setting
2. Action planning	<ul style="list-style-type: none"> ▪ Develop specific strategies to meet strategic objectives ▪ Identify resources ▪ Delegate tasks (e.g., put these delegated tasks into the performance agreements for other senior staff) 	<ul style="list-style-type: none"> ▪ Detailed analysis ▪ Two-way communication ▪ Detailed documentation
3. Monitoring progress (feedback halfway through the review period)	<ul style="list-style-type: none"> ▪ Assess performance ▪ Give constructive feedback ▪ Adjust priorities and reset performance measures if appropriate 	<ul style="list-style-type: none"> ▪ Communication ▪ Avoid bias ▪ Counselling ▪ Coaching ▪ Joint problem solving
4. Annual	<ul style="list-style-type: none"> ▪ Assess performance against measures ▪ Give constructive feedback ▪ Identify poor performance and necessary corrective action ▪ Identify outstanding performance and show appreciation 	<ul style="list-style-type: none"> ▪ Evaluation of the reasons behind performance being as assessed ▪ Open, straightforward communication (as bias free as possible) ▪ negotiation ▪ Counselling, support, training ▪ Documenting ▪ Decision making
5. Developing revised agreement	See stage 1	See Stage 1



Terms of reference: Tourism and Economic Advisory Committee

24/40362

Committee name:	Tourism and Economic Advisory Committee (TEAC)
Status:	Council committee <input checked="" type="checkbox"/> Statutory committee <input type="checkbox"/> Sunset committee <input type="checkbox"/>
Purpose:	The role of Tourism and Economic Advisory Committee (the Committee) is to: <ul style="list-style-type: none"> Act in an advisory capacity to Council on matters relating to the development and implementation of strategies as outlined in Pillar 3 of the Kiama Community Strategic Plan. Act as the primary conduit of information between the community and Council on economic development and tourism matters.
Objectives:	The objectives of the Committee are as follows: <ul style="list-style-type: none"> Inform and provide input into Council's Integrated Planning and Reporting Framework, drawing on the priorities set within the current Tourism Opportunities Plan and Tourism and Events Strategic Plan. Provide valuable industry/local knowledge to help inform Council decisions on economic development and tourism matters. Determine new initiatives and major projects that support the Economic Development Strategic Plan (pending) and Tourism and Events Strategic Plan. Raise awareness of the value of tourism and the visitor economy. Provide direction on key marketing activities to support increased visitor demand for the Kiama LGA incorporating sustainable principals. Advise Council on significant strategic matters, trends or issues relating to local economic development and prosperity, including: <ul style="list-style-type: none"> Business attraction Industry retention Employment generation Innovation and strategic future planning Discuss and support regional economic development initiatives and provide local industry advocacy to state and federal government departments.
Meetings:	<ul style="list-style-type: none"> Meetings are to be held at least bi-monthly commencing at 5pm. These Terms of Reference, meeting dates, and minutes will be placed on Council's website.

Item 13.4

Attachment 5

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Committee name:	Tourism and Economic Advisory Committee (TEAC)
Venue:	Meetings will be held at the Kiama Council Chambers or other suitable venues as required. They may also be held online if required.
Membership:	<p>Members are formally appointed by Council and comprise:</p> <ul style="list-style-type: none"> o a maximum of 4 skill-based industry representatives o a maximum of 2 Councillors o Council CEO (or appointee) o Kiama and District Business Chamber representative. <ul style="list-style-type: none"> • Attendance by Manager Planning and Economic Development or a representative and Manager Tourism and Events. • A councillor who is not a member of the Committee is entitled to attend, and to speak at a meeting of the Committee. However, the councillor is not entitled: <ul style="list-style-type: none"> (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. • Subject matter experts are invited on an ad hoc basis to discuss specific reports as required.
Meeting quorum:	<ul style="list-style-type: none"> • A Quorum will be deemed to have been met under the following criteria: <ul style="list-style-type: none"> o Minimum of 50% plus 1
Term of membership:	<ul style="list-style-type: none"> • Councillor Representatives will be elected each year at the February Council Meeting. • The term of non-Councillor membership will be to 30 June 2024. • 50% of the industry representatives will be required to stand for reappointment every 2 years - tenure can be renewed by Council for up to 4 years without re-advertising. • Non-Councillor member positions will be declared vacant/terminated when a member: <ol style="list-style-type: none"> i. completes their designated term and retires from the Committee ii. competes their term and is not reappointed iii. resigns their membership, in writing, to the Chairperson iv. fails to attend more than 75% of scheduled meetings unless granted special leave of absence by the Chairperson v. acts in a way that is contrary to their responsibility as outlined below. <p>NOTE: Council on the recommendation of the Committee chairperson reserves the right to terminate appointments in instances where behaviour is considered excessively disruptive and contrary, is a breach of the Code of Conduct, is deemed</p>

Committee name:	Tourism and Economic Advisory Committee (TEAC)
	<p>inappropriate or is regarded as failing to provide productive and valued input.</p> <ul style="list-style-type: none"> • Representatives not attending 3 consecutive meetings can be replaced at the discretion of Council. • Representatives must abide by the terms of reference for the TEAC.
Meeting administration:	<ul style="list-style-type: none"> • Meetings are to be chaired by a non-Councillor Committee member as elected by the committee and endorsed by Council. • The agenda and business papers will be circulated no less than five days prior to a scheduled meeting. • Minutes will be taken by a representative of Council. • Minutes are to be brief and focused on action items and advice. • Minutes shall be approved by the Chair and circulated to each member and to Councillors within two weeks of the meeting being held. • Minutes are required to be submitted to the next Ordinary Meeting of Council, immediately following the committee meeting, to be received and noted. • Recommendations from the meeting that require Council endorsement will be reported separately to the next Ordinary Meeting of Council.
Responsibility	<p>Members of the Committee will:</p> <ul style="list-style-type: none"> • Act in an advisory role to Council. • Provide strategic guidance on implementation of plans, programs and initiatives. • Provide important links to the communities they represent in promoting and delivering outcomes. • Participate in working parties as needed. • At all times contribute in a positive and respectful manner. • Avoid disruption, contrary conduct or being wasteful of time and resources. • Represent whole of industry. • Actively participate in working groups. • Represent the Committee at events. • On appointment and annually provide Pecuniary Interest Returns as required by the Office of Local Government and Council. • Comply with Council’s Code of Conduct. • Work in an open and honest manner, and with respect for each other.

Committee name:	Tourism and Economic Advisory Committee (TEAC)
	<ul style="list-style-type: none"> • Understand that at all times it will be necessary to listen to and negotiate different points of view and perspectives, and to make compromises accordingly. • Respect each other’s opinions and consider the view of each member to be of equal importance. • Refrain from any form of conduct that may cause a reasonable person unwarranted offence or embarrassment. • Undertake to fairly present the discussion and information provided at the Committee to their organisation.
Conflicts of interest	<ul style="list-style-type: none"> • Conflicts of Interest are to be called as a matter of process. • Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest shall be appropriately noted. • Committee members must complete a declaration of interest form. • Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. • Where there is a conflict, Council’s Code of Conduct will be adhered.
Executive positions	<p>The role of the Chairperson is:</p> <ul style="list-style-type: none"> • To chair the meeting and exercise functions as determined by the Committee. • To be the spokesperson for the Committee, as directed by the Committee. • To call for conflicts of interest on agenda items • To advocate for the Committee and represent its decisions • To sign off minutes endorsed by the Committee • To call extraordinary meetings of Committee • The Deputy Chairperson will be elected by the Committee. The role of the Deputy Chairperson is to act as Chair when the Chair is not present at meetings.
Sub Committees / Working Groups / Portfolios	<ul style="list-style-type: none"> • The Committee will have the right to establish subgroups as deemed appropriate to assist in fulfilling their role and purpose.
Voting and Recommendations	<ul style="list-style-type: none"> • Voting and recommendations are made by consensus and all decisions must be stated precisely for the inclusion of the minutes • Where a consensus cannot be reached at two consecutive meetings, then the majority of 60% of those present can adopt a recommendation • Alternative views are to be recorded in the meeting minutes.

Committee name:	Tourism and Economic Advisory Committee (TEAC)
Communication	<ul style="list-style-type: none"> • Members of the Committee are not permitted to speak to the media as representatives of the Committee or Destination Kiama unless approved by the Chairperson. • Where approval has been given by the Chairperson, views and opinions expressed are those of the Committee and not of Kiama Municipal Council • Where endorsement is required from Kiama Municipal Council, approval must be sought through the formal processes.
Staff attendance	<ul style="list-style-type: none"> • Executive staff are normally required to attend the meetings of the Committee. • Other staff at the CEO's discretion or at the Committee's request can attend meetings as required.

Council at its discretion may review and change the Terms of Reference, role and structure of the Tourism and Economic Advisory Committee.

This terms of reference was endorsed at the February 2024 Council meeting.

13.5 Council delegates to outside bodies, appointments to regional and other organisations

CSP Objective: Outcome 5.2: Governance is transparent and builds trust

CSP Strategy: 5.2.1 Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Delivery Program: 5.2.1.1 Provide public access to Council business through Council meetings, briefings, public access forums and Council committee meetings.

Item 13.5

Summary

This report requests that Councillors determine representatives to outside organisations for the period to September 2025.

Financial implications

Not applicable

Risk implications

The risk related to delegations is that Council would not be adequately represented on relevant external bodies.

Policy

Relevant terms of reference and constitutions of the external bodies.

Consultation (Internal)

Nil

Communication/Community Engagement

Committee delegations are published on Council's website.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council determine its representatives to external organisations for the period to September 2025, as follows:

- CivicRisk Mutual:
 - 1 Mayor / Councillor
 - CEO or delegate
- Cleary Bros Community Consultative Committee:
 - 1 Councillor

Report of the Chief Executive Officer

13.5 Council delegates to outside bodies, appointments to regional and other organisations (cont)

-
- Friends of Kiama Library
 - 1 Councillor
 - 1 Alternate
 - Healthy Cities Alliance (including Australian Chapter)
 - 1 Councillor
 - Illawarra Academy of Sport
 - Mayor / delegate
 - Illawarra Bush Fire Management Committee
 - 1 Councillor
 - Director Infrastructure & Liveability
 - Illawarra District Weeds Authority Committee
 - 1 Councillor
 - Landscape & Recreation Coordinator
 - Illawarra Shoalhaven Joint Organisation
 - Mayor
 - 1 Councillor
 - 1 Alternate
 - CEO
 - Kiama and District Sports Association
 - 1 Councillor
 - Director Infrastructure & Liveability
 - Kiama Liquor Accord
 - 1 Councillor
 - Road Safety Officer
 - NSW Public Libraries Association and the South East Zone Committee
 - 1 Councillor
 - Director Planning, Environment & Communities
 - Manager Libraries & Cultural Hubs
 - Southern Regional Planning Panel
 - Mayor / 1 Councillor
 - CEO / Director Planning, Environment & Communities

Report of the Chief Executive Officer

13.5 Council delegates to outside bodies, appointments to regional and other organisations (cont)

- Alternate: [Luke Musgrave](#)
- Alternate: [Bronwyn Seiden](#)

Background

The current outside organisations to which Council is required to appoint a delegate or representative is provided in the table below:

Committee	Meetings	Delegates
CivicRisk Mutual	Quarterly	1 Mayor / Councillor CEO or delegate
Cleary Bros Community Consultative Committee	At least 2 x per year	1 Councillor
Friends of Kiama Library	Monthly	1 Councillor 1 Alternate
Healthy Cities Alliance (including Australian Chapter)	Bimonthly	1 Councillor
Illawarra Academy of Sport	Bi-monthly	Mayor / delegate
Illawarra Bush Fire Management Committee	Quarterly	1 Councillor Director Infrastructure and Liveability
Illawarra District Weeds Authority Committee	Quarterly	1 Councillor Landscape and Recreation Coordinator
Illawarra Shoalhaven Joint Organisation	Bi-monthly	Mayor 1 Councillor 1 Alternate CEO
Kiama and District Sports Association	Bi-monthly	1 Councillor Director Infrastructure & Liveability
Kiama Liquor Accord	Bi-monthly	1 Councillors Road Safety Officer
NSW Public Libraries Association and the South East Zone Committee	Quarterly	1 Councillor

Item 13.5

Report of the Chief Executive Officer

13.5 Council delegates to outside bodies, appointments to regional and other organisations (cont)

Committee	Meetings	Delegates
		Director Planning, Environment & Communities Manager Libraries and Cultural Hubs
Southern Regional Planning Panel	As required	2 members At least 4 alternates

Item 13.5

Outline of Committees

Following is an explanation about Kiama Municipal Council’s involvement for each committee:

CivicRisk Mutual

CivicRisk Mutual is a self-funded, self-managed, member-based mutual that supports councils with risk management and mitigation services. The Mutual represents 26 NSW councils.

The Mutual does not dictate who councils nominate as Members Assembly representatives, however it is suggested that this be either the Mayor or Councillor and the CEO, or, as in some members cases, a Director or Risk Manager.

Council nominates 2 representatives who have voting rights. An alternate representative can also nominated in case a nominated representative is unable to attend a meeting.

Meetings are held quarterly.

Cleary Bros Community Consultative Committee

This Consultative Committee is an advisory committee that reviews Cleary Bros performance with respect to environmental management and community relations, undertakes quarry inspections and reviews community concerns and complaints.

The Terms of Reference of the Consultative Committee requires membership of one councillor representative from Kiama Municipal Council.

Meetings are held at least twice per year.

Friends of Kiama Library

The Friends of Kiama Library support and enrich the Kiama public library service and local community, while providing a stimulating and enjoyable program for members.

The Constitution requires 1 councillor representative. An alternate can also be nominated.

Meetings are held monthly.

Healthy Cities Alliance

Report of the Chief Executive Officer

13.5 Council delegates to outside bodies, appointments to regional and other organisations (cont)

Healthy Cities Alliance is an international network aiming at protecting and enhancing the health of city dwellers. The Alliance is a group of cities and other organisations that try to achieve the goal through an approach called “Healthy Cities”. Healthy Cities Illawarra run a number of programs locally.

Kiama Council is a member of the Alliance and has recently nominated for a position on the Steering Committee, to be a councillor representative, if successful.

Meetings are held bimonthly.

Illawarra Academy of Sport

As the pioneer for the regional Academy model in Australian sport, the Illawarra Academy of Sport is a not-for-profit sporting organisation that exists to provide localised training and education opportunities for talented young athletes, coaches and administrators across the Illawarra region.

The Constitution of the Academy requires representation from the Mayor or the Mayor’s delegate.

Meetings are held bi-monthly.

Illawarra Bush Fire Management Committee

The Illawarra Bush Fire Management Committee is made up of a range of stakeholders from the area including emergency services, land management agencies, local government and local aboriginal land services, and local community groups. This ensures key community stakeholders have a say on bush fire management activities for the benefit of their communities.

The terms of reference allows for a Councillor member to join the Director Infrastructure and Liveability on the Committee.

The Committee meets quarterly.

Illawarra District Weeds Authority Committee

The IDWA has delegated authority from Wollongong, Shellharbour and Kiama Councils to carry out local control authority functions under the Biosecurity Act 2015. It also represents those councils on the South East Regional Weeds Committee. The IDWA is a business unit of the Illawarra Shoalhaven Joint Organisation.

Each council must appoint a councillor representative to the Committee.

Meetings are held quarterly.

Illawarra Shoalhaven Joint Organisation

The principal functions of the ISJO are: to establish strategic regional priorities for the area and develop strategies and plans to deliver; provide regional leadership and be an advocate for regional strategic priorities; and identify and take up opportunities for intergovernmental cooperation.

The Board of ISJO consists of the mayors of each council and one additional councillor voting representative.

The ISJO meets bimonthly.

Kiama and District Sports Association

Report of the Chief Executive Officer

13.5 Council delegates to outside bodies, appointments to regional and other organisations (cont)

The KDSA acts as a conduit between Council and sporting associations on booking sporting fields and awarding grants to affiliated clubs.

The KDSA constitution requires one representative.

The KDSA meets bi-monthly.

Kiama Liquor Accord

The Liquor Accord is overseen by Liquor & Gaming NSW as part of a widespread approach to reducing alcohol related harm and anti-social behaviour.

2 council members and Council's Road Safety Officer represent Council on the accord group.

The Accord generally meetings bimonthly.

NSW Public Libraries Association and the South East Zone Committee

NSW Public Libraries Association represents the interest of public libraries and their users throughout the State.

As a member of NSWPLA, Council is entitled to have a councillor delegate to the association attending zone and association meetings. Representation is one councillor, Director Planning, Environment & Communities and Manager Library and Cultural Hubs.

Zone meetings are held quarterly.

Southern Regional Planning Panel

Planning Panels, such as the Southern Regional Planning Panel, have the following functions:

- to determine regionally significant DAs and undertake rezoning reviews of planning proposals.
- determining Crown DAs,
- determining modification applications for regionally significant development,
- determining DA reviews,
- determining SCCs,
- undertaking independent reviews for specific Local Aboriginal Land Council lands,
- advising the Minister or the Secretary upon request, and
- preparing planning proposals if they are directed to be a planning proposal authority.

Section 2.13 of the *Environmental Planning & Assessment Act 1979 (the Act)* outlines that Council can nominate two (2) members to be on the Panel. The other three (3) members of the Panel are appointed by the Minister.

Report of the Chief Executive Officer

13.5 Council delegates to outside bodies, appointments to regional and other organisations (cont)

Both the Act and the 'Sydney District and Regional Planning Panels Operational Procedures' stress that Council nominated members must have expertise in one or more of the following areas: planning, heritage, architecture, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

The Procedures suggest that Council consider appointing a minimum of 4 alternate members.

Item 13.5

13.6 Ordinary Meetings of the Council - schedule and order of business

CSP Objective: Outcome 5.2: Governance is transparent and builds trust

CSP Strategy: 5.2.1 Build strong relationships and ensure our partners and community share the responsibilities and benefits of putting plans into practice.

Delivery Program: 5.2.1.1 Provide public access to Council business through Council meetings, briefings, public access forums and Council committee meetings.

Item 13.6

Summary

This report proposes the fixing of days and hours at which Ordinary Meetings of the Council are held and to endorse the order of business at Ordinary Meetings.

Financial implication

Not applicable.

Risk implication

Not applicable.

Policy

Not applicable.

Consultation (internal)

Executive Leadership Team

Communication / Community engagement

Council meeting times are advertised on Council's website and through regular media channels.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council:

1. Notes that the ordinary general meetings of the Council be held on the third Tuesday of each month other than January.
2. Notes that ordinary meetings throughout the year will commence at 6pm.
3. Notes that public access forums throughout the year will commence at 4pm.
4. Confirms the order of business for an ordinary general Council meeting as set out in this report.

Report of the Chief Executive Officer

13.6 Ordinary Meetings of the Council - schedule and order of business (cont)

Proposal for meeting schedule

Council has previously had a meeting policy that Council meetings be held on the third Tuesday of each month with public access forums scheduled on the Monday evening (the day before).

To achieve a more streamlined meeting cycle, and to respect the fact many new Councillor are engaged in full time employment / own businesses, it is proposed to amend the meeting cycle. Going forward the following schedule is proposed:

1. Public access meetings to be held on the third Tuesday of the month commencing at 4pm
2. Councillor dinner to be held immediately following public access at 5pm
3. Ordinary council meetings to be held on the third Tuesday of each month commencing at 6pm.

Councillor agenda review would be held on the Tuesday morning at 9am.

It is noted that Wollongong, Shellharbour and Shoalhaven councils have the public access forum either immediately before or during the meeting.

2024 Council meetings

The dates for the 2024 Council meetings are:

15 October

26 November (resolved to move to the fourth Tuesday to accommodate councillor attendance at the LGNSW conference)

10 December (brought forward a week as resolved that the December meeting occurs on the second Tuesday of December).

Dates for 2025 meetings will be further considered at the December 2024 Council meeting due to the fact that both the National and State peak body annual meetings / conferences are yet to be set.

Order of business

Council's current Code of Meeting Practice sets out the order of business of an ordinary council meeting at section 8.1.

It is proposed that the following order of business is followed:

1. Opening of meeting
2. Webcasting statement
3. Acknowledgement of Country
4. Statement of Ethical Obligations
5. Apologies
6. Confirmation of Minutes of previous meeting
7. Business arising from the Minutes
8. Disclosure of interests
9. Tabling of petitions and other documents

Report of the Chief Executive Officer

13.6 Ordinary Meetings of the Council - schedule and order of business (cont)

10. Public forum summary
11. Mayoral Minutes
12. Minutes of Committees
13. Report of the Chief Executive Officer
14. Report of the Chief Operating Officer
15. Report of the Director Planning, Environment and Communities
16. Report of the Director Infrastructure and Liveability
17. Reports for Information
18. Late Items
19. Questions with notice
20. Notice of Motion
21. Confidential summary
22. Confidential reports
23. Closure

Item 13.6