**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING**
**HELD ON TUESDAY 27 OCTOBER 2026**


**MAYORAL MINUTES**

**05 Mayoral Minute - Performance Review Panel for the General Manager's Performance Review**

**Attachment 1:** Guidelines for the Appointment and Oversight of General Managers ..... 1

**EXECUTIVE SERVICES REPORTS**

**11 14 October 2026 Federal Court judgement, regarding the proposed McPhillamys Gold Project at Kings Plains**

**Attachment 1:** Federal Court Judgement..... 21

**CORPORATE SERVICES REPORTS**

**16 Quarterly Budget Review Statement - June 2026**

**Attachment 1:** June 2025-26 Quarterly Budget Review Statement..... 101

**18 Draft Code of Meeting Practice**

**Attachment 1:** Draft Code of Meeting Practice ..... 131

**19 Disclosures of Interest by Councillors and Designated Persons**

**Attachment 1:** Disclosures of Interest by Designated Persons and Councillors Returns - Councillors ..... 175

**Attachment 2:** Disclosure of Interest by Designated Persons and Councillors Return - Designated Persons ..... 191

**INFRASTRUCTURE SERVICES REPORTS**

**21 Infrastructure Services: Key Activities Report**

**Attachment 1:** Active Transport Fund Application - Blayney Shire Active Movement Connections ..... 209

**PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

**24 Belgravia Leisure CentrePoint 2025/26 Snapshot**

**Attachment 1:** CentrePoint Sport and Leisure Centre Presentation ..... 225

# Guidelines for the Appointment and Oversight of General Managers

2022



NSW GOVERNMENT

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# TABLE OF CONTENTS

TABLE OF CONTENTS....3
INTRODUCTION....4
ROLE OF THE GENERAL MANAGER....5
RECRUITMENT AND SELECTION....7
DAY-TO-DAY OVERSIGHT AND LIAISON WITH THE GENERAL MANAGER....10
PERFORMANCE MANAGEMENT....11
REMUNERATION AND REWARD....14
SEPARATION....15
RENEWING THE GENERAL MANAGER'S CONTRACT....18
Appendix 1 – Performance management timelines....19
Appendix 2 – Stages of performance management....20

# 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<br>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<br>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<br>General Manager |
| Annually | The performance agreement must be reviewed and varied by agreement | Council or council panel<br>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<br>General Manager |

# Appendix 2 – Stages of performance management

| STAGE | ACTION | PROCESS |
|---|---|---|
| 1. Developing performance agreement | ▪ Examine the position description and contract<br>▪ List all position responsibilities from the position description<br>▪ Identify stakeholder expectations<br>▪ List the key strategic objectives from the delivery program and operational plans<br>▪ Develop performance measures (identify indicators - set standards) | ▪ Good planning<br>▪ Direct and effective communication<br>▪ Open negotiation<br>▪ Joint goal setting |
| 2. Action planning | ▪ Develop specific strategies to meet strategic objectives<br>▪ Identify resources<br>▪ Delegate tasks (e.g., put these delegated tasks into the performance agreements for other senior staff) | ▪ Detailed analysis<br>▪ Two-way communication<br>▪ Detailed documentation |
| 3. Monitoring progress (feedback halfway through the review period) | ▪ Assess performance<br>▪ Give constructive feedback<br>▪ Adjust priorities and reset performance measures if appropriate | ▪ Communication<br>▪ Avoid bias<br>▪ Counselling<br>▪ Coaching<br>▪ Joint problem solving |
| 4. Annual | ▪ Assess performance against measures<br>▪ Give constructive feedback<br>▪ Identify poor performance and necessary corrective action<br>▪ Identify outstanding performance and show appreciation | ▪ Evaluation of the reasons behind performance being as assessed<br>▪ Open, straightforward communication (as bias free as possible)<br>▪ negotiation<br>▪ Counselling, support, training<br>▪ Documenting<br>▪ Decision making |
| 5. Developing revised agreement | See stage 1 | See Stage 1 |

# FEDERAL COURT OF AUSTRALIA

## LFB Resources NL v Minister for the Environment and Water (No 3)

## [2026] FCA 1504

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| File number(s): | NSD 1579 of 2024 |
| Judgment of: | **STELLIOS J** |
| Date of judgment: | 14 October 2026 |
| Catchwords: | **ADMINISTRATIVE LAW** – application for judicial review of the Minister's decision to make a declaration under s 10 of the *Aboriginal and Torres Strait Islander Heritage Protection **Act** 1984* (Cth) over part of the Belubula River, its headwaters and its springs at Kings Plains – where s 10(1)(c) of the Act requires the Minister to receive a report under s 10(4) as a pre-condition to making a declaration – where new information about the particular significance of the specified area in accordance with Aboriginal tradition was provided following the completion of the statutory reporter process – whether the Minister was in receipt of a s 10(4) report – where s 10(2) of the Act requires a declaration to specify a duration – where no period specified in the Kings Plains declaration – whether it is a mandatory consideration for the Minister to consider the duration of a declaration – whether s 10(2) requires a declaration to specify a finite period – whether the Kings Plains declaration is invalid for uncertainty – where declaration found to be invalid because the subsequent revelation of information about the particular significance of the specified area constituted a new application – application allowed |
| Legislation: | *Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act 1984* (Cth) s 33<br>*Aboriginal and Torres Strait Islander Heritage (Interim Protection) Amendment Act 1986* (Cth)<br>*Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) ss 3(1), 3(2)(a), 4, 9, 9(1)(b)(i), 9(1)(b)(ii), 9(2), 9(3), 10, 10(1), 10(1)(a), 10(1)(b)(i), 10(1)(b)(ii), 10(1)(c), 10(1)(d), 10(2), 10(3), 10(3)(a)(i), 10(3)(a)(ii), 10(3)(b), 10(4), 10(4)(a), 10(4)(b), 10(4)(c), 10(4)(f), 11, 11(a), 11(b), 12, 13(3), 13(4), 13(6), 14(1)(b), 14(3), 18, 18(2)(b), 18(2B), 19(2), 22(1), 23(1), 23(3)<br>*Acts Interpretation Act 1901* (Cth) (as at 25 June 1984) s 8<br>*Administrative Decisions (Judicial Review) Act 1977* (Cth) |

*Environment Protection and Biodiversity Conservation Act 1999* (Cth)

*Evidence Act 1995* (Cth) ss 59, 59(1), 60(1), 66A

*Judiciary Act 1903* (Cth) s 39B

*Legislation Act 2003* (Cth) ss 50, 54(2)(a), Part 4

*Environmental Planning and Assessment Act 1979* (NSW)

*Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains) Declaration 2024* ss 6(3)(a), 6(3)(b), 6(3)(c)

Cases cited:

*Anderson v Minister for the Environment, Heritage and the Arts* [2010] FCA 57; 182 FCR 462

*Attorney-General v Van Dessel* [2006] QCA 285; [2007] 2 Qd R 1

*Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union* [2018] HCA 3; 262 CLR 157

*CD v Central Gippsland Health Service* [2022] VSC 462

*Chapman v Luminis Pty Ltd (No 5)* [2001] FCA 1106; 123 FCR 62

*Clark v Minister for the Environment* [2019] FCA 2027; 274 FCR 99

*Comcare v Lilley* [2013] FCAFC 121; 216 FCR 214

*Cooper v Minister for Environment and Water* [2025] FCA 1009; 311 FCR 566

*Donohue v Australian Fisheries Management Authority* [2000] FCA 901; 60 ALD 137

*Eve Hemp Pty Limited v Secretary to the Department of Health* [2017] FCA 1051

*Harofam Pty Ltd v Scherman* [2013] VSCA 104; 42 VR 372

*Jolly v Yorketown District Council* (1968) 119 CLR 347

*King Gee Clothing Co Pty Ltd v Commonwealth* (1945) 71 CLR 184

*LFB Resources NL v Minister for the Environment and Water (No 2)* [2025] FCA 1527

*LFB Resources NL v Minister for the Environment and Water* [2025] FCA 898

*McAdam v Victorian Fisheries Authority* [2024] VSC 702

*Minister for Aboriginal and Torres Strait Islander Affairs v State of Western Australia* [1996] FCA 395; 67 FCR 40

*Minister for Immigration and Citizenship v SZIZO* [2009] HCA 37; 238 CLR 627

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| | *Minister for Immigration and Multicultural Affairs v Yusuf* [2001] HCA 30; 206 CLR 323<br>*Minister for Immigration, Citizenship and Multicultural Affairs v McQueen* [2024] HCA 11; 282 CLR 1<br>*Onus v Minister for the Environment* [2020] FCA 1807; 246 LGERA 340<br>*Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; 194 CLR 355<br>*R v Law* [2008] NTCCA 4; 23 NTLR 1<br>*Seafish Tasmania Pelagic Pty Ltd v Minister for Sustainability, Environment, Water, Population and Communities (No 2)* [2014] FCA 117; 225 FCR 97<br>*Stambe v Minister for Health* [2019] FCA 43; 270 FCR 173<br>*Tickner v Bropho* (1993) 40 FCR 183<br>*Tickner v Chapman* (1995) 57 FCR 451<br>*Vanstone v Clark* [2005] FCAFC 189; 88 ALD 520<br>*Wilson v Minister for Aboriginal and Torres Strait Islander Affairs* (1996) 189 CLR 1<br>*X Corp v eSafety Commissioner* [2025] FCAFC 99; 311 FCR 205 |
| Division: | General Division |
| Registry: | New South Wales |
| National Practice Area: | Administrative and Constitutional Law and Human Rights |
| Number of paragraphs: | 325 |
| Date of hearing: | 10–12 December 2025 |
| Counsel for the Applicant: | P Herzfeld SC with J Wherrett |
| Solicitor for the Applicant: | Ashurst Perkins Coie |
| Counsel for the First Respondent: | T Wong SC with M Pulsford |
| Solicitor for the First Respondent: | Clayton Utz |
| Counsel for the Second Respondent: | T Goodwin |
| Solicitor for the Second Respondent: | Ross Mackay |

# ORDERS

**NSD 1579 of 2024**

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| **BETWEEN:** | **LFB RESOURCES NL**<br>Applicant |
| **AND:** | **MINISTER FOR THE ENVIRONMENT AND WATER**<br>First Respondent |
| | **WIRADYURI TRADITIONAL OWNERS CENTRAL WEST ABORIGINAL CORPORATION**<br>Second Respondent |
| **ORDER MADE BY:** | **STELLIOS J** |
| **DATE OF ORDER:** | **14 OCTOBER 2026** |

**THE COURT ORDERS THAT:**

1. By 4.00pm on 27 October 2026, the parties are to provide written submissions (of no more than 5 pages each) on the question of the appropriate form of orders that should be made (including as to costs) to reflect the reasons accompanying these orders.
2. Pursuant to s 37AF of the *Federal Court of Australia Act 1976* (Cth) (**the Act**) and on the grounds referred to in s 37AG(1)(a) and (c) of the Act, there is to be no disclosure, by publication or otherwise, of:
   (a) the redacted reasons for judgment of Stellios J in *LFB Resources NL v Minister for the Environment and Water (No 3)* [2026] FCA 1504 (***LFB (No 3)***) until 4.00pm on 16 October 2026; or
   (b) the confidential reasons for judgment of Stellios J in *LFB (No 3)* until 5 December 2030.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

# REASONS FOR JUDGMENT

## STELLIOS J:

## INTRODUCTION

1 This proceeding concerns an application by **LFB** Resources NL under s 39B of the ***Judiciary Act*** *1903* (Cth) to review the validity of a decision of the first respondent, the **Minister** for Environment and Water, to make the *Aboriginal and Torres Strait Islander Heritage Protection (Kings Plains)* ***Declaration*** *2024* under s 10 of the *Aboriginal and Torres Strait Islander Heritage Protection* ***Act*** *1984* (Cth). The **s 10 application** was made by Nyree Reynolds, a Wiradjuri Elder, and was supported by the Wiradyuri Traditional Owners Central West Aboriginal Corporation (**WTOCWAC**), an Aboriginal corporation consisting of Wiradjuri persons and Elders.

2 These reasons should be read with *LFB Resources NL v Minister for the Environment and Water (No 2)* [2025] FCA 1527 and will use the pseudonyms adopted in that decision where relevant.

3 LFB contends that the Declaration will prevent it from proceeding to develop the McPhillamys Gold Project (**proposed mine project**) which has been granted approval under the *Environmental Planning and Assessment Act 1979* (NSW) (**EPA Act**) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**).

4 For the reasons that follow, I have concluded that the Declaration is invalid.

5 Before commencing those reasons, it is necessary at the outset to be clear about the basis of my decision. While the Declaration concerned the protection to be given to part of an area (**the declaration area**) identified in the application made under s 10(1) of the Act (**the application area**), the Court's decision does not concern the merits of the assessment made by the Minister that parts of the application area satisfied certain preconditions for the making of a declaration. Those substantive preconditions include that the application area is a significant Aboriginal area as defined in the Act and that the application area is under threat of injury or desecration. Those are matters to be determined by the Minister — not this Court.

6 The Court's decision that the Declaration is invalid is the sole consequence of a material deficiency in the process for making the Declaration. The provision to the Minister's **Department** of information about the Blue Banded Bee Dreaming story constituted, in

substance, a new application. Having been provided with that information after the completion of the reporter process required by s 10(1)(c), (3) and (4) of the Act, it was incumbent on the Minister, when properly advised, to refer the new application to a reporter nominated by the Minister to undertake the requisite statutory function, including, importantly, recommencing the public consultation process. Consequently, the Declaration made by the Minister was without authority.

7 To reiterate, the Court's decision, and my reasons, say nothing about the merits of the claims that the declaration area is a significant Aboriginal area or that it is under the relevant threat. Within the constitutional arrangement for the exercise of governmental power, those are matters within the authority of the Minister to determine according to law — not within the jurisdiction of this Court in a judicial review proceeding.

**BASIC FEATURES OF THE ACT**

8 Before considering the background circumstances and LFB's grounds of review, it is convenient to begin by identifying the basic features of the legislative scheme.

9 The purposes of the Act are set out in s 4:

> The purposes of this Act are the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters, being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition.

10 These purposes are achieved, in part, by the establishment of a process for the making of declarations in relation to significant Aboriginal areas and objects. As will be further explained, the making of such declarations operates to impose restrictions on what can be done in relation to areas or objects that are subject to the relevant declaration.

11 Relevant to this proceeding are the powers to make declarations relating to areas in ss 9 and 10 of the Act. Those sections provide:

> **9 Emergency declarations in relation to areas**
>
> (1) Where the Minister:
>
> > (a) receives an application made orally or in writing by or on behalf of an Aboriginal or a group of Aboriginals seeking the preservation or protection of a specified area from injury or desecration; and
> >
> > (b) is satisfied:
> >
> > > (i) that the area is a significant Aboriginal area; and
> > >
> > > (ii) that it is under serious and immediate threat of injury or

desecration;

he or she may, by legislative instrument, make a declaration in relation to the area.

(2) Subject to this Part, a declaration under subsection (1) has effect for such period, not exceeding 30 days, as is specified in the declaration.

(3) The Minister may, if he or she is satisfied that it is necessary to do so, declare by legislative instrument that a declaration made under subsection (1) shall remain in effect for such further period as is specified in the declaration made under this subsection, not being a period extending beyond the expiration of 60 days after the day on which the declaration under subsection (1) came into effect.

**10 Other declarations in relation to areas**

(1) Where the Minister:

(a) receives an application made orally or in writing by or on behalf of an Aboriginal or a group of Aboriginals seeking the preservation or protection of a specified area from injury or desecration;

(b) is satisfied:

(i) that the area is a significant Aboriginal area; and

(ii) that it is under threat of injury or desecration;

(c) has received a report under subsection (4) in relation to the area from a person nominated by him or her and has considered the report and any representations attached to the report; and

(d) has considered such other matters as he or she thinks relevant;

he or she may, by legislative instrument, make a declaration in relation to the area.

(2) Subject to this Part, a declaration under subsection (1) has effect for such period as is specified in the declaration.

(3) Before a person submits a report to the Minister for the purposes of paragraph (1)(c), he or she shall:

(a) publish, in the *Gazette*, and in a local newspaper, if any, circulating in any region concerned, a notice:

(i) stating the purpose of the application made under subsection (1) and the matters required to be dealt with in the report;

(ii) inviting interested persons to furnish representations in connection with the report by a specified date, being not less than 14 days after the date of publication of the notice in the *Gazette*; and

(iii) specifying an address to which such representations may be furnished; and

(b) give due consideration to any representations so furnished and, when submitting the report, attach them to the report.

(4) For the purposes of paragraph (1)(c), a report in relation to an area shall deal with the following matters:

(a) the particular significance of the area to Aboriginals;

> (b) the nature and extent of the threat of injury to, or desecration of, the area;
>
> (c) the extent of the area that should be protected;
>
> (d) the prohibitions and restrictions to be made with respect to the area;
>
> (e) the effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than the Aboriginal or Aboriginals referred to in paragraph (1)(a);
>
> (f) the duration of any declaration;
>
> (g) the extent to which the area is or may be protected by or under a law of a State or Territory, and the effectiveness of any remedies available under any such law;
>
> (h) such other matters (if any) as are prescribed.

12 Section 11 prescribes the content of such declarations. A declaration "shall":

> (a) describe the area with sufficient particulars to enable the area to be identified; and
>
> (b) contain provisions for and in relation to the protection and preservation of the area from injury or desecration.

13 I make four preliminary observations about the operation of ss 9 and 10 of the Act.

14 The ***first*** relates to the decision-making process. Reflecting the urgency attending s 9 applications, the only preconditions to the making of a declaration under s 9 are (a) receipt by the Minister of an application for the preservation and protection of a specified area from injury or desecration and (b) the Minister's satisfaction that the area in question is a significant Aboriginal area and that it is under serious and immediate threat of injury or desecration.

15 By contrast, the decision-making process under s 10 is "more extensive and productive of information for the Minister": ***Tickner v Chapman*** (1995) 57 FCR 451 at 488 (Kiefel J, as her Honour then was). In addition to (a) the receipt of an application for the preservation and protection of a specified area and (b) the Minister's state of satisfaction, this time involving a lower threshold level of threat of injury or desecration, the Minister must, before making a declaration, also (c) nominate a person who is to provide a report to the Minister and consider the report and any representations attached to the report and (d) consider "such other matters as he or she thinks relevant".

16 The ***second*** observation relates to the duration of a declaration. Again, reflecting its urgency, a declaration under s 9 "has effect for such period, not exceeding 30 days, as is specified in the declaration", albeit that the duration of the original declaration can be extended by another declaration for a "further period as is specified in the declaration made under this subsection,

not being a period extending beyond the expiration of 60 days": s 9(2) and (3). Thus, under s 9, the duration must be "specified in the declaration" but cannot extend beyond 60 days from the original declaration.

17 While there is no maximum period prescribed for the duration of a declaration made under s 10, s 10(2) nonetheless replicates the language of s 9(2) that a declaration "has effect for such period as is specified in the declaration". Accordingly, the duration of declarations under each of ss 9 and 10 is prescribed by the Act, but set by reference to the period specified in the relevant declaration.

18 The ***third*** preliminary observation is that a declaration under s 9 or s 10 is made by legislative instrument. This is in contrast to an emergency declaration made by an "authorized officer" under s 18 of the Act which is stated not to be a legislative instrument: s 18(2B). The first respondent filed a notice of objection to competency to the extent that the proceeding sought review under the *Administrative Decisions (Judicial Review) Act 1977* (Cth) (**ADJR Act**) on the basis that s 10 declarations are not decisions of an administrative character. LFB submitted that it was not necessary for the Court to resolve that issue as there was no objection to the application under the Judiciary Act. In oral submissions, LFB made the formal submission that the making of a declaration is of an administrative character. However, given that the ADJR Act claim was not pressed, and the question of its character is not otherwise required to be determined in this proceeding, I do not need to consider that question.

19 The ***fourth*** preliminary observation concerns the consequences of non-compliance with a declaration. A person who engages in conduct that contravenes a provision of a declaration made under s 9 or s 10 in relation to a significant Aboriginal area commits an offence: s 22(1). The offences are indictable: s 23(1). The penalty is not insignificant even when tried summarily: ss 22(1), 23(3). Injunctions can also be sought in certain circumstances involving conduct or proposed conduct that constitutes or would constitute a contravention of a declaration: s 26. I will return below to look more closely at the operation of the relevant provisions once a chronology of events and the grounds of review have been identified.

## BACKGROUND FACTS AND CHRONOLOGY OF EVENTS

20 In its application to this Court, LFB alleges the following background facts. I did not understand them to be contested. For convenience, I will generally use the shorthand "LFB" to also include the applicant's parent company, **Regis** Resources Ltd.

21 LFB is proposing to develop the proposed mine project which is to be a large open cut gold mine. In July 2018, LFB lodged a preliminary environmental assessment for the proposed mine project with the former New South Wales Department of Planning and Environment and requested environmental assessment requirements under the EPA Act. In April 2019, LFB referred the proposed mine project to the then Minister for the Environment and Water for a decision as to whether it was a "controlled action" under the EPBC Act.

22 What happened from there was helpfully set out in a chronology agreed by the parties. To understand the context of the dispute, I will set out an outline of the chronology in some detail and return to particular aspects of the history in due course.

**The declaration applications**

23 On 24 October 2020, Ms Reynolds applied to the Minister for declarations under ss 9 and 10 of the Act in relation to land the subject of the proposed mine project. The application attached maps and a table of Aboriginal cultural heritage sites at the proposed mine site to be protected.

24 On 14 May 2021, MEMBER 1 and Tony Newman, on behalf of Ms Reynolds, provided further information to the Department in support of Ms Reynolds' application. This included a submission prepared by the Orange Local Aboriginal Land Council (**OLALC**) in response to the Environmental Impact Statement prepared for the proposed mine project.

25 Additional information was provided by MEMBER 1 to the Department on behalf of Ms Reynolds on 31 May 2021.

**The Minister's decision to appoint a reporter and refuse the s 9 declaration**

26 On 7 September 2021, the Minister appointed a **reporter**, Ruth Elvin, to provide a report under s 10(4) of the Act in relation to the s 10 application. On 22 September 2021, the Minister decided not to make an emergency declaration under s 9 of the Act.

***Steps taken in relation to the reporting process***

27 On 20 October 2021, the reporter published a notice of the s 10 application in the Commonwealth *Gazette* and invited representations from interested parties. On 28 October 2021, the reporter published a notice of the s 10 application in the Central Western Daily.

28 On 30 November 2021, the reporter attended a bus trip and received oral submissions from Ms Reynolds, MEMBER 1 and others at various locations in Kings Plains. On 1 December

2021, the reporter, with Ms Reynolds, attended the Wiradyuri Elders Hub at Charles Sturt University and received oral submissions from MEMBER 1 and others.

29 Between 3 December 2021 and 18 December 2021, various submissions were provided to the reporter. These included:

(1) a submission by Ms Reynolds on 3 December 2021;

(2) a submission by MEMBER 1 on 13 December 2021;

(3) a written submission by LFB on 17 December 2021 attaching a number of reports assessing the Aboriginal cultural and historical heritage of the proposed mine project area. These included:

(a) a 9 July 2019 Aboriginal and Historical Cultural Heritage Assessment by Dr Matt Cupper, LandsKape (**Cupper report**) (along with an addendum to that report dated 10 December 2020);

(b) a 30 November 2021 report prepared by Dr Andrew Sneddon, Extent Heritage Pty Ltd (**first Sneddon report**), which included an attached document entitled "Bathurst Frontier Wars Research: Kings Plains Locality" by Coral Hardwick and Graham Wilson from Extent Heritage (**Hardwick and Wilson report**);

(c) a 29 November 2021 Aboriginal cultural values mapping report by Dr Philip Clarke (**first Clarke report**); and

(4) a submission by the Belubula Headwaters Protection Group (**BHPG**) on 18 December 2021.

30 On 20 December 2021, the submissions received were provided to the other interested parties.

31 Written response submissions were then provided to the reporter. BHPG provided a response submission on 6 February 2022. Further response submissions were provided on 21 February 2022, including:

(1) a written response from the Environmental Defenders Office (**EDO**) on behalf of Ms Reynolds, including attaching a February 2022 report by Doug Williams, Technical Heritage Studies (**Williams report**), which reviewed the Cupper report, the Hardwick and Wilson report, the first Sneddon report and the first Clarke report;

(2) written response submissions, respectively, by MEMBER 1, including attaching the Williams report, and by Mr Newman;

(3) a written response submission from LFB attaching:

(a) unredacted and redacted versions of a 1 February 2022 supplementary report from Dr Sneddon responding to the submissions made to the reporter; and

(b) unredacted and redacted versions of a 1 February 2022 supplementary report from Dr Clarke responding to the submissions made to the reporter.

32 On 22 February 2022, in response to a request to view the response submissions, the reporter advised LFB that there would not be a further round of responses.

33 On 26 February 2022, the reporter attended a site visit with LFB.

34 On 4 May 2022, the reporter submitted her report to the Minister.

**Rounds 1–4 consultations by the Department**

35 Following the finalisation of the reporter's report, the Department then engaged in various procedural fairness "Rounds" of consultations with interested persons seeking further submissions and evidence.

***Round 1 consultations***

36 On 10 June 2022, the Department wrote to LFB, WTOCWAC, Ms Reynolds, MEMBER 1, Mr Newman and BHPG inviting them to comment and provide further evidence in response to matters raised in a procedural fairness summary prepared by the Department, which included the Department's proposed recommendation to the Minister (see below at [165]).

37 Separately, on 17 June 2022, the Department wrote again to the same group of persons inviting them to comment and provide further evidence in response to the matters raised in a summary of the s 10 report prepared by the Department.

38 On 24 June 2022, LFB responded to the Department's procedural fairness summary.

39 On 28 June 2022:

(1) the EDO, on behalf of Ms Reynolds, responded to the Department's procedural fairness summary and the summary of the s 10 report; and

(2) LFB responded to the Department's summary of the s 10 report.

40 On 26 July 2022, MEMBER 1 responded to the Department's summary of the s 10 report on behalf of Ms Reynolds.

***Round 2 consultations***

41 On 17 August 2022, the Department wrote to LFB, WTOCWAC, Ms Reynolds, MEMBER 1, Mr Newman and BHPG inviting them to comment and provide further evidence. The Department attached:

(1) a document identifying the matters on which the Department sought further comments and submissions and summarising the key points received in response to the first Round of procedural fairness consultations (the proposed recommendation at this stage had changed from that communicated in the first Round of consultations, see below at [166]);

(2) the Department's procedural fairness summary and the summary of the s 10 report (provided in Round 1); and

(3) the responses received from the Round 1 consultations.

42 Responses to the Round 2 consultations were provided by:

(1) MEMBER 1 on 23 August 2022;

(2) LFB on 31 August 2022; and

(3) MEMBER 1, on behalf of Ms Reynolds, on 31 August 2022.

***Round 3 consultations***

43 On 7 September 2022, the Department wrote to LFB, WTOCWAC, Ms Reynolds, MEMBER 1, Mr Newman and BHPG inviting them to comment and provide further evidence in response to attached responses and representations, being:

(1) the responses to representations provided to the reporter between 20 December 2021 and 21 February 2022; and

(2) procedural fairness representations provided in response to the Department's Round 2 consultations.

44 The responses to the Round 3 consultations were as follows:

(1) On 21 September 2022, LFB responded, including attaching an 8 September 2022 supplementary report from Dr Sneddon reviewing and commenting on the Williams Report, MEMBER 1's submissions of 21 February 2022 and 31 August 2022, the EDO's submission of 21 February 2022 and BHPG's submission of 6 February 2022.

(2) On 21 September 2022, the EDO, on behalf of Ms Reynolds, responded.

(3) On 24 February 2023, LFB provided the Department with a further response to the Round 3 consultations, including attaching:

(a) a submission prepared by OLALC in 2019 in response to the Environmental Impact Statement prepared for the proposed mine project (being the same document provided on Ms Reynolds' behalf on 14 May 2021);

(b) OLALC's 9 January 2023 submission to the New South Wales Independent Planning Commission (**IPC**) for the proposed mine project; and

(c) the Bathurst Local Aboriginal Land Council's 8 February 2023 submission to the IPC for the proposed mine project.

45 On 30 March 2023, the IPC approved the proposed mine project and granted a State Significant Development consent under the EPA Act authorising the carrying out of the project.

***Round 4 consultations***

46 On 19 April 2023, the Department wrote to LFB, WTOCWAC, Ms Reynolds, MEMBER 1, Mr Newman and BHPG inviting them to respond to OLALC's submission to the IPC and to the Department's updated preliminary findings which had changed again from that communicated in the Round 2 consultations (see below at [167]–[168]).

47 On 28 April 2023, the Department wrote to OLALC inviting OLALC to respond to the matters raised in the submissions from interested persons and the Department's preliminary findings.

48 There were responses to the Department's Round 4 consultations on 17 May 2023 by LFB, Ms Reynolds, WTOCWAC, and MEMBER 1 (on MEMBER 1's own behalf and on behalf of Mr Newman). BHPG provided a response on 22 May 2023.

49 On 23 May 2023, a delegate of the Minister granted approval for the proposed mine project under the EPBC Act.

**A further application under s 9 of the Act**

50 On 21 November 2023, Ms Reynolds and the Directors of WTOCWAC applied to the Minister for a declaration under s 9 of the Act (**the further s 9 application**) in respect of the area the subject of the proposed mine project. While WTOCWAC had supported the s 10 application by Ms Reynolds, it joined Ms Reynolds as an applicant for the further s 9 application. The area identified in the further s 9 application was the same as the s 10 application area.

51 On 28 November 2023, LFB provided the Department with its initial response to the further s 9 application.

52 On 1 December 2023, the Department received oral submissions on behalf of WTOCWAC in relation to the further s 9 application, which included reference to a Dreaming story, described as the **Blue Banded Bee Dreaming story**.

53 On 6 December 2023, the Department received oral submissions from Ms Reynolds and MEMBER 1, which included a brief reference to the Blue Banded Bee Dreaming story.

54 On 8 December 2023, the Department provided LFB with additional documentation relating to the further s 9 application, including attaching:

(1) the transcript of the oral submissions on 1 December 2023; and

(2) a letter from WTOCWAC dated 8 December 2023.

55 On 13 December 2023, LFB provided its response to the further s 9 application and the additional documentation, including attaching:

(1) a 13 December 2023 supplementary report from Dr Sneddon responding to the further s 9 application, the 1 December 2023 transcript and the 8 December 2023 WTOCWAC letter; and

(2) an 11 December 2023 supplementary report from Dr Clarke responding to the further s 9 application, the 1 December 2023 transcript and the 8 December 2023 WTOCWAC letter.

56 On 15 December 2023, Ms Reynolds and WTOCWAC each advised the Department that they wished to include the evidence from the further s 9 application in support of the s 10 application.

57 On 21 December 2023, the Minister decided not to make the declaration in respect of the further s 9 application.

58 On 22 December 2023, the Department informed LFB, WTOCWAC and Ms Reynolds of the Minister's decision on the further s 9 application. LFB, WTOCWAC and Ms Reynolds were informed that, while the Minister was satisfied that part of the area was a "significant Aboriginal area" for the purpose of the Act, the Minister was not satisfied that the area was under "serious and immediate threat of injury or desecration".

**Rounds 5 and 6 consultations**

59 Following the Minister's decision not to make a declaration under s 9, the Department continued with further consultations on the s 10 application.

***Round 5 consultations***

60 On 8 January 2024, the Department wrote to LFB, WTOCWAC and Ms Reynolds to provide them with an opportunity to comment and provide further information on the 1 and 6 December 2023 transcripts, LFB's responses on 28 November 2023 and 13 December 2023, and the Department's updated preliminary findings taking into account that further information. These preliminary findings will be further discussed below at [188]–[189]. However, in short, the Department's preliminary view had changed from the view communicated on 19 April 2023.

61 On 6 February 2024, the Department wrote to OLALC to provide them with an opportunity to comment and provide further evidence on the 1 December 2023 transcript and the Department's preliminary findings.

62 On 9 February 2024, LFB responded to the Round 5 consultations, including attaching:

(1) a 7 February 2024 supplementary report from Dr Sneddon (**7 February 2024 supplementary Sneddon report**) responding to the Round 5 consultations, including the transcripts of 1 and 6 December 2023; and

(2) a 6 February 2024 supplementary report from Dr Clarke (**6 February 2024 supplementary Clarke report**) responding to the Round 5 consultations, including the transcripts of 1 and 6 December 2023.

63 WTOCWAC also responded to the Round 5 consultations on 9 February 2024. OLALC responded on 16 February 2024.

***Round 6 consultations***

64 On 27 February 2024, the Department wrote to LFB, WTOCWAC, Ms Reynolds and OLALC to invite them to respond to redacted extracts of WTOCWAC's Round 5 submission, the 7 February 2024 supplementary Sneddon report, the 6 February 2024 supplementary Clarke report and OLALC's response to the Round 5 consultations.

65 On 4 March 2024, the Wellington Valley Wiradjuri Aboriginal Corporation (**WVWAC**) telephoned the Department regarding the s 10 application and, on 5 March 2024, the

Department wrote to WVWAC inviting them to provide any information regarding the existing claims of significance and threat to the application area.

66 Responses to the Round 6 consultations were provided by WTOCWAC on 6 March 2024 and by LFB on 7 March 2024. Also on 7 March 2024, WVWAC responded to the Department's email of 5 March 2024.

**First decision brief**

67 On 19 April 2024, a decision brief was sent to the Minister's Office recommending that the Minister make a declaration under s 10 of the Act over part of the application area (**first decision brief**).

68 On 24 May 2024, the Minister instructed the Department that she would like additional information on the impact of the Department's proposed partial declaration decision on the proposed mine project including whether there was any potential alternative for the **tailings storage facility** (or **tailings dam**) which would be located within the application area (and, ultimately, within the declaration area) and which is claimed by LFB to be a critical aspect of the proposed mine project.

**Round 7 consultations**

69 On 29 May 2024, the Department wrote to LFB to implement the Minister's instructions and requested information from LFB on the impact of a declaration on LFB's operations and whether LFB could modify its operations, including the use of an alternative site for the tailings dam, to minimise or avoid those impacts. The Department provided LFB with draft clauses 5 and 6 of the declaration and a map of the proposed declaration area.

70 On 30 May 2024, the Minister signed and annotated the first decision brief with her instructions.

71 On 11 June 2024, LFB responded to the Round 7 consultations.

**Second and third decision briefs**

72 On 23 July 2024, a **second decision brief** was sent to the Minister's Office, similarly recommending that the Minister make a declaration under s 10 over part of the application area.

73 On 13 August 2024, a **third decision brief** was provided to the Minister, which left unchanged the recommendation provided by the Department to the Minister in the second decision brief.

74 On the same day, the Minister agreed with the Department's recommendations and signed the second and third decision briefs.

**Declaration and statements of reasons**

75 On 16 August 2024, the Declaration and the **Explanatory Statement** for the Declaration were registered on the Federal Register of Legislation. On 9 September 2024, the Australian Senate declined to agree to a motion to disallow the Declaration.

76 On 11 October 2024, the Minister signed her statement about the making of the Declaration (**Minister's October statement**).

**GROUNDS AND EVIDENCE**

77 The application before the Court alleged that the Declaration was invalid on a number of grounds. They can be summarised as follows:

(1) **Ground 1A** was directed to the alleged failure by:

(a) the Minister to specify a period of time in the Declaration (ground 1A(a)) or consider the period for which the Declaration should have effect (ground 1A(c)); and/or

(b) the reporter (nominated by the Minister) to deal with the duration of any declaration in her report (ground 1A(b)).

(2) **Ground 1** was directed to the alleged failure by the Minister to treat claims raised after 4 May 2022 (being the date the reporter's report was submitted to the Minister) as a new application under s 10(1) of the Act and/or to seek a new or amended report under s 10(4) of the Act between 4 May 2022 and 13 August 2024 (being the date the Minister signed the second and third decision briefs), with the result that the Minister lacked the power to make the Declaration (ground 1(a)) or the Minister's decision was legally unreasonable (ground 1(b)).

(3) **Ground 2** alleged a denial of procedural fairness on the basis that (a) LFB was not provided or afforded an opportunity to comment on certain information relied upon by the Minister in making the Declaration (ground 2(a)) and/or (b) the Minister did not consider the confidential version of certain documents provided by LFB (ground 2(b)(i)).

(4) **Ground 5** was directed to alleged errors in the factual findings made by the Minister that LFB could pursue a different option for the proposed mine project without significant additional expense and/or time being needed.

(5) **Ground 6** alleged that the Declaration was so uncertain as to render the Declaration invalid.

(6) **Ground 9** alleged that the making of the Declaration was legally unreasonable because (a) in exercising the residual discretion in s 10(1) of the Act, the Minister had not formed a view on whether the making of the Declaration would mean that the proposed mine project would still be viable or not (ground 9(a)) and/or (b) the Minister accepted certain matters in relation to the existence of Aboriginal traditions without sufficient probative evidence (ground 9(b)–(e)).

(7) **Ground 10** alleged that the Minister failed to discharge the statutory task or consider a relevant consideration by not considering certain confidential versions of documents attached to the reporter's report.

78 Other grounds raised in the amended originating application were abandoned.

79 At the commencement of the trial, there were a number of evidentiary disputes in relation to which I gave indicative rulings. I will only deal with the objections in these reasons to the extent necessary.

80 The Minister sought to tender documents concerning the further s 9 application made by members of WTOCWAC and Ms Reynolds on 21 November 2023. That application was referred to above at [50] and will be discussed in the reasons below. My indicative ruling was to admit the evidence subject to relevance. LFB did not want to be heard further on that ruling. In addition to considering the existence of the documents as reflected in the agreed chronology, I consider that the content of the following documents is relevant to ground 1 and I have considered them for that purpose:

(1) The further s 9 application;

(2) Emails from the WTOCWAC members and Ms Reynolds to the Department indicating that the evidence submitted for the further s 9 application be applied to the s 10 application; and

(3) The decision brief to the Minister in relation to the further s 9 application (with attachments).

81 Documents arising from the various procedural fairness Rounds undertaken by the Department are also relevant to ground 1. LFB did not press further my indicative ruling to admit that evidence subject to relevance. In particular, there are emails sent from the Department which attached proposed recommendations to the Minister that are relevant to my analysis on ground 1.

82 The Minister objected to documents regarding the permissible activities in the declared areas. Those objections, and my indicative rulings, will be dealt with under ground 6.

83 The only indicative ruling that was further contested related to the admissibility of the Minister's October statement. LFB objected to admissibility on hearsay grounds under s 59(1) of the ***Evidence Act*** *1995* (Cth). It submitted that the only possible exception to s 59 in this case was s 66A of the Evidence Act which relevantly provides that the hearsay rule does not apply to evidence of a person's previous representation if it was a "contemporaneous representation" about a person's state of mind. In this respect, the dispute reduced to the question of whether the Minister's October statement was a "contemporaneous representation".

84 LFB accepted that the Explanatory Statement was admissible under s 66A as a contemporaneous representation, but contended that the Minister's October statement which was prepared months after the Declaration was not. This was said to be underscored by the assistance provided to the Minister by the Department in preparing the statement.

85 The Minister contended that, in the circumstances, there was reasonable or substantial contemporaneity and that there was no reason why the Minister could not have relied upon the assistance of her Department. Further, in addition to s 66A, it was submitted that the Minister's October statement could be admitted for a non-hearsay purpose under s 60(1) of the Evidence Act as evidence of the Minister's knowledge or state of mind, although senior counsel for the Minister appeared to accept at the hearing that under that alternate pathway the previous representation would still have to satisfy a test of contemporaneity.

86 LFB contended in reply that the purpose of relying on the Minister's October statement could not be characterised as a non-hearsay one. That the statement was made by the former Minister was not an issue in dispute. It was submitted that what the Minister was seeking to do was to rely on the statement to prove the truth of the assertion made by the former Minister in the statement that these were her reasons at the time.

87 Because I have concluded that the Declaration is invalid under ground 1(a), it is not necessary for me to determine this admissibility question, and I refrain from expressing a view on these issues.

88 The Minister relied on the affidavit of Public Servant 2 dated 25 July 2025. To the extent that this evidence outlined the documents in relation to which objections were made, I have treated that evidence consistently with how I have explained the treatment of my indicative rulings.

## THE DESIGN OF THE LEGISLATIVE SCHEME IN MORE DETAIL

### Statutory preconditions to the making of a declaration under s 10(1)

89 With the benefit of the background facts and an outline of the chronology of events, it is necessary to return to the legislative provisions to elaborate on the design of the legislative scheme for the making of declarations under s 10(1) of the Act.

90 As Black CJ said in *Tickner v Chapman* at 455:

> The Parliament has made its intention clear … that there are preconditions to the exercise by the Minister of the wide and important power conferred by s 10(1). These preconditions appear in s 10 itself, the relevant parts of which read as follows:
>
> [His Honour extracted subsections (1) and (3) and continued:]
>
> It will be seen that before the Minister may make a declaration in relation to an area, he must receive a report in relation to the area from a person he has nominated and must consider that report and, as well, any representations attached to it: see s 10(1)(c). Another requirement of s 10 is that before a person submits a report to the Minister for the purposes of s 10(1)(c), that person must publish a notice in the *Gazette* and in a local newspaper, if any, stating "the purpose of the application" made under s 10(1). The reporter must give "due consideration" to any representations furnished in accordance with the notice and must attach them to the report when submitting it to the Minister.

### The s 10 application

91 The process for a s 10 declaration commences and concludes with s 10(1). It is necessarily implicit in s 10(1) that an application can be made to the Minister "seeking the preservation or protection of a specified area from injury or desecration". An area shall be taken to be "injured or desecrated" for the purposes of the Act if (s 3(2)(a), emphasis added):

> (i) it is used or treated in a manner inconsistent with Aboriginal tradition;
>
> (ii) by reason of anything done in, on or near the area, the use or significance of the area in accordance with Aboriginal tradition is adversely affected; or
>
> (iii) passage through or over, or entry upon, the area by any person occurs in a manner inconsistent with Aboriginal tradition …

92 "Aboriginal tradition" is defined in the Act to mean (s 3):

> the body of traditions, observances, customs and beliefs of Aboriginals generally or of a particular community or group of Aboriginals, and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships.

93 Thus, an application made under s 10(1) has the following statutory features:

(1) its purpose is to seek the preservation or protection of a specified area from particular harm (ie, injury or desecration); and

(2) that particular harm is identified by reference to conduct that has an adverse impact on Aboriginal tradition as defined.

94 In addition to being the (implied) source of the entitlement to make an application, s 10(1) also is the source of the *power* to make a declaration upon satisfaction of certain preconditions. I now turn to consider those preconditions.

**State of satisfaction**

95 ***First***, the Minister must have formed the requisite *state of satisfaction*:

(1) that "the area" (necessarily the area specified in the application – see *Tickner v Chapman* at 480 (Burchett J)) "is a significant Aboriginal area": s 10(1)(b)(i) (emphasis added) (the **character question**). It is important to note how the requisite character of the area is identified in the Act. "Significant Aboriginal area" is defined in s 3 to mean an area of land or water "being an area of particular significance to Aboriginals in accordance with Aboriginal tradition" (emphasis added). What is apparent, when s 10(1)(b)(i) is read with the definition of "significant Aboriginal area", is that the requisite state of satisfaction involves an assessment by the Minister of the area having a particular significance "to Aboriginals in accordance with Aboriginal tradition" (emphasis added). The particularity of the significance is necessarily informed by "Aboriginal tradition" as defined in s 3; and

(2) "that it" (again, necessarily, the same area) "is under threat of injury or desecration": s 10(1)(b)(ii) (the **threat question**). As is evident from the text, the threat question is circumscribed by the definition of "injury or desecration" set out above at [91] and, thereby, is also necessarily and invariably informed by "Aboriginal tradition" as defined in s 3.

96 Thus, the Minister must reach a state of satisfaction about the character question and the threat question. Satisfaction of each of these matters requires reference to "Aboriginal tradition" as defined in the Act. As Kiefel J said in *Tickner v Chapman* (at 488), the Minister's assessment "would require a substantial appreciation of the relevant customs or beliefs, their importance and how they might be impacted upon".

**The s 10(4) report**

97 However, "[t]he scheme is not one whereby the Minister gives effect to an application fulfilling specified criteria nor is it one where the discretion given is to be exercised without the opportunity for others to influence or persuade the Minister of their views" (*Tickner v Chapman* at 489 (Kiefel J)). Further preconditions are found in s 10(1)(c). The Minister must have "received a report [from a reporter nominated by the Minister] under subsection (4) in relation to the area" (again, necessarily, the area in the application) and "considered the report and any representations attached to the report" (emphasis added). The nomination of a reporter is an "essential step" if a declaration is to be made under s 10(1) and required of the Minister "as a duty under the Act": ***Minister*** *for Aboriginal and Torres Strait Islander Affairs* ***v*** *State of* ***Western Australia*** [1996] FCA 395; 67 FCR 40 at 46 (Black CJ, Burchett and Kiefel JJ).

98 The matters to be dealt with in the report are specified in s 10(4). Relevantly, they include:

(1) "the particular significance of the area to Aboriginals": s 10(4)(a) (emphasis added). The language in s 10(4)(a) corresponds with the definition of "significant Aboriginal area" in s 3 – a precondition of which the Minister must be satisfied before making a declaration (ie, the character question). Given the requisite state of satisfaction under s 10(1)(b)(i), "the particular significance of the area to Aboriginals" of which s 10(4)(a) speaks must, by dint of the definition in s 3, be the particular significance "to Aboriginals in accordance with Aboriginal tradition";

(2) "the nature and extent of the threat of injury to, or desecration of, the area" (s 10(4)(b)) (which corresponds to the threat question under s 10(1)(b)(ii));

(3) "the prohibitions and restrictions to be made with respect to the area" (s 10(4)(c)); and

(4) "the duration of any declaration" (s 10(4)(f)).

99 The importance of these (necessarily) interrelated matters can readily be appreciated alongside s 11(b) which provides that a declaration "shall … contain provisions for and in relation to the

protection and preservation of the area from injury or desecration" and s 10(2) which provides that a declaration "has effect for such period as is specified in the declaration".

**The residual discretion**

100 Even if the Minister is satisfied of the preconditions in s 10(1)(b), there is a residual discretion to refuse to make a declaration. As French J (as his Honour then was) said in ***Tickner v Bropho*** (1993) 40 FCR 183 (at 223):

> Parliament has reserved to the Minister an ultimate discretion evidenced by the word "may" in the concluding clauses of s 10(1). The discretion thus conferred permits consideration of matters other than those necessary to answer the threshold question whether the area is a significant Aboriginal area and whether it is under threat of injury or desecration. If the discretion did not permit the consideration of other matters, it would be redundant. Matters which may be considered are indicated by the list of things required to be dealt with in a s 10(4) report. The significance of an area and the existence of a threat of injury or desecration to it having been established, the level of significance and the degree of injury or desecration become relevant (s 10(4)(a) and (b)). So too do private interests of a proprietary or pecuniary nature which would be affected by the making of a declaration (s 10(4)(e)) and the extent of protection available under State or Territory laws (s 10(4)(g)). Factors relevant to the exercise of the discretion are not limited to those matters.

See also at 209 (Lockhart J).

101 In exercising that discretion, the Minister is, necessarily, involved in a "balancing process" which requires the Minister to balance or weigh "on the one hand the considerations of significance of the area to the Aboriginal people and the threat of injury or desecration of the area and on the other hand any other matters which may be considered relevant": *Tickner v Bropho* at 209 (Lockhart J); see also at 233 (French J); *Tickner v Chapman* at 470 (Burchett J), at 493 (Kiefel J).

**The role of the reporter**

102 To properly understand the legislative scheme, more needs to be said about the role of the reporter. The function performed by the reporter is "an integral part of the process of the Minister's exercise of power": ***Wilson*** *v Minister for Aboriginal and Torres Strait Islander Affairs* (1996) 189 CLR 1 at 18 (Brennan CJ, Dawson, Toohey, McHugh and Gummow JJ); see also at 24 (Gaudron J), 30 (Kirby J). It is integral to that process in at least two ways.

103 ***First***, before the reporter submits the report to the Minister, the reporter must publish (in the *Gazette* and in any local newspaper) a notice:

(1) "stating the purpose of the application … and the matters required to be dealt with in the report": s 10(3)(a)(i) (emphasis added); and

(2) "inviting interested persons to furnish representations in connection with the report": s 10(3)(a)(ii) (emphasis added).

104 The policy of this notification feature of the reporter's role was well captured by Black CJ in *Tickner v Chapman* (at 456, emphasis added):

> The legislative intention revealed by this scheme is that interested members of the public should have an effective opportunity to provide information and express opinion concerning the important issues involved in the consideration of an application under s 10(1). The intention is that the Minister should make an informed decision on all relevant questions, with input from interested persons: see *Tickner v Bropho* at 194. The Parliament no doubt intended that the "interested persons" would include those who might oppose the making of a declaration as well as those who might support it.

105 As his Honour further said at 459, "[t]he purpose of the notice under s 10(3) is not to inform people with special knowledge, but to invite representations from interested persons in the public at large". See also at 457, 462 (Black CJ), at 491 (Kiefel J); *Tickner v Bropho* at 194 (Black CJ).

106 His Honour further referred to the policy of the section as one "of public involvement in the process": at 461. As Kiefel J said in *Tickner v Chapman* (at 491), "[t]he place the representations are given in the process, and the obligation on the Minister to consider them, show the importance given to them by the legislation".

107 The aim of the scheme is thereby "to ensure a widely diffused public participation, so as to garner all the knowledge of the community". In that way, the "process of inquiry will have the potential to be enriched from many sources": *Minister v Western Australia* at 53. The matters of which the public are to be given notice were identified by Black CJ, Burchett and Kiefel JJ in the following terms in *Minister v Western Australia* (at 52):

> The reporter then states the purpose of that application in public notices: s 10(3)(a)(i), so that the public is thereby informed of the area of land or water in question, the significance of Aboriginal tradition or culture said to be associated with it and how it is threatened. And they are advised of the matters the report will be dealing with, those set out in s 10(4).

108 The range of representations sought through the notification process was described by Kiefel J in *Tickner v Chapman* (at 490):

> It was obviously considered by the legislature that information and views upon the need for protection on the one hand, and the effects it may have on the other, from a

> wider community perspective was necessary before the Minister made the final decision.

109 The effectiveness of the opportunity for the public to contribute to the decision-making process will depend on the information provided in the notice. It must be *informative* about the purpose of the application and the s 10(4) matters to be dealt with in the report. As Burchett J said in *Tickner v Chapman* (at 482, emphasis added), "[i]t is necessary that the notice *inform* persons, who may wish to make representations, about the questions raised in the particular case in respect of the various statutory issues".

110 It is evident that the interests that are identified through this process, by legislative design, bear on both the Minister's satisfaction of the character question and the threat question and also the exercise of the residual discretion.

111 ***Secondly***, before giving the report to the Minister, the reporter must "give due consideration to any representations" and attach them to the submitted report: s 10(3)(b). As a precondition to making a declaration under s 10(1), the Minister must consider the report and any attached representations: s 10(1)(c). By interposing the reporter's function of giving due consideration to the representations and providing a report, and the creation of an obligation on the Minister to consider both the report and the representations, the scheme establishes the reporter as having a central role in the decision-making process, through the preparation of a report, to assist the Minister to make an informed decision about the character question, the threat question and the exercise of the residual discretion. "The thrust of the legislative scheme", as Foster J said in *Anderson v Minister for the Environment, Heritage and the Arts* [2010] FCA 57; 182 FCR 462 at [103], "is to transfer to the reporter … the investigative role and to provide to the Minister the benefit of the reporter's investigations, the evidentiary material gathered by him or her and the recommendations made by him or her".

112 Thus, the purpose of preconditioning the Minister's power on the preparation of a report is to ensure that the declaration is "soundly based": *Wilson* at 30 (Kirby J). As Black CJ said in *Tickner v Bropho* (at 194):

> One of the purposes of the scheme established by ss 10(1)(c), 10(3) and 10(4) with respect to the provision of a report to the Minister is to provide the Minister with information about the particular significance of the subject area to Aboriginals and about the nature and extent of the threat of injury to the area. He is thus to be provided with fact and opinion about the matters that, for the reasons I have given, he is obliged to consider by reason of s 10(1)(b) when he has received a valid application for a declaration.

113 As to the relation between the report and the Minister's power, Black CJ further said (at 194–195):

> The provisions of s 10(1)(b) and s 10(1)(c) are closely linked, in that the report referred to in s 10(1)(c) inevitably bears directly upon the questions the Minister is required to address by virtue of s 10(1)(b), as well as upon matters going to the exercise of his discretion. … The report is part of the mechanism provided by the Act by which the Minister is to be informed in a particular way when considering an application for a declaration, including his consideration of the two critical matters referred to in s 10(1)(b).

114 In summary, these two legislative purposes — public involvement in decision-making and the central role of the reporter to assist the Minister in making their decision — are achieved by a legislative scheme with the following sequential features:

(1) the public notification by the reporter of the purpose of the application and the matters required to be dealt with in the report (that is, the matters identified in s 10(4) including the significance of the area, the threat to it, prohibitions and restrictions, and the duration of any declaration);

(2) the requirement for the reporter to invite and then give due consideration to any representations;

(3) the requirement for the reporter to provide a report on the matters identified in s 10(4) and attach any representations; and

(4) the requirement that the Minister consider the report and the attached representations and, thereafter, reach a state of satisfaction on the character question and the threat question, and decide whether to exercise the residual discretion.

**Summary**

115 In short, the legislative scheme is deliberately designed to authorise the Minister, upon satisfaction that the area has the requisite character and is under the identified threat, and following a process intended to inform decision-making through public notification and the report of a reporter, to make a declaration which, by legislative mandate, must contain prohibitions and restrictions that operate for a specified duration and give rise to the prospect of punitive consequences in the event of non-compliance. The power is discretionary in nature and involves the weighing of different interests, and there is a residual discretion to refuse to make a declaration even if the Minister is satisfied that the area has the requisite character and is under the identified threat.

116 With an understanding of the background and legislative scheme, the grounds can now be addressed.

**GROUND 1**

117 Ground 1 states:

> The failure to treat claims raised by the Second Respondent and/or Third Respondent after 4 May 2022 as a new application under s 10(1) of the [] Act, and/or to seek a new or amended report under s 10(4) of the [] Act between 4 May 2022 and 13 August 2024 had the result that:
>
> (a) the Minister did not have power to make the Declaration because a statutory precondition to the exercise of that power, being the receipt of a "report" within the meaning of s 10(1)(c) of the [] Act, was not satisfied; or
>
> (b) the Minister's decision was legally unreasonable.

118 As advanced in submissions, ground 1(a) was supported, in part, on the basis that the revelation of the Blue Banded Bee Dreaming story constituted a new application that required the reporting process to recommence afresh. If ground 1(a) is successful on this basis, the decision-making process was materially and incurably deficient, and the other grounds do not arise for consideration.

119 For the reasons that follow, I accept that LFB has succeeded in establishing ground 1(a) on that basis.

**When will there be a new application?**

120 The starting point is to consider when an application is taken to have been made, what authority it provides, and when it will be taken to have been overtaken by a new application.

121 The point at which an application crystallises was considered by von Doussa J in ***Chapman v Luminis*** *Pty Ltd (No 5)* [2001] FCA 1106; 123 FCR 62. His Honour rejected the submission "that an application is constituted by a single discrete communication". Instead, "an application may be constituted by a number of on-going communications which may progressively add to the description of the area for which protection is requested, and even change the boundaries of the area" and "[i]t may also enlarge on the information given as the reason for fearing injury or desecration": at [272]. His Honour then said (at [646]):

> In my opinion, the essential content of an application for the purpose of the [Act], insofar as the purpose conditions the exercise of power, is crystallised at the time when notice of the application is published in accordance with s 10(3)(a) of the [Act].

122 That the application conditions the scope of the exercise of power under the Act was a point also made by Black CJ in *Tickner v Chapman*, where his Honour said (at 460):

> The point is that the procedure under s 10 is directed to a particular application in respect of a specified area. The original application defines the scope of the Minister's powers with respect to that application and likewise defines the scope of the reporter's function.

123 *Tickner v Chapman* concerned an application under s 10(1) of the Act contained in a letter to the Minister. The application concerned certain sites in proximity to Hindmarsh Island described in the application letter dated 23 December 1993, as summarised by Black CJ, as "the two major campsite areas adjacent to the bridge approaches, and the sites on Hindmarsh Island as a whole": at 459. Subsequent letters dated 7, 12 and 20 April 1994 enlarged the area adjacent to the proposed bridge and revealed information that changed the basis for the application from the protection of archaeological sites of Aboriginal camps to the cultural significance of the area more generally: see at 468–470 and 484–485. A subsequent meeting between the reporter and Ngarrindjeri women also revealed sacred information which had been communicated to the reporter on a confidential basis, and relied on in the report to the Minister and by the Minister in making the declaration. It had not been described in the application or the public notice.

124 Black CJ's comments extracted above at [122] were directed to whether the reporter might treat the letter dated 7 April 1994 as a new application. While it was not necessary to decide the point, his Honour said that it was open to take the view that the subsequent letter "amounted to an entirely new application in respect of a much larger specified area". If that were the case, "then that application should have been dealt with separately and a reporter appointed for that purpose": at 459. In the absence of a separate nomination of a reporter to prepare a report on the new application, "there would simply be no power to make a declaration in relation to the different specified area": at 459–460. The point of principle is that if new information is revealed after the initial application has crystallised, and that new information constitutes a new application, the Minister has no authority to determine that new application unless the reporter process is recommenced.

125 While Black CJ took this view in relation to new information that enlarged the area to be protected, his Honour was less certain as to whether such a consequence would follow if there had been a subsequent change to the activity or activities that were regarded as constituting

injury or desecration or the reasons why such activities were regarded as constituting injury or desecration (at 460–461).

126 The other judges were clearer in this respect. Speaking of the precision necessary to describe an area to be specified in the application, Burchett J considered (at 481) that "[i]t is entirely probable, and reasonable, that when Parliament legislated for [the "far reaching effect" of a declaration], it demanded a precise claim, which could be adequately investigated and debated". His Honour continued (at 481):

> The requirement that the notice [under s 10(3)(a)] should state "the purpose of the application" involves more than the definition of the area to be specified. It refers to the nature of the threat apprehended and the protection required. Again, when an area is said to be of particular significance, it almost goes without saying that this significance would be expected to be capable of some clear statement, so as to show how the anticipated harm could occur, and how it should be prevented.

127 The public notice in question in *Tickner v Chapman* was "absolutely silent" about these matters and a person reading it would not know the significance of the application area to Aboriginal people in accordance with Aboriginal tradition (at 481). Further, in relation to the revelation of the sacred information imparted by the Ngarrindjeri women to the reporter, described by his Honour as "women's business", Burchett J expressed the following concerns about the notification process (at 482):

> The potentiality for inadequate investigation is obvious. In such a situation, competing Aboriginal traditions, quite apart from competing anthropological or historical views about the tradition alleged, might easily go unheard. Parliament's clear purpose of ensuring an adequate public ventilation of the issues inevitably foundered.
>
> Indeed, it seems plain that when the "women's business" was raised, and assuming those who raised it intended to pursue it notwithstanding the difficulties of confidentiality in which it was enmeshed, the Minister was required to deal with a fresh application under s 10(1). The grounds were quite different from those put forward in the application …, in relation to which the nomination of [the reporter] had been made. The area concerned was, of course, different too. What was in question was no longer a matter of camp sites and sites of archaeological interest, but involved the entire region the subject of the beliefs asserted as part of the "women's business". In my opinion, an application so far removed from that originally made required a new nomination under s 10(1)(c) and a new notice under s 10(3).
>
> For the Minister, it was argued that the respondents to the appeals received information individually from [the reporter] concerning the matters omitted from the statutory notice. This misses the point in more than one way. Apart from certain inadequacies in the information they received, what was so learned was learned at a very late stage, and later than a compliance with the statutory requirements would have ensured. But in any case, the statutory notice was not designed for them alone. It was intended to give all persons interested an opportunity to come forward, not just for their own sake, but so that the community, the Aboriginal applicants and the contestants would have the benefit of any favourable information thus obtained. In the present case, it cannot

> now be known what the result might have been had adequate notice been given.

128 His Honour was evidently of the view that the shift in the nature of the Aboriginal tradition sought to be protected, at least where the area had also been enlarged, was sufficient to change the character of the application necessitating a recommencement of the process.

129 Kiefel J expressed a similar view. Because the Minister had to be satisfied under s 10(1) that the area was an area of particular significance (at 490), when read with the definitions in s 3, the application (at 491):

> … would require the identification of the tradition, the belief, custom or observance said to be associated with the land or waters. It would also identify those who held them or to whom the maintenance of them was of importance, and it would require an explanation of how it is apprehended they would be impacted upon.

130 Her Honour appeared in this passage to be of the view that the description of the application in s 10(1)(a), when read with the definitions in s 3, would require the notification process to identify the particular tradition, belief, custom or observance associated with the area to allow for representations to be made by interested persons on the particular application. As her Honour said (at 492):

> It remains the case however that the objects of the section require sufficient information to permit an understanding of what the application concerns and to enable facts to be put forward and views expressed upon it and the making of any declaration. The wider community could not in my view be regarded as informed of the topic for their comment without a description of the land or waters and the tradition, the very matter sought to be protected by the declaration. As to the identification of the applicants, it seems to me that the explanation of the tradition will connect it with a group of people and that is the essential information.
>
> … In the result [Parliament] has chosen to extend protection to those areas which are nominated, for which a reason is ascribed and which may be made known to the public for comment.

131 As to the emergence of further information after the initial letter on 23 December 1993, her Honour said the following about the information contained in the subsequent letters (at 492):

> The Minister might have regarded the letters which followed as providing further information with respect to the earlier, incomplete, application or as a fresh application.

132 Counsel for WTOCWAC emphasised that her Honour was equivocal as to whether that further information was to be treated as a new application and, accordingly, it was submitted that her Honour was suggesting that the Minister could treat the information either as further information or as a fresh application without error.

133 I am not persuaded by that submission. At the time the subsequent letters were received by the Minister in *Tickner v Chapman*, the application had not yet crystallised through the publication of the s 10 notice, to use the expression from *Chapman v Luminis*, and because the information had been provided on a confidential basis, her Honour said that "[p]erhaps that made it unclear to the Minister or his advisers whether they were intended to be acted upon" (at 493).

134 Of more significance for the question arising in this case, was what her Honour said about the revelation of the sacred information imparted by the Ngarrindjeri women after the reporter had been appointed (at 493):

> After [the reporter's] meetings and the receipt of [the report containing the sacred information], however, differences were apparent in the wider, spiritual or cosmological meaning which the women associated with the area. In a sense they thereby constituted a separate group, even though they were part of a wider group of peoples and their concerns included the effect the bridge would have on all Aboriginal peoples. It seems to me, subject to one [presently immaterial] qualification, that a further application for protection by declaration had been received. This is a situation which Lockhart J in *Tickner v Bropho* at 209 thought possible and I respectfully agree with his Honour's observation that it would be necessary to commence the process with respect to the later application afresh, although some efficiencies might be realised, for instance in the nomination of the same reporter. …

135 Her Honour concluded that the later submission by the Ngarrindjeri women in question "was tantamount to an application itself because of the different area and tradition relied upon" (at 497). In *Tickner v Bropho*, Lockhart J had recognised that (at 209):

> It is possible to envisage a case where an application is made under s 10 and the statutory process which it requires is put in train, yet in the meantime a further application is made under the section by or on behalf of a different Aboriginal or group of Aboriginals.

136 In my view, the following points may be distilled from the reasons in *Tickner v Chapman*:

(1) The revelation of information after an application has been notified by the reporter may lead to the result that the original application has been overtaken, with the consequence that the process must be recommenced. I consider that such a consequence follows, as Kiefel J explained in *Tickner v Chapman*, as a matter of construction from the description of the application in s 10(1)(a), when read with s 3(2) and the definitions in s 3, and also from the very purpose of the notification process to solicit representations that will inform the determination to be made by the Minister under s 10(1).

(2) At least for Burchett J and Kiefel J, the type of information that can lead to such a consequence includes information about Aboriginal traditions.

(3) Whether new information is sufficient to lead to such a consequence must be informed by the need to ensure that the s 10 notice is informative of the purpose of the application and that the notification process thereby solicits informed representations from the public for consideration by the reporter and, subsequently, the Minister.

**The application and notification process in this case**

***The s 10(1) application***

137 The s 10(1) application was commenced by a letter from Ms Reynolds dated 24 October 2020. The thrust of the concern is set out in the following passages:

> I am concerned that significant Aboriginal heritage is under threat due to the Proposed McPhillamys Mine Development, which will impact a place known locally as Kings Plains. The proposed mine footprint area is located in the head waters of the Belubula River, a major waterway in the region.
>
> The area is of high significance to several local Aboriginal communities. A number of Aboriginal sites are located within the proposed mine footprint area and are formally registered on the Aboriginal Heritage Information Management System (**AHIMS**) managed by the NSW Government. There are also significant historical and cultural values that will also be impacted should the project go ahead.

138 The particular concerns included that (emphasis added):

(1) "Aboriginal sites are at risk of destruction and desecration";

(2) "38 Aboriginal sites were identified within the proposed mine footprint area. However, it is highly likely that further surface and subsurface finds are present across the whole area";

(3) "<u>There has been no acknowledgment of the important tangible and intangible cultural values of the Belubula River and its headwaters to the Aboriginal community. No efforts have been made to avoid or minimise harm to the river/headwaters despite concerns being raised repeatedly by the community</u>"; and

(4) "The proposed mine footprint area has national significance for its relationship with the NSW Frontier Wars during the 1820s".

139 The description of the area to be protected included the following points (emphasis added):

(1) "The proposed mine footprint area, as an important cultural landscape";

(2) "<u>The Belubula River and its headwaters and tributaries</u>";

(3) "The 38 Aboriginal sites outlined in the attachment Table 1"; and

(4) A list was provided of "[a]dditional Aboriginal sites located within the proposed mine footprint area, but not included in the assessment".

140 Importantly, under the heading of "Supporting evidence of Aboriginal tradition that explains the particular significance of the area and the source of injury or desecration", Ms Reynolds stated (emphasis added):

> The proposed mine footprint area has particular significance for the Aboriginal community given:
>
> i. The presence of Aboriginal sites, with one site still used by the Aboriginal community today
>
> ii. Its spiritual connection to the Belubula River and its headwaters
>
> iii. Its connection to Aboriginal people past
>
> iv. Its national significance in the events of the NSW Frontier Wars
>
> Please see supporting evidence of this particular significance in Enclosures B.

141 In addressing the reason why the proposed mine project would be inconsistent with Aboriginal tradition, or would adversely affect the traditional use of the area, the letter stated (emphasis added):

> These activities are inconsistent with Aboriginal tradition and will adversely affect the traditional use of the area for a number of reasons including [sic]:
>
> ii. Physical damage (including total destruction and possible harm)
>
> iii. Desecration of intangible values and the Aboriginal cultural landscape
>
> iv. Impacting access by the Aboriginal community to the area
>
> v. Increased risk of vandalism, loss of seclusion and privacy of the area

142 The application was supplemented on 14 May 2021 by additional material, including a submission from OLALC prepared as part of the Environmental Impact Statement process for the State Significant Development consent, that contained submissions on the cultural significance of the headwaters of the Belubula River. The submission said that the project would destroy significant Aboriginal history.

143 The supplementary material also included a document authored by Ms Reynolds, entitled "**Statement of Significance**", in which she stated (emphasis added):

> I call the lovely area where I live the valley of the Bilabula, which is the Wiradjuri way of naming our river. The entire Cultural landscape of this area is in my soul and in the soul of all Wiradjuri people and the wider community who are here now and have always been. …

> Our beloved Bilabula rises near the Ochre site, it wends it's [sic] way through the valley to eventually join the Bila Galari (Lachlan River), the Bila Marrambidya (Murrumbidgee River) then on to the Murray and ultimately to the sea. It may be tiny to start with but it is part of a very significant river system and many Dreaming stories follow it's path and no one has the right to destroy this. No one. The salinity that could be caused by the 15 million litres of contaminated water Per Day will not help this river system. The Bilabula is like an artery through our land as shown by this painting I did to be permanently displayed in Blayney Hospital. I have used Wiradjuri symbols to tell the story of the Bilabula. The river is the life blood to animals along the way and to the people who grow food and use it for recreation. This river sustains life. It will not sustain life if the headwaters are poisoned, and that is not acceptable in any sense of fairness. …
>
> As aforementioned I strongly oppose the development of the proposed McPhillamy's Gold mine due to the irreversible damage it will do to our river especially, and to the Aboriginal Cultural History that is part of us all here in Wiradjuri Country.

144 Also included was an article published in the *Journal of the Anthropological Society of South Australia* which contained various passages that were said by senior counsel for the Minister to demonstrate that the spiritual significance to be attributed to the Wiradjuri's relationship with the river and its headwaters was at the heart of the claim made in the application, and that the spiritual connection was apposite to include Dreaming stories and initiation rites.

145 On 6 December 2021, WTOCWAC offered to support Ms Reynolds in her application.

***Section 10(3)(a) notice***

146 The notice given by the reporter pursuant to s 10(3)(a) of the Act repeated, in relevantly identical terms, the claims made by Ms Reynolds in the application. Relevantly, it included the area's claimed significance because of:

- Its spiritual connection to the Belubula River and its headwaters

147 Potential stakeholders, including OLALC and neighbouring stakeholders adjacent to the proposed mine project, were contacted.

***Representations and responses***

148 Representations to the reporter were received from 10 persons or groups, including LFB. Representations supportive of making a declaration were made by all but LFB. Those contributors included Ms Reynolds, MEMBER 1, other WTOCWAC representatives, an ecologist, a historian and neighbouring residents. Representations were made that there is intangible and tangible Aboriginal heritage at the headwaters including songlines connecting the area to other areas which are the focus of the Three Brothers Dreamtime story.

149 Only LFB opposed the making of the Declaration. While OLALC expressed an interest in making a representation, it did not do so.

150 The reporter also allowed the interested parties an opportunity to respond to the representations. It is not necessary to outline the detail of the representations and responses, but it is helpful to have an appreciation of the information canvassed by the interested persons and the reporter.

151 LFB provided representations on the cultural significance of the specified area in the application. In particular, LFB had engaged an archaeologist, Dr Sneddon, and an anthropologist, Dr Clarke, to provide their opinions on various questions arising out of the s 10 application. In the first Sneddon report, Dr Sneddon addressed matters including:

(1) "the significance of the Specified Area 'to Aboriginals in accordance with Aboriginal tradition'";

(2) "the relative significance of the Specified Area 'to Aboriginals in accordance with Aboriginal tradition'"; and

(3) "the nature and extent of the threat of injury to, or desecration of, the Specified Area posed by the Project and certain drilling works".

152 It is not necessary to set out the detailed conclusions reached by Dr Sneddon in the first Sneddon report. It is enough to say that the overall conclusion was "that a declaration under the [] Act (to protect and preserve the Section 10 Application area from injury or desecration), would not be warranted".

153 In the first Clarke report, Dr Clarke addressed the question of "the intangible cultural heritage significance of the Specified Area 'to Aboriginals in accordance with Aboriginal tradition'". It is enough to say that the key findings of the report were not favourable to the s 10 application. Dr Clarke concluded that "there is no threat of injury to or desecration to significant intangible [or tangible] cultural heritage posed by the [proposed mine project]".

154 While it is not necessary to refer to them in any detail, it should be noted that:

(1) Further reports were provided by LFB from archaeologists and other heritage professionals that assessed the impacts of the project on Aboriginal cultural heritage. These reports were all prepared as part of the Environmental Impact Statement for the proposed mine project.

(2) In response to Ms Reynolds' supplementary Statement of Significance, LFB acknowledged that the area had cultural significance.

(3) The first Sneddon report and the first Clarke report were criticised by an expert report commissioned by the EDO on behalf of Ms Reynolds. The first Clarke report also received criticism as inappropriate from one of the WTOCWAC representatives and BHPG.

(4) Dr Sneddon and Dr Clarke responded to the criticisms in respective supplementary reports dated 1 February 2022 affirming their conclusions.

***The s 10(4) Report***

155 Reflecting the terms of the application and the public notice, the report reiterated that the scope of the application included the question of the "significant historical and cultural value [of the specified area] in relation to the traditional importance of the Belubula River headwaters", and that one of the claims made in the s 10 application was that the specified area had particular significance because of "its spiritual connection to the Belubula River and its headwaters".

156 In that respect, and under the heading of "Spiritual connection to the Belubula River and its headwaters", the reporter noted that the claims in support of the s 10 application included that "[t]he headwaters [of the Belubula River] were part of the songlines and travel routes of Aboriginal people"; that it was [redacted]; and that it contained underground springs which were "referred to at times as 'sacred'". The reporter stated that LFB had acknowledged "that the river and its headwaters have cultural significance" and that "[t]here is no disagreement that the area was used by Aboriginal people, with waterways having significance for Wiradjuri people".

157 However, the reporter stated that "[t]he specific and particular spiritual significance of the site is less clear" (emphasis added). The reporter recounted the representations made in support of the s 10 application, including that it was [redacted] is also significant". However, the report also noted that "[c]ritics of this interpretation point to the lack of reference to major Wiradjuri mythologies in the recounting of the story that reduces its spiritual significance". The reporter concluded that (emphasis in original):

> Despite the caveat about the conclusiveness of [the foundational archaeological assessment] and the other reports that rely on it, and the general significance of waterways, there is limited current evidence in the representations and responses that the headwaters are of a *particular* spiritual significance as required under s 10(4)(a) of the [] Act. This issue will be further considered in the discussion of Aboriginal Tradition below.

158 Under the heading of "Aboriginal Tradition", and having noted the statutory requirement that the area must be of particular significance "in accordance with Aboriginal tradition" as defined in s 3, the reporter also referred to the oral representation of members of WTOCWAC that the application area was [redacted]. The reporter concluded:

> That this would appear to be a story passed down through the generations and is linked to 'traditions, observances, customs and beliefs of Aboriginals' is clear. The link to the Specified Area is less clear, inasmuch as it is not recorded as being specified in the stories that have been provided in support of this s 10 application.

159 In response to the criticisms, contained in LFB's expert report, that "as there is no linking to the Creation beings of Wiradjuri mythology, the Three Brothers Dreaming story is of recent origin", the reporter noted that the expert's cultural mapping was undertaken as a desktop exercise without community participation. The reporter observed that:

> Further cultural mapping done in relation to the Specified Area would be enhanced by the researcher being able to tease out the connections to tradition and stories in person, if the Aboriginal participants chose to share their stories and knowledge.
>
> In sum, the Specified Area appears to have connection to Aboriginal traditions of the region through the stories provided of the region and its place in the ceremonies that take place at Wahluu Mount Panorama. That the Specified Area is embedded in a larger landscape much of which is considered sacred is not to be discounted, despite the lack of tangible and intangible evidence about the specific traditional connections of the Specified Area itself.

160 In conclusion on the question of whether the application area had a "particular significance … to Aboriginal people", the reporter said that "[t]he *particular significance* of the Specified Area … is elusive" (emphasis in original) and:

> The relationship to tradition is described in terms of the broader landscape and connection to the sacred places that are the three mountains, including Wahluu Mount Panorama. The spiritual connection to the Specified Area is also part of the connection to the broader cultural landscape, to the importance of the river as part of that landscape, reflecting the complexity of connection to country. …
>
> More comprehensive and complete archaeological and participatory cultural mapping assessment of the site would provide greater certainty about the role of the Specified

> Area. However, the current evidence available does not provide the basis for giving the Specified Area the particular significance required under s 10(4)(a).

161 The reporter's conclusion on the question of the nature and extent of the threat of injury to, or desecration of, the application area (that is, the matter in s 10(4)(b)) followed from the conclusion on the area's particular significance:

> The extent of disturbance to over 40% of the Specified Area by the Project is dramatic, will damage any cultural value of the site and would constitute injury and desecration if the site were to be considered of particular significance. However, as the current evidence does not support the claim that the site is of particular significance under s 10(4)(a), the threat of injury or desecration to its particular significance is similarly not supported.

162 The reporter concluded that, "on the basis of the current evidence provided [] the Specified Area does not have the particular significance as required under s 10(4)(a) of the [] Act" and, accordingly, the reporter recommended that the Minister not make a declaration under s 10 of the Act in relation to the application area.

163 The purpose of canvassing these matters from the Report is not to evaluate the reporter's findings and conclusions. The purpose is to highlight that the question of the *particular* significance of the application area was actively ventilated by the interested parties through their representations and responses, and addressed by the reporter in dealing with the matters identified in s 10(4). That question was addressed within the scope of, and by reference to the traditions articulated in, the s 10 application and the s 10 notice. The reporter's conclusion that, on the evidence, the application area lacked *particular* significance rested on the finding that it was unclear how the traditions as articulated in the application to include Dreaming stories, and further explained through representations to include references to the Three Brothers Dreaming story and [redacted], were linked to the application area. That is, the relevant traditions in the application and notice were stated at a level of generality that did not explain the particular significance of the application area, and the representations to the reporter had failed to provide that level of particularity connecting the traditions to the application area. More work was needed to provide greater clarity about the area's significance.

164 As has been indicated earlier in these reasons, the reporter submitted the s 10 report on 4 May 2022 and, from 10 June 2022, the Department commenced various rounds of consultations with interested parties.

***Department's consultation Rounds***

165 Within weeks of the s 10 report, and as part of the Round 1 consultations (see above at [36]), the Department invited further comment on various matters, including (emphasis added):

> whether there is sufficient evidence to support the claimed significance of the Belubula River and its headwaters and tributaries, including on the basis that the waterways of the Belubula River have a significant connection and meaning for Wiradjuri people and the Wiradjuri people have 'strong spiritual and cultural connections' with the Belubula River, including from the Belubula River's connection to songlines, the Three Brothers Dreaming, and burbangs / happenings at the headwaters of the Belubula River. The department proposes to make a recommendation to the Minister that she cannot be satisfied that the Belubula River and its headwaters are of particular significance for the purposes of s 10(1)(b)(i) of the [] Act, having regard to the lack of evidence supporting the connection between the relevant parts of the specified area and the songlines, dreaming stories and traditions; …

166 However, by the time of the Round 2 consultations on 17 August 2022 (see above at [41(1)]), the proposed recommendation to the Minister had changed. The Department invited comments and submissions on the question of (emphasis added):

> whether there is sufficient evidence to support the claimed significance of the Belubula River headwaters and springs, on the basis that the Belubula River headwaters have connection to burbangs / happenings, and the springs are held as sacred to Wiradjuri people, with traditions relating to use of the springs containing elements of antiquity;
>
> a. the department proposes to make a recommendation to the Minister that she can be satisfied that the Belubula River headwaters and springs are of particular significance for the purposes of s 10(1)(b)(i) of the [] Act, having regard to the evidence supporting the connection between the relevant parts of the specified area and traditions; …

167 The Department's position was further developed in the Round 4 consultations on 19 April 2023 (see above at [46]). LFB had provided new information on 24 February 2023, and the Department considered that the submission contained "new and relevant information to the application". The Department indicated that it had "updated its preliminary analysis" of the s 10 application. In relation to the significance of the application area, the Department stated (emphasis in original):

> Based on the current evidence, the department proposes to recommend that the minister find that:
>
> - there is insufficient evidence to be satisfied that:
>  - …
>  - the Belubula River headwaters and springs are significant Aboriginal areas
>  - …

- the specified area is a significant Aboriginal area based on its place within a cultural landscape

168 However, the Department also stated its proposed recommendation would be that "there is sufficient evidence to be satisfied that the parts of the specified area comprising the Belubula River constitute a significant Aboriginal area" (emphasis added). While that was the recommendation on *significance* (ie, the character question), on the question of *threat*, the Department considered that "information provided to the department is sufficient to find the parts of the Belubula River within the specified area are not under threat of injury or desecration". The Department was of this view, in part, because OLALC, as the body with cultural heritage responsibility over the application area, had submitted that Aboriginal cultural heritage identified and impacted within the specified area could be properly managed and protected.

169 It is clear that the Department's position was being shaped by the ongoing procedural fairness Rounds.

***Further s 9 application***

170 On 21 November 2023, Ms Reynolds and the Directors of WTOCWAC applied to the Minister for a declaration under s 9 of the Act in respect of the s 10 application area. The further s 9 application was prompted by the fact that LFB had commenced drilling on the project site. Under the heading of "Supporting evidence of Aboriginal tradition that explains the particular significance of the area and the source of injury or desecration", the letter stated that (emphasis added):

> The proposed mine footprint area has particular significance for the Aboriginal community given:
>
> i. The presence of Aboriginal sites, with one site still used by the Aboriginal community today
>
> ii. Its spiritual connection to the Belubula River and its headwaters
>
> iii. Its connection to Aboriginal people past
>
> iv. Its national significance in the events of the NSW Frontier Wars
>
> Please see supporting evidence of this particular significance in Enclosures B.

171 As to why the proposed mine would be inconsistent with Aboriginal tradition, the further s 9 application stated:

> These activities are inconsistent with Aboriginal tradition and will adversely affect the traditional use of the area for a number of reasons including:

i Physical damage (including total destruction and possible harm)

ii Desecration of intangible values and the Aboriginal cultural landscape

iii Impacting access by the Aboriginal community to the area

iv Increased risk of vandalism, loss of seclusion and privacy of the area

172 It can be seen that these statements of significance and reasons why the proposed mine project would be inconsistent with Aboriginal tradition were in identical terms to the corresponding statements in the s 10 application dated 24 October 2020.

173 There is no doubt, then, that the further s 9 application in relation to the application area was presented on the basis of the same significance and threat as presented in the s 10 application.

***The Blue Banded Bee Dreaming story***

174 However, on 1 December 2023, oral submissions were made to the Department by Yanhadarrambal (Jade Flynn), Dinnawan Dyirribang (Bill Allen), Wirribee (Leanna Carr-Smith), and MEMBER 1. Mr Flynn identified himself as a Wiradyuri Community Elder and a director and public officer of WTOCWAC. Mr Allen identified himself as a Wiradyuri descendant and a member of WTOCWAC. Ms Carr-Smith identified herself as having Wiradyuri heritage and a member of WTOCWAC. MEMBER 1 identified themselves as having Wiradyuri heritage and [redacted]. The information provided was on behalf of WTOCWAC.

175 The purposes of the oral submissions were identified in the transcript of interview, including to discuss the significance of the area to Aboriginal people, the perceived threat of injury or desecration, the personal connections to the application area and the creation stories associated with the area.

176 References were made to the Blue Banded Bee Dreaming story, its connection to the Three Brothers Dreaming story, their importance to the application area and why it is sacred, and the impact that the proposed mine project would have on that sacred area and the tradition of telling those creation stories in the landscape. Artwork said to depict the Blue Banded Bee Dreaming story was provided to the Department. In short, it was said that the proposed mine project would be inconsistent with Aboriginal tradition.

177 Ms Reynolds and MEMBER 1 gave oral submissions on 6 December 2023, also making brief reference to the Blue Banded Bee Dreaming story and its connection to the area.

178 In response to the further s 9 application, LFB provided to the Department supplementary reports from Dr Sneddon (dated 13 December 2023) and Dr Clarke (dated 11 December 2023) casting doubt on the Blue Banded Bee Dreaming story. Both experts indicated that the responses were initial or preliminary because of the timeframe provided for LFB's response.

179 Ms Reynolds and WTOCWAC advised the Department on 15 December 2023 that the evidence in support of the new s 9 application, including the Blue Banded Bee Dreaming story should be included in support of the s 10 application.

***Decision on the further s 9 application***

180 On 21 December 2023, the Minister decided that a declaration under s 9 would not be made. The following day, the Department informed LFB, WTOCWAC and Ms Reynolds that, while the Minister was satisfied that part of the application area was a significant Aboriginal area for the purposes of s 9(1)(b)(i) of the Act, the Minister was not satisfied that the area was under threat of serious and immediate injury or desecration for the purposes of s 9(1)(b)(ii).

181 The departmental summary and analysis provided to the Minister in an attachment to the decision brief recorded that the Blue Banded Bee Dreaming story was considered for the purposes of determining the further s 9 application.

182 The analysis noted the reporter's conclusion that, while the application area provides a connection for Aboriginal people to the past, "the shape of the connection is not clearly outlined and supported by tangible evidence … or a more detailed description of Burbangs or intangible connection". The Department's analysis proceeded to express disagreement with the reporter's conclusions in relation to Burbang on the basis that they relied "heavily on available archaeological and historical evidence, and [did] not place sufficient weight on the oral evidence submitted by the applicant and other Wiradjuri parties".

183 Furthermore, the analysis stated that:

(1) "The applicants' evidence should be considered credible as it has been passed down through oral tradition and the applicants are Elders within the Bathurst Wiradjuri community"; and

(2) "The department considers that the lack of written historical or tangible evidence does not negate the claim, which is supported by multiple Wiradjuri Elders who have demonstrated cultural knowledge of the specified area through the telling of the Blue Banded Bee and Three Brothers Dreamings".

184 The analysis concluded that "[t]he department is of the view that the Belubula River headwaters and springs within the specified area are of particular significance to Aboriginal people in accordance with Aboriginal tradition". The basis for the conclusion included that "[t]he Blue Banded Bee Dreaming tells the creation story of the Belubula River headwaters and springs within the specified area".

185 The analysis also contains the following passage (emphasis in original, cross-reference to attachments omitted):

> The section 10 reporter states '*There is no disagreement that the area was used by Aboriginal people, with waterways having significance for Wiradjuri people. The specific and particular spiritual significance of the site is less clear*'. Furthermore, she states '*the current evidence available does not provide the basis for giving the Specified Area the particular significance required under s 10(4)(a)*'.
>
> a. The department notes that the Blue Banded Bee Dreaming was provided subsequent to the finalisation of the section 10 report.

186 The analysis recommended the Minister "find that there is sufficient evidence the Belubula River that is situation [sic] within the specified area is of particular significance to Aboriginal people in accordance with Aboriginal tradition". The basis for that conclusion included that, according to Wiradjuri tradition, the river is intrinsically linked to the springs and:

(1) "As such, the existence of the river can be linked, through Aboriginal tradition, to the time of creation and is a reasonable extension of the Blue Banded Bee Dreaming"; and

(2) "The parts of the Belubula River within the specified area are in proximity to the headwaters and springs, which are also described in the Blue Banded Bee Dreaming".

187 It is clear from the Department's concluding recommendation to the Minister on the further s 9 application that the Belubula River, its headwaters and springs were considered to be significant Aboriginal areas *because* there was "sufficient evidence to support the particular significance of the Belubula River, its headwaters and springs in relation to the Blue Banded Bee Dreaming and Burbang". The Blue Banded Bee Dreaming story was thus considered, in large measure, to provide the *specificity* and *particularity* of the application area's significance that the reporter found lacking.

***Consultation rounds continued***

188 Further opportunities were given to the interested parties to provide submissions on the s 10 application, including in relation to the transcripts relating to the Blue Banded Bee Dreaming story. On 8 January 2024, the Department sent an email to LFB with an attached letter which

stated that the Department was "in its final stages of assessing" the proposed mine project and that the Department had "received further information in relation to the application". The Department's "preliminary findings taking into account that further information" were set out in the following terms in an attachment:

> The department has updated its preliminary analysis of the application under section 10 of the [] Act, based on the submissions, information and documents provided to date. The department had revised its analysis with respect to both significance and threat. …
>
> Based on the current evidence, the department considers that it may be open to the Minister to make a declaration over part of the specified area. …
>
> Based on the further information received, listed in Annexure A [which, in support of the declaration, comprised the oral transcripts of 1 and 6 December 2023], the department has revised its previous preliminary finding on significance of the specified area.

189 Based on the prevailing evidence at that time, the Department indicated that it proposed to recommend that the Minister find that there was "sufficient evidence to be satisfied that … [t]he parts of the specified area comprising the Belubula River headwaters and springs are significant Aboriginal areas".

190 Responses to this Round of consultations included:

(1) Dr Sneddon and Dr Clarke provided supplementary reports dated 7 February 2024 and 6 February 2024 respectively which affirmed their opinions and expressed doubts about the Blue Banded Bee Dreaming story.

(2) Members of OLALC, including Wiradjuri Elders, provided statements disclaiming any knowledge of the Blue Banded Bee Dreaming story and raised doubts about the accuracy and veracity of the claims that were made about that Dreaming story.

191 On 6 March 2024, WTOCWAC responded to the OLALC statements suggesting that OLALC had a vested interest in opposing the s 10 application. The letter further stated that "[d]espite the assertions made by the signatories of the OLALC … submission, we are aware of many members of the Aboriginal Community in Orange, Lithgow, Blayney, Bathurst and surrounding area who do not agree with these assertions whatsoever and do not recognise any of the signatories as holding any significant position of cultural authority in the region".

192 In response to a telephone call on 4 March 2024, the Department wrote on 5 March 2024 to the WVWAC about the s 10 application. On 7 March 2024, WVWAC provided a response in which it supported the s 10 application, making reference to the "songlines to Kings Plains" as

"an integral part of the 'Three Brothers' Dreamtime Lore", and referring to the threat that mining would cause to the songline. There was no express mention of the Blue Banded Bee Dreaming story.

***First decision brief***

193 On 19 April 2024, the first decision brief for the s 10 application was sent to the Minister. It stated that the applicant's claim that the specified area is a significant Aboriginal area was for reasons including that "[t]here is cultural and spiritual significance associated to the Belubula River, its headwaters and springs". It also recorded that:

(1) the reporter had recommended that a declaration not be made, but that the department's recommendation was to make the declaration because "substantial new information has been provided by the applicant and supporting interested parties following the finalisation of the section 10 report";

(2) "Based on the available evidence, the department is of the view that there is sufficient evidence to conclude that part of the specified area is a significant Aboriginal area";

(3) "The department considers that there is sufficient evidence to establish that … the Belubula River, its headwaters and springs within the specified area <u>is</u> a significant Aboriginal area" (emphasis in original); and

(4) "The department is of the view that part of the specified area, comprising the Belubula River and its headwaters and springs, is under threat of injury or desecration" because of the proposed mine project "which will damage the Belubula River, its headwaters and springs in a way that is inconsistent with Aboriginal tradition".

194 The recommendation that the Minister "<u>can be satisfied</u> that part of the specified area comprising the Belubula River, its headwaters and springs, and the Dungeon Burial site are significant Aboriginal areas for the purposes of subsection 10(1)(b)(i) of the [Act]" (emphasis in original) was based on departmental analysis. That analysis was not before the Court. However, Public Servant 2 deposed that the corresponding analysis provided with the second decision brief, which was before the Court, was in materially identical terms. I will turn to that latter analysis below.

195 As indicated earlier in these reasons, the Minister did not agree to the recommendation in the first decision brief to make a declaration over part of the application area and, instead, instructed her Department to obtain additional information from LFB on the impact of the

proposed s 10 decision on the proposed mine project including whether there was any potential alternative location for the tailings dam. LFB's response was provided on 11 June 2024.

***Second decision brief***

196 The second decision brief was sent to the Minister on 23 July 2024. Amongst others, it attached a departmental summary and **analysis**. The Department noted that the Blue Banded Bee Dreaming story had not been raised at the time of the s 10 report and was only provided at a later stage in the application process. The Department accepted the reason provided for why it was not provided earlier, and noted that:

> the department is not considering the Blue Banded Bee Dreaming as a new claim of the application, instead, it is considered as a further limb of the spiritual connection to the Belubula River, its headwaters and springs, the applicant has claimed in her application. Although the Blue Banded Bee Dreaming was not explicitly mentioned in the application, the applicant did submit that many Dreaming stories follow the river's path.

197 And, further:

> The spiritual significance of the Belubula River, its headwaters and springs was a claim raised by the applicant in the application. The department has considered the information on Blue Banded Bee Dreaming as a subset of this claim, not as a new claim in this application.

198 The Department addressed OLALC's challenge to the validity and authenticity of the Blue Banded Bee Dreaming story. It stated:

> A preliminary question therefore arises for your consideration, as in order to determine whether the Belubula River, its headwaters and springs are a significant Aboriginal area on the basis of this claim, you need to first be satisfied that the Blue Banded Bee Dreaming is a tradition and/or belief of Wiradjuri people.

199 It accepted the account of the story provided by WTOCWAC members, and that it was "corroborated" by a public artwork of the Blue Banded Bee Dreaming story on the Bathurst Post Office wall which was considered to be largely consistent with the account given by WTOCWAC. The Department considered that the concerns raised by OLALC members did "not disprove the existence of the traditions" and that the fact that OLALC members were unaware of the Dreaming stories "is consistent with Aboriginal oral tradition being passed down to specific Aboriginal people, often Elders, who are considered to be the knowledge holders of that information".

200 Consequently, the Department considered "that the Blue Banded Bee Dreaming is an Aboriginal tradition in accordance with" s 3(1) of the Act. The Department recommended that the Minister find that the Belubula River, its headwaters and springs is a significant Aboriginal

area under s 10(1)(b)(i) of the Act "on the basis of the sacred connection the area holds for Wiradjuri people through the Dreaming, Storylines and Lore which are represented in the Blue Banded Bee Dreaming".

201 In support of that conclusion, the Department further considered that, "on balance", there was sufficient evidence to support the location of Burbang as the headwaters of the Belubula River. It was said that "[t]he particular significance of the Belubula River, its headwaters and springs is further evidenced through the Blue Banded Bee Dreaming, which is a part of this cultural landscape, and speaks of the creation of the Belubula River, its headwaters and springs". The Department's overall conclusion on the character question in s 10(1)(b)(i) included that:

> The department recommends that you find that there is sufficient evidence to support the particular significance of the Belubula River, its headwaters and springs to Wiradjuri people through the Blue Banded Bee Dreaming and that it is part of a broader cultural landscape where pre-initiation ceremonies occurred.

202 It is not necessary to go into detail about the Department's analysis and recommendations in relation to the threat question in s 10(1)(b)(ii). It is enough to say that the Department recommended a finding that the proposed mine project will impact the Belubula River, its headwaters and springs in a manner inconsistent with Aboriginal tradition, including because the permanent and irreversible physical damage to those areas "will cause a disruption of the landscape from the Blue Banded Bee Dreaming and therefore a severance of tradition".

203 A supplementary analysis by the Department noted LFB's further submission that the declaration would be contrary to the submissions and advice of OLALC. However, the Department concluded that, under the Act, "Aboriginal traditions described by the applicant must be a body of traditions, observances, customs, and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people. However, a consensus view amongst all Wiradjuri people is not necessary".

***Third decision brief***

204 The third decision brief was provided to the Minister on 13 August 2024. Its primary purpose was to update the Minister in light of a letter from the NSW Minister for Planning and Public Spaces, dated 6 August 2024, concerning the steps that had been undertaken under State law to consider Aboriginal cultural heritage values affected by the proposed mine project. It is enough to say that the Department did not consider that the letter changed its recommendation to the Minister that a declaration should be made.

205 On 13 August 2024, the Minister agreed with the recommendations in the second and third decision briefs.

**Explanatory Statement**

206 The Explanatory Statement accompanying the Declaration made on 16 August 2024 relevantly set out the following about the scope of the application:

> This claim is on the basis that the Wiradjuri people have a significant spiritual connection to the Belubula River, its headwaters and springs through the overall intangible cultural heritage it embodies, including the Blue Banded Bee Dreaming. [The applicant and supporting parties] also claim that:
>
> > a. the specified area sits within an important cultural landscape of the Three Brothers Dreaming, containing sacred Songlines, ancestral/culturally modified trees, connections to Aboriginal people past and traditional pre-initiation ceremonies …

207 In relation to the character question, the Explanatory Statement stated that:

> The Minister is satisfied that part of the specified area that comprises the Belubula River, its headwaters and springs (the declared area) is of particular significance to Aboriginal people in accordance with Aboriginal traditions on the basis of the sacred connection the area holds for Wiradjuri people through Dreaming, Storylines and Lore, one of which is the Blue Banded Bee Dreaming.
>
> …
>
> The Minister is satisfied that the source and validity of the Blue Banded Bee Dreaming as a tradition or belief of particular significance to the Wiradjuri people, and its connection to the declared area has been sufficiently evidenced by the applicant and [WTOCWAC]. In particular, the Minister accepts that the Blue Banded Bee Dreaming describes the creation of geographic features consistent with the Belubula Headwaters and its springs.
>
> The Minister is also satisfied that the declared area is of particular significance to Aboriginal people in accordance with Aboriginal traditions on the basis that it sits within a broader cultural landscape in which that part of the specified area was used for pre-initiation ceremonies.

208 That led to the conclusion that "the Minister finds that the part of the specified area that comprises the Belubula River, its headwaters and springs is of particular significance to Aboriginal people in accordance with Aboriginal traditions". Other aspects of the claim were not accepted by the Minister, but it is not necessary to outline those details.

209 In relation to the threat question, the Explanatory Statement included the following passages:

> … the development of a mine, and in particular, a tailings storage facility, will cause physical damage to the specified area and restoration of the site will result in an altered watercourse of the Belubula River. These actions would be inconsistent with Aboriginal tradition as it would physically damage the watercourse. It would also

> disrupt the intangible values and connection between the watercourse and the Blue Banded Bee Dreaming and traditional ceremonies that were historically conducted in the declared area.
>
> …
>
> In relation to the declared area, the Minister accepts that the tailings storage facility required for the development of the mine will impact the Belubula River, its headwaters and springs in a manner inconsistent with Aboriginal tradition as it will cause physical and intangible damage to the Belubula River, its headwaters and springs through the construction and use of the tailings storage facility.
>
> The Minister also accepts that the proponent's planned rehabilitation of the mine site does not adequately address the restoration of damage or injury to the Belubula River, its headwaters or springs, as it would still result in permanent realignment of the river headwaters and damage to the springs. The Minister considers that the permanent realignment of the Belubula River would effectively destroy the area that is considered to be the headwaters, and that this would damage the sacredness of the watercourse as well as disrupt the connection between the watercourse and the Blue Banded Bee Dreaming and traditional ceremonies that were historically conducted in the area.

210 It further stated that the Minister considered "that there is sufficient evidence to conclude that [the] declared area is under threat of injury or desecration from the activities associated with" the proposed mine project.

211 In relation to the Minister's consideration of the s 10 report, the Explanatory Statement stated:

> In deciding whether to make a declaration, the Minister considered, for the purposes of paragraph 10(1)(c) of the Act, the report provided by the reporter and the representations attached to the report. This included consideration of the matters listed at subsection 10(4) of the Act.

212 It is clear from the passages above that the Blue Banded Bee Dreaming story formed a central and material reason for the Minister's satisfaction of both the character question and the threat question. While it was stated that the Minister considered the s 10 report, it should be evident at this stage that the revelation of the Blue Banded Bee Dreaming story occurred after that report was provided to the Minister.

**Minister's October statement**

213 As indicated earlier in these reasons, LFB objected to the tender of the Minister's October statement. However, in relation to ground 1(a), the Minister's October statement does not further assist the Minister's position as it is largely consistent with what was set out in the Explanatory Statement.

214 The Minister's October statement commences by outlining the bases of the s 10 application, including that "the Wiradjuri people have a significant spiritual connection to the Belubula

River, its headwaters and springs through the overall intangible cultural heritage it embodies, including the Blue Banded Bee Dreaming". The Minister found that (emphasis added):

> (a) the headwaters of the Belubula River are of particular significance to Wiradjuri people as part of a broader cultural landscape where pre-initiation ceremonies occurred …;
>
> (b) the Belubula River, its headwaters and springs is of particular significance to Wiradjuri people through the Blue Banded Bee Dreaming …;
>
> (c) the Dungeon Burial site is of particular significance to Aboriginal people as an Aboriginal burial that occurred in accordance with Aboriginal tradition …

215 In relation to the Blue Banded Bee Dreaming story, the Minister (in summary):

(1) considered the claim about the Blue Banded Bee Dreaming story to be "a subset of the claim in relation to the spiritual significance of the Belubula River, its headwaters and springs", the broader claim having been made in the s 10 application;

(2) found that the Blue Banded Bee Dreaming story "is an Aboriginal tradition in accordance with subsection 3(1) of the Act";

(3) acknowledged that the reporter did not assess the Blue Banded Bee Dreaming story "within the claim of the spiritual significance of the Belubula River, its headwaters and springs as the Dreaming had not been raised at the time of the Section 10 Report", but noted that "interested parties were afforded the opportunity to consider and respond to the Dreaming claim during consultations following the submission of the Section 10 Report"; and

(4) was satisfied that the evidence demonstrated how the Blue Banded Bee Dreaming story "is connected to, and holds significance in relation to, the headwaters and springs of the Belubula River" and, further, that "reference in the evidence to the springs and headwaters connects the Dreaming to the Belubula River".

216 The overall conclusions in relation to the character question on the basis of the Belubula River, its headwaters and springs were as follows:

> … I found that the Belubula River, its headwaters and springs are a significant Aboriginal area under section 10(1)(b)(i) because:
>
> (a) the [Blue Banded Bee] Dreaming is a Wiradjuri belief that tells the creation story of the springs that give the Belubula River its name. These springs are clustered in and around the headwaters of the Belubula River. Therefore, I was satisfied that the Dreaming describes the creation of the Belubula River, its headwaters and springs;
>
> (b) the springs within the specified area are held as sacred by the Wiradjuri people for its life-giving nature and traditional use including during times of drought, allowing

> the headwaters to be used as a reliable location for social, economic, and ceremonial gatherings by Wiradjuri people; and
>
> (c) the parts of the Belubula River within the specified area can be considered of particular significance due to their proximity to the headwaters and the sacred springs and for the spiritual and cultural connections associated with the Belubula River's upper catchment which is in addition to the general importance of waterways to Wiradjuri people.

217 In relation to the threat question under s 10(1)(b)(ii) of the Act, the Minister was satisfied that the construction of the tailings storage facility would impact the Belubula River, its headwaters and springs in a manner inconsistent with Aboriginal tradition in the following ways:

> (a) it would cause physical damage to the Belubula River, its headwaters and springs through the construction and use of the tailings storage facility;
>
> (b) irreversible damage to the Belubula River headwaters would remain, despite the proposed restoration of the mine site;
>
> (c) this damage of the connection between the river, headwaters and springs would cause a disruption of the landscape from the Blue Banded Bee Dreaming and therefore severance of tradition.

218 While the s 10 report was considered by the Minister, it was expressly noted that "the reporter's conclusions did not have the benefit of information submitted by parties after the report was finalised".

219 It is apparent that, in relation to the question of whether the Blue Banded Bee Dreaming story constituted a new application, the Minister's October statement adds very little, if anything, to what was said in the Explanatory Statement. The Dreaming story formed a central and material reason for the Minister's satisfaction of both the character question and the threat question. As will become clear, the Minister's position on ground 1(a) would not be advanced even if Minister's October statement were admitted into evidence.

**Did the Blue Banded Bee Dreaming story constitute a new s 10(1) application?**

220 The contest in this respect on ground 1(a) narrows to the question of whether the introduction on 1 and 6 December 2023 of the Blue Banded Bee Dreaming story constituted a new s 10(1) application. As Black CJ said in *Tickner v Chapman* (see above at [122]), the application defines the scope of the Minister's powers, including the making of a declaration. As Kiefel J explained in the same case (see earlier at [129]–[130]), such a consequence follows as a matter of construction from the description of the application in s 10(1)(a), when read with s 3(2) and the definitions in s 3, and also from the very purpose of the notification process to solicit representations that will inform the determination to be made by the Minister under s 10(1).

***Submissions***

221 LFB submitted that the Blue Banded Bee Dreaming story was a wholly new claim that was made well after the reporter had delivered her report. It was submitted that a new report was required under s 10 so that the Minister had the benefit of the reporter's view on the claim and analysis of representations made in relation to it (including those made by OLALC representatives).

222 The Minister (joined by WTOCWAC) submitted that it was not a new application. Instead:

(1) The application identified the area to be protected as including the Belubula River and its headwaters and tributaries; that the proposed mine project footprint area was "an important cultural landscape"; and that the area had particular significance, in part, because of "[i]ts spiritual connection to" the river and its headwaters. Ms Reynolds also referred to the "tangible and intangible cultural values of the Belubula River and its headwaters to the Aboriginal community" and that the river "has a significant connection and meaning for Wiradjuri people". It was also submitted that the additional material relied on in support of the application made repeated references to the significance of the river to the Wiradjuri people, including as the location of Dreaming stories. The basis of the application was that there were multiple such stories.

(2) Repeating what was set out in the application itself, the s 10 public notice referred to the applicant's claim that the application area is of particular significance, in part, because of "[i]ts spiritual connection to the Belubula River and its headwaters".

(3) Anyone who saw the public notice would have been under no doubt that the type of information that was being sought, or the type of consultation, was in respect of those types of Dreaming stories which are connected to the river and its headlands in respect of the particular geographical area.

(4) The reporter had recognised the "spiritual connection to the Specified Area", and its part in the "cultural landscape", but ultimately concluded that there was insufficient current evidence to establish the particular spiritual significance.

(5) There was no change in the area to be protected or the identification of the particular significance of the area when the further s 9 application was made on 21 November 2023. The transcripts of the oral submissions made on 1 and 6 December 2023 in support of the further s 9 application, but then relied on for the extant s 10 application, that referred to the Blue Banded Bee Dreaming story for the first time, were made in

support of the same claim of particular significance set out in the s 10 application. While the s 10 application did not refer specifically to the Blue Banded Bee Dreaming story, it did refer to many Dreaming stories following the river's path.

(6) The new information "only gave content to one of the bases of the applicant's claim why [the] particular area is a 'significant Aboriginal area'" and, as the Department had indicated in its analysis (see above at [196]–[197]), the Blue Banded Bee Dreaming "was considered, not as a 'new claim', but as a 'further limb' or 'subset' of Ms Reynolds' claim in her application about the spiritual connection to the Belubula River, its headwater and springs". It was simply further evidence detailing the cultural significance of the river and its headwaters that was referred to in the s 10 application, and only one of a number of significant Dreaming stories in support of that application. The new information neither changed the area to be protected nor the purpose of the application.

223 Similarly, WTOCWAC submitted that the Blue Banded Bee Dreaming story was one of a series of creation stories shared during the oral interviews, and that the sharing of those stories "expanded and detailed those aspects of the application that referred to the significance of the Belubula River to Wiradyuri people and the Dreaming or creation stories and songlines that travelled along or related to the river". Consequently, the information about the Blue Banded Bee Dreaming story was not a new application.

224 Some significance was also placed by counsel for WTOCWAC at the hearing on the fact that the Blue Banded Bee Dreaming story was disclosed in light of the s 9 application and that the Court must be persuaded not only that the Blue Banded Bee Dreaming story was sufficiently different to the s 10 application to constitute a new application, but also that it was sufficiently different to the further s 9 application. In my view, that does not follow. What impact the Blue Banded Bee Dreaming story had for the scope of the s 9 application is not a question that needs to be determined. The relevant question is how the revelation of that story impacted the s 10 application once Ms Reynolds sought to rely on it for that application.

225 It was also submitted by WTOCWAC that it would be incongruous with the legislative scheme, particularly s 10(1)(d) of the Act, if *any* piece of evidence in support of an application given after a reporter provided their report, that expanded or detailed the information provided in the application, required a new or amended report. That, it was submitted, would render the Minister's task unworkable.

***Consideration***

*Not all additional information results in a new application*

226 It is convenient to take this last submission first. I accept that not every piece of additional information provided to the Minister would result in a new application under s 10(1). So much was accepted by Griffiths J in ***Onus*** *v Minister for the Environment* [2020] FCA 1807; 246 LGERA 340 at [85]. It must be an assessment on the facts in each case: see at [79].

227 In *Onus*, the s 10(1) application concerned the effect that the construction and alignment of a section of the Western Highway would have on an area which was said to have particular significance for Aboriginal people. There was also a claim for a declaration under s 12 to protect six trees. The two applications were related in that the significance of the trees was relevant to the s 10 application. In relation to the s 10 application, the Minister was satisfied that the application area was a significant Aboriginal area that was under threat of desecration or injury, but proceeded to consider other matters relevant to the exercise of the residual discretion, including the extent to which the area would be protected under State law and undertakings given by Major Road Projects Victoria (**MRPV**) to protect five of the six trees.

228 Griffiths J rejected a ground that sought to impugn the declaration on the basis that the Minister erred by not commissioning a further report under s 10(1)(c) when the Minister received information about the MRPV undertaking to protect the trees. It was submitted that the new information was a fundamental change that rendered the original report no longer relevant. His Honour accepted the Minister's submission that the applicant's position was inconsistent with various aspects of the statutory context, which included the procedural fairness obligations owed by the Minister and the power in s 13(3) of the Act enabling consultation. His Honour concluded that "the *Act* recognises various ways by which the Minister can obtain information relevant to the Minister's decision-making task from various sources and need not obtain a further s 10(4) report in the events that occurred here": at [81].

229 WTOCWAC submitted that his Honour's reasons indicate that the statutory scheme allows the Minister to inform herself in various ways without requiring a new or amended report, and that the Minister has a wide discretion to consider information that might support the application.

230 Care must be taken with what can be drawn from *Onus* for the purposes of this case. ***First***, the submission considered by his Honour was not that the application had changed as a consequence of the revelation of new information by the applicant. The application remained

the same in its identification of the particular significance of the area and the threat that had been posed.

231 ***Secondly***, it follows that his Honour was not addressing squarely an argument that the new information constituted a new application that required consideration of the observations of the Full Court in *Tickner v Chapman* discussed above at [123]–[131] and [134]–[135].

232 ***Thirdly***, as LFB highlighted, the new information in *Onus* reduced the threat that had been identified in the application: it did not increase that threat.

233 ***Fourthly***, it is unclear from his Honour's reasons, or from those of Robertson J in an earlier decision relating to the same s 10 application (*Clark v Minister for the Environment* [2019] FCA 2027; 274 FCR 99), what view the reporter took on the threat question or what matters were taken into account. It was not a case in which the Court was considering the consequence of a different threat not considered by the reporter.

234 ***Fifthly***, it is also unclear from the Minister's conclusions in that case whether the new information, which was "accepted' by the Minister (*Onus* at [17(6.3)]), ultimately played any part in the balancing process undertaken under s 10(1) — the Minister having been satisfied of the character and threat questions in relation to the s 10 application (*Onus* at [17(6.4), (6.6)–(6.7), (6.13)]), but finding that these were outweighed by "other matters" within the scope of s 10(1)(d) in the circumstances of the particular case.

235 In any event, as is evident from the observations in *Tickner v Chapman*, there will be circumstances where the provision of further information after the reporter has provided a report to the Minister will result in a new application. As LFB submitted, the question is one of degree. It is to be determined as a matter of substance in the circumstances of the case.

*The Blue Banded Bee Dreaming story constituted a new application*

236 For the reasons that follow, I accept LFB's submission that the revelation of the Blue Banded Bee Dreaming story constituted, in substance, a new application that required the Minister to commence a fresh reporter process under s 10.

237 As explained earlier in these reasons at [93], the purpose of an application under s 10(1) is to preserve and protect a specified area from particular harm that is identified by reference to conduct that has adverse impact on Aboriginal tradition. That purpose must be stated in the notice published by the reporter, along with the matters required to be dealt with in the report.

Those matters relevantly include the particular significance of the area to Aboriginal people in accordance with Aboriginal tradition and the nature and extent of the threat of injury or desecration which, in turn, will inform the character question and the threat question about which the Minister must be satisfied before making a declaration. Thus, the identification of the relevant Aboriginal tradition is central to the legislative scheme from application to declaration. As indicated above at [136(2)], that position was accepted by Burchett J and Kiefel J in *Tickner v Chapman.*

238 Furthermore, within that scheme, the functions of the reporter and the Minister are identified and defined by reference to the particular significance of an area in accordance with Aboriginal tradition. How the application identifies that particular significance in accordance with Aboriginal tradition will determine the scope of the statutory authority given to the reporter and the Minister.

239 Where there is a change, in substance, to the claimed particular significance of an area in accordance with Aboriginal tradition, that change necessitates the process to be restarted by the Minister, so that the purpose of the application is identified in the s 10 notice. As was explained earlier in these reasons at [102]–[115], the legislative scheme is deliberately designed to provide for the informed decision-making by the Minister through public notification and the report of a reporter. As Kiefel J said in *Tickner v Chapman*, the scheme is not one whereby the decision-maker makes a decision based on specified criteria without an opportunity for others to influence or persuade the Minister of their views (see above at [97]). The Minister's decision must be *informed* by the representations of interested parties and the views of the reporter and, in turn, the application and its public notification must be *informative* of the purpose of the application.

240 The question then is whether there was a change to the particular significance of the area with the revelation of the Blue Banded Bee Dreaming story. I accept the submissions of the Minister and WTOCWAC that the application and its supporting material identified, as the Aboriginal tradition under threat, the spiritual connection to the Belubula River and its headwaters, and the cultural significance of the Belubula River and its headwaters and the "many Dreaming stories" that follow its path (see above at [138] and [143]). I also accept that the Blue Banded Bee Dreaming story was explained by members of WTOCWAC as one such Dreaming story.

241 However, to describe the Blue Banded Bee Dreaming story as giving content to, or being a subset of, the claim that was made in the application does not meet the question to be addressed.

As articulated in the application and supporting material, and then identified in the s 10 notice, the Aboriginal tradition that was said to give the area particular significance was identified at a high level of generality and in an unparticularised way. It was unparticularised, not only in the sense that it did not identify the Blue Banded Bee Dreaming story as a particular Dreaming story but, crucially, as LFB submitted, the Blue Banded Bee Dreaming story gave greater particularity to *the significance* of the application area.

242 The conclusion that the revelation of the Blue Banded Bee Dreaming story constituted, in substance, a new application is supported by four features of the decision-making process as it unfolded.

243 ***First***, the reporter, having considered the application as originally framed and published a notice in those terms, and having received and considered representations from interested persons on the basis of that application and notification, concluded that the Belubula River and its headwaters was of cultural significance for Wiradjuri people. Yet, the reporter concluded that the specific and particular spiritual significance of the site was "less clear" and there was a lack of evidence about the specific traditional connections to the area (see above at [155]–[162]). The application and the s 10 notice, as framed, did not reveal the particular significance of the application area.

244 This is not to say that the Minister (or the Minister's Department) could not depart from the conclusions reached by the reporter in her s 10 report. The Minister is not bound to accept the reporter's conclusions or recommendations. However, in the circumstances of this case, as discussed at [250]–[251] below, it becomes evident that the basis upon which the Department, in making its recommendations to the Minister, departed from the conclusion of the reporter on the character question was, in substance, the subsequent revelation of the Blue Banded Bee Dreaming story.

245 ***Secondly***, the indications from what transpired is that there was a real chance that persons interested in the Blue Banded Bee Dreaming story, and its connection to the application area, were denied an effective opportunity during the reporter process to provide representations on that central question.

246 In this respect, the Minister submitted that interested parties might have been under no doubt that the type of information sought through the reporter's consultation process was in respect of Dreaming stories connected with the river and its headwaters. However, it cannot be said

with such confidence that interested persons would have anticipated the particular Dreaming story about the Blue Banded Bee and the particular significance it gave to the application area. As senior counsel for the Minister also recognised, by reference to what was said by von Doussa J in *Chapman v Luminis* (at [333]), there may be limits to what is known about sacred cultural knowledge outside the custodians of that knowledge.

247 That there was a real chance that persons interested in the Blue Banded Bee Dreaming story were denied an effective opportunity to make representations to the reporter is demonstrated by the position taken by OLALC. A submission by OLALC, provided as part of the process for the Environmental Impact Statement for the proposed mine project, had been provided to the Department as part of the application by MEMBER 1 and Mr Newman, on behalf of Ms Reynolds (see above at [24]). OLALC, itself, had expressed an interest in making a representation to the reporter, but ultimately decided not to do so (see above at [149]). OLALC's submission in response to the Environmental Impact Statement had also been provided to the Department by LFB in response to the Round 3 consultations (see above at [44(3)(a)]). And, as has been indicated at [168] above, the Department referred to OLALC's position on the management and protection of the Belubula River when the Department communicated its position in Round 4 that the river was not in danger. However, when put on notice of the Blue Banded Bee Dreaming story (see above at [190(2)]), OLALC sought the opportunity to make representations to the Department seeking to discredit that Dreaming story.

248 The WTOCWAC letter of 6 March 2024 (see above at [191]) then challenged the evidence given by OLALC and indicated that many members of the Aboriginal Community in Orange, Lithgow, Blayney, Bathurst and surrounding area did not agree with what members of OLALC had said. The existence of the Blue Banded Bee Dreaming story was evidently (a) of particular interest and concern to members of Aboriginal communities and (b) the subject of dispute and disagreement.

249 While LFB and OLALC were given an opportunity to address the Blue Banded Bee Dreaming story during the Department's consultation Rounds, as Burchell J said in *Tickner v Chapman* (at 482), the "statutory notice was not designed for them alone". Because the process was not restarted, the competing views (including within and between Aboriginal communities) on the Blue Banded Bee Dreaming story were not sought, provided or accounted for in the reporter process. The reporter was thereby denied the opportunity to consider those representations and,

further, the Minister was denied the opportunity to consider the reporter's views about the Blue Banded Bee Dreaming story and any representations.

250 ***Thirdly***, the Blue Banded Bee Dreaming story was central and material to the Department's assessment of the character and threat questions. The Department's position on its proposed recommendation to the Minister had shifted over the initial Rounds of consultation (see above at [165]–[166]). However, the last proposed recommendation communicated on 19 April 2023 prior to the revelation of the Blue Banded Bee Dreaming story in December 2023 (see above at [167]) had maintained the position that there was insufficient evidence for the Minister to be satisfied that *the Belubula River headwaters and springs* are significant Aboriginal areas within the meaning of the Act.

251 The decision by the Minister on 21 December 2023 to reject the further s 9 application had communicated the Minister's acceptance that parts of the application area are significant Aboriginal areas (see above at [180]). The analysis provided to the Minister supporting that recommended position had expressed disagreement with the reporter's conclusion that the connection of the area to Aboriginal people was not clearly supported by the evidence, and put forward the view that there was credible evidence, including the telling of the Blue Banded Bee Dreaming story, to support that connection. The Department also noted that, while the reporter's conclusion was that the *particular significance was less clear*, the Blue Banded Bee Dreaming had been provided subsequent to the reporter's report (see above at [184]–[187]). The centrality and materiality of the Blue Banded Bee Dreaming story is also evident in the analysis attached to the second decision brief (and presumably the first decision brief as well) recommending that the Declaration be made (see above at [196]–[201]). The revelation of that story was, therefore, central and material to the Department's recommendation to the Minister.

252 ***Fourthly***, the Explanatory Statement accompanying the Declaration places substantial reliance on the Blue Banded Bee Dreaming story in reaching conclusions on the character and threat questions. And, even if I were to admit the Minister's October statement as evidence of the Minister's reasons, the conclusions reached in that document are consistent in this respect with what was set out in the Explanatory Statement.

253 The result was that the legislatively mandated process of public consultation and reporting was geared towards responding to a general and unparticularised claim about an Aboriginal tradition and its connection to the application area. That framed the call for representations from interested parties and the representations that were provided. As is evident from the

reporter's conclusions, it limited the scope of her inquiry and the recommendations she gave. The utility of that process, as intended by the Parliament, to inform the Minister's decision was confined by the scope and generality of the application. From there, the impact of the Blue Banded Bee Dreaming story on the Department's analysis and recommendations, and the decision on the further s 9 application and the making of the Declaration, is clear.

254 In my view, it could not be said that the public were given an effective opportunity to address the more *specific* and *particular* claim for protection, or that there was an adequate public ventilation of the *particular* significance of the application area or the threat posed to it. The reporter was denied the opportunity to consider representations on the particular significance of the application area and the Minister was, thereby, denied the opportunity to consider the reporter's report on that central and material matter.

255 In summary, the revelation of the Blue Banded Bee Dreaming story, in substance, constituted a different and new application for the purposes of s 10(1). While the Minister could act on the new information in determining the further s 9 application, once it was requested by Ms Reynolds that the information be applied to the s 10 application, the Department should have advised the Minister that this constituted a new s 10 application and that the reporter process had to recommence.

*Other submissions by the Minister*

256 In reaching this conclusion, I accept the Minister's submission that the test to be applied in determining whether there is a new application is not that there has been new information which changed the mind of the decision-maker. I also accept WTOCWAC's submission that not every piece of new evidence after the reporter's report, that expands or details the information provided in the application, requires a new or amended report. To so hold would be to elevate particular factual circumstances to the level of an overriding test without scrutinising further how those factual matters bear on the scope of the application in its description of the particular significance of the area in accordance with Aboriginal tradition. The test to be applied is one of substance that involves questions of degree and, in the present circumstances, where the new information is said to affect the character of the area's significance, the way in which the area's significance was considered and dealt with during the decision-making process assists in revealing whether new information constitutes a new application.

257 In reaching my conclusion, I also accept what was said by the Minister and WTOCWAC that *Tickner v Chapman* is not on all fours with this case. The new information in that case, which

led to the observations that there was a new application, came from a *distinct group* concerning a *different Aboriginal tradition* in relation to an *expanded area*. However, that does not mean that there has not been a change in this case to the particular significance of the area in accordance with Aboriginal tradition. The legal principle is not to be found in a combination of the particular features in *Tickner v Chapman* that led to the observations that there was, in substance, a new application in that case. It is to be determined as a matter of substance in the circumstances of the case and informed by the purposes to be achieved by the legislative scheme that includes the role of the reporter, a role which, as previously discussed above at [102]–[114], is integral to the process in s 10 of the Act.

258 That is not to suggest that the original application was invalid because it identified the Aboriginal tradition in more general and unparticularised terms. If the Blue Banded Bee Dreaming Story had not been revealed, the decision-making process would have proceeded on the original application. However, once the Aboriginal traditions and their connection to the application area were more clearly particularised so as to identify the area's significance in a way that might not have been evident to interested persons or the reporter during the reporting process, that became a new application that necessitated the reporter process to be restarted. Only then could the purposes of effective public consultation and the reporter's central function within the legislative scheme be fulfilled.

259 The Minister submitted that a requirement for the Minister to recommence the process, with the consequence that sensitive information about Aboriginal tradition might be notified to the public, would be inconsistent with the policy of the Act with respect to "preservation, and the danger of offending traditions of Aboriginal people by disclosing beliefs of a particular character to the world at large" (quoting from Black CJ in *Tickner v Chapman* at 461). That submission is inconsistent with the position taken by Burchett J and Kiefel J in *Tickner v Chapman* that the revelation of the sensitive information in that case would have constituted a fresh application (see above at [126]–[136]).

260 However, the Minister's submission in this respect requires a more fulsome response and, as LFB submitted, must take account of the remainder of the sentence quoted from Black CJ in *Tickner v Chapman* (at 461) that the policy objective of protecting sensitive and sacred information about Aboriginal tradition must be "balanced against the policy of the Act with respect to the reporting process".

261 The purposes of the Act are to preserve and protect from injury or desecration areas and objects that are of particular significance in accordance with Aboriginal tradition: s 4. The way in which those traditions are to be protected is through the decision-making process prescribed by the Act. As was the case in *Tickner v Chapman* and in this case, the traditions to be protected may well include traditional or customary norms for the secrecy and non-disclosure of sensitive and sacred information to the world at large. While the legislative scheme does not provide expressly for ways in which those traditional or customary norms of secrecy and non-disclosure might be respected and protected, it does not prohibit such steps being taken. The powers and functions conferred on the Minister and the reporter carry with them powers to take steps that are "necessary", in the sense of being "reasonably required" to ensure the effective exercise of their powers and functions under the Act: see, eg, *Australian Building and Construction Commissioner v Construction, Forestry, Mining and Energy Union* [2018] HCA 3; 262 CLR 157 at [40] (Kiefel CJ), [52] (Gageler J), [114]–[115], [118] (Keane, Nettle and Gordon JJ).

262 In my view, those steps can include the implementation of measures to protect sensitive and sacred information if that is reasonably required for the effectiveness of the decision-making process. Whether such measures should be taken by the Minister or reporter and, if so, what the content of such measures should be in the circumstances of a particular case, must, as Black CJ recognised, be balanced against the need for a process that informs interested persons of the application that has been made, and allows a sufficient opportunity for those interested parties to contribute to the function of the reporter and the decision of the Minister. Those judgements are to be made by a reporter or the Minister in accordance with law on the facts in a particular case.

263 The short point in response to the Minister's submission is that there is sufficient scope within the legislative scheme for steps to be taken by the Minister and the reporter throughout the process to ensure that traditions and beliefs are respected and protected.

264 For completeness:

(1) It is not evident that a requirement that the process be recommenced upon the revelation of the Blue Banded Bee Dreaming story was "wholly impractical", as suggested by the Minister. There may be additional costs and further delay, but that is the consequence of a legislative scheme deliberately designed to follow a particular decision-making process to achieve particular objects of community-inclusive and informed decision-making. Such costs and delay might be minimised by the Minister nominating the same

reporter to consider the fresh application: see *Tickner v Chapman* at 459 (Black CJ); 493 (Kiefel J).

(2) There was some disagreement about the meaning to be attributed to what Brennan CJ, Dawson, Toohey, McHugh and Gummow JJ said in *Wilson* at 19 about the obligation on the reporter to observe procedural fairness requirements being "not significant". In my view, whether it is to be understood as directed to the constitutional question to be decided in that case as to whether a Federal Court Judge can be nominated as a reporter, or as a recognition that the function of the reporter is not to operate as a substitute for the procedural fairness requirements owed by the Minister (*Minister v Western Australia* at 52–53), I do not understand those comments to diminish the central importance of the reporter's function in the legislative scheme as a precondition to the exercise of the Minister's power as recognised in *Tickner v Bropho*, *Tickner v Chapman* and *Minister v Western Australia*. Nor is it diminished by the fact that (a) the reporter is to be regarded as "an integral part of the process of the Minister's exercise of power" (*Wilson* at 18), rather than an independent arbiter; or (b) it is the Minister who ultimately exercises the "political function" to determine "the competing interests of Aboriginal applicants and of others whose proprietary or pecuniary interests are liable to be affected by the making of a declaration" (*Wilson* at 19). Regardless of these matters, the scope of the s 10(1) application and, consequently, the authority of the Minister to make a declaration, remains to be determined with a proper understanding of the purposes to be achieved by the reporter process.

(3) The fact that the Department took the view that the revelation of the Blue Banded Bee Dreaming story did not constitute a new application is not a matter of relevance to the exercise of this Court's jurisdiction.

***The balance of Ground 1(a)***

265 As noted in [77(2)] above, ground 1(a) was expressed in broader terms to cover the failure to treat claims made between 4 May 2022 (the date the reporter provided the s 10 report) and 13 August 2024 (the date of the declaration) as giving rise to a new application. As developed in submissions, the allegation included that the lengthy period of time between the report and the making of the Declaration, during which substantial new information was provided to the Department (including from OLALC and WVWAC), resulted in a process inconsistent with what Parliament intended. In oral submissions, it was also contended in the alternative that the way that the process unfolded meant that there was not at law a report of the kind for which

s 10(4) provides. However, it is not necessary to address ground 1(a) any further than what I have done because any other failure giving rise to error would result in the same outcome.

**OTHER GROUNDS**

266 My conclusion on ground 1(a) is sufficient for the purposes of dealing with LFB's application. In light of the conclusion that the decision-making process was fundamentally flawed because of the failure to treat the revelation of the Blue Banded Bee Dreaming story as a new application, there is little utility in dealing with the other grounds that, on a different hypothesis, allege procedural fairness failures in the decision-making process or which involve consideration of the legal reasonableness of the Minister's decision.

267 However, I briefly indicate my position on two other grounds that largely turn on a construction of the relevant provisions.

**Ground 1A**

268 Ground 1A was in the following terms:

> 1A. The Declaration is invalid because:
>
> (a) it fails to specify a period for which it is to have effect under s 10(2) of the [] Act, and therefore a statutory pre-condition to the exercise of power was not satisfied; and/or
>
> (b) the report provided to the Minister as required by s 10(1)(c) of the [] Act did not "deal with … the duration of any declaration" as required by s 10(4)(f) of the [] Act, and therefore a statutory pre-condition to the exercise of power was not satisfied; and/or
>
> (c) the Minister failed to consider for what period the Declaration was to have effect, and therefore failed to have regard to a mandatory relevant consideration.

269 It is convenient to deal first with ground 1A(c).

***Ground 1A(c)***

270 If I had been required to consider ground 1A(c), I would have reached the following conclusions.

271 ***First***, despite uncertainty in the authorities (see Dennis Pearce and Stephen Argument, *Delegated Legislation in Australia* (LexisNexis, 6th ed, 2023) at [12.10]), the better view is that, if a statutory scheme, on its proper construction, conditions the exercise of a statutory jurisdiction to make a legislative instrument on the consideration of a particular matter, then a court on judicial review is authorised to review for validity on the basis that the consideration

was not taken into account: see *Eve Hemp Pty Limited v Secretary to the Department of Health* [2017] FCA 1051 at [12] and [16]–[17] (Jagot J); cf *Donohue v Australian Fisheries Management Authority* [2000] FCA 901; 60 ALD 137 at [20] (Heerey J); *Vanstone v Clark* [2005] FCAFC 189; 88 ALD 520 at [106] (Weinberg J); *McAdam v Victorian Fisheries Authority* [2024] VSC 702 at [66] (Judd J). That is the case whether the ground is expressed in the traditional terms of a mandatory relevant consideration (see *Seafish Tasmania Pelagic Pty Ltd v Minister for Sustainability, Environment, Water, Population and Communities (No 2)* [2014] FCA 117; 225 FCR 97 at [62] (Logan J)), or as a constructive failure to exercise jurisdiction (see *Minister for Immigration and Multicultural Affairs v Yusuf* [2001] HCA 30; 206 CLR 323 at [41] (Gaudron J); *CD v Central Gippsland Health Service* [2022] VSC 462 at [449] (Croucher J)).

272 ***Secondly***, I would have accepted LFB's submission that the legislative scheme is such that the Minister is required to consider the duration of the Declaration as a precondition to a valid exercise of power under s 10(1). As I explained earlier in these reasons at [16]–[17], [98(4)], and [115], the duration of a s 10(1) declaration is an integral feature of the legislative scheme. It is a precondition to the Minister's power to make a declaration that the Minister has received and "considered" a s 10 report. The report must deal with the duration of the declaration, alongside other matters including the nature and extent of the threat, and the prohibitions and restrictions to be made. The s 10 notice identifies the matters to be dealt with in the report and interested persons can furnish representations which must also be considered by the Minister. It would be expected that interested persons and, in turn, the reporter, might consider a mix of considerations directed to the nature and extent of the threat, the types of measures to be put in place, and their duration: see, eg, *Tickner v Chapman* at 481 (Burchett J).

273 The duration thereby becomes an integral part of the balancing exercise that the Minister must undertake under s 10(1) when determining whether the discretion should be exercised to make a declaration and, if so, on what terms. If the discretion is exercised, it is necessarily premised on the Minister's satisfaction of the character question and the threat question, and the declaration must contain provisions for the protection and preservation of the area (s 11(b)) and its duration (s 10(2)) which each reflect the end-product of a balancing exercise.

274 Accordingly, the *requirement* to consider the duration arises because (a) the Minister must "consider" the report which shall deal with the duration of a declaration, and/or

(b) independently of that obligation because of the centrality of the duration of the declaration to the legislative scheme as revealed in s 10(2).

275 In relation to the first of these bases, the Minister relied on *Minister for Immigration, Citizenship and Multicultural Affairs v* ***McQueen*** [2024] HCA 11; 282 CLR 1 to support the proposition that the Minister is only required to consider the report and the representations as a whole and is not required to form a state of satisfaction regarding any of the matters set out in s 10(4). As LFB submitted, the statements in *McQueen* concerned the obligations of the relevant Minister to consider representations made by a person whose visa has been cancelled pursuant to s 501(3A) of the *Migration Act 1958* (Cth). Those representations are made at the invitation of the Minister and may inform the Minister's decision whether to revoke the original cancellation decision. It was in that context that Gageler CJ, Gordon, Edelman, Steward and Gleeson JJ said that "no particular statement in the representations given should be characterised as a mandatorily relevant consideration": at [6(c)]. As LFB submitted, that context is very different to the current legislative scheme that requires a s 10 report to deal with the duration of any declaration and requires the Minister to consider the report.

276 In any event, as I have explained, the requirement can be seen as arising under s 10(2) independently of the Minister's obligation to consider the s 10 report. Accordingly, I would not have accepted the Minister's submission that the failure to consider the duration of a declaration could not impugn the validity of the Declaration.

277 ***Thirdly,*** I would have accepted the Minister's submission that the Act does not require the setting of a finite period for which a declaration can have effect, and that it is permissible for the relevant Minister to set an indefinite period. As a matter of ordinary language, the word "period" is capable of including an indefinite period: see, by analogy, *Attorney-General v* ***Van Dessel*** [2006] QCA 285; [2007] 2 Qd R 1 at 5 (Jerrard JA), 10 (Mackenzie J). The legislative scheme confirms that to be the case. The very purpose of the Act is to preserve and protect areas and objects that are of particular significance in accordance with Aboriginal tradition: s 4. By its very nature, the subject matter of the legislative scheme gives rise to the need for a declaration to be capable of providing enduring protection. As the Minister contended, that purpose is not, necessarily, "temporally confined". This is not a case like *Van Dessel* where the respective use of the word "period" in the relevant provisions of the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) led to the inescapable conclusion that a period was to be measured by a finite portion of time.

278 LFB's submission that the "period" must be finite is not assisted by the terms of ss 9(2) and 18(2)(b) of the Act. Those provisions merely demonstrate that an indefinite period cannot be specified for declarations made thereunder (recalling that these provisions concern emergency declarations). The provisions themselves qualify what otherwise would have resulted from the use of the text that replicates s 10(2). Nor does the legislative history take LFB's position any further. Section 33 of the *Aboriginal and Torres Strait Islander Heritage (**Interim** Protection) **Act** 1984* (Cth) contained a sunset clause for the operation of the Act. However, the period to be specified under s 10(2) for a declaration was not constrained by the two-year period specified in s 33, which concerned the operation of the Interim Act itself. There was nothing else in the Interim Act that placed any limits on the duration that could be specified. I do not accept LFB's submission that, because of the sunset clause, Parliament must necessarily have intended that a declaration made under s 10 would have a fixed duration. It is quite apparent that the interim period of operation was to be overtaken in due course by comprehensive legislation: see *Tickner v Bropho* at 221–222 (French J).

279 Further, the repeal of s 33 could not possibly have affected anything done under s 10(1): see s 8 of the *Acts Interpretation Act 1901* (Cth) (as at 25 June 1984). When repealing s 33 of the Interim Act, the *Aboriginal and Torres Strait Islander Heritage (Interim Protection) **Amendment Act** 1986* (Cth) had no operative provisions dealing with declarations made under the Interim Act and, while "[t]he effect of [the Amendment Act was] to make permanent an interim scheme to protect the heritage of Aboriginals and Torres Strait Islanders" (Second Reading Speech, Commonwealth, *Parliamentary Debates,* House of Representatives, 16 April 1986, 2419), there was no suggestion in the Second Reading Speech that any declaration made under the Interim Act was considered to be limited to a two-year period corresponding with the sunset clause. In short, there is no basis for the position that the Interim Act constrained the duration of a declaration to a two-year period.

280 ***Fourthly***, on the basis of the arguments put by the Minister, I would not have been satisfied that the Minister considered the duration of the Declaration either as a matter dealt with in the s 10 report, or independently as required as a statutory precondition to the making of the Declaration. In either case, the Minister was required to engage in an active intellectual process (in relation to the obligation to consider in s 10(1)(c), see *Tickner v Chapman* at 462–463 (Black CJ), 495 (Kiefel J); in relation to the independent obligation to consider the duration as a mandatory consideration, see ***Stambe** v Minister for Health* [2019] FCA 43; 270 FCR 173 at [110]–[111] (Mortimer J, as her Honour then was)).

281 There are difficulties with the Minister's submission that the Minister considered the duration of the Declaration. The duration is not included in the Declaration itself. *Prima facie*, that is indicative of the fact that it was not considered. Additionally, the Minister did not give evidence and, accordingly, there is no direct evidence of what was considered before the making of the Declaration.

282 In written submissions, the Minister contended that the duration was considered because it was addressed in (a) representations to the reporter and the reporter's report which were considered by the Minister; and (b) submissions received during the procedural fairness consultations. The Minister could only point to the following as clear references to the duration of the Declaration in these documents:

(1) A representation of MEMBER 1 to the reporter that "[t]he duration of the declaration should be ongoing";

(2) The s 10 report noting that: (a) it identified that the application did not address duration but could be taken to be an implied request for a "duration in perpetuity"; (b) only MEMBER 1 had made a representation to the reporter as to duration; and (c) the reporter observed that "the lack of discussion by any of the parties of the duration of a declaration indicates an assumption that a declaration would be in perpetuity";

(3) LFB's comments on the findings and conclusions in the s 10 report, provided to the Department on 24 June 2022, that LFB understood "that the Applicant has applied for a declaration which would remain in force indefinitely"; and

(4) LFB's submission on 11 June 2024 that it could "only assume that any declaration would be in force at least for several years if not indefinitely".

283 However, it is clear that the Minister did not, in either the Explanatory Statement or the Minister's October statement (if that document were admitted), make *express* reference to any such statements about the intended duration of the Declaration. And, as Mortimer J said in *Stambe,* what the Minister "read" and what the Minister "considered" "may not be the same conduct": at [90].

284 In my view, and subject to what will be said below, the highest an inference can be drawn on the evidence is that the Minister adopted the assumption of indefinite duration made by others rather than applying her own independent mind to the question of duration for the purpose of exercising the discretion in s 10(1): *Tickner v Chapman* at 476 (Burchett J), 495 (Kiefel J).

285 On that basis, I would have reached the view that the Minister had failed to consider, in the relevant sense, the duration of the Declaration and, further, that the failure to do so resulted in invalidity because consideration of the duration of the Declaration was a precondition to a valid exercise of the Minister's jurisdiction.

286 However, having said that, it was assumed by the parties that the duration of the Declaration was not set out in the Declaration itself or in the Explanatory Statement. That is true, however, it might be said that the Explanatory Statement, by implication, evidenced an acceptance by the Minister that the Declaration would be required to operate indefinitely. The Explanatory Statement stated that (emphasis added):

> The Minister also accepts that the proponent's planned rehabilitation of the mine site does not adequately address the restoration of damage or injury to the Belubula River, its headwaters or springs, as it would still result in permanent realignment of the river headwaters and damage to the springs. The Minister considers that the permanent realignment of the Belubula River would effectively destroy the area that is considered to be the headwaters, and that this would damage the sacredness of the watercourse as well as disrupt the connection between the watercourse and the Blue Banded Bee Dreaming and traditional ceremonies that were historically conducted in the area.

287 The identification of the threat of permanent injury might be seen, by implication, as necessitating a Declaration that was intended to operate for an indefinite period. If that were the case, then it might be said that there is evidence in the Explanatory Statement that the Minister considered that the indefinite duration of the Declaration was integral to the protection to be given to the area. This was not an argument that was advanced on behalf of the Minister and, in the absence of submissions from the parties, I reach no concluded view on that point.

***Ground 1A(a)***

288 If it were necessary to consider ground 1A(a), I would also have come to the conclusion that LFB established invalidity on the basis of that ground. That is because I would have accepted LFB's submission that a failure to "specify" the duration resulted in the Declaration's invalidity. That conclusion involves the acceptance of two propositions.

289 ***First***, that the statement in s 10(2) that a declaration has effect for such period "as is specified" in the declaration imposes a requirement to state in explicit terms the duration of the declaration in the instrument. That is the plain ordinary meaning of the word (see *Harofam Pty Ltd v Scherman* [2013] VSCA 104; 42 VR 372 at [12]–[14] (Nettle AP, Neave JA and Garde AJA) and the authorities cited therein; see also *Jolly v Yorketown District Council* (1968) 119 CLR 347 at 351 (Barwick CJ and Owen J), 352 (Kitto J)). In my view, that conclusion is supported

by the centrality of the duration of the declaration to the legislative scheme and the punitive consequences and possibility of injunctive relief that arise from non-compliance with the instrument.

290 In this respect, the Minister submitted that there is no requirement to state an indefinite period in a declaration because a declaration comes into operation on the day after the day of its registration (or such later time as is specified) (s 14(1)(b) of the Act) and continues, as a legislative instrument, until it is repealed or sunsetted. In support of the submission, the Minister referred in written submissions to a presumption of continuance attaching to delegated legislation and, then, in oral submissions to the ***Legislation Act*** *2003* (Cth). It was submitted that that explains why s 18(2)(b) of the Act, which deals with emergency declarations that are not legislative instruments (s 18(2B)), is expressed in the mandatory terms that a declaration of that kind "shall specify the period" (emphasis added). Thus, it was submitted, the absence of the same mandatory language in s 10(2) was deliberate.

291 There are difficulties with this submission which were not sufficiently addressed by the Minister:

(1) As LFB submitted, the enactment of s 10(2) of the Act predated the Legislation Act and, accordingly, how precisely the Legislation Act might provide context for the construction of s 10(2) was not clearly explained. While the Minister suggested that equivalent provisions appeared in the *Acts Interpretation Act 1901* (Cth), no such provision was identified.

(2) Section 50 of the Legislation Act provides for the automatic sunsetting of legislative instruments. It has not been suggested that the Minister intended that the Declaration would only operate for the sunset period.

(3) It is arguable, although it is unnecessary to decide, that s 54(2)(a) of the Legislation Act applies. That provision states that "[t]his Part [Part 4—Sunsetting of legislative instruments] does not apply in relation to a legislative instrument if an Act provides, or has the effect, that this Part does not apply in relation to the instrument" (emphasis added). If the Act, by operation of s 10(2) providing that a declaration has effect for such period as is specified in that declaration, has the prescribed "effect" so that s 54(2)(a) of the Legislation Act is engaged, and Part 4 thereby does not apply to the Declaration, that then requires a construction of s 10(2) unassisted by the Legislation Act.

(4) The operation of the presumption of continuance was not explored by the Minister in any detail. Even if it operates as a presumption that delegated legislation "remains in force and has effect until revoked or declared invalid by a court" (*R v Law* [2008] NTCCA 4; 23 NTLR 1 at [33] (Martin (BR) CJ)), nonetheless it would have to be reconciled with the requirement in s 10(2). In my view, a presumption that a declaration would operate indefinitely sits uncomfortably with the central place of the intended duration of a declaration in the legislative scheme.

292 If the Legislation Act is inapplicable and any presumption of continuance is irreconcilable with the requirement in s 10(2) to specify the duration in the declaration, the Minister's submission reduces to a difference in the choice of language used across different provisions in the Act. The difference in drafting can be explained by the different architecture of the respective provisions and, in any event, the inference that I was invited to draw from the differential drafting would not overcome the centrality of the duration of a declaration in the legislative scheme and the ordinary meaning of the word "specified".

293 ***Secondly***, it involves acceptance of the proposition that a failure to comply with the requirement to specify the duration in the Declaration resulted in invalidity. Whether that is so depends on:

> whether there can be discerned a legislative purpose to invalidate any act that fails to comply with the condition. The existence of the purpose is ascertained by reference to the language of the statute, its subject matter and objects, and the consequences for the parties of holding void every act done in breach of the condition.

See *Project Blue Sky Inc v Australian Broadcasting Authority* [1998] HCA 28; 194 CLR 355 at [91] (McHugh, Gummow, Kirby and Hayne JJ).

294 That Parliament intended such an outcome would *prima facie* follow from the integral place of a declaration's duration in the legislative scheme and also, importantly, the consequences of contravening a requirement in a declaration. A declaration should only be capable of imposing penal consequences and give rise to injunctive relief where the temporal span of the declaration is clearly stated in the instrument. That conclusion is also supported by the fact that the Act has provisions that expressly provide that validity is not imperilled by a failure to comply with certain statutory prescriptions: see ss 13(4), 14(3), 19(2). That is, where Parliament intended that invalidity is not to follow from statutory non-compliance, it said so expressly.

295 However, the Minister submitted that, even if s 10(2) required the Minister to expressly state the duration in the legislative instrument, a contravention of s 10(2) should not result in the

invalidity of the declaration as a whole. The Minister relied on ***X Corp*** *v eSafety Commissioner* [2025] FCAFC 99; 311 FCR 205 (Murphy, Charlesworth and Horan JJ) and *Minister for Immigration and Citizenship v* ***SZIZO*** [2009] HCA 37; 238 CLR 627 to support the submission that it is permissible for the Court to have regard, in the circumstances of a particular case, to the consequences of the breach of s 10(2) in determining whether non-compliance results in the invalidity of a declaration.

296 I will start with *SZIZO*. Provisions of the *Migration Act 1958* (Cth) regulated the way in which the Refugee Review Tribunal communicated with applicants. Where an applicant appointed a person as an "authorised recipient", then the Tribunal was required to give those documents to the authorised recipient instead of giving them to the applicant. In the case before the Court, the Tribunal had failed to give the authorised recipient a notice inviting the applicants to attend a hearing. However, no "adverse consequences" arose for any of the applicants: "[a]n effective response was made to the notice and all the [applicants], including the authorised recipient [who was one of the applicants], attended the hearing": *SZIZO* at [2].

297 The Court (French CJ, Gummow, Hayne, Crennan and Bell JJ) considered, in accordance with the approach in *Project Blue Sky*, whether it was a purpose of the legislation that, despite the fact that all the applicants (including the authorised recipient) appeared at the hearing, gave evidence and presented arguments, the Tribunal lacked jurisdiction because of non-compliance with the notice requirement. The Court considered that the purpose of the general notice provision was to allow the applicants adequate time to prepare for the hearing. The provision requiring the nomination of a recipient recognised that some applicants might not understand the notice or might need assistance in preparing for the hearing. The provisions together worked to ensure that an applicant received "timely and effective notice of the hearing" and facilitated "the conduct of a procedurally fair hearing": *SZIZO* at [34].

298 However, the "*manner*" of achieving that objective "was not an end in itself": at [34]. Their Honours were of the view that an assessment of whether Parliament intended that the departure from the prescribed steps resulted in invalidity could not be undertaken "without consideration of the extent and consequences of the departure": at [35]. Having reached the conclusion that the applicants were not denied natural justice, there was no invalidity as a consequence of a failure to comply with the statutory requirement: at [36].

299 In *X Corp*, an infringement notice issued under s 103(1) of the *Regulatory Powers (Standard Provisions) Act 2014* (Cth) did not specify the place of the alleged contravention as required

under s 104(1)(e)(iii) of that Act. A Full Court of this Court upheld the decision of the primary judge that a contravention of the requirement did not result in the invalidity of the infringement notice. The Full Court agreed with the primary judge's application of *SZIZO*, namely that:

(1) *SZIZO* stood for a general proposition that non-compliance with a condition on the exercise of a power could lead to invalidity in some cases, but not others, and that it may be the purpose of an empowering statute to invalidate certain exercises of power by reference to "the extent and consequences of the departure" from the statutory requirements: at [138];

(2) That there was no prejudice suffered by non-compliance, including because the place of the alleged contravention was not a factor affecting X Corp's understanding of the infringement notice, the acts or omissions upon which it was based or consideration of its options: at [136]; and

(3) An infringement notice does not create an enforceable liability, but offers an alternative avenue for discharging civil or criminal liability: at [136].

300 Furthermore, the Full Court rejected an argument that the primary judge erred by failing to give effect to Parliament's intent that the time and place of an alleged contravention are "essential factual ingredients" that the recipient must be given. The Full Court said that it was (at [143]):

> not at all apparent that the place of a contravention is an "essential factual ingredient" in the sense that its inclusion in an infringement notice is an inviolable restraint on the power conferred under s 104(1)(e)(iii) in all cases. The elements of a contravention of s 57(2) of the Online Safety Act do not include any physical or fault element referable to a place, nor is place a discrimen that enables a recipient to identify duplicity or other unfairness in the formulation of a charge.

301 Further, in the case where a contravention was constituted by an omission, "the place of the omission could not be said to inform the recipient's decision as to what options it might exercise or compromises it might make in response to an infringement notice": at [144]. As the primary judge had said, X Corp had all the information it needed to consider the allegation made against it in the infringement notice. Moreover, the Full Court did not accept that the primary judge had applied a uniform "possible prejudice" standard irrespective of the particular mandatory requirements. "Analysis of the other provisions", it was said, "may gave rise to different considerations": at [145]–[146].

302 The starting point in the Minister's submissions appeared to be that *SZIZO* had endorsed an approach where invalidity from non-compliance could arise in one case, but not another,

depending on the consequence of the breach in a particular case. Next, considering the consequences involves a consideration of the respective prejudice that might arise from invalidity in the individual case. In that way, Parliament's intention as to the consequence of non-compliance can be ascertained. Next, when making a declaration, the Minister has been satisfied of the character question and the threat question, and has taken into account other matters considered to be relevant to the exercise of discretion. In those circumstances, the interests of the applicant for the declaration will be prejudiced by the invalidity of the declaration. By contrast, LFB was given multiple opportunities to address the question of the duration, failed to do so, and assumed that the period would be an indefinite one. All parties in the process understood that if the Declaration were made it would prevent the proposed mine project from going ahead. It could not be said that LFB suffered any prejudice.

303 LFB submitted that the Declaration affected a number of parties, including the landholder, third parties who use the land, and Aboriginal groups who held a different position. It would be an infringement on all their rights and interests if the Declaration operated by default indefinitely. By contrast, if the Declaration were held invalid for non-compliance, the s 10 applicants could seek an urgent s 9 declaration whilst the s 10 application is being reconsidered. Further, what was described as the *X Corp* approach can be explained as a particular application of *Project Blue Sky*. That is, if a provision is designed to protect the interests of one person, and that person's interests are prejudiced by non-compliance, then that leads to a conclusion that Parliament intended invalidity. However, it was submitted that this case is different because it involves the interests of many parties and, accordingly, the *X Corp* approach could not be applied in this case. Furthermore, because there is no evidence that the Minister considered the duration of the Declaration, there is no basis to know whether any third-party interest has been affected.

304 Not without some difficulty, if I had needed to decide the issue, I would have concluded that Parliament's intention is that a failure to comply with s 10(2) results in invalidity (at least) in the circumstances of this case. The starting point must be the importance of the requirement in the legislative scheme. Only then can the relevant prejudice be identified which informs the question of legislative intention. As I have explained above, an assessment of the duration of a s 10 declaration is an integral feature of the legislative scheme. As a matter of substance, the requirement in s 10(2) to specify the duration in the legislative instrument cannot easily be divorced from the purpose it serves.

305 As mentioned earlier at [281], that the duration has not been specified in the Declaration is indicative that the duration was not considered by the Minister. The result is that the proscription of conduct, non-compliance with which results in penal consequences and the possibility of injunctive relief, has been imposed by legislative instrument without consideration by the Minister of a central feature required within the scheme.

306 This is not a case like *SZIZO* where the provision in question was a statutory reflection of a natural justice requirement. Accordingly, it was not clear to me how the Minister's submission, directed to LFB having been afforded procedural fairness, relevantly bears on Parliament's intention of what consequences arise from non-compliance. Once the centrality of the duration to the legislative scheme is appreciated, and the conclusion is reached that the Minister failed to consider the duration, it is also unclear how LFB's understanding of what the position would be, once a declaration is made, is relevant to that legislative intention.

307 In any event, as indicated earlier at [282(4)], the evidence shows that in a submission to the Department on 11 June 2024, LFB's precise statement was that it "can only assume that any declaration would be in force at least for several years if not indefinitely". That position falls short of the Minister's suggestion that LFB should be taken to have understood what the position would be.

308 I am mindful that invalidity of the Declaration will require the s 10 process to be further protracted. That is deeply regrettable for Ms Reynolds and the Wiradjuri members of WTOCWAC who will not enjoy the benefit of the Declaration. As a matter going to the relevant legislative intention, I accept that the prejudice to the interests of Ms Reynolds and the Wiradjuri members of WTOCWAC must be considered. If I had not taken the view that the duration of a declaration is integral to the Minister's power, or if I were satisfied on the evidence that the Minister actually considered that matter, then a different outcome might have followed. However, on the conclusions I have reached and the outcome of my decision, Ms Reynolds retains her entitlement to prosecute her s 10 application, and her claimed interest remains to be vindicated through a valid process that will be determined by the Minister.

309 While I accept that the Minister has a power to vary the Declaration at any time (s 13(6) of the Act), that could only be of assistance in rectifying the consequences of non-compliance with s 10(2) if there were evidence of an intended duration. That is not this case.

***Ground 1A(b)***

310 In relation to ground 1A(b), I note that the obligations on the reporter are expressed in terms of giving "due consideration to any representations" and "deal[ing] with" the matters in s 10(4) (including the duration of "any" declaration: s 10(4)(f)). In circumstances where the reporter (a) understood that interested persons had assumed an indefinite duration and (b) recommended *against* the making of a declaration, it is difficult to see how the reporter did not give "due consideration" to the representation as to duration or did not deal with the duration of "any" declaration (given that no declaration was to be recommended). Consequently, if I were required to deal with this ground, I would not have been satisfied that it had been made good by LFB.

**Ground 6**

311 Ground 6 was in the following terms:

> The result of the Minister's exercise of the power to make the Declaration, and in particular what exact conduct is prohibited by the Declaration, is so uncertain as to render the Declaration invalid.

312 If required to consider ground 6, I would not have been persuaded by LFB's submissions. LFB submitted that the Declaration is exceptionally vague and does not provide a high level of certainty or precision that is required by the Act.

313 In support of its submissions, LFB relied on correspondence from its solicitors to the Department's solicitors stating that the Declaration had created a high degree of uncertainty in relation to the use of agricultural land, and in relation to the use and maintenance of a road within the declaration area, and sought confirmation that those activities were not activities likely to injure or desecrate the declaration area. Letters in response confirmed the use of the agricultural land and the road would not be prohibited by the Declaration, but no confirmation was provided in relation to maintenance of the road. Subsequently, a guidance note was issued which indicated the Department's view that routine maintenance of the road (including the sealing of the existing road surface) by the local council were not considered to be activities that are likely to injure or desecrate the declaration area.

314 This evidence was marshalled in support of the submission that there was an unacceptable level of uncertainty in the operation of the Declaration. I admitted this evidence subject to relevance and, if admitted, it would be limited to a non-hearsay purpose. Given that LFB is under no uncertainty that its proposed mine project is covered by the Declaration, I accept the Minister's

submission that the limited use for a non-hearsay purpose leaves the Court without a factual foundation for an inference that the Declaration has created uncertainty for others.

315 However, it was also submitted that there was facial tension between what that guidance note said about the sealing of the road and the content of s 6(3)(c) of the Declaration prohibiting a person from "seal[ing] any part of the declared area, including with concrete".

316 Assuming without deciding that LFB were able to challenge the Declaration on the basis that the Declaration was incapable of severability or disapplication to the extent of any invalidity in its application to others (LFB itself being under no uncertainty about its application to the proposed mine project), I would not have accepted LFB's submission that the provisions are uncertain in the relevant sense to give rise to invalidity.

317 The relevant principles were discussed by a Full Court of this Court in *Comcare v* ***Lilley*** [2013] FCAFC 121; 216 FCR 214 (Kerr, Farrell and Mortimer JJ). Having referred to the observation of Dixon J in *King Gee Clothing Co Pty Ltd v Commonwealth* (1945) 71 CLR 184 at 197 that any limit on a statutory power must be derived from the statutory language, the Full Court in *Lilley* said [86]–[87]:

> His Honour held (at 194, 196) there is no "doctrine" that certainty is a separate requirement that all forms of subordinate legislation must fulfil, a proposition endorsed by Kitto J in *Television Corporation Ltd* 109 CLR 59 at 71; see also *Cann's Pty Ltd* 71 CLR 210 at 227. Rather, if uncertainty can be a test of validity it is only because of the nature of the particular rule-making power under consideration, and the "meaning and operation" of the authorising provisions themselves.
>
> The point is, uncertainty (which may often be a synonym for lack of precision) is not some kind of freestanding criterion for invalidity. Uncertainty will only invalidate because one can derive from the text, context and purpose of the statute an intention by Parliament that the power be confined in a way which requires a high level of certainty (or precision). That will not always be the case …

318 Thus, one must turn to the rule-making power. The Act regulates the content of a s 10 declaration in only two ways. The first is that the declaration shall "describe the area with sufficient particulars to enable the area to be identified": s 11(a). The Declaration identifies the declared area by description and by reference to a map in sch 1 to the Declaration. The second content requirement is that the declaration must "contain provisions for and in relation to the protection and preservation of the area from injury or desecration": s 11(b). It is to be noticed that s 11(b) is directed to the inclusion of provisions in a declaration that will have a protective *purpose*. As Stewart J said in *Cooper v Minister for Environment and Water* [2025] FCA 1009; 311 FCR 566 at [21], the provisions of a declaration authorised by s 11 "are obviously critical

to its efficacy; they can give normative effect to a declaration by stipulating the way in which protection is ensured including by proscribing what can and cannot be done in or adjacent to the specified area".

319 Subsection 6(2) of the Declaration provides that "[a] person must not engage in any conduct that will, or is likely to, injure or desecrate the declared area". In achieving the requirement in s 11(b) of the Act, the proscription in s 6(2) of the Declaration has two features: there is a reference to the proscribed "conduct" and there is a reference to the purpose of preventing an adverse effect (injury or desecration) caused by the conduct. Subsection 6(3) of the Declaration then provides a non-exhaustive list of *conduct* that must be read together with the purposive feature in s 6(2). Accordingly, for example, the conduct identified in s 6(3)(c) of the Declaration must be read together with the protective purpose in s 6(2). When properly understood, the facial tension postulated by LFB between the guidance note and s 6(3)(c) of the Declaration does not arise.

320 For the same reason, I do not consider there to be any uncertainty on the face of the provisions of the Declaration, as contended by LFB in oral submissions. *On their face*, the provisions working together can be characterised as provisions "for and in relation to the protection and preservation of the area from injury or desecration" for the purposes of s 11(b) of the Act. That being said, whether they are sufficiently certain to fall within the scope of s 11(b) must also be assessed in light of the penal consequences and the possibility of injunctive relief arising from contravention.

321 In my view, given the purposive nature of s 11(b) (ie, to protect the declaration area from injury or desecration caused by conduct), the proscriptions that are put in place in the Declaration necessarily will require an exercise of judgement as to whether the proscription of conduct (identified in s 6(3) of the Declaration or otherwise) will have the purpose of preventing the proscribed injurious effect against which the Declaration is designed to protect. For that reason, I do not consider that ss 6(2) and (3) of the Declaration, when read together, can be characterised as falling outside the scope of the authority conferred by s 11(b) of the Act by reason of uncertainty. That accounts for the alleged uncertainty arising from the conduct mentioned by LFB in oral submissions; namely, mining (s 6(3)(a)) and bulk earthworks (s 6(3)(b)).

## CONCLUSION AND DISPOSITION

322 LFB has succeeded in establishing ground 1(a) on the basis that the revelation of the Blue Banded Bee Dreaming story constituted a new application that required the reporter process to recommence. The Declaration, as it was based on the original s 10 application, was beyond the authority of the Minister and, consequently, it is invalid. The consequence of that conclusion is that there is an extant s 10 application before the Minister that should be progressed without unreasonable delay: *Cooper* at [30].

323 I consider that the appropriate remedy is that sought by LFB; that is, to declare that the Declaration is invalid and to remit the s 10 application to the Minister for reconsideration and determination according to law. However, the Minister sought an opportunity to provide submissions on the appropriate orders, and I will allow an opportunity for both parties to provide short written submissions on the appropriate orders.

324 As to costs, LFB sought an opportunity to be heard on costs, and I will allow the parties the opportunity to provide short written submissions on costs before making those orders. It should be noted that, on 6 August 2025, I ordered that the costs as between LFB and WTOCWAC are to be capped: *LFB Resources NL v Minister for the Environment and Water* [2025] FCA 898. The proposed orders should be consistent with those orders.

325 On 5 December 2025, I made non-disclosure and confidentiality orders that require passages in this judgment to be redacted*: LFB Resources NL v Minister for the Environment and Water (No 2)* [2025] FCA 1527. To ensure that there is no inadvertent contravention of those orders, I consider it appropriate to allow the parties a brief opportunity to comment on information in the judgment which should be redacted in the published version of the judgment consistently with my earlier orders.

I certify that the preceding three hundred and twenty-five (325) numbered paragraphs are a true copy of the Reasons for Judgment of the Honourable Justice Stellios.

Associate:

Dated: 14 October 2026

# Quarterly Budget Review 2025-2026

# Period ending 30 June 2026

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

## Table of Contents


| | | page |
|---|---|---|
| **1.** | Responsible Accounting Officer's Statement | 3 |
| **2.** | Income & Expenses Budget Review Statement's | |
| | - Income & Expenses Budget Review Statement (Type) | 4 |
| | - Income & Expenses Budget Review Statement (Type) - General Fund | 5 |
| | - Income & Expenses Budget Review Statement (Type) - Sewer Fund | 6 |
| | Income & Expenses Budget Review Statement (Function) | 7 |
| | Income & Expenses Budget Review Statement (Function/Activity - Detailed) | 8 |
| | Income & Expenses Budget Review Statement Variance Analysis | 10 |
| **3.** | Capital Budget Review Statement | 12 |
| | Capital Budget Review Statement - Detailed | 13 |
| | Capital Budget Review Statement Variance Analysis | 19 |
| **4.** | Cash & Investments Budget Review Statement | 20 |
| | Statement of Developer Contributions | 22 |
| **5.** | Key Performance Indicator (KPI) Budget Review Statement | 23 |
| **6.** | Contracts & Other Expenses Budget Review Statement | 26 |
| **7.** | Loans Summary | 29 |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 1:**
**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

**30 June 2026**

It is my opinion that the Quarterly Budget Review Statement for Blayney Shire Council for the quarter ended 30/06/2026 indicates that Council's projected financial position at 30/06/26 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

However, looking forward it should be noted that there are a number of planned assumptions forecast in the Long Term Financial Plan that have the potential to impact Council's ongoing financial sustainability, particularly around increased mining rates. Whilst the steps listed below including implementation of the Special Variation in 2024/25 have gone a long way to improving Council's forecast position, should the planned assumptions not eventuate and without the presence of an alternate income source, Council would be required to undertake remedial action which could include additional special variations or a reduction in services.

There are also a number of unknown factors particularly around additional compliance and upgrade works at Council's waste facility and sewerage treatment plant which could not only impact Council's forecast expenditure but also future annual charges required to sustain each of the respective business units. This work is in progress and more will be known in the coming months.

Action taken to address future financial sustainability includes:

| |
|---|
| a. In June 2022 Council engaged LG Solutions to undertake an independent strategic financial review of Council's financial position and sustainability which identified 45 recommendations. |
| b. Council formed a working group comprising Councillors and senior management to develop an action plan. Council was able to action 25 of the recommendations during preparation of the 2023/24 Operational Plan however this was not enough to address the ongoing projected deficits within the Long Term Financial Plan. |
| c. Following decision for Council to proceed with an SV, Council engaged Morrison Low, who specialise in providing financial modelling to local government, to undertake a further independent financial assessment and to assist Council with commencing the Special Rate Variation process. |
| d. Council's SV application was approved by IPART in May 2024 and the SV was endorsed by Council following adoption of the 2024/25 Operational Plan and 2024/25 - 2027/28 Delivery Plan. Council is also working on implementation of the recommendations from the independent financial assessment that were conditional on |
| e. In the Long Term Financial Plan assumptions were made on receipt of revenue streams from the McPhillamy's mine, as recommended for inclusion by IPART, and will need to be reassessed on an ongoing basis with annual reviews of the Long Term Financial Plan. |
| f. Council approved an internal allocation of funds with the purpose of future proofing financial sustainability |

**Signed:** Tiffaney Irlam **date:** 15/10/2026

Tiffaney Irlam
Responsible Accounting Officer

Blayney Shire Council

**PART 2:**

**Income & expenses budget review statement**

**Quarterly Budget Review Statement**

for the period 01/04/26 to 30/06/26

Budget review for the quarter ended 30 June 2026

**Income & expenses - Council Consolidated**

| ($000's) | *Actual YTD 2024/25* | Original budget 2025/26 | Revised budget 2025/26 | Other than by QBRS Jun Qtr | Notes | Projected year end result | Actual YTD figures * | Variance Surplus (Deficit) | Notes | *% Budget Remaining* |
|---|---|---|---|---|---|---|---|---|---|---|
| **Income** | | | | | | | | | | |
| Rates and annual charges | *14,136* | 15,581 | 15,579 | - | | 15,579 | 15,534 | (45) | | *0%* |
| User charges and fees | *1,884* | 1,873 | 1,993 | - | | 1,993 | 2,203 | 210 | a | *-11%* |
| Other revenues | *316* | 242 | 354 | - | | 354 | 388 | 34 | b | *-10%* |
| Grants and contributions - operating | *4,926* | 5,356 | 6,654 | - | | 6,654 | 6,696 | 42 | c | *-1%* |
| Grants and contributions - capital | *5,872* | 540 | 2,872 | - | | 2,872 | 3,049 | 177 | d | *-6%* |
| Interest and investment revenue | *1,663* | 1,064 | 1,471 | - | | 1,471 | 1,513 | 42 | | *-3%* |
| Net gain from disposal of assets | | 68 | - | - | | - | - | - | | *0%* |
| Share of interests in joint ventures | *929* | 25 | 25 | - | | 25 | 46 | 21 | e | *-84%* |
| **Total income from continuing operations** | ***29,726*** | **24,749** | **28,948** | **-** | | **28,948** | **29,429** | **481** | | ***-2%*** |
| **Expenses** | | | | | | | | | | |
| Employee benefits and on-costs | *7,312* | 8,689 | 8,680 | - | | 8,680 | 7,975 | (705) | | *8%* |
| Borrowing costs | *163* | 157 | 157 | - | | 157 | 118 | (39) | | *25%* |
| Materials and services | *5,979* | 7,038 | 8,887 | 60 | | 8,947 | 6,312 | (2,635) | f | *29%* |
| Net loss from disposal of assets | *157* | - | 782 | - | | 782 | 950 | 168 | g | *-21%* |
| Other expenses | *1,015* | 1,211 | 1,211 | - | | 1,211 | 1,106 | (105) | | *9%* |
| **Total expenses from continuing operations** | ***14,626*** | **17,095** | **19,717** | **60** | | **19,777** | **16,461** | **(3,316)** | | ***17%*** |
| **Net operating result from continuing operations** | ***15,100*** | **7,654** | **9,231** | **(60)** | | **9,171** | **12,968** | **(2,835)** | | |
| Depreciation and amortisation | *9,126* | 7,991 | 7,991 | - | | 7,991 | 7,671 | 320 | | *4%* |
| **Net operating result from all operations** | ***5,974*** | **(337)** | **1,240** | **(60)** | | **1,180** | **5,297** | **(2,515)** | | |
| **Net Operating Result before Capital Items** | ***102*** | **(877)** | **(1,632)** | **(60)** | | **(1,692)** | **2,248** | **(2,692)** | | |

* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

**NO**:

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/06/2026 and should be read in conjuction with the total QBRS report

Blayney Shire Council

**PART 2a:**

**Income & expenses budget review statement**

**Quarterly Budget Review Statement**

for the period 01/04/26 to 30/06/26

Budget review for the quarter ended 30 June 2026

**Income & expenses - General Fund**

| ($000's) | *Actual YTD 2024/25* | Original budget 2025/26 | Revised budget 2025/26 | Other than by QBRS Jun Qtr | Notes | Projected year end result | Actual YTD figures* | Variance Surplus (Deficit) | Notes | *% Budget Remaining* |
|---|---|---|---|---|---|---|---|---|---|---|
| **Income** | | | | | | | | | | |
| Rates and annual charges | *12,426* | 13,813 | 13,811 | | | 13,811 | 13,758 | (53) | | *0%* |
| User charges and fees | *1,628* | 1,589 | 1,709 | | | 1,709 | 1,870 | 161 | a | *-9%* |
| Other revenues | *316* | 242 | 354 | | | 354 | 388 | 34 | b | *-10%* |
| Grants and contributions - operating | *4,857* | 5,356 | 6,569 | | | 6,569 | 6,587 | 18 | c | *0%* |
| Grants and contributions - capital | *5,759* | 391 | 2,723 | | | 2,723 | 2,848 | 125 | d | *-5%* |
| Interest and investment revenue | *1,272* | 745 | 1,021 | | | 1,021 | 1,053 | 32 | | *-3%* |
| Net gain from disposal of assets | - | 68 | - | | | - | - | - | | *0%* |
| Share of interests in joint ventures | *929* | 25 | 25 | | | 25 | 46 | 21 | e | *-84%* |
| **Total income from continuing operations** | ***27,187*** | **22,229** | **26,212** | **-** | | **26,212** | **26,550** | **338** | | ***-1%*** |
| **Expenses** | | | | | | | | | | |
| Employee benefits and on-costs | *6,985* | 8,359 | 8,339 | | | 8,339 | 7,612 | 727 | | *9%* |
| Borrowing costs | *142* | 141 | 141 | | | 141 | 103 | 38 | | *27%* |
| Materials and services | *4,979* | 6,057 | 7,683 | | | 7,683 | 5,281 | 2,402 | f | *31%* |
| Net loss from disposal of assets | *127* | - | 782 | | | 782 | 764 | | g | *0%* |
| Other expenses | *1,012* | 1,209 | 1,209 | | | 1,209 | 1,103 | 106 | | *9%* |
| **Total expenses from continuing operations** | ***13,245*** | **15,766** | **18,154** | **-** | | **18,154** | **14,863** | **3,273** | | ***18%*** |
| **Net operating result from continuing operations** | ***13,942*** | **6,463** | **8,058** | **-** | | **8,058** | **11,687** | **3,611** | | |
| Depreciation and amortisation | *8,348* | 7,180 | 7,180 | | | 7,180 | 6,890 | 290 | | *4%* |
| **Net operating result from all operations** | ***5,594*** | **(717)** | **878** | **-** | | **878** | **4,797** | **3,901** | | |
| **Net Operating Result before Capital Items** | ***(165)*** | **(1,108)** | **(1,845)** | **-** | | **(1,845)** | **1,949** | **3,776** | | |

* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

**NO**:

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/06/2026 and should be read in conjuction with the total QBRS report

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/04/26 to 30/06/26

**PART 2b:**

**Income & expenses budget review statement**

Budget review for the quarter ended 30 June 2026

**Income & expenses - Sewer Fund**

| ($000's) | *Actual YTD 2024/25* | Original budget 2025/26 | Revised budget 2025/26 | Other than by QBRS Jun Qtr | Notes | Projected year end result | Actual YTD figures* | Variance Surplus (Deficit) | Notes | *% Budget Remaining* |
|---|---|---|---|---|---|---|---|---|---|---|
| **Income** | | | | | | | | | | |
| Rates and annual charges | *1,710* | 1,768 | 1,768 | | | 1,768 | 1,776 | 8 | | 0% |
| User charges and fees | *256* | 284 | 284 | | | 284 | 333 | 49 | a | -17% |
| Other revenues | *-* | - | - | | | - | - | - | b | 0% |
| Grants and contributions - operating | *69* | - | 85 | | | 85 | 109 | 24 | c | -28% |
| Grants and contributions - capital | *113* | 149 | 149 | | | 149 | 201 | 52 | d | -35% |
| Interest and investment revenue | *391* | 319 | 450 | | | 450 | 460 | 10 | | -2% |
| Net gain from disposal of assets | *-* | - | - | | | - | | - | | 0% |
| Share of interests in joint ventures | *-* | - | - | | | - | | - | e | 0% |
| **Total income from continuing operations** | ***2,539*** | **2,520** | **2,736** | **-** | | **2,736** | **2,879** | **143** | | **-5%** |
| **Expenses** | | | | | | | | | | |
| Employee benefits and on-costs | *327* | 330 | 341 | | | 341 | 363 | (22) | | -6% |
| Borrowing costs | *21* | 16 | 16 | | | 16 | 15 | 1 | | 6% |
| Materials and services | *1,000* | 981 | 1,204 | 60 | | 1,264 | 1,031 | 173 | f | 18% |
| Net loss from disposal of assets | *30* | - | - | | | - | 186 | (186) | g | 0% |
| Other expenses | *3* | 2 | 2 | | | 2 | 3 | (1) | | -50% |
| **Total expenses from continuing operations** | ***1,381*** | **1,329** | **1,563** | **60** | | **1,623** | **1,598** | **(35)** | | **2%** |
| **Net operating result from continuing operations** | ***1,158*** | **1,191** | **1,173** | **(60)** | | **1,113** | **1,281** | **108** | | |
| Depreciation and amortisation | *778* | 811 | 811 | | | 811 | 781 | 30 | | 4% |
| **Net operating result from all operations** | ***380*** | **380** | **362** | **(60)** | | **302** | **500** | **138** | | |
| **Net Operating Result before Capital Items** | ***267*** | **231** | **213** | **(60)** | | **153** | **299** | **86** | | |

* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

**NO**:

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/06/2026 and should be read in conjuction with the total QBRS report

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 4:**
**Income & expenses budget review statement**

Budget review for the quarter ended 30 June 2026
**Income & expenses - Council Consolidated**

| **($000's)** | ***Actual YTD 2024/25*** | **Original budget 2025/26** | **Revised budget 2025/26** | **Other than by QBRS Jun Qtr** | Notes | **Projected year end result** | **Actual YTD figures** |
|---|---|---|---|---|---|---|---|
| **Income** | | | | | | | |
| Governance | *16* | 90 | 122 | | | 122 | 105 |
| Administration | *426* | 488 | 463 | | | 463 | 577 |
| Public order & safety | *452* | 66 | 25 | | | 25 | 26 |
| Health | *18* | 12 | 12 | | | 12 | 17 |
| Environment | *2,269* | 2,460 | 2,340 | | | 2,340 | 2,401 |
| Community services & education | *3* | 3 | 3 | | | 3 | 3 |
| Housing & community amenities | *326* | 323 | 357 | | | 357 | 403 |
| Sewer supplies | *2,539* | 2,520 | 2,736 | | | 2,736 | 2,879 |
| Recreation & culture | *289* | 175 | 1,017 | | | 1,017 | 284 |
| Manufacturing & construction | *459* | 627 | 627 | | | 627 | 747 |
| Transport & communication | *7,837* | 2,361 | 5,244 | | | 5,244 | 5,083 |
| Economic affairs | *188* | 154 | 259 | | | 259 | 147 |
| General purpose revenue | *13,975* | 15,445 | 15,718 | | | 15,718 | 16,711 |
| Share of Interest in Joint Ventures | *929* | 25 | 25 | | | 25 | 46 |
| **Total income from continuing operations** | ***29,726*** | **24,749** | **28,948** | **-** | | **28,948** | **29,429** |
| **Expenses** | | | | | | | |
| Governance | *652* | 687 | 719 | | | 719 | 619 |
| Administration | *4,467* | 5,748 | 5,769 | | | 5,769 | 4,504 |
| Public order & safety | *826* | 918 | 921 | | | 921 | 860 |
| Health | *20* | 20 | 20 | | | 20 | 20 |
| Environment | *2,511* | 3,017 | 3,154 | | | 3,154 | 3,052 |
| Community services & education | *20* | 14 | 25 | | | 25 | 26 |
| Housing & community amenities | *596* | 744 | 797 | | | 797 | 631 |
| Sewer supplies | *2,159* | 2,140 | 2,374 | 60 | | 2,434 | 2,379 |
| Recreation & culture | *3,669* | 3,807 | 3,857 | | | 3,857 | 3,746 |
| Manufacturing & construction | *532* | 566 | 656 | | | 656 | 585 |
| Transport & communication | *7,828* | 6,962 | 8,834 | | | 8,834 | 7,284 |
| Economic affairs | *472* | 463 | 582 | | | 582 | 426 |
| **Total expenses from continuing operations (including depreciation and amortisation)** | ***23,752*** | **25,086** | **27,708** | **60** | | **27,768** | **24,132** |
| **Net operating result from continuing operations** | ***5,974*** | **(337)** | **1,240** | **(60)** | | **1,180** | **5,297** |
| **Net operating result before capital items** | ***102*** | **(877)** | (1,632) | **(60)** | | (1,692) | **2,248** |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 4a:**

## Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Budget review for the quarter ended 30 June 2026

**Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)**

| | Operating Income | | | | | | | Operating Expenditure | | | | | | | Net Cost of Service | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ($000's) | Original Budget 2025/26 | Revised Budget $ 000 | Other than by QBRS Jun Qtr | Notes | Projected Year End Result | Actual YTD figures | % | Original Budget 2025/26 | Revised Budget 2025/26 | Other than by QBRS Jun Qtr | Notes | Projected Year End Result | Actual YTD figures | % | *Actual YTD 2024/25* | Projected Year End Result | Actual YTD figures |
| **Governance** | | | | | | | | | | | | | | | | | |
| Council | **90** | **122** | | | **122** | 105 | *13.9%* | **687** | **719** | | | **719** | 619 | *13.9%* | *(636)* | **(597)** | (514) |
| **Administration** | | | | | | | | | | | | | | | | | |
| Executive Services | 7 | 13 | | | 13 | 45 | *-246.2%* | 783 | 789 | | | 789 | 750 | *4.9%* | *(694)* | (776) | (705) |
| Corporate Services | 255 | 265 | | | 265 | 224 | *15.5%* | 2,107 | 2,116 | | | 2,116 | 1,998 | *5.6%* | *(2,141)* | (1,851) | (1,774) |
| Engineering & Works | 220 | 264 | | | 264 | 302 | *-14.4%* | 2,434 | 2,421 | | | 2,421 | 1,423 | *41.2%* | *(830)* | (2,157) | (1,121) |
| Environmental | 6 | 6 | | | 6 | 6 | *0.0%* | 424 | 443 | | | 443 | 333 | *24.8%* | *(376)* | (437) | (327) |
| | **488** | **548** | **-** | | **548** | **577** | *-5.3%* | **5,748** | **5,769** | **-** | | **5,769** | **4,504** | *21.9%* | ***(4,041)*** | **(5,221)** | **(3,927)** |
| **Public Order & Safety** | | | | | | | | | | | | | | | | | |
| Rural Fire Service | 50 | 5 | | | 5 | 5 | *0.0%* | 716 | 718 | | | 718 | 690 | *3.9%* | *(611)* | (713) | (685) |
| Animal Control | 16 | 20 | | | 20 | 21 | *-5.0%* | 144 | 145 | | | 145 | 112 | *22.8%* | *(122)* | (125) | (91) |
| Emergency Services | - | - | | | - | | *0.0%* | 58 | 58 | | | 58 | 57 | *1.7%* | *(58)* | (58) | (57) |
| Other Public Order & Safety | - | - | | | - | | *0.0%* | - | - | | | - | 1 | *0.0%* | *(1)* | - | (1) |
| | **66** | **25** | **-** | | **25** | **26** | *-4.0%* | **918** | **921** | **-** | | **921** | **860** | *6.6%* | ***(792)*** | **(896)** | **(834)** |
| **Health** | | | | | | | | | | | | | | | | | |
| Administration/Food Control | 12 | 12 | | | 12 | 17 | *-41.7%* | 20 | 20 | | | 20 | 20 | *0.0%* | *(2)* | (8) | (3) |
| | **12** | **12** | **-** | | **12** | **17** | *-41.7%* | **20** | **20** | **-** | | **20** | **20** | *0.0%* | ***(2)*** | **(8)** | **(3)** |
| **Environment** | | | | | | | | | | | | | | | | | |
| Noxious Plants | - | - | | | - | | *0.0%* | 174 | 174 | | | 174 | 175 | *-0.6%* | *(174)* | (174) | (175) |
| Domestic Waste Management | 1,352 | 1,380 | | | 1,380 | 1,386 | *-0.4%* | 1,595 | 1,515 | | | 1,515 | 1,469 | *3.0%* | *183* | (135) | (83) |
| Other Waste Management | 859 | 859 | | | 859 | 893 | *-4.0%* | 726 | 826 | | | 826 | 721 | *12.7%* | *46* | 33 | 172 |
| Street Cleaning | - | - | | | - | | *0.0%* | 212 | 212 | | | 212 | 205 | *3.3%* | *(168)* | (212) | (205) |
| Other Environmental Protection | - | - | | | - | | *0.0%* | - | - | | | - | | *0.0%* | - | - | - |
| Urban Stormwater Drainage | - | 102 | | | 102 | 77 | *24.5%* | 310 | 432 | | | 432 | 482 | *-11.6%* | *(275)* | (330) | (405) |
| | **2,211** | **2,341** | **-** | | **2,341** | **2,356** | *-0.6%* | **3,017** | **3,159** | **-** | | **3,159** | **3,052** | *3.4%* | ***(388)*** | **(818)** | **(696)** |
| **Community Services & Education** | | | | | | | | | | | | | | | | | |
| Community Services Administration | - | - | | | - | | *0.0%* | - | 11 | | | 11 | 11 | *0.0%* | *(9)* | (11) | (11) |
| Child Care | - | - | | | - | | *0.0%* | 9 | 9 | | | 9 | 9 | *0.0%* | *(5)* | (9) | (9) |
| Youth Services | 3 | 3 | | | 3 | 3 | *0.0%* | 5 | 5 | | | 5 | 6 | *-20.0%* | *(3)* | (2) | (3) |
| | **3** | **3** | **-** | | **3** | **3** | *0.0%* | **14** | **25** | **-** | | **25** | **26** | *-4.0%* | ***(17)*** | **(22)** | **(23)** |
| **Housing & Community Amenities** | | | | | | | | | | | | | | | | | |
| Public Cemeteries | 81 | 86 | | | 86 | 99 | *-15.1%* | 102 | 102 | | | 102 | 78 | *23.5%* | *35* | (16) | 21 |
| Public Conveniences | 7 | 7 | | | 7 | 4 | *42.9%* | 179 | 199 | | | 199 | 149 | *25.1%* | *(151)* | (192) | (145) |
| Street Lighting | 23 | 24 | | | 24 | 24 | *0.0%* | 87 | 87 | | | 87 | 78 | *10.3%* | *(56)* | (63) | (54) |
| Town Planning | 212 | 240 | | | 240 | 276 | *-15.0%* | 376 | 404 | | | 404 | 326 | *19.3%* | *(152)* | (164) | (50) |
| | **323** | **357** | **-** | | **357** | **403** | *-12.9%* | **744** | **792** | **-** | | **792** | **631** | *20.3%* | ***(324)*** | **(435)** | **(228)** |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 4a:**

## Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Budget review for the quarter ended 30 June 2026

**Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)**

| | Operating Income | | | | | | | Operating Expenditure | | | | | | | Net Cost of Service | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ($000's) | Original Budget 2025/26 | Revised Budget $ 000 | Other than by QBRS Jun Qtr | Notes | Projected Year End Result | Actual YTD figures | % | Original Budget 2025/26 | Revised Budget 2025/26 | Other than by QBRS Jun Qtr | Notes | Projected Year End Result | Actual YTD figures | % | *Actual YTD 2024/25* | Projected Year End Result | Actual YTD figures |
| **Recreation & Culture** | | | | | | | | | | | | | | | | | |
| Public Libraries | 85 | 84 | | | 84 | 84 | *0.0%* | 300 | 354 | | | 354 | 268 | *24.3%* | *(185)* | (270) | (184) |
| Public Halls | 22 | 22 | | | 22 | 25 | *-13.6%* | 272 | 261 | | | 261 | 238 | *8.8%* | *(206)* | (239) | (213) |
| Other Cultural Services | - | - | | | - | | *0.0%* | 6 | 7 | | | 7 | 7 | *0.0%* | *(7)* | (7) | (7) |
| Centrepoint Sport & Leisure | - | 4 | | | 4 | 3 | *25.0%* | 1,263 | 1,263 | | | 1,263 | 1,273 | *-0.8%* | *(1,234)* | (1,259) | (1,270) |
| Sporting Grounds | 23 | 23 | | | 23 | 27 | *-17.4%* | 519 | 519 | | | 519 | 530 | *-2.1%* | *(455)* | (496) | (503) |
| Parks & Gardens | - | 4 | | | 4 | 3 | *25.0%* | 1,192 | 1,194 | | | 1,194 | 1,228 | *-2.8%* | *(1,231)* | (1,190) | (1,225) |
| Showground | 25 | 29 | | | 29 | 28 | *3.4%* | 255 | 323 | | | 323 | 202 | *37.5%* | *(177)* | (294) | (174) |
| | **155** | **166** | **-** | | **166** | **170** | *-2.4%* | **3,807** | **3,921** | **-** | | **3,921** | **3,746** | *4.5%* | ***(3,495)*** | **(3,755)** | **(3,576)** |
| **Mining Manufacturing & Construction** | | | | | | | | | | | | | | | | | |
| Building Control | 278 | 278 | | | 278 | 305 | *-9.7%* | 219 | 259 | | | 259 | 233 | *10.0%* | *(5)* | 19 | 72 |
| Quarries & Pits | 349 | 349 | | | 349 | 442 | *-26.6%* | 347 | 397 | | | 397 | 352 | *11.3%* | *(68)* | (48) | 90 |
| | **627** | **627** | **-** | | **627** | **747** | *-19.1%* | **566** | **656** | **-** | | **656** | **585** | *10.8%* | ***(73)*** | **(29)** | **162** |
| **Transport & Communication** | | | | | | | | | | | | | | | | | |
| Local Roads | 1,739 | 2,764 | | | 2,764 | 1,850 | *33.1%* | 5,630 | 7,378 | | | 7,378 | 5,826 | *21.0%* | *(3,839)* | (4,614) | (3,976) |
| Regional Roads | 362 | 367 | | | 367 | 367 | *0.0%* | 125 | 133 | | | 133 | 171 | *-28.6%* | *197* | 234 | 196 |
| Local Bridges | - | - | | | - | | *0.0%* | 548 | 551 | | | 551 | 528 | *4.2%* | *(902)* | (551) | (528) |
| Footpaths | - | - | | | - | | *0.0%* | 184 | 189 | | | 189 | 171 | *9.5%* | *(189)* | (189) | (171) |
| Kerb and Gutter | - | - | | | - | | *0.0%* | 208 | 208 | | | 208 | 203 | *2.4%* | *(211)* | (208) | (203) |
| Other Transport and Communication | 139 | 241 | | | 241 | 177 | *26.6%* | 267 | 311 | | | 311 | 385 | *-23.8%* | *(73)* | (70) | (208) |
| | **2,240** | **3,372** | **-** | | **3,372** | **2,394** | *29.0%* | **6,962** | **8,770** | **-** | | **8,770** | **7,284** | *16.9%* | ***(5,017)*** | **(5,398)** | **(4,890)** |
| **Economic Affairs** | | | | | | | | | | | | | | | | | |
| Tourism & Area Promotion | 35 | 42 | | | 42 | 48 | *-14.3%* | 327 | 342 | | | 342 | 326 | *4.7%* | *(241)* | (300) | (278) |
| Industrial Development & Promotion | 13 | 11 | | | 11 | 13 | *-18.2%* | 40 | 44 | | | 44 | 37 | *15.9%* | *(89)* | (33) | (24) |
| Real Estate | - | - | | | - | | *0.0%* | 11 | 11 | | | 11 | 11 | *0.0%* | *(9)* | (11) | (11) |
| Other Business - Private Works | 105 | 205 | | | 205 | 86 | *58.0%* | 85 | 185 | | | 185 | 52 | *71.9%* | *55* | 20 | 34 |
| | **153** | **258** | **-** | | **258** | **147** | *43.0%* | **463** | **582** | **-** | | **582** | **426** | *26.8%* | ***(284)*** | **(324)** | **(279)** |
| **General Purpose Revenue** | | | | | | | | | | | | | | | | | |
| General Purpose Revenues | **15,470** | **15,743** | | | **15,743** | **16,757** | *-6.4%* | | **-** | | | **-** | **-** | *0.0%* | ***14,904*** | **15,743** | **16,757** |
| **Sewerage Services** | **2,371** | **2,502** | | | **2,502** | **2,678** | *-7.0%* | **2,140** | **2,374** | **60** | | **2,434** | **2,379** | *2.3%* | ***267*** | **68** | **299** |
| **Surplus/(Deficit) From Ordinary Activities Before Capital Grants & Contributions** | **24,209** | **26,076** | **-** | | **26,076** | **26,380** | *-1.2%* | **25,086** | **27,708** | **-** | | **27,768** | **24,132** | *13.1%* | ***102*** | **(1,692)** | **2,248** |

Blayney Shire Council
**PART 6:**

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

## Income & expenses budget review statement
## Recommended changes to revised budget

Budget Variations being recommended include the following material items:

| Notes | Details | Comparison of Budget to Actuals* $000 | Income Variations $000 | Expenditure Variations $000 |
|---|---|---|---|---|
| a | **User Fees & Charges** | | | |
| | - Commercial Waste & Recycling | 150k | | |
| | - Non Residential Sewer | 34k | | |
| | - Planning & Development | 43k | | |
| | - Quarry Sales | 93k | | |
| | - Private Works | (119k) | | |
| | | | - | - |
| b | **Other Revenues** | | | |
| | - Insurance rebate | 38k | | |
| | | | - | - |
| c | **Grants & Contributions - Operating** | | | |
| | ***Financial Assistance Grant*** | | | |
| | 50% advanced payment in 2024/25 and 80% prepayment of 2026/27 in 2025/26 (130% total allocation) | 1.34m | | |
| | ***Other Operating Grants*** | | | |
| | Roads to Recovery | (556k) | | |
| | Apprentice & Trainee Program | 137k | | |
| | ***Operating projects subject to carryover*** | | | |
| | Sewer Strategic Business Plan | (10k) | | |
| | R4R9 Richards Lane (State Road Intersection) | (775k) | | |
| | FRG Stormwater Analysis & DCP Review | (177k) | | |
| | | | - | - |
| d | **Grants & Contributions - Capital** | | | |
| | ***Contributed Infrastructure*** | | | |
| | Stormwater - Subdivision | 45k | | |
| | ***Other Capital Grants*** | | | |
| | Developer Contributions | 231k | | |
| | Roads & Bridges | 626k | | |
| | ***Capital projects subject to carryover*** | | | |
| | CentrePoint Battery | (678k) | | |
| | | | - | - |
| e | **Share of Interests in Joint Ventures** | | | |
| | - Central Tablelands Water | 26k | | |
| | - Central Tablelands Weeds Authority | (5k) | | |
| | | | - | - |
| f | **Materials & Services** | | | |
| | Fleet Management Costs (offset with higher utilisation recovery) | (669k) | | |
| | Sewer Strategic Business Plan | (128k) | | |
| | Waste Management Strategies | (143k) | | |
| | Maintenance Activities - Transport | (1.18m) | | |
| | Maintenance Activities - Facilities | (161k) | | |
| | | | - | - |
| g | **Net Disposal on Assets** | | | |
| | Sewerage Network | 186k | | |
| | Stormwater Network | 68k | | |
| | Open Space (revaluation) | 143k | | |
| | Plant & Equipment Fleet | (239k) | | |
| | Open Space (revaluation) | | | |
| | | | - | - |
| | | | - | - |
| | **Net adjustment to operating result** | | | - |

Blayney Shire Council
**PART 6:**

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

## Income & expenses budget review statement
## Recommended changes to revised budget

Budget Variations being recommended include the following material items:

| Notes | Details | Comparison of Budget to Actuals* $000 | Income Variations $000 | Expenditure Variations $000 |
|---|---|---|---|---|

### Approved changes to revised budget since the last QBRS

Budget Variations approved other than by QBRS by resolution of Council

| Date | Resolution | Item | Income $000 | Expenditure $000 |
|---|---|---|---|---|
| 24/02/2026 | **2602/021** | All remaining R4R9 grant funding to be allocated towards the completion of the Richards Lane project:<br>*- Masterplan projects* | | (194) |
| | | | **-** | **(194)** |
| 24/02/2026 | **2602/023** | Budget allocated for the completion of the Carcoar Dam boat ramp partially funded from the NSW Boat Infrastructure grant | 47 | |
| | | | **47** | **-** |
| 24/03/2026 | **2603/012** | Bring forward quarry expenditure allocation from 2026/27 to undertake crushing in the 2025/26 year. | | 50 |
| | | | **-** | **50** |
| 16/06/2026 | **2606/016** | Sewer Treatment Discharge Impact Assessment Study | | 60 |
| | | | **-** | **60** |
| | | **TOTAL** | **47** | **(84)** |

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/04/26 to 30/06/26

**PART 3:**

**Capital budget review statement**

Budget review for the quarter ended 30 June 2026

**Capital budget - Council Consolidated**

| **($000's)** | ***Actual YTD 2024/25*** | **Original budget 2025/26** | **Revised budget 2025/26** | **Other than by QBRS Jun Qtr** | **Variations for this Jun Qtr** | Notes | **Projected year end result** | **Actual YTD figures** |
|---|---|---|---|---|---|---|---|---|
| **Capital expenditure** | | | | | | | | |
| New assets | | | | | | | | |
| - Plant & equipment | *1,503* | 4,062 | 4,887 | - | - | | 4,887 | 2,710 |
| - Land & buildings | - | 20 | 760 | - | - | | 760 | 49 |
| - Sewer | *80* | 15 | 99 | - | - | | 99 | 102 |
| - Roads, Bridges, Footpaths | *895* | 121 | 319 | - | - | | 319 | 58 |
| - Other | *180* | 657 | 719 | - | - | | 719 | 426 |
| Renewal assets (replacement) | | | | | | | | |
| - Plant & equipment | - | - | - | - | - | | - | - |
| - Land & buildings | *113* | 648 | 550 | - | - | | 550 | 106 |
| - Sewer | *573* | 781 | 914 | - | - | | 914 | 167 |
| - Roads, bridges, footpaths | *6,508* | 6,045 | 9,542 | - | - | | 9,542 | 7,150 |
| - Other | *33* | 32 | 211 | - | - | | 211 | 65 |
| Loan repayments (principal) | - | 457 | 457 | | | | 457 | 457 |
| **Total capital expenditure** | ***9,885*** | **12,838** | **18,458** | **-** | **-** | | **18,458** | **11,290** |
| **Capital funding** | | | | | | | | |
| Rates & other untied funding | *2,670* | 3,765 | 4,085 | - | | | 4,085 | 2,899 |
| Capital grants & contributions | *5,872* | 3,623 | 7,355 | - | - | | 7,355 | 4,953 |
| Reserves: | | | | | | | | |
| External restrictions | *283* | 1,304 | 1,824 | - | - | | 1,824 | 618 |
| Internal allocations | *262* | 2,972 | 4,094 | - | - | | 4,094 | 2,666 |
| New loans | | | - | | | | - | - |
| Receipts from sale of assets | | | | | | | | |
| - Plant & equipment | *798* | 1,174 | 1,100 | | | | 1,100 | 154 |
| - Land & buildings | | - | - | | | | - | - |
| **Total capital funding** | ***9,885*** | **12,838** | **18,458** | **-** | **-** | | **18,458** | **11,290** |
| **Net capital funding - surplus/(deficit)** | **-** | **-** | **-** | **-** | **-** | | **-** | **-** |

**NO**

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/06/2026 and should be read in conjuction with the total QBRS report

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 5:**
**Capital Budget Review Statement**
Budget review for the quarter ended 30 June 2026

| **Capital Budget - Council Consolidated ($000's)** | **Project ID** | | **Original Budget 2025/26** | **Revised Budget 2025/26** | **Other than by QBRS Jun Qtr** | **Variations for Jun Qtr** | Notes | **Projected Year End Result** | **Actual YTD figures** | % |
|---|---|---|---|---|---|---|---|---|---|---|
| **LAND & BUILDINGS** | | | | | | | | | | |
| Building Renewal Work | 11401630 | R | 333 | 235 | | | | 235 | 58 | *75%* |
| Building Renewal Work - Depot Cationic Tank | CX0213 | R | 200 | 200 | | | | 200 | - | *100%* |
| Renewable Energy - CentrePoint Battery | CX0203 | N | 20 | 756 | | | | 756 | 45 | *94%* |
| Blayney Community Centre - Carpark | CX0206 | R | 65 | 65 | | | | 65 | 17 | *74%* |
| Community Centre Fire Panel Replacement | CX0214 | R | - | 25 | | | | 25 | 25 | *0%* |
| Admin Building - Front Desk Security Screen | CX0210 | N | - | 4 | | | | 4 | 4 | *0%* |
| Animals Shelter Design & Investigation | CX0215 | R | 50 | 50 | | | | 50 | 6 | *88%* |
| **TOTAL LAND & BUILDINGS** | | | **668** | **1,335** | **-** | **-** | | **1,335** | **155** | *88%* |
| **OTHER STRUCTURES** | | | | | | | | | | |
| Public Cemeteries - Infrastructure Works | 12202610 | R | 12 | 12 | | | | 12 | 5 | *58%* |
| Bore - Waste Facility | 11902610 | N | 20 | 20 | | | | 20 | - | *100%* |
| Waste Facility - Leachate Collection Preliminary Costs Stage 2 | CX0195 | N | 413 | 431 | | | | 431 | 273 | *37%* |
| Newbridge Rec Ground Covered Walkway | CX0170 | N | - | 39 | | | | 39 | 39 | *0%* |
| Blayney Rotary Lookout | CX0186 | R | - | 33 | | | | 33 | 32 | *3%* |
| Carcoar Dam - Boat Ramp Upgrades | CX0218 | R | - | 63 | | | | 63 | 19 | *70%* |
| Blayney Showground Amenities Upgrade | CX0205 | R | - | 8 | | | | 8 | 4 | *50%* |
| Heritage Park - Shade Sail Renewal Various | CX0209 | N | 25 | 50 | | | | 50 | 42 | *16%* |
| Heritage Park Basketball Ring Investigation | VEP105 | N | 1 | 1 | | | | 1 | 1 | *0%* |
| Park Street London Plane Trees | VEP100 | N | 20 | - | | | | - | - | *0%* |
| Dakers Oval Cricket Pitch | CX0212 | R | 20 | 20 | | | | 20 | 5 | *75%* |
| KGO Irrigation Renewal | CX0216 | R | - | 50 | | | | 50 | - | *100%* |
| Waste Facility - Environmental Improvement Works | | N | 20 | 20 | | | | 20 | - | *100%* |
| Village Enhancement Program | | N | 158 | 158 | | | | 158 | 71 | *55%* |
| **TOTAL OTHER STRUCTURES** | | | **689** | **905** | **-** | **-** | | **905** | **491** | *46%* |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 5:**
**Capital Budget Review Statement**
Budget review for the quarter ended 30 June 2026

| **Capital Budget - Council Consolidated ($000's)** | **Project ID** | | **Original Budget 2025/26** | **Revised Budget 2025/26** | **Other than by QBRS Jun Qtr** | **Variations for Jun Qtr** | Notes | **Projected Year End Result** | **Actual YTD figures** | % |
|---|---|---|---|---|---|---|---|---|---|---|
| **INFRASTRUCTURE** | | | | | | | | | | |
| **Local Roads - Construction** | | | | | | | | | | |
| DIWG Mandurama carpark (Mandurama Hall) | | N | 3 | 3 | | | | 3 | - | *0%* |
| Beaufort St Kerb & Gutter Renewal | 341469 | R | - | 16 | | | | 16 | - | *100%* |
| DIWG Accessible spaces line marking renewal | 341968 | R | 16 | 16 | | | | 16 | - | *100%* |
| DIWG Mandurama carpark (Rec Ground) | 341969 | N | 20 | 20 | | | | 20 | 9 | *55%* |
| DIWG Carcoar carpark | 341970 | N | 23 | 23 | | | | 23 | 7 | *70%* |
| Spring Hill Road - Preliminary Design | 340360 | N | - | 60 | | | | 60 | 21 | *65%* |
| DIWG Lyndhurst carpark and bus stop area | 341971 | N | 49 | 49 | | | | 49 | 1 | *98%* |
| R4R9 - Browns Creek Road | 340247 | R | - | 2 | | | | 2 | 2 | *0%* |
| Forest Reefs Road - Carcoar Road to Eucalyptus Close | 340392 | R | 781 | 361 | | | | 361 | 259 | *28%* |
| R4R9 - Richards Lane | 340257 | R | - | 2,072 | | | | 2,072 | 1,231 | *41%* |
| Garland Road - Leabeater Street to Shire Boundary | 340391 | R | 761 | 761 | (264) | | | 497 | 497 | *0%* |
| Tallwood Road Pavement Renewal | 340390 | R | 1,573 | 1,573 | 264 | | | 1,837 | 1,320 | *28%* |
| Land acquisitions relating to historic road projects | | N | - | 138 | | | | 138 | - | *100%* |
| Gravel Resheeting Program | 340075 | R | 668 | 668 | | | | 668 | 655 | *2%* |
| Heavy Patching Program | 340064 | R | 768 | 768 | | | | 768 | 713 | *7%* |
| Reseal Program | 340063 | R | 728 | 728 | | | | 728 | 656 | *10%* |
| **TOTAL LOCAL ROADS CONSTRUCTION** | | | **5,390** | **7,258** | **-** | **-** | | **7,258** | **5,371** | *26%* |
| **Regional Roads** | | | | | | | | | | |
| R4R9 - Hobbys Yard Road | 340324 | R | 377 | - | | | | - | - | *0%* |
| R4R9 - Hobbys Yard Road Ch8900-10700 | 340283 | R | - | 3 | | | | 3 | 3 | *0%* |
| R4R9 - Hobbys Yard Road Ch6900-7700 | 340281 | R | - | 871 | | | | 871 | 857 | *2%* |
| **TOTAL REGIONAL ROADS** | | | **377** | **874** | **-** | **-** | | **874** | **860** | *2%* |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 5:**
**Capital Budget Review Statement**
Budget review for the quarter ended 30 June 2026

| **Capital Budget - Council Consolidated ($000's)** | **Project ID** | | **Original Budget 2025/26** | **Revised Budget 2025/26** | **Other than by QBRS Jun Qtr** | **Variations for Jun Qtr** | Notes | **Projected Year End Result** | **Actual YTD figures** | % |
|---|---|---|---|---|---|---|---|---|---|---|
| **Bridges** | | | | | | | | | | |
| Garland Road Culvert | 340924 | R | - | 31 | | | | 31 | 31 | *0%* |
| Newbridge Road Evans Plains Creek | 340884 | R | - | 8 | | | | 8 | 16 | *0%* |
| Leabeater St Grubbenbun Creek | 340889 | R | - | 5 | | | | 5 | - | *100%* |
| FRG Coombing Street Crossing | 340879 | R | - | 27 | | | | 27 | 27 | *0%* |
| Greghamstown Rd Culvert | 340927 | R | - | 40 | | | | 40 | 17 | *58%* |
| Brady Road Culvert Investigation | 340925 | R | - | 34 | | | | 34 | 8 | *76%* |
| Carcoar Dam Road Culvert | 340926 | R | - | 50 | | | | 50 | - | *100%* |
| Newbridge Road Bridge over Liscombes Creek investigation | 340928 | R | - | 60 | | | | 60 | 5 | *92%* |
| AGRN1034 - Rodd Street Culvert | 340288 | R | - | 408 | | | | 408 | 335 | *18%* |
| FRG Newbridge Road Culvert | 340245 | R | - | 242 | | | | 242 | 224 | *7%* |
| **TOTAL BRIDGES** | | | **-** | **905** | **-** | **-** | | **905** | **663** | *27%* |
| **Footpaths** | | | | | | | | | | |
| Investigation & Design - Pram Ramps - Queen/Stillingfleet St | 341374 | N | 6 | 6 | | | | 6 | 1 | *83%* |
| Design Works - Three Brothers Road to Accessible Amenities at Newbridge Recreation Ground | 341361 | N | 20 | 20 | | | | 20 | 19 | *5%* |
| Heritage Pavement for Millthorpe Village | 341362 | R | - | 221 | | | | 221 | 21 | *90%* |
| Footpath Renewals | 13412610 | R | 172 | 172 | | | | 172 | 149 | *13%* |
| **TOTAL FOOTPATHS** | | | **198** | **419** | **-** | **-** | | **419** | **190** | *55%* |
| **Stormwater** | | | | | | | | | | |
| Stormwater Drainage Renewals | 190661 | R | 201 | 300 | | | | 300 | 19 | *94%* |
| Hawke Street Drainage Improvements | 190682 | R | - | 105 | | | | 105 | 105 | *0%* |
| **TOTAL STORMWATER** | | | **201** | **405** | **-** | **-** | | **405** | **124** | *69%* |
| **TOTAL INFRASTRUCTURE** | | | **6,166** | **9,861** | **-** | **-** | | **9,861** | **7,208** | *27%* |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 5:**
**Capital Budget Review Statement**
Budget review for the quarter ended 30 June 2026

| **Capital Budget - Council Consolidated ($000's)** | **Project ID** | | **Original Budget 2025/26** | **Revised Budget 2025/26** | **Other than by QBRS Jun Qtr** | **Variations for Jun Qtr** | Notes | **Projected Year End Result** | **Actual YTD figures** | % |
|---|---|---|---|---|---|---|---|---|---|---|
| **PLANT & EQUIPMENT** | | | | | | | | | | |
| **Light Vehicle*** | | | | | | | | | | |
| Light Vehicle Replacement | | N | 871 | 987 | | | | 987 | 785 | *20%* |
| **TOTAL LIGHT VEHICLE*** | | | **871** | **987** | **-** | **-** | | **987** | **785** | *20%* |
| | | | | | | | | | | |
| **Minor Plant*** | | | | | | | | | | |
| Small Plant & Tools | 140506 | N | 35 | 35 | | | | 35 | - | *100%* |
| LC007 - Kubota Flail mower | 140506 | N | 24 | 25 | | | | 25 | 26 | *-4%* |
| LC008 - Kubota Flail mower | 140506 | N | 24 | 26 | | | | 26 | 26 | *0%* |
| P89 Trimax Mower - Winged | 140506 | N | 30 | 34 | | | | 34 | - | *100%* |
| Road broom Sewell TB2000E | 140506 | N | 67 | 65 | | | | 65 | 59 | *9%* |
| P72 - John Deere 5725 AWD bucket | 140506 | N | 165 | 135 | | | | 135 | - | *100%* |
| Sewer Jetting Trailer | 140506 | N | 153 | - | | | | - | - | *0%* |
| **TOTAL MINOR PLANT*** | | | **498** | **320** | **-** | **-** | | **320** | **111** | *65%* |
| | | | | | | | | | | |
| **Major Plant** | | | | | | | | | | |
| P601 - Hino 500 Series | 140561 | N | - | 187 | | | | 187 | - | *100%* |
| P602 - Hino 500 Series | 140561 | N | - | 187 | | | | 187 | - | *100%* |
| P603 - Hino 500 Series | 140561 | N | - | 110 | | | | 110 | 110 | *0%* |
| PLC011 - Toro GM 3310 Front Deck Mower RD | 140561 | N | - | 68 | | | | 68 | 68 | *0%* |
| PLC012 - Toro GM 3310 Front Deck Mower RD | 140561 | N | - | 68 | | | | 68 | 68 | *0%* |
| PLC013 - Toro GM 3310 Front Deck Mower RD | 140561 | N | - | 68 | | | | 68 | 68 | *0%* |
| P44 - Isuzu NPR55-155 Tabletop w/Crane | 140561 | N | 110 | 210 | | | | 210 | - | *100%* |
| P43 - Isuzu NPR55-155 MWB Amenities Truck | 140561 | N | 122 | 205 | | | | 205 | - | *100%* |
| P630 - Isuzu Watercart | 140561 | N | 376 | 330 | | | | 330 | - | *100%* |
| HV003 - Mack Tipper | 140561 | N | 408 | 352 | | | | 352 | 369 | *-5%* |
| P660 - Dynapac CA3500 | 140561 | N | - | 204 | | | | 204 | 204 | *0%* |
| P661 - Dynapac CA3500 | 140561 | N | - | 204 | | | | 204 | 204 | *0%* |
| PSV001 - Isuzu Streetsweeper | 140561 | N | 422 | - | | | | - | - | *0%* |
| PSV002 - Isuzu Patching Truck | 140561 | N | 428 | 652 | | | | 652 | - | *100%* |
| Remaining 2024/25 Plant Replacements | 140561 | N | - | - | | | | - | - | *0%* |
| 952 - Grader Cat 12M | 140561 | N | 657 | 538 | | | | 538 | 538 | *0%* |
| TR001 - Sloanebuilt Dog Trailer | 140561 | N | 118 | 160 | | | | 160 | 143 | *11%* |
| **TOTAL MAJOR PLANT** | | | **2,641** | **3,543** | **-** | **-** | | **3,543** | **1,772** | *50%* |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 5:**
**Capital Budget Review Statement**
Budget review for the quarter ended 30 June 2026

| **Capital Budget - Council Consolidated ($000's)** | **Project ID** | | **Original Budget 2025/26** | **Revised Budget 2025/26** | **Other than by QBRS Jun Qtr** | **Variations for Jun Qtr** | Notes | **Projected Year End Result** | **Actual YTD figures** | % |
|---|---|---|---|---|---|---|---|---|---|---|
| **Information Technology** | | | | | | | | | | |
| Intramaps to Pozi Migration | CX0208 | N | 11 | 11 | | | | 11 | 11 | *0%* |
| AssetFinda Cloud Hosting Migration | CX0207 | N | 2 | 2 | | | | 2 | 2 | *0%* |
| Mobile Devices | CX0163 | N | 3 | 2 | | | | 2 | 3 | *-50%* |
| Councillors- Ipad Replacement/Accessories | CX0179 | N | 2 | 2 | | | | 2 | - | *100%* |
| Communication Tower Climbing Ladder - Church Hill (CX0186) | 140063 | N | - | 4 | | | | 4 | - | *100%* |
| Mobile Phones | CX0164 | N | 5 | 6 | | | | 6 | 6 | *0%* |
| **TOTAL INFORMATION TECHNOLOGY** | | | **23** | **27** | **-** | **-** | | **27** | **22** | *19%* |
| **Other Plant & Equipment Purchases** | | | | | | | | | | |
| Administration Office - Minor Asset Purchases | 11400610 | N | 4 | 4 | | | | 4 | - | *100%* |
| Blayney Community Centre - Minor Assets | 12803610 | N | 6 | 6 | | | | 6 | 20 | *-233%* |
| Blayney Library - Minor Asset Purchases | 12802610 | N | 19 | - | | | | - | - | *0%* |
| **TOTAL OTHER PLANT & EQUIPMENT PURCHASES** | | | **29** | **10** | **-** | **-** | | **10** | **20** | *-100%* |
| **TOTAL PLANT & EQUIPMENT** | | | **4,062** | **4,887** | **-** | **-** | | **4,887** | **2,710** | *45%* |
| **Sewerage Services** | | | | | | | | | | |
| Recycled Water Treatment Plant | 32600810 | N | 15 | 30 | | | | 30 | 32 | *-7%* |
| Sludge Lagoon Pump Replacment | 32600840 | R | - | 2 | | | | 2 | - | *100%* |
| Pump Replacement Program | 32600640 | R | - | 34 | | | | 34 | 30 | *12%* |
| Manhole Rectification | 32600630 | R | - | 25 | | | | 25 | 4 | *84%* |
| Step Screen Replacement | 32600620 | N | - | 69 | | | | 69 | 70 | *-1%* |
| Electrical replacements | 32600720 | R | 218 | 216 | | | | 216 | 119 | *45%* |
| Treatment Plant Renewals | 32600610 | R | 328 | 304 | | | | 304 | 14 | *95%* |
| Lining/Replacement of Sewer Mains | 32600650 | R | 235 | 333 | | | | 333 | - | *100%* |
| **TOTAL SEWERAGE SERVICES** | | | **796** | **1,013** | **-** | **-** | | **1,013** | **269** | *73%* |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 5:**
**Capital Budget Review Statement**
Budget review for the quarter ended 30 June 2026

| **Capital Budget - Council Consolidated ($000's)** | **Project ID** | **Original Budget 2025/26** | **Revised Budget 2025/26** | **Other than by QBRS Jun Qtr** | **Variations for Jun Qtr** | Notes | **Projected Year End Result** | **Actual YTD figures** | % |
|---|---|---|---|---|---|---|---|---|---|
| **Principal Loan Repayments** | | | | | | | | | |
| Bridge Replacement Program | | 156 | 156 | | | | 156 | 156 | *0%* |
| Millthorpe Sewer | | 75 | 75 | | | | 75 | 75 | *0%* |
| Residential Land Development | | 136 | 136 | | | | 136 | 136 | *0%* |
| CentrePoint Major Upgrade | | 90 | 90 | | | | 90 | 90 | *0%* |
| | | **457** | **457** | **-** | **-** | | **457** | **457** | *0%* |
| **Total Capital Expenditure** | | **12,838** | **18,458** | **-** | **-** | | **18,458** | **11,290** | |
| **Asset Sales/ Trades-Ins** | | | | | | | | | |
| Light Vehicle Replacement | | 417 | 343 | | | | 343 | 366 | *-7%* |
| Major Plant Sales | 11405630 | 757 | 757 | | | | 757 | 369 | *51%* |
| Minor Plant Sales | | | - | | | | - | | *#DIV/0!* |
| | | **1,174** | **1,100** | **-** | **-** | | **1,100** | **735** | |
| **Net Capital Expenditure** | | **11,664** | **17,358** | **-** | **-** | | **17,358** | **10,555** | |

* Light vehicle and plant replacements are budgeted at full cost in the Capital Expenditure Program but are offset by trade in value on existing vehicles/plant as detailed on page 12

Blayney Shire Council
**PART 7:**

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

## Capital budget review statement
## Recommended changes to revised budget

Budget variations being recommended include the following material items:

| Notes | Details | Variations to: Expenditure $000 |
|---|---|---|
| 1 | | |
| | | - |
| 2 | | |
| | | - |
| 3 | | |
| | | - |
| 4 | | |
| | | - |
| | **TOTAL** | **-** |

## Approved changes to revised budget since the last QBRS

Budget Variations approved other than by QBRS by resolution of Council

| Date | Resolution | Item | Expenditure $000 |
|---|---|---|---|
| 24/02/2026 | **2602/021** | All remaining R4R9 grant funding to be allocated towards the completion of the Richards Lane project: | |
| | | *- 340257 Richards Lane* | 499 |
| | | *- 340247 Browns Creek Road* | (150) |
| | | *- 340281 Hobbys Yard* | (155) |
| | | | **194** |
| 24/02/2026 | **2602/023** | Approve budget allocation for design works for Newbridge Road over Liscombes Creek funded from developer contributions. | 60 |
| | | | **60** |
| 24/02/2026 | **2602/023** | Approve budget allocation for the renewal of the KGO main irrigation line funded from the SRV building renewal fund: | |
| | | *- CX0216 KGO Irrigation Renewal* | 50 |
| | | *- 11401630 Building Renewal Work* | (50) |
| | | | **-** |
| 24/02/2026 | **2602/023** | Approve budget allocation for repairs and renewal of the Carcoar Boat Ramp funded from grant funding and VEP. | |
| | | *- CX0218 Carcoar Dam Boat Ramp Upgrades* | 63 |
| | | *- Village Enhancement Program* | (16) |
| | | | **47** |
| 16/06/2026 | **2606/016** | Approve a reallocation of grant funding for Regional & Local Roads Repair Program (RERRF) | |
| | | *- Garland Road* | (264) |
| | | *- Tallwood Road* | 264 |
| | | | **-** |
| | | **TOTAL** | **301** |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**Cash & investments budget review statement**

Budget review for the quarter ended 30 June 2026
**PART 8:**
**Cash & investments - Council Consolidated**

| **($000's)** | ***Actual YTD 2024/25*** | **Opening balance 1/07/2025** | **Revised budget 2025/26** | **Transfers to** | **Transfers from** | Notes | **Projected year end result** | **Actual YTD figures** |
|---|---|---|---|---|---|---|---|---|
| **Externally restricted** (1) | | | | | | | | |
| Developer Contributions - General | 1,684 | 1,684 | 778 | 308 | | | 1,992 | 1,992 |
| Developer Contributions - Sewer | 2,272 | 2,272 | 2,272 | 244 | - | | 2,516 | 2,516 |
| Specific Purpose Unexpended Grants | 2,621 | 2,621 | 1,549 | 741 | (2,505) | | 857 | 856 |
| Sewerage Services | 6,795 | 6,795 | 6,433 | 855 | | | 7,650 | 7,651 |
| Domestic Waste Management | 553 | 553 | 285 | | (86) | | 467 | 467 |
| Voluntary Planning Agreements | 694 | 694 | 309 | 218 | (183) | | 729 | 729 |
| **Total externally restricted** | **14,619** | **14,619** | **11,626** | **2,366** | **(2,774)** | | **14,211** | **14,211** |
| (1) Funds that must be spent for a specific purpose | | | | | | | | |
| **Internally allocated** (2) | | | | | | | | |
| Plant and Vehicle Replacement | 3,082 | 3,082 | 1,482 | | (127) | | 2,955 | 2,955 |
| Employees Leave Entitlement | 1,307 | 1,307 | 1,307 | | (157) | | 1,150 | 1,150 |
| Asset Renewals - Buildings | 632 | 632 | 623 | 1,138 | | | 1,770 | 1,770 |
| CentrePoint | 35 | 35 | 35 | | | | 35 | 35 |
| Emergency Works / Natural Disaster | 70 | 70 | 70 | | | | 70 | 70 |
| Election Reserve | 25 | 25 | 25 | 20 | | | 45 | 45 |
| Environmental Projects – Belubula River | 27 | 27 | 27 | | | | 27 | 27 |
| Future Financial Sustainability | 4,063 | 4,063 | 4,063 | | | | 4,063 | 4,063 |
| I.T Reserve | 394 | 394 | 394 | | | | 394 | 394 |
| Property Account | 1,671 | 1,671 | 1,658 | 54 | | i | 1,725 | 1,725 |
| Property Account - Borrowings | 586 | 586 | 586 | | (146) | | 440 | 440 |
| Quarry | 896 | 896 | 896 | 41 | | | 937 | 937 |
| Village Enhancement Program | 357 | 357 | 296 | 8 | | | 365 | 365 |
| Security bonds, deposits & retentions | 375 | 375 | 375 | | (43) | | 332 | 332 |
| Financial Assistance Grant | 1,953 | 1,953 | - | 3,260 | (1,953) | | 3,260 | 3,260 |
| Carryover Works | 591 | 591 | 82 | (591) | 1,106 | | 1,106 | 1,106 |
| **Total internally allocated** | **16,064** | **16,064** | **11,919** | **3,930** | **(1,320)** | | **18,674** | **18,674** |
| (2) Funds that Council has earmarked for a specific purpose | | | | | | | | |
| **Unrestricted** (ie. available after the above Restrictions) | | | | - | - | | (4,719) | 3,932 |
| **Total Cash & investments** | | **33,042** | **25,964** | **6,296** | **(4,094)** | | **28,166** | **36,817** |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 9:**
**Cash & investments budget review statement**

## Investments

Investments have been invested in accordance with Council's Investment Policy.

## Cash

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/26

## Reconciliation status

| The YTD cash & investment figure reconciles to the actual balances held as follows: | | **$ 000's** |
|---|---|---|
| Cash at bank (as per bank statements) | | 4,817 |
| Investments on hand | | 32,000 |
| less: unpresented payments | (Timing Difference) | |
| add: undeposited funds | (Timing Difference) | |
| less: identified deposits (not yet accounted in ledger) | (Require Actioning) | |
| add: identified outflows (not yet accounted in ledger) | (Require Actioning) | |
| less: unidentified deposits (not yet actioned) | (Require Investigation) | |
| add: unidentified outflows (not yet actioned) | (Require Investigation) | |
| **Reconciled cash at bank & investments** | | 36,817 |
| **Balance as per QBRS review statement:** | | 36,817 |

## Recommended changes to revised budget

Budget variations being recommended include the following material items:

| Notes | Details | Variations $000 |
|---|---|---|
| i | Budget allocation for stormwater drainage works on Gerty Street partially funded by the NSW Flood Recovery Grant. | (18) |
| | | **(18)** |
| | **TOTAL** | **(18)** |

## Approved changes to revised budget since the last QBRS

Budget Variations approved other than by QBRS by resolution of Council

| Date | Resolution | Item | Variations $000 |
|---|---|---|---|
| 24/02/2026 | **2602/023** | Approve budget allocation for design works for Newbridge Road over Liscombes Creek funded from developer contributions. | (60) |
| | | | **(60)** |
| | | **TOTAL** | **(60)** |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**Developer Contribution Summary**
**($000's)**

| | Opening Balance 2025/26 | Contributions Received: Total Cash Actual Q1 - Q4 | Total Non-Cash Land Q1 - Q4 | Total Non-Non-Cash Other Q1 - Q4 | Total Actual Interest Q1 - Q4 | Total Amounts Expended Q1 - Q4 | Total Internal Borrowings (to)/from Q1-4 | Notes | Held As Restricted Asset Q1 - Q4 |
|---|---|---|---|---|---|---|---|---|---|
| Local Infrastructure Fund | 1,684 | 229 | | | 79 | - | | | 1,992 |
| **Total S7.11 Under Plans** | **1,684** | **229** | **-** | **-** | **79** | **-** | **-** | | **1,992** |
| Future Sewerage Infrastructure | 575 | 107 | | | 30 | - | | | 712 |
| S64 Contributions | 1,697 | 31 | | | 76 | - | | | 1,804 |
| **Total Sewer Contributions** | **2,272** | **138** | **-** | **-** | **106** | **-** | **-** | | **2,516** |
| Flyers Creek Wind Farm Pty Ltd | 285 | 146 | | | | 183 | | | 248 |
| Cadia Holdings | 409 | 72 | | | | | | | 481 |
| **Total Sewer Contributions** | **694** | **218** | **-** | **-** | **-** | **183** | **-** | | **729** |
| **Total Contributions** | | | | | | | | | **5,237** |

**Less: Committed developer contributions from Council resolutions - YTD**

| Date | Resolution | Item | Expenditure $000 |
|---|---|---|---|
| 26/08/2025 | **2508/028** | Budget approval for Richards Lane tender major contract | |
| | | *- Local Infrastructure Fund* | 600 |
| | | *- Cadia VPA* | 210 |
| | | | **810** |
| 26/08/2025 | **2508/015** | Budget approval for Heritage Pavement Millthorpe held within the carryover works | 221 |
| | | | **221** |
| 24/02/2026 | **2602/023** | Approve budget allocation for design works for Newbridge Road over Liscombes Creek funded from developer contributions. | 60 |
| | | | **60** |
| | | **TOTAL** | **1,091** |
| | | **TOTAL DEVELOPER CONTRIBUTIONS HELD AS RESTRICTED LESS COMMITTED TO DATE** | **4,146** |

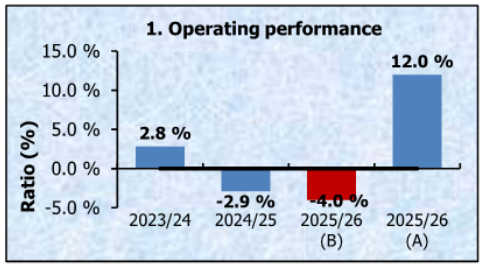
Blayney Shire Council

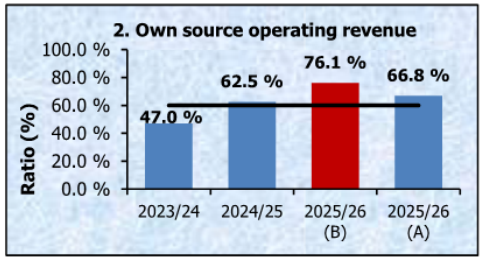
**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

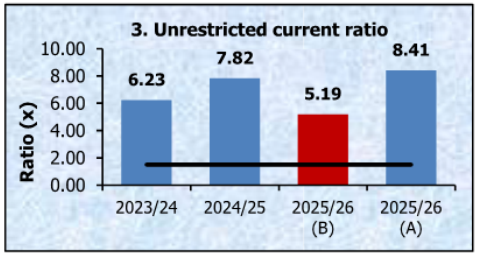
**PART 10:**
**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 30 June 2026

| ($000's) | Current projection Amounts 25/26 | Indicator 25/26 | Original budget 25/26 | Actuals prior periods 24/25 | 23/24 |
|---|---|---|---|---|---|
| NSW local government industry key performance indicators (OLG): | | | | | |
| **1. Operating performance** | | | | | |
| Operating revenue (excl. capital) - operating expenses | 3,152 | 11.97 % | -4.0 % | -2.9 % | 2.8 % |
| Operating revenue (excl. capital grants & contributions) | 26,334 | | | | |
| This ratio measures Council's achievement of containing operating expenditure within operating revenue. | | | | | |
| **2. Own source operating revenue** | | | | | |
| Operating revenue (excl. ALL grants & contributions) | 19,638 | 66.83 % | 76.1 % | 62.5 % | 47.0 % |
| Total Operating revenue (incl. capital grants & cont) | 29,383 | | | | |
| This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions. | | | | | |
| **3. Unrestricted current ratio** | | | | | |
| Current assets less all external restrictions | 26,049 | 8.41 | 5.19 | 7.82 | 6.23 |
| Current liabilities less specific purpose liabilities | 3,099 | | | | |
| To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. | | | | | |



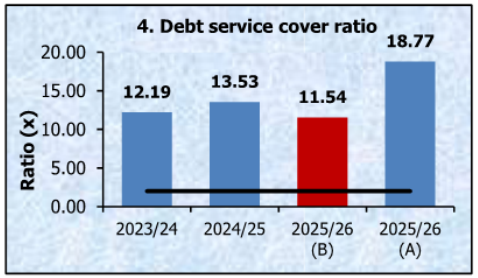
Blayney Shire Council

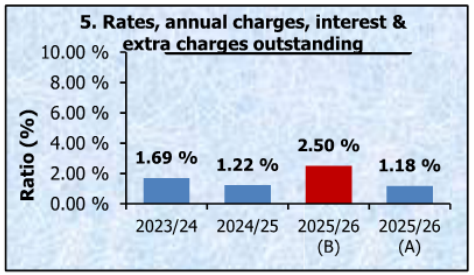
**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

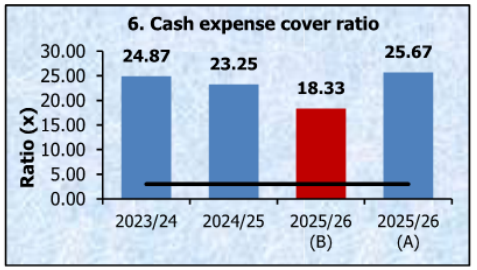
**PART 10:**
**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 30 June 2026

| ($000's) | Current projection Amounts 25/26 | Indicator 25/26 | Original budget 25/26 | Actuals prior periods 24/25 | 23/24 |
|---|---|---|---|---|---|
| NSW local government industry key performance indicators (OLG): | | | | | |
| **4. Debt service cover ratio** | | | | | |
| Operating result before interest & dep. exp (EBITDA) | 10,941 | 18.77 | 11.54 | 13.53 | 12.19 |
| Principal repayments + borrowing interest costs | 583 | | | | |
| This ratio measures the availability of operating cash to service debt including interest, principal and lease payments. | | | | | |
| **5. Rates, annual charges, interest & extra charges outstanding** | | | | | |
| Rates, annual & extra charges outstanding | 185 | 1.18 % | 2.50 % | 1.22 % | 1.69 % |
| Rates, annual & extra charges collectible | 15,726 | | | | |
| To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts. | | | | | |
| **6. Cash expense cover ratio** | | | | | |
| Current year's cash & cash equivalents (incl.term deposits) | 36,817 | 25.67 | 18.33 | 23.25 | 24.87 |
| Operating & financing activities cash flow payments | 1,434 | | | | |
| This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow. | | | | | |



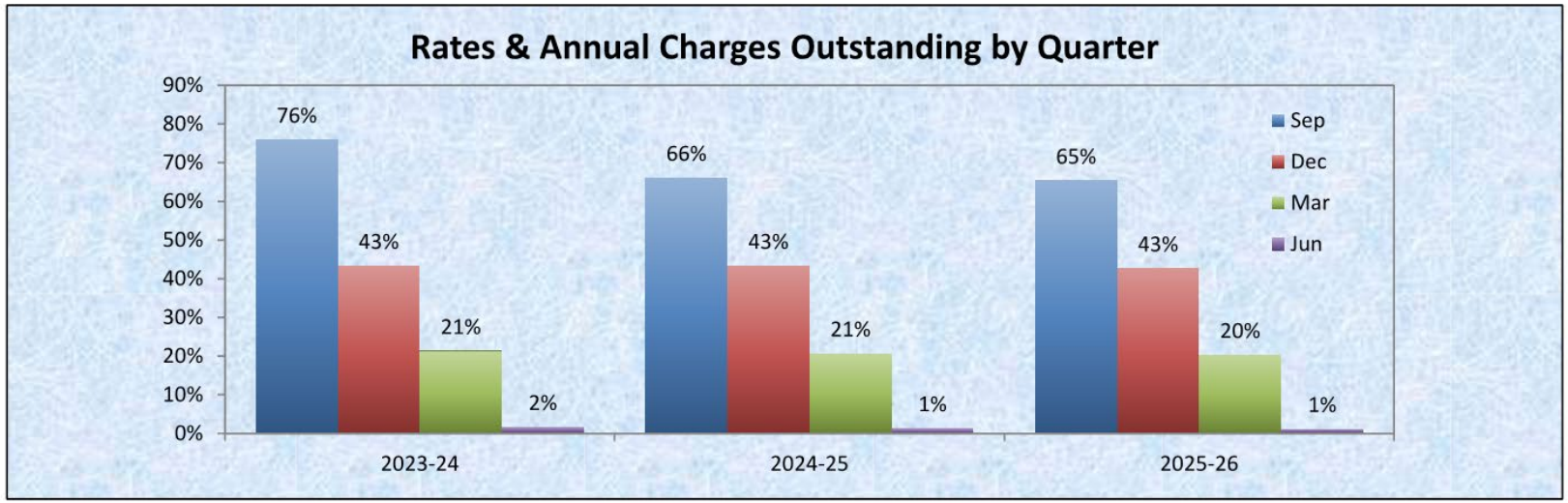
Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 10:**
**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 30 June 2026

| **($000's)** | **Current projection** | | **Original** | **Actuals** | |
|---|---|---|---|---|---|
| | Amounts | Indicator | **budget** | **prior periods** | |
| | **25/26** | **25/26** | **25/26** | **24/25** | **23/24** |



Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 11a:**
**Contracts budget review statement**

Budget review for the quarter ended 30 June 2026
**Part A - Contracts listing - contracts entered into during the quarter > $150,000**

| Contractor | Project ID | Contract detail & purpose | Contract Value GST Incl | Total Budget GST Excl** |
|---|---|---|---|---|
| TRACSERV TRUCKS | 11405610 | RFT15/2025 Fleet Replacement Program - 1 x Truck | 171,944 | 210,000 |

Notes:
1. Minimum reporting level is 1% of estimated income from continuing operations of Council or $150,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.
4. Figures shown include GST.
5. Total budgets are not disclosed where the order is applied across multiple project numbers.

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 11b:**
**Contracts budget review statement**

Budget review for the quarter ended 30 June 2026
**Part B - Contracts listing - contracts paid during the quarter > $150,000**

| Contractor | Project ID | Contract detail & purpose | Contract Value GST Incl | Total Budget GST Excl** |
|---|---|---|---|---|
| AITKEN CIVIL ENGINEERING PTY LTD | 340257 | T40/2025 Richards Lane (R4R9) | 323,914 | 3,087,848 |
| CFC HOLDINGS T/AS CEA, JCB CEA AND DYNAPAC CEA | 11405610 | RFT 6/2025 Fleet Replacement Program - 2 x Dynapac Rollers | 449,380 | 408,200 |
| CRUSHRITE | 13202010 | Quarry Gravel Crushing | 152,075 | 140,000 |
| STABILCORP PTY LTD | 13400640 | RFQ 45/2025 Heavy Patching Program | 626,445 | 767,946 |
| VCV AUSTRALIA | 11405610 | RFT 13/2025 Fleet Replacement Program - Truck + Tipper | 562,890 | 526,455 |
| WESTRAC P/L | 11405610 | RFT 19/2025 Fleet Replacement Program - Cat Grader | 591,800 | 550,000 |

Notes:
1. Minimum reporting level is 1% of estimated income from continuing operations of Council or $150,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.
4. Figures shown include GST.
5. Total budgets are not disclosed where the order is applied across multiple project numbers.

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 13:**
## Consultancy & legal expenses budget review statement

Consultancy & legal expenses overview

| Expense | Revised Budget (actual dollars) | YTD expenditure (actual dollars) | Bugeted (Y/N) |
|---|---|---|---|
| Consultancies | 823,921 | 277,818 | Y |
| Legal Fees | 106,223 | 47,093 | Y |

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

| Details |
|---|
| |
| |
| |
| |
| |
| |

Blayney Shire Council

**Quarterly Budget Review Statement**
for the period 01/04/26 to 30/06/26

**PART 14:**

## Loans Summary

Budget review for the quarter ended 30 June 2026

| LOAN DETAILS | Loan Term | Original Principal | Int %** | Opening Balance | Year to date | | | Closing Balance | Scheduled Completion date |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | Interest | Principal | Repayments | | |
| Millthorpe Sewer | 20 | 900,000 | 8.05% | 222,297 | 15,085 | 75,264 | 90,350 | 147,033 | **26-Feb-28** |
| Residential Land Development* | 10 | 1,320,000 | 2.09% | 561,220 | 10,645 | 135,949 | 146,594 | 425,271 | **28-Jun-29** |
| Bridge Replacement Program | 20 | 3,000,000 | 3.97% | 2,173,387 | 84,309 | 133,746 | 218,054 | 2,039,641 | **15-Feb-38** |
| CentrePoint | 20 | 2,000,000 | 2.36% | 1,562,409 | 35,799 | 89,656 | 125,455 | 1,472,753 | **13-Feb-40** |
| Cowriga Creek Bridge | 20 | 500,000 | 2.36% | 390,602 | 9,021 | 22,414 | 31,435 | 368,188 | **13-Feb-40** |
| | | **7,720,000** | **3.60%** | **4,909,915** | **154,859** | **457,029** | **611,888** | **4,452,886** | |

** Residential Land Development loan is funded under the Low Cost Loans Initiative (LCLI) subsidising 50% of the interest payable*

*** Weighted average interest rate*

# *Draft* Code of Meeting Practice

| | |
|---|---|
| **Policy** | 1C |
| **Officer Responsible** | Director Corporate Services |
| **Last Review Date** | XX/XX/2026 |

**Strategic Policy**

## Contents


1. INTRODUCTION ..... 3
2. MEETING PRINCIPLES ..... 3
3. BEFORE THE MEETING ..... 43
4. PUBLIC FORUMS ..... 9
5. COMING TOGETHER ..... 11
6. THE CHAIRPERSON ..... 17
7. MODES OF ADDRESS ..... 18
8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS ..... 18
9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS ..... 19
10. RULES OF DEBATE ..... 21
11. VOTING ..... 24
12. COMMITTEE OF THE WHOLE ..... 25
13. DEALING WITH ITEMS BY EXCEPTION ..... 26
14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC ..... 27
15. KEEPING ORDER AT MEETINGS ..... 31
16. CONFLICTS OF INTEREST ..... 34
17. DECISIONS OF THE COUNCIL ..... 35
18. TIME LIMITS ON COUNCIL MEETINGS ..... 37
19. AFTER THE MEETING ..... 38
20. COUNCIL COMMITTEES ..... 39
21. IRREGULARITES ..... 42
22. DEFINITIONS ..... 43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# 1. INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made prescribed section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

The Model Meeting Code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

# 2. MEETING PRINCIPLES

2.1. Council and committee meetings should be:

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

## 3. BEFORE THE MEETING

### Timing of ordinary council meetings

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

Council shall meet at 6:00pm on the fourth Tuesday of each month at the Blayney Shire Community Centre. Where a Council meeting falls on a Tuesday that is a public holiday, the Council meeting shall be held on the Tuesday of the following week unless otherwise determined.

Council shall adopt an annual schedule of dates for Council and Council Committee meetings at the September meeting.

Any change from the date or commencement time of a Council meeting shall be by resolution of the Council or, in emergency circumstances, by the authorisation of the Mayor.

### Extraordinary meetings

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

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

The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

### Notice to the public of council meetings

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

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

3.4. For the purposes of clause 3.3, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

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

### Notice to councillors of ordinary council meetings

3.6. The general manager must send to each councillor at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

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

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

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

**Notice to councillors of extraordinary meetings**

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

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

**Giving notice of business to be considered at council meetings**

3.9. A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted ~~6~~ 10 ~~(six)~~ (ten) ~~business~~ days before the meeting is to be held.

3.10. A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

3.11. If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.12. If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.

3.13. A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:

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

**Questions with notice**

3.14. A councillor may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.

3.15. A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

3.16. The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

**Agenda and business papers for ordinary meetings**

3.17. The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.

3.18. The general manager must ensure that the agenda for an ordinary meeting of the council states:

(a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
(b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
(c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
(d) any business of which due notice has been given under clause 3.9.

3.19. Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 9.6.

3.20. The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.

3.21. Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:

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

**Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**



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

**Statement of ethical obligations**

3.23. Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

**Availability of the agenda and business papers to the public**

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

**Note: Clause 3.24 reflects section 9(2) and (4) of the Act.**

3.25. Clause 3.24 does not apply to the business papers for items of business that the general manager has identified under clause 3.22 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.25 reflects section 9(2A)(b) of the Act.**

3.26. For the purposes of clause 3.24, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

**Note: Clause 3.26 reflects section 9(3) of the Act.**

3.27. A copy of an agenda, or of an associated business paper made available under clause 3.22, may in addition be given or made available in electronic form.

**Note: Clause 3.27 reflects section 9(5) of the Act.**

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**Agenda and business papers for extraordinary meetings**

3.28. The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.29. Despite clause 3.28, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

(a) a motion is passed to have the business considered at the meeting, and
(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

3.30. A motion moved under clause 3.29(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.31. Despite clauses 10.20–10.30, only the mover of a motion moved under clause 3.27(a) can speak to the motion before it is put.

3.32. A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.27(b) on whether a matter is of great urgency.

**Pre-meeting briefing sessions**

3.33. Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.

3.34. Pre-meeting briefing sessions are to be held in the absence of the public.

3.35. Pre-meeting briefing sessions may be held by audio-visual link.

3.36. The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.

3.37. Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.

3.38. Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

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## 4. PUBLIC FORUMS

4.1. The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

4.2. Public forums may be held by audio-visual link.

4.3. Public forums are to be chaired by the mayor or their nominee.

4.4. To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum in person must be received by 4.30pm or by audio-visual link by 9.30am on the day of the Council meeting on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

4.5. A person may apply to speak on no more than **2 (two)** items of business on the agenda of the council meeting.

4.6. Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.

4.7. The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

4.8. No more than **2 (two)** speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.

4.9. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.

4.10. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.

4.11. Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no later than ~~12pm~~ **9.30am** on the day of the public forum. The general manager or their delegate may refuse to allow such material to be presented.

4.12. The general manager or their delegate is to determine the order of speakers at the public forum.

4.13. Each speaker will be allowed 5 (five) minutes to address the council. This time is to be strictly enforced by the chairperson.

4.14. Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

4.15. A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.

4.16. Speakers are under no obligation to answer a question put under clause 4.15 Answers by the speaker, to each question are to be limited to **2 (two)** minutes.

4.17. Speakers at public forums cannot ask questions of the council, councillors or council staff.

4.18. The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to **5** minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.

4.19. Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.

4.20. When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.

4.21. If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.

4.22. Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.

4.23. Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.

4.24. Councillors must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

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

## 5. COMING TOGETHER

### Attendance by councillors at meetings

5.1. All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

5.2. A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend meeting by audio-visual link under this code.

5.3. Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

5.4. A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

5.5. The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

5.6. A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

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

5.7. A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

**The quorum for a meeting**

5.8. The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

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

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

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

5.10. A meeting of the council must be adjourned if a quorum is not present:

(a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
(b) within half an hour after the time designated for the holding of the meeting, or
(c) at any time during the meeting.

5.11. In either case, the meeting must be adjourned to a time, date and place fixed:

(a) by the chairperson, or
(b) in the chairperson's absence, by the majority of the councillors present, or
(c) failing that, by the general manager.

5.12. The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.13. Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.14. Where a meeting is cancelled under clause 5.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.2.

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**Meetings held by audio-visual link**

5.15. A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.16. Where the mayor determines under clause 5.15 that a meeting is to be held by audio-visual link, the general manager must:

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

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

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

**Attendance by councillors at meetings by audio-visual link**

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

5.19. A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.

5.20. Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.19. *Such a request shall be lodged by no later than 9.30am on the day of the meeting to assist alteration of standard meeting set-up for remote meeting attendance.*

5.21. The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.

5.22. A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may not participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.

5.23. A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:

(a) the meetings the resolution applies to, and
(b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.

5.24. If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.

5.25. A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

5.26. The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.

5.27. This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.

5.28. A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.

5.29. A councillor must be appropriately dressed when attending a meeting by audio- visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

**Entitlement of the public to attend council meetings**

5.30. Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.

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

5.31. Clause 5.30 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

5.32. A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

(a) by a resolution of the meeting, or
(b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

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

**Webcasting of meetings**

5.33. Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.

5.34. At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:

(a) the meeting is being recorded and made publicly available on the council's website, and
(b) persons attending the meeting should refrain from making any defamatory statements.

5.35. The recording of a meeting is to be made publicly available on the council's website:

(a) at the same time as the meeting is taking place, or
(b) as soon as practicable after the meeting.

5.36. The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

5.37. Clauses 5.35 and 5.36 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

**Note: Clauses 5.33 – 5.37 reflect section 236 of the Regulation.**

5.38. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

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**Attendance of the general manager and other staff at meetings**

5.39. The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

**Note: Clause 5.39 reflects section 376(1) of the Act.**

5.40. The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

**Note: Clause 5.40 reflects section 376(2) of the Act.**

5.41. The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

**Note: Clause 5.41 reflects section 376(3) of the Act.**

5.42. The attendance of other council staff at a meeting (other than as members of the public) shall be with the approval of the general manager.

5.43. The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

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## 6. THE CHAIRPERSON

### The chairperson at meetings

6.1. The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

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

6.2. If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

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

**Where the mayor seeks to participate in a meeting by audiovisual link, the deputy mayor shall preside over the meeting or, in the deputy mayor's absence, a Councillor elected by the meeting shall preside.**

### Election of the chairperson in the absence of the mayor and deputy mayor

6.3. If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

6.4. The election of a chairperson must be conducted:

(a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
(b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

6.5. If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

6.6. For the purposes of clause 6.5, the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

6.7. The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

6.8. Any election conducted under clause 6.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

### Chairperson to have precedence

6.9. When the chairperson rises or speaks during a meeting of the council:

(a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
(b) every councillor present must be silent to enable the chairperson to be heard without interruption.

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## 7. MODES OF ADDRESS

7.1. If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor' or Mayor or Mayor (surname).

7.2. Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'.

7.3. A councillor is to be addressed as 'Councillor [surname]'.

7.4. A council officer is to be addressed by their official designation ~~or as Mr/Ms [position title]~~.

## 8. ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

8.1. Deleted

8.2. The general order of business for an ordinary meeting of the council shall be:

1. Livestreaming Video and Audio Check
2. Recording of Meeting Statement Apologies for non-attendance, applications for leave of absence or by attendance by audio-visual link by councillors
3. Acknowledgment of Country
4. Disclosure(s) of Interests
5. Statement of Ethical Obligations
6. Public Forum
7. Mayoral Minute
8. Confirmation of Minutes of previous meeting(s)
9. Matters arising from Minutes
10. Notice(s) of Motion
11. Reports of Staff
    (i) Executive Services
    (ii) Corporate Services
    (iii) Infrastructure Services
    (iv) Planning and Environmental Services
12. Committee Meeting Minutes
13. Delegate Reports
14. Questions from Councillors
15. Closed Meeting

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

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

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## 9. CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

### Business that can be dealt with at a council meeting

9.1. The council must not consider business at a meeting of the council:

(a) unless a councillor has given notice of the business, as required by clause 3.10, and
(b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2. Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

(a) is already before, or directly relates to, a matter that is already before the council, or
(b) is the election of a chairperson to preside at the meeting, or
(c) subject to clause 9.9, is a matter or topic put to the meeting by way of a mayoral minute, or
(d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

9.3. Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:

(a) a motion is passed to have the business considered at the meeting, and
(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.4. A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5. A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

### Mayoral minutes

9.6. Subject to clause 9.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

9.7. A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.

9.8. A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.

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9.9. A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.10. Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

**Staff reports**

9.11. A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

**Reports of committees of council**

9.12. The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13. If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

**Questions**

9.14. A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.

9.15. A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.

9.16. A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.

9.17. A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to information. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.

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

9.19. The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## 10. RULES OF DEBATE

**Motions to be seconded**

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

**Notices of motion**

10.2. A councillor who has submitted a notice of motion under clause 3.10 is to move the motion on the subject of the notice of motion at the meeting at which it is to be considered.

10.3. If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.

10.4. In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:

(a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
(b) the chairperson may defer consideration of the motion until the next meeting of the council.

**Chairperson's duties with respect to motions**

10.5. It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

10.6. The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

10.7. Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.

10.8. Any motion, amendment, or other matter that the chairperson has ruled out of order is taken to have been lost.

**Motions requiring the expenditure of funds**

10.9. A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

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**Amendments to motions**

10.10. An amendment to a motion must be moved and seconded before it can be debated.

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

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

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

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

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

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

**Foreshadowed motions**

10.17. A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.

10.18. Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

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

**Limitations on the number and duration of speeches**

10.20. A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

10.21. A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

10.22. A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five (5) minutes at any one time.

10.23. Despite clause 10.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five (5) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

10.24. Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

10.25. Despite clauses 10.20 and 10.21, a councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
(b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.

10.26. The chairperson must immediately put to the vote, without debate, a motion moved under clause 10.25. A seconder is not required for such a motion.

10.27. If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 10.20.

10.28. If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

10.29. All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

10.30. Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

## 11. VOTING

### Voting entitlements of councillors

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

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

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

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

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

### Voting at council meetings

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

11.5. If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

11.6. The decision of the chairperson as to the result of a vote is final unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.7. When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.8. When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.4 of this code.

11.9. Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

### Voting on planning decisions

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

11.11. For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.

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11.12. Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

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

**Note: Clauses 11.10–11.13 reflect section 375A of the Act.**

## 12. COMMITTEE OF THE WHOLE

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

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

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

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

12.3. The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full, but any recommendations of the committee must be reported.

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

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## 13. DEALING WITH ITEMS BY EXCEPTION

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

13.2. Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

13.3. The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.

13.4. Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.

13.5. A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.

13.6. Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.

13.7. Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct.

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## 14. CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

**Grounds on which meetings can be closed to the public**

14.1. The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

(a) personnel matters concerning particular individuals (other than councillors),
(b) the personal hardship of any resident or ratepayer,
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
(d) commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it, or
(ii) confer a commercial advantage on a competitor of the council, or
(iii) reveal a trade secret,
(e) information that would, if disclosed, prejudice the maintenance of law,
(f) matters affecting the security of the council, councillors, council staff or council property,
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
(i) alleged contraventions of the council's code of conduct.

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

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

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

**Matters to be considered when closing meetings to the public**

14.3. A meeting is not to remain closed during the discussion of anything referred to in clause 14.1:

(a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
(b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

14.4. A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 14.1(g) unless the advice concerns legal matters that:

(a) are substantial issues relating to a matter in which the council or committee is involved, and
(b) are clearly identified in the advice, and
(c) are fully discussed in that advice.

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



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

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

14.6. For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

(a) a person may misinterpret or misunderstand the discussion, or
(b) the discussion of the matter may:
  (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
  (ii) cause a loss of confidence in the council or committee.

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

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

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

**Notice of likelihood of closure not required in urgent cases**

14.8. Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:

(a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
(b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
  (i) should not be deferred (because of the urgency of the matter), and
  (ii) should take place in a part of the meeting that is closed to the public.

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

**Representations by members of the public**

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

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

14.10. A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.

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14.11. Where the matter has been identified in the agenda of the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 14.9, members of the public must first make an application to the council in the approved form. Applications for in-person representations must be received by 4.30pm or by audio-visual-link by 9.30am on day of the meeting at which the matter is to be considered.14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

14.12. Deleted.

14.13. If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.

14.14. The general manager (or their delegate) is to determine the order of speakers.

14.15. Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.20 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 14.9 after the motion to close the part of the meeting is moved and seconded.

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

**Expulsion of non-councillors from meetings closed to the public**

14.17. If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

14.18. If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

**Obligations of councillors attending meetings by audio-visual link**

14.19. Councillors attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is closed to the public under section 10A of the Act.

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

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

**Note: Clause 14.20 reflects section 10D of the Act.**

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

14.21. If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

14.22. Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

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## 15. KEEPING ORDER AT MEETINGS

**Points of order**

15.1. A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.

15.2. A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.

15.3. A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

**Questions of order**

15.4. The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.

15.5. A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.

15.6. The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.

15.7. The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

**Motions of dissent**

15.8. A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.

15.9. If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.

15.10. Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

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**Acts of disorder**

15.11. A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

(a) contravenes the Act, the Regulation or this code, or
(b) assaults or threatens to assault another councillor or person present at the meeting, or
(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
(d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or

says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

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

15.12. The chairperson may require a councillor:

(a) to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
(b) to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
(c) to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

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

**How disorder at a meeting may be dealt with**

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

**Expulsion from meetings**

15.14. All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.

15.15. Clause15.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

15.16. A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.11. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

**Note: Clause 15.16 reflects section 233(2) of the Regulation**

15.17. A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.

15.18. Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

15.19. If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

**How disorder by councillors attending meetings by audio-visual link may be dealt with**

15.20. Where a councillor is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the councillor's audio link to the meeting for the purposes of enforcing compliance with this code.

15.21. If a councillor attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the councillor's audio-visual link to the meeting.

**Use of mobile phones and the unauthorised recording of meetings**

15.22. Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.

15.23. A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.

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

15.25. If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## 16. CONFLICTS OF INTEREST

16.1. All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

16.2. Councillors attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a councillor has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the councillor's audio-visual link to the meeting must be suspended or terminated and the councillor must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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## 17. DECISIONS OF THE COUNCIL

### Council decisions

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

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

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

### Rescinding or altering council decisions

17.3. A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.9.

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

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

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

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

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

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

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

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

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

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

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

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

17.10. A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than 5pm on the day after the meeting at which the resolution was adopted.

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17.11. A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

17.12. Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

(a) a notice of motion signed by three councillors is submitted to the chairperson, and
(b) a motion to have the motion considered at the meeting is passed, and
(c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

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

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

**Recommitting resolutions to correct an error**

17.15. Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

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

17.16. In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

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

17.18. A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

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

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

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## 18. TIME LIMITS ON COUNCIL MEETINGS

18.1. Meetings of the council and committees of the council are to conclude no later than ~~10p~~9p**m.**

18.2. If the business of the meeting is unfinished at ~~10pm~~9pm, the council or the committee may, by resolution, extend the time of the meeting.

18.3. If the business of the meeting is unfinished at ~~10pm~~9pm, and the council does not resolve to extend the meeting, the chairperson must either:

(a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
(b) adjourn the meeting to a time, date and place fixed by the chairperson.

18.4. Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.

18.5. Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

(a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
(b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

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## 19. AFTER THE MEETING

**Minutes of meetings**

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

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

19.2. At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

(a) the names of councillors attending a council meeting and whether they attended the meeting in person or by audio-visual link,
(b) details of each motion moved at a council meeting and of any amendments moved to it,
(c) the names of the mover and seconder of the motion or amendment,
(d) whether the motion or amendment was passed or lost, and
(e) such other matters specifically required under this code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Implementation of decisions of the council**

19.12. The general manager is to implement, without undue delay, lawful decisions of the council.

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

## 20. COUNCIL COMMITTEES

**Application of this Part**

20.1. This Part only applies to committees of the council whose members are all councillors.

**Council committees whose members are all councillors**

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

20.3. A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

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

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

**Functions of committees**

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

**Notice of committee meetings**

20.6. The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

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

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

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**Attendance at committee meetings**

20.8. A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

(a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
(b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9. Clause 20.8 does not apply if all of the members of the council are members of the committee.

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

20.10. A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

(a) to give notice of business for inclusion in the agenda for the meeting, or
(b) to move or second a motion at the meeting, or
(c) to vote at the meeting.

**Chairperson and deputy chairperson of council committees**

20.11. The chairperson of each committee of the council must be:

(a) the mayor, or
(b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
(c) if the council does not elect such a member, a member of the committee elected by the committee.

20.12. The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13. If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14. The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

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**Procedure in committee meetings**

20.15. Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

20.16. Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 20.15.

20.17. Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

**Closure of committee meetings to the public**

20.18. The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

20.19. If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.

20.20. Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 18.18 during a part of the meeting that is webcast.

**Disorder in committee meetings**

20.21. The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

20.22. Model clause deleted.

**Minutes of council committee meetings**

20.23. Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:

(a) the names of councillors attending a meeting and whether they attended the meeting in person or by audio-visual link,
(b) details of each motion moved at a meeting and of any amendments moved to it,
(c) the names of the mover and seconder of the motion or amendment,
(d) whether the motion or amendment was passed or lost, and
(e) such other matters specifically required under this code.

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

20.25. The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.

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

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

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

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

## 21. IRREGULARITES

21.1. Proceedings at a meeting of a council or a council committee are not invalidated because of:

(a) a vacancy in a civic office, or
(b) a failure to give notice of the meeting to any councillor or committee member, or
(c) any defect in the election or appointment of a councillor or committee member, or
(d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
(e) a failure to comply with this code.

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

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## 22. DEFINITIONS

| | |
|---|---|
| the Act | means the *Local Government Act 1993* |
| act of disorder | means an act of disorder as defined in clause 15.11 of this code |
| amendment | in relation to an original motion, means a motion moving an amendment to that motion |
| audio recorder | any device capable of recording speech |
| audio-visual link | means a facility that enables audio and visual communication between persons at different places |
| business day | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales |
| chairperson | in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code |
| this code | means the council's adopted code of meeting practice |
| committee of the council | means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1 |
| council official | has the same meaning it has in the Model Code of Conduct for Local Councils in NSW |
| day | means calendar day |
| division | means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion |
| foreshadowed amendment | means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment |
| foreshadowed motion | means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion |
| open voting | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means |
| planning decision | means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979* including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act |
| performance improvement order | means an order issued under section 438A of the Act |
| quorum | means the minimum number of councillors or committee members necessary to conduct a meeting |

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| | |
|---|---|
| the Regulation | means the *Local Government (General) Regulation 2021* |
| webcast | a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time |
| year | means the period beginning 1 July and ending the following 30 June |

**End of Policy**

| | | |
|---|---|---|
| **Adopted:** | **11/10/1999** | **681** |
| **Last Reviewed:** | **11/09/2000** | **525** |
| | **11/12/2000** | **722** |
| | **09/04/2001** | **182** |
| | **09/07/2001** | **340** |
| | **13/08/2001** | **371** |
| | **15/04/2004** | **104** |
| | **08/08/2005** | **05/225** |
| | **10/10/2005** | **05/280** |
| | **14/05/2007** | **07/094** |
| | **08/12/2008** | **08/333** |
| | **14/12/2009** | **0912/006** |
| | **14/03/2011** | **1103/006** |
| | **12/11/2012** | **1211/014** |
| | **13/07/2015** | **1507/010** |
| | **17/09/2018** | **1809/010** |
| | **20/05/2019** | **1905/010** |
| | **19/10/2020** | **2010/008** |
| **Remote Attendance Guideline** | **17/05/2021** | **2105/007** |
| **Remote Attendance Guideline updated** | **29/06/2021** | **2106/003** |
| | **15/08/2022** | **2208/005** |
| **Section 3.1 updated** | **19/09/2022** | **2209/004** |
| **Section 3.1 updated** | **19/12/2022** | **2212/003** |
| **Section 3.1 updated** | **22/10/2024** | **2410/006** |
| | **26/08/2025** | **2506/011** |
| **New 2025 Model Code** | **16/12/2025** | **2512/009** |
| **Rescind Code 2512/009** | **16/06/2026** | **2606/001** |
| | | |
| **Next Reviewed:** | **26/03/2029** | |

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*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 27/08/26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***

*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns.*
*Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** BRUCE REYNOLDS
*(full name of councillor or designated person)*

*AS AT 30/6/2026 (return date)

*IN RESPECT OF THE PERIOD FROM 01/7/2025 TO 30/6/2026 (return period)

27-6-2026 [redacted]
*(date)* *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | OWNERSHIP WITH WIFE |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| UPPER MACQUARIE COUNTY COUNCILLOR | UPPER MACQUARIE COUNTY COUNCIL 7 LEE STREET, KELSO NSW 2795 | NIL |
| BLAYNEY COUNCILLOR | BLAYNEY SHIRE COUNCIL 91 ADELAIDE STREET BLAYNEY NSW 2799 | NIL |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| |
|---|
| INTEREST FROM ST GEORGE BANK |
| |
| |
| |
| |

| | |
|---|---|
| | |

**C. GIFTS**

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

**D. CONTRIBUTIONS TO TRAVEL**

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| UPPER MACQUARIE COUNTY COUNCIL | VARIOUS | NSW – TO ATTEND COUNCIL MEETINGS IN BATHURST |
| BLAYNEY SHIRE COUNCIL | VARIOUS | NSW - ATTEND COUNCIL ACTIVITIES |
| NSW NATIONAL PARKS AND WILDLIFE SERVICE WEST REGIONAL ADVISORY COMMITTEE | VARIOUS | NSW – TO ATTEND MEETINGS |
| | | |

**E. INTERESTS AND POSITIONS IN CORPORATIONS**

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| BA REYNOLDS PTY LTD [redacted] | SHAREHOLDER | DIRECTOR | INVESTMENT BUSINESS |
| | | | |
| | | | |
| | | | |

**F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?**

No

**G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS**

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| | |
| NSW NATIONAL PARKS AND WILDLIFE SERVICE WEST REGIONAL ADVISORY COMMITTEE | ADVISORY COMMITTEE MEMBER |
| CALARE FEDERAL ELECTORAL COUNCIL NATIONAL PARTY | TRUSTEE/ COMMITTEE MEMBER |
| MCPHILLAMYS GOLD COMMUNITY CONSULTIVE COMMITTEE | COMMITTEE MEMBER |
| BATHURST STATE ELECTORAL COUNCIL NATIONAL PARTY | TRUSTEE/COMMITTEE MEMBER |
| CENTRAL NSW JOINT ORGANISATION BOARD | BOARD MEMBER |
| CANOBOLAS ZONE NSW RURAL FIRE SERVICE BUSHFIRE MANAGEMENT COMMITTEE | CHAIR |
| CANOBOLAS ZONE NSW RURAL FIRE SERVICE BUSHFIRE LIAISON COMMITTEE | MEMBER - ALTERNATE CHAIR |
| CENTRAL NSW JOINT ORGANISATION WATER WORKING GROUP | MEMBER |
| CENTRAL NSW JOINT ORGANISATION TRANSPORT WORKING GROUP | MEMBER |
| CENTRAL NSW JOINT ORGANISATION FINANCIAL SUSTAINABILITY SUB COMMITTEE | MEMBER |
| UPPER MACQUARIE COUNTY COUNCIL AUDIT RISK IMPROVEMENT COMMITTEE MEMBER | MEMBER |
| CENTRAL NSW JOINT ORGANISATION AUDIT RISK IMPROVEMENT COMMITTEE MEMBER | MEMBER |
| COUNTRY MAYORS ASSOCIATION | MEMBER |

**H. DEBTS**

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Nil |
| |

## I. DISPOSITIONS OF PROPERTY

1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

Nil

2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

Nil

## J. DISCRETIONARY DISCLOSURES

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 10 / 08 / 26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Craig [redacted] Gosewisch
*(full name of councillor or designated person)*

30/06/2026 (return date)

*IN RESPECT OF THE PERIOD FROM 01/07/2025 TO 30/06/2026 (return period)

28/07/2026 [redacted]
*(date)* *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Mortgage |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Warehouse Officer | Newmont - Cadia Road, Panuara | |
| Councillor | Blayney Shire Council | |
| Councillor | Central Tablelands Water | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| | |
|---|---|
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## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

## J. DISCRETIONARY DISCLOSURES

Councils representative on Orange 360

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

**OFFICE USE OFFICE**
Received 31/07/2026
[redacted]
General Manager

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** IRIS [redacted] DORSETT
*(full name of councillor or designated person)*

_____ (return date)

*IN RESPECT OF THE PERIOD FROM 1/July/2025 TO 30/June/2026 (return period)

30/7/26 *(date)*

[redacted] *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | OWNER/OCCUPIER. |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| RETIRED PENSIONER | CENTRELINK SERVICE NSW | |
| COUNCILLOR | BLAYNEY SHIRE COUNCIL | |
| BOARD MEMBER | CENTRAL TABLELANDS WEEDS AUTHORITY. | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| NIL. | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| |
|---|
| NIL |
| |
| |
| |
| |
| |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| NIL | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| NIL. | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| Blayney Shire Family History Group | member. | – Vice President | History collection. |
| Blayney Visitor Centre | member | – member | Promotion of Shire. |
| Central Tablelands Weeds Authority | – | Board member. | Weed control |
| Society Australian Genealogists | – | member | Genealogy. |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

~~Yes~~ (No) ✓

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| NIL | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| NIL |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

NIL

2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

## J. DISCRETIONARY DISCLOSURES

NIL

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 31/07/26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***

*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*

*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** John Newstead
*(full name of councillor or designated person)*

31/07/26 (return date)

*IN RESPECT OF THE PERIOD FROM 01/07/25 TO 30/06/26 (return period)

31/07/26 *(date)* [redacted] *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Owner |
| | Owner |
| | Owner |
| | Owner |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Bus Operator | Apple City Tours | N/A |
| | 672 Burrendong Way, Orange 2800 | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | Nil |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| | |
|---|---|
| Rental returns from properties listed in section A. | NAB - Savings Interest |
| AMP Bank - Term Deposit Interest. | Great Southern Bank - Term Deposit Interest |
| Heartland Bank - Term Deposit Interest. | Judo Bank - Term Deposit Interest. |
| Commonwealth Bank - Share Dividends | Medibank - Share Dividends |
| IAG - Share Dividends | Telstra - Share Dividends |
| Blayney Shire Council - Councillor Fees | Central Tablelands Water - Councillor Fees |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | N/A |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| N/A | N/A | N/A |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| N/A | N/A | N/A | N/A |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| N/A | N/A |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| N/A |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| N/A |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| N/A |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| N/A |
| |
| |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

**OFFICE USE ONLY**
Received 04/08/26
[redacted]
For General Manager

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** KARL HUTUCHINGS
*(full name of councillor or designated person)*

03/08/2026 (return date)

*IN RESPECT OF THE PERIOD FROM JANUARY 2026 TO JUNE 2026 (return period)

3RD AUGUST 2026
*(date)*

[redacted]
*(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| NIL | | |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| NIL | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| |
|---|
| NIL |
| |
| |
| |
| |
| |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| NIL | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| NIL | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| NIL | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

~~Yes~~ / No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| N/A | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| N/A |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| N/A |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| N/A |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| N/A |
| |
| |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 21/10/26
[redacted]
Cnr General Manager

## DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word 'NIL' is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
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*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** REBECCA LEE SCOTT
*(full name of councillor or designated person)*

30/06/2026 (return date)

*IN RESPECT OF THE PERIOD FROM 01/07/2025 TO 30/06/2026 (return period)

20/10/2026 *(date)*

[redacted] *(councillor's or designated person's signature)*

### A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | TENANT |
| | |
| | |
| | |

### B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| SOLICITOR | SELF EMPLOYED PRINCIPAL SOLICITOR, 53 CHURCH STREET, BLAYNEY NSW 2799 | |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| NIL | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| | |
|---|---|
| GENERAL BANK INTEREST ON BANK ACCOUNTS | WESTPAC BANK |
| COUNCILOR FEES | BLAYNEY SHIRE COUNCIL |
| | |
| | |
| | |
| | |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| NIL | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| NIL | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| AUSTRALIAN GOVERNMENT - HECS DEBT |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| NIL |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| NIL |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| I AM THE TREASURER AND A LIFE MEMBER OF THE BLAYNEY SENIOR FOOTBALL CLUB (SOCCER) |
| I AM A MEMBER OF BLAYNEY CANASSIST |
| I AM A MEMBER OF THE BLAYNEY A AND P ASSOCIATION |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

**OFFICE USE ONLY**
Received 10/08/26
[redacted]
for General Manager

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** STEPHEN [redacted] JOHNSTON
*(full name of councillor or designated person)*

10.08.2026 (return date)

*IN RESPECT OF THE PERIOD FROM 1.7.25 TO 30.6.26 (return period)

6.8.26 *(date)* [redacted] *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | JOINT TENNANT WITH WIFE |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| COUNCILLOR. | BLAYNEY COUNCIL | |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| | |
|---|---|
| ORANGE CREDIT UNION. | INTEREST |
| | |
| | |
| | |
| | |
| | |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil. | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| |
| |
| |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 26/08/26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
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*The information collected on this form will be kept by the general manager at the council chambers in a register of returns.*
*Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Amanda Rasmussen
*(full name of councillor or designated person)*

_____ (return date)

*IN RESPECT OF THE PERIOD FROM 01/07/2025 TO 30/06/2026 (return period)

_____ [redacted]
*(date)* *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Town Planner Manager Development Assessment | Blayney Shire Council | |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| |
|---|
| Nil |
| |
| |
| |
| |
| |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| Mil | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| Nil | |
| | |
| | |
| | |

## H. DEBTS

Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period

ANZ Banking Corporation

## I. DISPOSITIONS OF PROPERTY

1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

Nil

2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

Nil

## J. DISCRETIONARY DISCLOSURES

Nil

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

**OFFICE USE ONLY**
Received 14/08/26
[redacted]
per General Manager

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
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*The information collected on this form will be kept by the general manager at the council chambers in a register of returns.*
*Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Andrew Muir
*(full name of councillor or designated person)*

14/08/2026 (return date)

*IN RESPECT OF THE PERIOD FROM 1/7/25 TO 30/6/26 (return period)

14/08/2026 *(date)*

[redacted] *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Joint Owner |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Director Planning and Environmental Services | Blayney Shire Council | |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| |
|---|
| Nil |
| |
| |
| |
| |
| |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| BHP | Shareholder | | |
| Commonwealth Bank | Shareholder | | |
| Macqauarie Group | Shareholder | | |
| Woodside Energy | Shareholder | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| Nil | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Commonwealth Bank of Australia - Home Mortgage - Mastercard and Visa from time to time |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| Nil |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| N/A |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| |
| |
| |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 31/07/26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
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4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
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**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Antonio [redacted] Franze
*(full name of councillor or designated person)*

31/07/2026 (return date)

*IN RESPECT OF THE PERIOD FROM 01/07/2025 TO 30/06/2026 (return period)

31/07/2026 *(date)*

[redacted] *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Joint owner (50% interest) |
| [redacted] | Owner (100% interest) |
| [redacted] | Joint owner (75% interest) |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Director Corporate Services | Blayney Shire Council, 91 Adelaide Street, Blayney | N/A |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| | |
|---|---|
| Rental Income | [redacted] |
| Rental Income | [redacted] |
| Share Dividends | Various companies (disclosed below) |
| | |
| | |
| | |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil. | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| Nil. | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No No.

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| Nil | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Commonwealth Bank (Loan and credit card) |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| N/A |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| N/A |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| Shareholdings held in Brambles Ltd; Lottery Corporation; Tabcorp Holdings; Star Entertainment Group. |
| Treasurer, Barnstoneworth United Football Club ( Voluntary) - resigned at AGM 16/11/2025 |
| Member of LG Professionals (NSW) and CPA Australia. |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 06/08/26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

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5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
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**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Jacob [redacted] Hogan
*(full name of councillor or designated person)*

3 August 2026 (return date)

*IN RESPECT OF THE PERIOD FROM 1 July 2025 TO 30 June 2026 (return period)

03.08.2026 [redacted]
*(date)* *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Freehold |
| [redacted] | Freehold |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Director Infrastructure Services | Blayney Shire Council | NA |
| Rental Income | [redacted] | NA |
| Proceeds of Property Sale | [redacted] | NA |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| |
|---|
| Nil |
| |
| |
| |
| |
| |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| Sky Metals Limited | Shareholder | Nil | Nil |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| Engineers Australia | Professional Member |
| Engineers Australia | Registered Engineer |
| LGEA | Member |
| IPWEA | Member |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Nil |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| Nil |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| Nil |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| Nil |
| |
| |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 02/09/26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
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   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
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*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Joel Cummings
*(full name of councillor or designated person)*

31/08/2026 (return date)

*IN RESPECT OF THE PERIOD FROM 30/06/2025 TO 30/06/2026 (return period)

02/09/2025 [redacted]
*(date)* *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Freehold (Mortgage) |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Manager Operations | Blayney Shire Council 12 Lawson Street Blayney NSW 2799 | |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| |
|---|
| Nil |
| |
| |
| |
| |
| |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| Nil | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No - No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| Nil | |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Nil |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| Nil |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| Nil |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| Loans with Commonwealth Bank of Australia |
|---|
| |
| |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

**OFFICE USE ONLY**
Received 10/08/26 [redacted]
for General Manager

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Liam Golding
*(full name of councillor or designated person)*

30.06.2026 (return date)

*IN RESPECT OF THE PERIOD FROM 30.06.2025 TO 30.06.2026 (return period)

07.08.2026 [redacted]
*(date)* *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Home Ownership |
| [redacted] | Partial Home Ownership |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Manager Wastewater and Urban Services | Blayney Shire Council, 91 Adelaide St, Blayney | |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | Nil |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| Nil | Nil |
|---|---|
| | |
| | |
| | |
| | |
| | |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | Nil |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil | Nil | Nil |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| Nil | Nil | Nil | Nil |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No : No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| Nil | Nil |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Nil |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| Nil |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| Nil |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| |
|---|
| Nil |
| |
| |

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

**OFFICE USE ONLY**
Received 04/08/26
[redacted]
for General Manager

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Mark [redacted] Dicker
*(full name of councillor or designated person)*

3 August 2026 (return date)

*IN RESPECT OF THE PERIOD FROM 1 July 2025 TO 30 June 2026 (return period)

3 August 2026 [redacted]
*(date)* *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | own with mortgage |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| NIL | NIL | NIL |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| NIL | NIL |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| | |
|---|---|
| Rental income from tenant [redacted] | |
| | |
| | |
| | |
| | |
| | |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| NIL | NIL |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| NIL | NIL | NIL |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| NIL | NIL | NIL | NIL |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No no

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| NIL | NIL |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Marilyn & Robert Dicker (parents) |
| St George Bank |
| |
| |

## I. DISPOSITIONS OF PROPERTY

1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

[redacted]

2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

NIL

## J. DISCRETIONARY DISCLOSURES

NIL

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

**OFFICE USE ONLY**
Received 01 / 09 / 26
[redacted]
for General Manager

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
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*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Oscar Zideluns
*(full name of councillor or designated person)*

31/08/2026 (return date)

*IN RESPECT OF THE PERIOD FROM 1/07/2025 TO 30/06/2026 (return period)

31/08/2026
*(date)*

[redacted]
*(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Freehold (Mortgaged) |
| | |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Acting Manager Operations | Blayney Shire Council, 91 Adelaide St, Blayney | N/A |
| Projects Officer | Blayney Shire Council, 91 Adelaide St, Blayney | N/A |
| Projects Engineer | Blayney Shire Council, 91 Adelaide St, Blayney | N/A |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| Nil | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| Share Dividends | Various companies (disclosed below) |
|---|---|
| | |
| | |
| | |
| | |
| | |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| Nil | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| Nil | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| Engineers Australia | Member |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Macquarie Bank - Home Loan |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

| 1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time |
|---|
| Nil |
| |
| |

| 2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property. |
|---|
| Nil |
| |
| |

## J. DISCRETIONARY DISCLOSURES

| Shareholdings held in ABG, AEL, AX1, MVF, RRL |
|---|
| |
| |

IRT/102881

*MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – PART 4*
*(Prescribed under Local Government Regulation 2005)*

**OFFICE USE ONLY**
Received 29/08/26
[redacted]
for General Manager

# DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN

*DIRECTIONS:*

1. *The pecuniary interests and other matters to be disclosed in this return are prescribed by Part 4 of the Code of Conduct.*
2. *If this return is the first return required to be submitted by you after attaining the position of councillor or designated person, do not complete Parts C, D and H of the return. All other Parts of the return should be completed with appropriate information as at the return date, that is, the date on which you attained that position.*
   *If this return is not the first return required to be submitted by you after attaining that position, all Parts of the return should be completed with appropriate information for the relevant return period since the last return, that is, the period from the return date of the last return to 30 June in this year or the period from the end of the last return period to 30 June in this year (whichever is appropriate).*
3. *The particulars required to complete this form are to be written in block letters or typed.*
4. *If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.*
5. *If there are no pecuniary interests or other matters of the kind required to be disclosed under a particular main heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.*
6. *"*" means delete whichever is inapplicable.*
7. *Schedule 2 of the Code of Conduct provides explanation of information to be furnished.*

***Important Information***
*This information is being collected for the purpose of compliance with the Code of Conduct. You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred to the Local Government Pecuniary Interest Tribunal.*
*The information collected on this form will be kept by the general manager at the council chambers in a register of returns. Everyone is entitled to inspect the register of returns free of charge. You may correct or update the information contained in the register of returns by submitting a fresh return at any time.*

**DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS BY** Tiffaney [redacted] Irlam
*(full name of councillor or designated person)*

30 June 2026 (return date)

*IN RESPECT OF THE PERIOD FROM 01/07/2025 TO 30/06/2026 (return period)

24/08/2026 *(date)*

[redacted] *(councillor's or designated person's signature)*

## A. REAL PROPERTY

| Street address of each parcel of real property in which I had an interest *at the return date / * at any time during the return period | Nature of interest |
|---|---|
| [redacted] | Private |
| [redacted] | Private |
| | |
| | |

## B. SOURCES OF INCOME

1. *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June: / *Sources of income I received from an occupation at any time during the return period:

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---|---|---|
| Chief Financial Officer | Blayney Shire Council, 91 Adelaide Street, Blayney NSW 2799 | N/A |
| | | |
| | | |
| | | |

2. *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June: /*Sources of income I received from a trust during the return period:

| Name and address of settlor | Name and address of trustee |
|---|---|
| N/A | |
| | |

3. *Sources of income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June: *Sources of other income I received at any time during the return period:
(Include description sufficient to identify the person from whom, or the circumstances in which, that income was received)

| | |
|---|---|
| | |
| N/A | |
| | |
| | |
| | |
| | |

## C. GIFTS

| Description of each gift I received at any time during the return period | Name and address of donor |
|---|---|
| Nil | |
| | |
| | |
| | |

## D. CONTRIBUTIONS TO TRAVEL

| Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time during the return period | Dates on which travel was undertake | Name of States, Territories of the Commonwealth and overseas countries in which travel undertaken |
|---|---|---|
| N/A | | |
| | | |
| | | |
| | | |

## E. INTERESTS AND POSITIONS IN CORPORATIONS

| Name and address of each corporation in which I had an interest or held a position *at the return date/ *at any time during the return period | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|---|---|---|
| N/A | | | |
| | | | |
| | | | |
| | | | |

## F. WERE YOU A PROPERTY DEVELOPER OR A CLOSE ASSOCIATE OF A PROPERTY DEVELOPER ON THE RETURN DATE?

Yes / No No

## G. POSITIONS IN TRADE UNIONS AND PROFESSIONAL OR BUSINESS ASSOCIATIONS

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) *at the return date / *at any time during the return period | Description of position |
|---|---|
| CPA Australia | Member |
| | |
| | |
| | |

## H. DEBTS

| Name and address of each person to whom I was liable to pay any debt *at the return date /*at any time during the return period |
|---|
| Mortgage to Commonwealth Bank, Tower 1, 201 Sussex Street, Sydney NSW 2000 |
| |
| |
| |

## I. DISPOSITIONS OF PROPERTY

1. Particulars of each disposition of real property by me at any time during the return period as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

Nil

2. Particulars of each disposition of property to a person by any other person under arrangements made by me, being dispositions made at any time during the return period, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

Nil

## J. DISCRETIONARY DISCLOSURES

Nil

SHIRE COUNCIL
Blayney

**Blayney Shire Active Movement Connections**

Active Transport Fund Application

Version: For Submission | September 2026

## Contents

Supplementary Attachments Summary: 3
1. Application Particulars 4
2. Executive Summary 4
3. Project Description 5
3.1 Project 1 – Millthorpe | Blake Street / George Street Footpath Link 5
3.2 Project 2 – Blayney | Water Street Footpath Renewal and Widening 5
3.3 Project 3 – Blayney | Queen Street Strategic Footpath Link 5
4. Project Locations and GIS Evidence 6
5. Criterion 1 – Strategic Fit 6
5.1 ATF Focus Areas 6
5.2 Case for Change 7
5.3 Why these works are appropriate 7
5.4 Strategic alignment 7
6. Criterion 2 – Project Impact and Benefits 8
6.1 Road safety 8
6.2 Transport emissions and mode shift 8
6.3 Active and liveable communities 9
7. Criterion 3 – Project Deliverability 10
7.1 Delivery approach 10
7.2 Council capability 11
7.3 Approvals, land and utilities 11
7.4 Risk management 12
8. Project Budget and Funding 13
8.1 Project Estimates and Contingencies 13
9. Eligibility Assurance 14
10. Proposed Outcomes and Performance Measures 14
11. Consolidated Narrative for Application 15
Criterion 1 – Strategic fit 15
Criterion 2 – Project impact and benefits 15
Criterion 3 – Project deliverability 16

**Supplementary Attachments Summary:**

| Item | Pages |
|---|---|
| Confirmation of Co-contribution funding | 1 |
| P1 – Blake St & George St Pathway Design Plan | 2 |
| P1 – Blake St & George St Detail Design Drawing | 1 |
| P1 – Blake St & George St Detailed Estimate | 1 |
| P2 – Water Street Footpath Widening Design Plan | 2 |
| P2 – Water Street Detailed Estimate | 1 |
| P3 – Queen Street to KGO Footpath Design Plan | 8 |
| P3 – Queen Street Detailed Estimate | 1 |
| BSC Active Movement Strategy 2026 Review (Resolution 2604/018) | 12 |
| BSC Active Movement Strategy 2026 Maps | 9 |
| BSC Community Strategic Plan (CSP) 2025-2035 | 36 |
| Letter of Support – Millthorpe Public School | 1 |
| Letter of Support – Millthorpe Village Committee | |

## 1. Application Particulars

| Item | Draft response |
|---|---|
| Applicant | Blayney Shire Council |
| Project name | Blayney Shire Active Movement Connections |
| Program | Australian Government Active Transport Fund (ATF) |
| Applicant type | Local Government Authority |
| Location | Blayney and Millthorpe, Blayney Shire, NSW |
| Regional context | Blayney LGA is classified as Inner Regional Australia under the ABS remoteness classification used for the ATF regional definition. |
| Project type | Construction-only |
| Australian Government funding requested | $400,000 |
| Council co-contribution | $409,917 |
| Total project cost | $809,917 |
| Proposed commencement | 21/03/2027 |
| Proposed completion | 11/06/2028 |

## 2. Executive Summary

The Blayney Shire Active Movement Connections project is a targeted package of three pedestrian infrastructure improvements in Millthorpe and Blayney. The project will deliver new and upgraded pathway infrastructure at locations identified as important connections within the Shire's active movement network. The package responds to three different but complementary connectivity needs: a missing pedestrian link between residential areas and Millthorpe Public School and public open space; the renewal and widening of an existing high-movement route serving Blayney High School; and a new strategic connection between a retirement village, the established footpath network and nearby public open space.

Together, the works will improve the continuity, accessibility, safety and practical usability of the pedestrian network. The projects are intended to enable more people to walk for local journeys, improve access for people who may have greater reliance on accessible pedestrian infrastructure, and strengthen connections between homes, schools, recreation areas and community destinations.

The proposal directly implements the direction of Blayney Shire Council's Active Movement Strategy. Council's current planning documentation identifies the Active Movement Strategy as the primary strategic document for identifying future pedestrian/cyclist movements and strategic gaps in the Shire's footpath network. Council also maintains a substantial existing footpath and shared-path network and has previously brought forward Active Movement Strategy projects in Blayney and Millthorpe.

## 3. Project Description

### 3.1 Project 1 – Millthorpe | Blake Street / George Street Footpath Link

Project 1 will construct a new pedestrian pathway connection in Millthorpe, linking a significant residential area that currently has limited pedestrian connectivity with Millthorpe Public School, surrounding public open space (Redmond Oval Precinct) and Millthorpe CBD. The project will close a targeted gap in the local pedestrian network and provide a more direct and accessible route for residents, students and other community users.

Millthorpe Public School is located on Park Street, and Council planning material identifies missing pedestrian links in Millthorpe as a continuing active-movement issue. The project will provide a network connection that improves access between the residential area, Millthorpe Public School, nearby public open space and the Millthorpe CBD.

### 3.2 Project 2 – Blayney | Water Street Footpath Renewal and Widening

Project 2 will widen the existing footpath that exists at a mere 0.85m to a total width of 1.8m along Water Street in Blayney and reconstruct the kerb ramps so they provide accessible compliant access to the footpath. The route links to existing shared paths on Carcoar Street and directly services Blayney High School and the Blayney CBD. It is described by Council as a high-movement pedestrian area. The project will improve the capacity, accessibility and functionality of the existing pedestrian route.

Blayney High School is located on Water Street. During school stard and finish periods, pedestrian movements interact with school-related parking and bus collection/drop-off activity along Water Street. Widening the existing 0.85m footpath to 1.8m will provide a more clearly defined and functional pedestrian route through this busy school environment, including improved accessibility at the kerb ramps.

### 3.3 Project 3 – Blayney | Queen Street Strategic Footpath Link

Project 3 will construct a new strategic pedestrian connection, with accessible ramps along Queen Street in Blayney, linking the retirement living community at 1 Queen Street with the existing pedestrian network and nearby public open space. The connection will provide a direct, accessible route for older residents and the wider community and will strengthen access between residential, recreation and community destinations.

Lee Roshana Care at 1 Queen Street, Blayney provides permanent and respite accommodation and describes accessible paths and facilities for residents, including people using walkers and wheelchairs. The connection will improve the ability of residents with differing mobility needs to access the existing pedestrian network and nearby community and recreational destinations.

### 4. Project Locations and GIS Evidence

A GIS shapefile titled 'Project Locations' was supplied with three point locations..

| Project | Location identified from brief | GIS point supplied |
|---|---|---|
| Project 1 | Blake Street / George Street, Millthorpe | Point supplied in GIS file |
| Project 2 | Water Street, Blayney | Point supplied in GIS file |
| Project 3 | Queen Street, Blayney | Point supplied in GIS file |

### 5. Criterion 1 – Strategic Fit

The project has a strong strategic fit because it converts identified active-movement network gaps into practical, deliverable pedestrian infrastructure. The three locations have been selected around established community destinations and user groups: school students and families in Millthorpe; students and pedestrians using the Water Street school corridor; and older residents and the broader community using Queen Street and surrounding open space in Blayney. These projects are included in Council's Active Movement Strategy as projects Blayney AD03 & AD21, Millthorpe AD11.

### 5.1 ATF Focus Areas

| Focus Area | Alignment |
|---|---|
| Active and liveable communities | Primary focus. The project connects people with schools, homes, retirement living, public open space and established pedestrian infrastructure; improves accessibility and supports outdoor physical activity. |
| Road safety | The works improve the continuity and functionality of pedestrian infrastructure at locations with school activity and/or vulnerable pedestrian users. |
| Reduce transport emissions | The projects make short local journeys more practical on foot and can support substitution of walking for some private-vehicle trips, particularly school and local community journeys. |

### 5.2 Case for Change

Blayney Shire's pedestrian network has developed progressively through individual projects and identified strategic priorities. Council's current planning documentation records approximately 41.2 km of footpath and shared-path network and states that the Active Movement Strategy maps existing footpaths and strategic gaps in the network. The same document identifies the Active Movement Strategy as the primary strategic document adopted by Council for this purpose.

The proposed package responds to this strategic gap-based approach. Rather than creating an isolated new facility, each project closes or improves a connection between existing community destinations and the established pedestrian network.

Project 1 addresses a missing connection associated with a school and residential area in Millthorpe. Project 2 upgrades an existing pedestrian route associated with a secondary school and high pedestrian movement. Project 3 addresses a missing connection serving an older population and linking retirement living to existing pathways and public open space.

The proposed works therefore represent targeted completion and improvement of the existing network rather than the creation of isolated pedestrian infrastructure.

### 5.3 Why these works are appropriate

A pathway intervention is directly targeted at the identified problem: lack of continuity, inadequate width/capacity or absence of a direct accessible connection. Providing permanent pedestrian infrastructure addresses the problem at source and complements existing paths rather than relying on behavioural measures alone.

The proposed works are also relatively targeted interventions. They do not require a wholesale reconstruction of the local transport network; instead, they provide discrete links and upgrades that can be delivered independently and incorporated into the wider network.

### 5.4 Strategic alignment

| Strategic document | Relevant direction | Project contribution |
|---|---|---|
| Blayney Shire Active Movement Strategy | Identifies current pedestrian/cyclist network and strategic gaps and guides future pathway investment. | Three targeted network connections implement identified active-movement priorities. Blayney AD03 & AD21, Millthorpe AD11 |
| Blayney Shire Disability Inclusion Action Plan 2022–2026 | Plan for connected and accessible pedestrian networks and increase continuous accessible paths to key destinations. | Improves continuity and accessibility at school, residential and retirement-living destinations. |
| Blayney Shire Community Strategic Plan 2025-2035 (CSP) | Active Movement Strategy actions include cycleways and footpaths and improved community infrastructure. | Delivers practical pathway infrastructure supporting active, connected communities. |
| NSW Active Transport Strategy | Supports continuous and connected networks, safer walking, independent mobility for children and mode shift to | Provides local infrastructure supporting short local journeys and school access. |

| | | |
|---|---|---|
| | walking/cycling. | |
| NSW Future Transport Strategy | Supports connected regional communities, walking/cycling, accessibility and more sustainable transport choices. | Improves local connections and accessibility in a regional community. |

## 6. Criterion 2 – Project Impact and Benefits

### 6.1 Road safety

The proposed works improve the physical pedestrian environment by providing continuous, appropriately located and more accessible pathway infrastructure. This is particularly relevant at the two school-related locations and at the retirement-living connection, where users may include children, older people and people with mobility limitations.

At Blake/George Street, no formal footpath infrastructure currently exists at this location. Pedestrians currently have limited options and may be required to use the road environment or poorly defined road verges. The proposed pedestrian infrastructure would provide a safer, more accessible and clearly defined connection for pedestrians.

At Water Street, school-related parking activity around school start and finish times and bus collections/drop-offs occur from Water Street. A dedicated, appropriately designed pedestrian route provides a clearer and more functional movement environment during these periods.

At Queen Street no formal footpath infrastructure currently exists at this location. Pedestrians currently have limited options and may be required to use the road environment or poorly defined road verges. The proposed pedestrian infrastructure would provide a safer, more accessible and clearly defined connection for pedestrians.

### 6.2 Transport emissions and mode shift

The projects are designed to make walking more viable for short local trips. The Millthorpe project provides a connection to a primary school; the Water Street project improves an established school pedestrian corridor; and the Queen Street project provides an accessible link from retirement living to the local pedestrian network and open space.

By reducing missing links and improving pathway quality and accessibility, the project removes a practical barrier to walking. For school journeys in particular, improved pedestrian connections can support walking by students and families where local trip lengths and circumstances make walking feasible.

### 6.3 Active and liveable communities

Active and liveable community benefits are central to the proposal. The three projects connect different population groups with everyday destinations and reinforce the existing network rather than creating isolated paths.

| Project | Primary users | Connection / benefit |
|---|---|---|
| Millthorpe – Blake/George | Students, families, residents, general pedestrians | Residential area → school/public open space → existing pedestrian network → Millthorpe CBD |
| Blayney – Water Street | Students, school staff, pedestrians, surrounding residents | High-movement school corridor → improved width, condition and accessibility |
| Blayney – Queen Street | Older residents, carers/visitors, general pedestrians | Retirement living → existing network → public open space/recreation |

The Queen Street project also has a clear accessibility and inclusion dimension. The retirement facility is described publicly as providing accessible accommodation and paths suitable for residents using walkers and wheelchairs. A connected external pathway is consistent with the principle of enabling people of different ages and abilities to access community spaces independently.

## 7. Criterion 3 – Project Deliverability

### 7.1 Delivery approach

Council proposes to deliver the three projects as discrete construction packages within a coordinated grant program. The preferred approach is to complete confirm service/utility requirements, deliver construction with internal resources and local contractors, construct the three sites under appropriate traffic and pedestrian management arrangements, complete quality assurance and defects processes, and then undertake final reporting and acquittal.

| Stage | Approach | Commencement from Funding Offer | Duration |
|---|---|---|---|
| 1. Final design release documentation | Drawings issued for construction, confirm utility requirements | Week 2 | 4 weeks |
| 2. Approvals / consents | Road approval released. | Week 6 | 1 week |
| 3. Procurement | Competitive procurement for contracted portions of works in accordance with Council Policy and ATF procurement conditions. | Week 8 | 4 weeks |
| 4. Construction | Deliver each project as an independently complete pathway project; sequence around school/traffic impacts. | Week 12 | 52 weeks |
| 5. Completion / handover | QA, defects, as-constructed information and asset registration. | Week 64 | 4 weeks |
| 6. Reporting / acquittal | Post Completion Report and financial acquittal within required period. | Week 68 | 4 weeks |

### 7.2 Council capability

Blayney Shire Council has an established Infrastructure Services function responsible for roads, footpaths and associated infrastructure and has an existing program of active movement, road and community infrastructure projects. Council's existing asset management and project delivery functions provide an established framework for project management, procurement, construction supervision, financial control and asset handover.

Projects will be led by Council's Manager Operations and Project Engineer.

Comparable projects delivered by Council are listed below. These project demonstrate Council's recent experience in delivering pedestrian, Active Movement and streetscape infrastructure using grant-funded programs.

| Project | Year of Final Claim | Funding Source |
|---|---|---|
| Belubula River Walk | 24/25 | SCCF4 |
| Key connections for Active movement in Blayney: Orange Road, Palmer St, Plumb St | 25/26 | SCCF5 |
| Heritage Pavement for Millthorpe Village | 25/26 | SCCF5 |

### 7.3 Approvals, land and utilities

| Issue | Position | Evidence |
|---|---|---|
| Road reserve / public ownership | Projects are proposed within public road corridors; | Council's GIS system confirms the projects are in Council controlled land. |
| Development/planning approvals | No approvals required | All scopes are permissible under the State Environmental Planning Policy (Transport and Infrastructure) |
| Environmental approvals | No approvals required. | All scopes are permissible under the State Environmental Planning Policy (Transport and Infrastructure) |
| Heritage / cultural heritage | No approvals required. | Complete appropriate due diligence, particularly in heritage-sensitive Millthorpe. |
| Utilities | No known utility conflicts. | Service plans / Dial Before You Dig confirms no utilities are impacted. To be confirmed on site with pot-holing investigations prior to commencement. |
| Third-party land/consent | No impact. | All projects are in Council control road reserve and do not require third-party consent. |

### 7.4 Risk management

| Risk | Consequence | Mitigation |
|---|---|---|
| Construction cost escalation / insufficient budget | Budget pressure or scope reduction | Detailed estimate; market testing; contingency; prioritised complete scope. |
| Unknown underground services | Delay, redesign or additional cost | Early service investigation and utility coordination. |
| Weather / wet conditions | Construction delay | Program allowance; seasonal sequencing; early commencement. |
| School operations / pedestrian conflict | Safety and disruption | Staged traffic/pedestrian management; school liaison; works outside peak periods where practicable. |
| Heritage / environmental constraint | Delay or redesign | Early assessment and approvals; appropriate design response. |
| Existing path condition worse than assumed | Additional reconstruction cost | Preconstruction condition survey and quantities; contingency. |
| Procurement delay | Reduced delivery window | Early procurement planning and documentation. |
| Scope creep | Cost/schedule pressure | Defined project limits; change control. |
| Community/stakeholder interface | Disruption to school, residents and pedestrians during construction | Advanced stakeholder notification, staged works, temporary pedestrian access and coordinate with schools and affected residents. |
| Funding/reporting non-compliance | Funding/payment risk | Grant compliance calendar and central document register. |

## 8. Project Budget and Funding

The final budget should be based on a quantity-supported estimate for each location and should demonstrate that the requested funding is sufficient to deliver the complete project. The budget must exclude ineligible costs identified in the ATF Guidelines.

| **Project** | **Construction** | **Project Management** | **Contingency** | **Total** |
|---|---|---|---|---|
| 1. Millthorpe – Blake/George | $ 385,195 | $0 – in-kind | $ 60,645 | $ 445,840 |
| 2. Blayney – Water Street | $ 112,855 | $0 – in-kind | $ 16,713 | $ 129,568 |
| 3. Blayney – Queen Street | $ 201,793 | $0 – in-kind | $ 32,716 | $ 234,509 |
| TOTAL | $ 699,843 | $0 – in-kind | $ 110,074 | $ 809,917 |
| **Funding source** | **Amount** | | **Status / evidence** | |
| Active Transport Fund | $400,000 | | Application | |
| Blayney Shire Council | $409,917 | | Secured – attach budget/resolution | |
| TOTAL | $809,917 | | | |

### 8.1 Project Estimates and Contingencies

Detailed cost estimates for each project are provided as a separate attachment to the grant application.

The estimates have been developed using actual project costs from comparable projects delivered by Blayney Shire Council over the past two years. Council's estimates are based on recent local construction experience and actual delivered project costs. This reflects current market conditions, local construction requirements and Council's experience delivering infrastructure projects within the Blayney Shire Local Government Area.

Council applies a risk-based approach to project contingencies, rather than applying a uniform contingency percentage across all project components. The contingency allowance varies depending on the nature and risk profile of the individual work item, including factors such as site conditions, constructability, material quantities and the level of uncertainty associated with the proposed works.

The contingency allowances have been informed by the experience of Council staff in planning and delivering infrastructure projects across the Blayney Shire LGA over the past two years. This approach is intended to provide an appropriate allowance for identified project risks while avoiding unnecessarily inflated project estimates.

Project management costs will be provided in kind through Council's existing internal project management resources, which are currently available within Council's workforce. No additional project management costs have therefore been attributed to the grant funding.

The attached estimates therefore represent Council's current best estimate of the likely project delivery costs, inclusive of appropriately risk-adjusted contingency allowances.

## 9. Eligibility Assurance

- Each project is a standalone, complete pathway project and does not depend on another project in the package being delivered.
- Each project is a new pathway or a substantive pathway upgrade, rather than routine maintenance.
- Each project is located on a publicly owned road asset or corridor accessible to the public.
- The projects directly address one or more ATF Focus Areas.
- No project expenditure claimed from the ATF will be incurred before the funding offer is approved, subject to the funding agreement.
- All co-contributions will be secured before submission and evidence will be attached.

## 10. Proposed Outcomes and Performance Measures

| Outcome | Measure | Target / post-project measure |
|---|---|---|
| Improved pedestrian connectivity | Number/length of network gaps closed | Three targeted gaps addressed |
| Improved accessibility | Path width / accessible path-of-travel compliance | Compliant design and completed works |
| Improved school access | Pedestrian connection to school / route quality | Improved route at Millthorpe and Water Street |
| Improved access for older residents | Direct accessible connection from retirement living | Completed Queen Street link |
| Safety improvement | Completion of delivery of designed pedestrian infrastructure. | Reduced identified deficiencies |

## 11. Consolidated Narrative for Application

### Criterion 1 – Strategic fit

Blayney Shire Active Movement Connections is a targeted package of three pedestrian infrastructure projects designed to close strategic gaps and address deficiencies in the Shire's established active movement network. The projects are located in Millthorpe and Blayney and connect residential areas and community destinations with schools, retirement living, public open space and existing pedestrian infrastructure.

The project directly aligns with the Active and Liveable Communities Focus Area because it improves local connectivity, accessibility and opportunities for physical activity. It also supports the Road Safety and Reduce Transport Emissions Focus Areas by improving the physical conditions for walking and enabling short local trips to be undertaken without reliance on a private vehicle where walking is practical.

The three components address distinct local needs. In Millthorpe, the Blake Street/George Street link will provide a missing connection between a residential area, Millthorpe Public School and surrounding public open space. In Blayney, the Water Street project will renew and widen an existing high-movement pedestrian route servicing Blayney High School, improving its capacity and accessibility. The Queen Street project will establish a new connection between the retirement living community at 1 Queen Street and the established pedestrian network and nearby public open space.

Council's planning documentation identifies the Active Movement Strategy as the primary strategic document for future pedestrian and cyclist movement and the identification of strategic gaps in the footpath network. The project is also consistent with Council's Disability Inclusion Action Plan direction to increase continuous accessible paths of travel to key destinations. At the State level, the proposal supports the NSW Active Transport Strategy and Future Transport Strategy objectives of connected, safe and accessible walking networks, independent mobility and more sustainable local travel.

The project represents a practical response to identified infrastructure gaps. Rather than creating isolated facilities, each component provides a discrete connection to existing pedestrian infrastructure and key destinations. The three projects can each operate as complete standalone pathway projects while collectively strengthening the wider Shire network.

### Criterion 2 – Project impact and benefits

The primary benefit is improved access, connectivity and functionality of the local pedestrian network. The projects serve different user groups and destinations but share a common outcome: making walking a safer, more direct and more accessible option for local journeys.

The Millthorpe and Water Street projects have direct relationships with school movement. Millthorpe Public School is located on Park Street, while Blayney High School is located on Water Street. Council information records school-related parking activity around start and finish times in the Blayney school precinct and bus collections/drop-offs from Water Street. Improving the pedestrian route in this environment supports safer and more functional movement for students and other pedestrians.

The Queen Street project has a strong accessibility and inclusion benefit. The retirement living facility at 1 Queen Street provides accommodation and services for older people, including accessible paths and facilities. A connected public pedestrian route will improve the ability of residents and visitors to access the established network and nearby open space.

All three projects also support active transport and liveability. Removing missing links and improving pathway quality makes walking more practical for short local trips and supports outdoor physical activity. The project can also contribute to reduced private vehicle use and transport emissions where residents choose walking instead of driving for suitable local journeys.

### Criterion 3 – Project deliverability

Blayney Shire Council has established Infrastructure Services, asset management, procurement, financial management and project delivery functions and an existing program of road, footpath and active movement projects. The proposed works are conventional civil infrastructure projects that can be delivered through Council's established procurement and contract management arrangements.

Council proposes to deliver the three projects as discrete construction packages within a coordinated grant program. The preferred approach is to complete confirm service/utility requirements, deliver construction with internal resources and local contractors, construct the three sites under appropriate traffic and pedestrian management arrangements, complete quality assurance and defects processes, and then undertake final reporting and acquittal.

Key delivery risks include construction cost escalation, underground services, weather, school operational impacts, heritage/environmental constraints, procurement timing and scope change. These risks will be managed through early investigations, quantity-supported estimates, appropriate contingency, defined project limits, coordinated construction programming and formal change control.

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Blayney Shire Council

# Councillor Briefing

FY2025/26

# Introductions



**Katherine Forman**

General Manager Operations
NSW/ACT



**Rob Pagano**

Business Operations Manager
NSW [South West]



**Oliver Barclay**

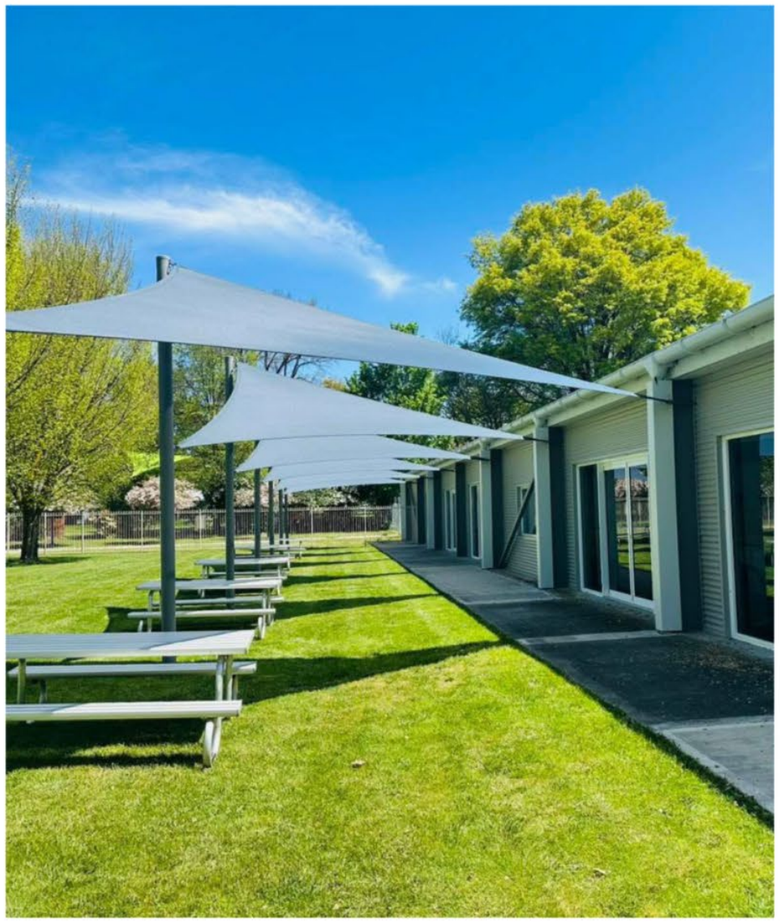
Area Manager



**Megan Hamilton**

Centre Manager

# Season review



## Season 2025/26

# Alignment with Council's strategic directions

CentrePoint's contribution to the Blayney Shire Community Strategic Plan 2025–2035

| Council direction | FY2025/26 evidence | Proposed next reporting step |
|---|---|---|
| **Community** | 71,076 visits. Learn to Swim grew 7.2% and Health Club membership grew 17.2%. School and community partnerships. | Measure inclusion and participation against agreed targets. |
| **Infrastructure** | 99% facility safety score and 12 of 12 compliant monthly water tests. | Report maintenance completion, equipment availability and renewal priorities. |
| **Leadership** | Community forums and customer feedback. Customer NPS of 60.98. | Link feedback to completed actions, owners and due dates. |
| **Economy** | 35 team members, including 18 aged 16–20. | Quantify local employment, training and local procurement. |
| **Natural and built environment** | Water-quality compliance supports safe operation. Resource-efficiency outcomes are not reported. | Establish water, energy and waste baselines. |

WE ACKNOWLEDGE, WE RECOGNISE, WE SUPPORT

Belgravia Leisure respectfully acknowledge and recognise Aboriginal and Torres Strait Islander peoples as Traditional Custodians of Country and pay respect to their cultures and Elders past and present. Belgravia Leisure proudly welcome, support and include all people into the facilities, programs, services and employment it offers to communities across Australia and New Zealand.

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# KPI compliance summary

FY2025/26

| KPI | Reported compliance |
|---|---|
| Budget vs actuals | ✓ |
| Program participation | ✓ |
| Community events | ✓ |
| Customer service | ✓ |
| Group Fitness / GoSwim | ✓ |
| Environmental plan | ✓ |
| Campaign effectiveness | ✓ |
| Insurance | ✓ |
| Risk management plan | ✓ |
| Staff qualifications | ✓ |
| Staff changes | ✓ |
| Water quality | ✓ |
| Isolated area checks | ✓ |
| Security systems | ✓ |
| Air quality / maintenance | ✓ |

# Attendances

A stronger full-year result, supported by high summer participation and growth across key months.

**71,076**
**Total attendance**
FY2025/26

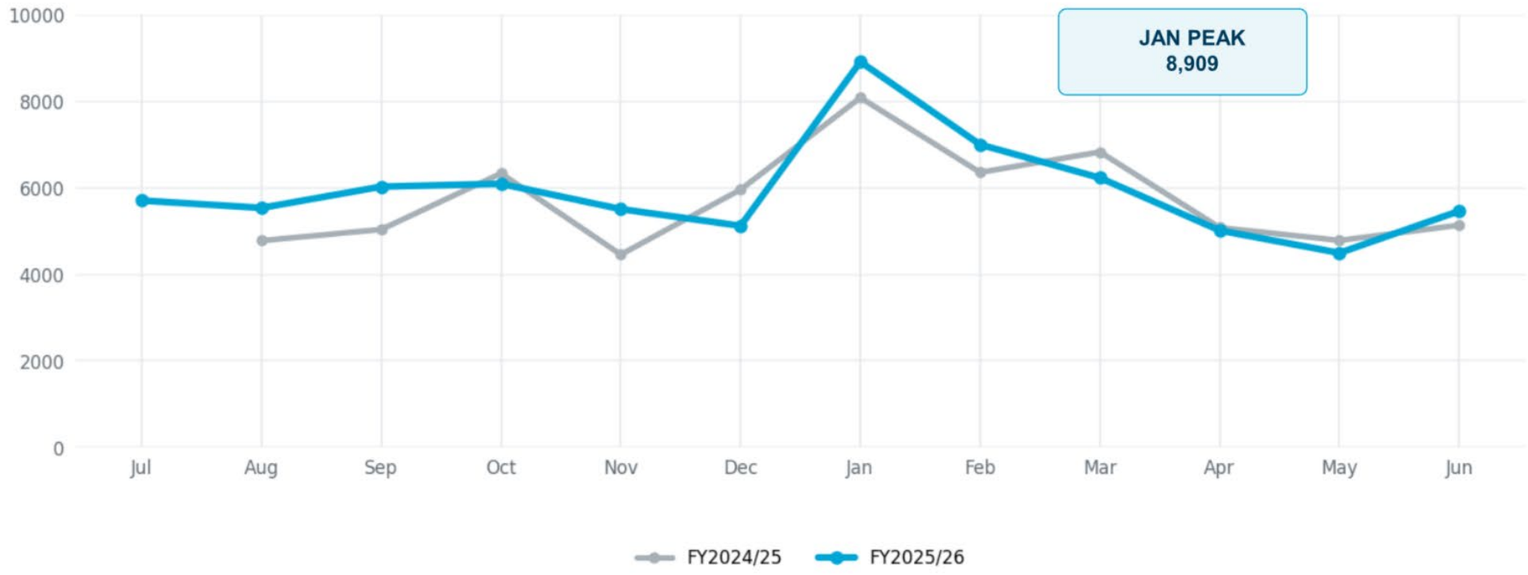
**+4.8%**
**Year-on-year growth**
+3,280 visits

**8,909**
**Peak month**
January 2026

**5,923**
**Monthly average**
FY2025/26

## Monthly attendance trend

FY2025/26 compared with FY2024/25



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# Learn to Swim

Average monthly enrolments grew 7.2%, with 10 of 12 months ahead of the prior year.

**435**
**Average monthly enrolments**
FY2025/26, rounded

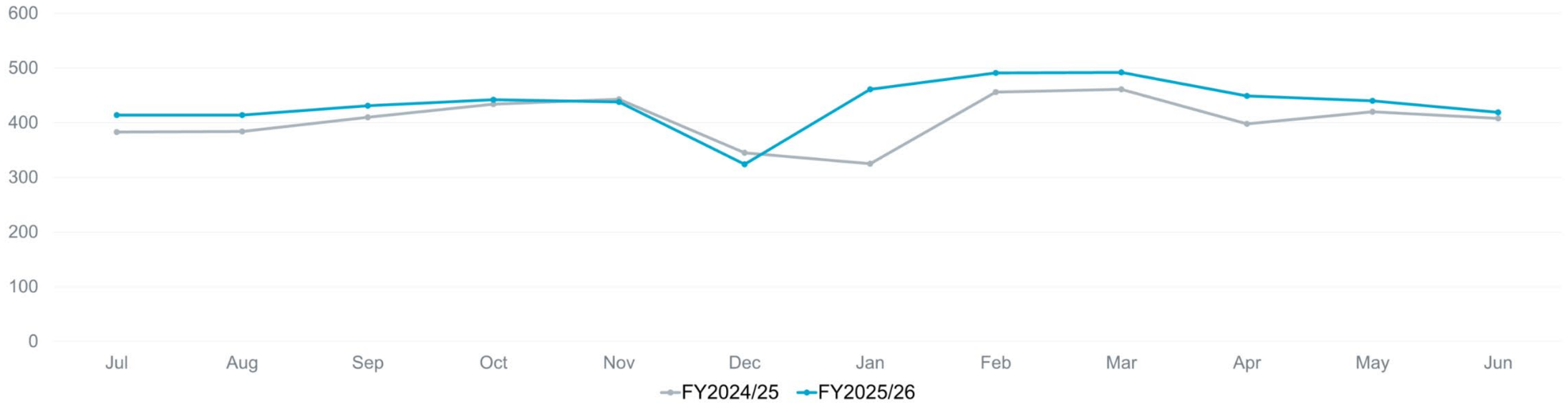
**+7.2%**
**Year-on-year growth**
Average monthly enrolments

**492**
**Peak monthly average**
March 2026

**10 / 12**
**Months above prior year**
FY2025/26 versus FY2024/25

## Monthly average enrolments

FY2025/26 compared with FY2024/25



CENTREPOINT SPORT & LEISURE CENTRE



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# Health Club

Average active membership grew 17.2%, with every month ahead of the prior year.

**327**
**Average active members**
FY2025/26, rounded

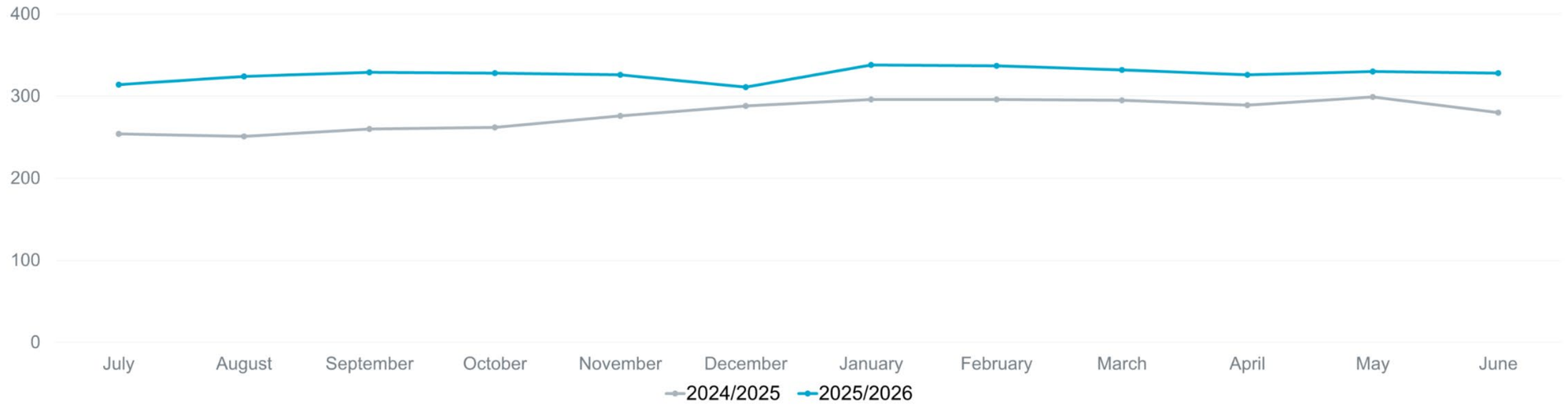
**+17.2%**
**Year-on-year program growth**
FY2025/26

**338**
**Peak monthly average**
January 2026

**12 / 12**
**Months above prior year**
FY2025/26 versus FY2024/25

## Active Member Base - Average

FY2025/26 compared with FY2024/25

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# Our team

Workforce profile, employment mix and staff movement

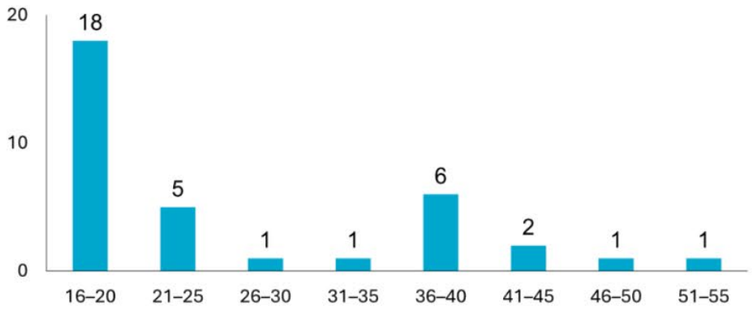
**35**
**Team members**
Headcount shown by age range

**78%**
**Casual workforce**
25 casual staff in contract chart

**51%**
**Aged 16–20**
18 team members

**40%**
**Operations team**
14 staff in function chart

## Age profile




## Team functions

| | |
|---|---|
| Operations | 14 (40%) |
| Aquatic services | 8 (23%) |
| Customer service | 7 (20%) |
| Health club | 2 (6%) |
| Group fitness | 1 (3%) |



## New hires and terminations




## Contract mix

25 casual (78%) 4 part time (13%)

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# Team engagement

2026 employee Net Promoter Score (eNPS)

**25.00**
**CentrePoint eNPS**
2026 score

**+6.10**
**Points above company**
CentrePoint versus company

**18.90**
**Company eNPS**
2026 benchmark

**2026**
**Engagement snapshot**
eNPS scale: −100 to +100

## How likely are you to recommend our place of work to a friend?







2026 Company eNPS 18.90

### Company growth
Strong company growth in eNPS score.

### Employee advocacy
Indicates most team members would recommend our workplace.

### Positive culture
Suggests a healthy, supportive work environment.

### Business impact
High eNPS is linked to better retention, productivity and customer experience.



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# Workplace health and safety

Aquatic safety assessments and water quality performance

**99%**
**Safety score**
RLSSA facility assessment

**97%**
**5 Star score**
Above NSW average of 93%

**97%**
**Latest mystery guest score**
Up from an initial score of 68%

**12 / 12**
**Monthly water tests passed**
FY2025/26

## RLSSA Aquatic Facility Safety Assessment

Safety score of 99% and 5 Star score of 97%, above the NSW average of 93%.

## RLSSA Mystery Guest Assessment

Belgravia Leisure uses this assessment to measure organisational safety culture and support its commitment to safety excellence.

The score rose from 68% to 97%. The goal is to maintain consistency and sustain high performance.

## Water quality

Independent microbiological testing achieved consistently compliant results throughout FY2025/26. All 12 monthly tests passed, reflecting robust operational controls, proactive water management and ongoing commitment to aquatic safety and regulatory compliance.




AQUATIC FACILITY SAFETY ASSESSMENT
WATER SAFETY PARTNER 2025/26
THIS FACILITY HAS MET STRINGENT BENCHMARKS AS SPECIFIED BY THE GUIDELINES FOR SAFE POOL OPERATIONS

ROYAL LIFE SAVING AUSTRALIA drowningprevention.com.au

# Community partnerships

Community Network Forums, local partnerships and school programs

**16 Mar**
**Most recent forum**
2026

**3**
**Forum participants**
Including ODEEP and councillors

**21 Oct**
**Next scheduled forum**
2026

**4**
**Stakeholder RSVPs**
For the next forum

## Community Network Forums

The March forum included ODEEP and Blayney Shire Councillors. October RSVPs include Blayney Men's Shed, Blayney Shire Council and Mercy Connect Cowra.

## Local partnerships

Blayney Swim Club attends every Wednesday during school terms.
Studio Benefit offers appointments with Demi Chapman.
Blayney Public School fete sponsorship.
Blayney High School volleyball team sponsorship.
Mercy Connect. CentrePoint hosted the Wellbeing Expo in March 2026.

## School swim programs

Neville, Blayney, Trunkey, Carcoar and Millthorpe public schools, and St Joseph's Catholic Primary School.



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# Marketing

Social media reach and locally generated content

**500+**
**Posts**
Social media content

**3,077**
**Followers**
Social media audience

**107**
**Most likes**
Top-performing post

**9,007**
**Most views**
Top-performing post

## Our approach

Social media is our main marketing platform.

We combine curated Head Office content with locally generated posts.

Our most engaging content features our people, their stories, our impact and community achievements.

## Most views: 9,007




## Most likes: 107



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# Customer feedback

Customer comments by recommendation score

**60.98**
**Net Promoter Score**
Overall customer result

**10**
**NPS example rating**
Positive feedback

**9**
**NPS example rating**
Positive feedback

**0–6**
**NPS example ratings**
Improvement feedback

## Examples: NPS 10

"I wanted to tick more than one option above. Your staff are beautiful, always helpful and friendly. Facilities are always clean."

"An amazing facility with great service and opportunities to create a healthy and vibrant community."

## Examples: NPS 9

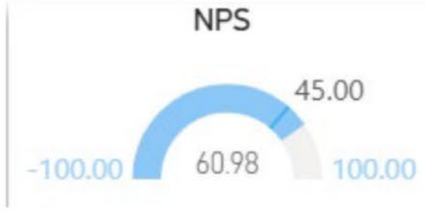
"I have many reasons for my score. I like the friendliness of the staff. The Centre is usually very clean and much cleaner than other places I have been to. The price is much more affordable than Aquatic Centre's in Orange and Bathurst. It is always a pleasant experience to visit the Centre!"

"Friendly, helpful staff"

## Examples: NPS 0–6

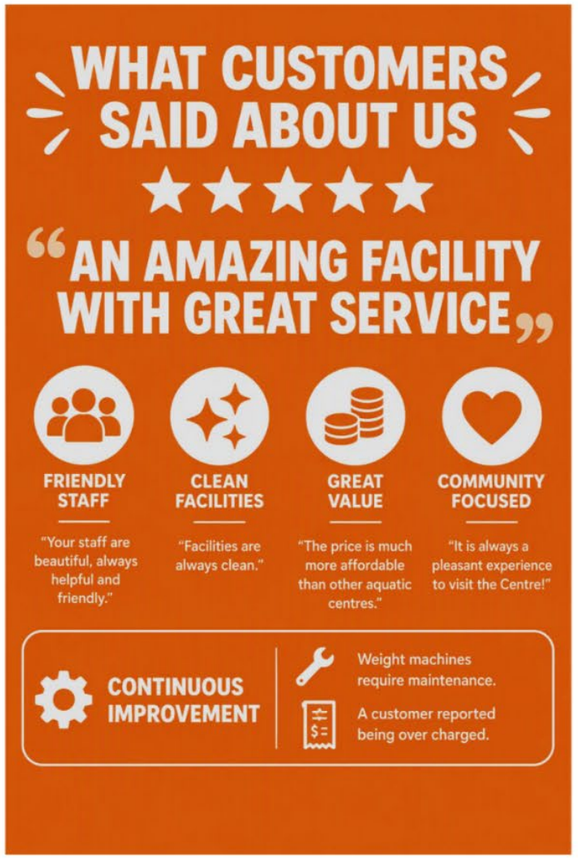
"Weight machines badly maintained, if at all."

"Was over charged excessively"



# Customer feedback

## What customers said




## Survey results




### Service and facilities

Customers highlight friendly staff, clean facilities, value and community connection.

### Continuous improvement

Feedback also identifies equipment maintenance and a reported overcharge.

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# What's next?

Upcoming activities and priorities

**Jan 2027**
**CentrePoint Open Day**
Community engagement

**5 Mar**
**Aquatic safety assessment**
2027

**3 Dec**
**School wellbeing day**
Blayney High School

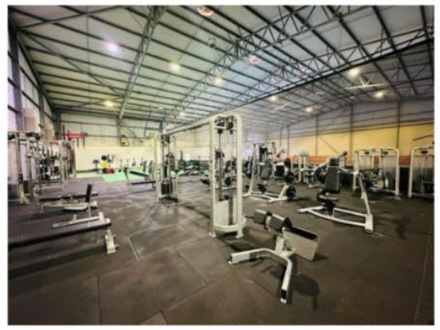
**3**
**Future goals**
Inclusion, reach and initiatives

## Upcoming community activities

Blayney Public School fete
Community networking and presence.

Blayney High School wellbeing day
Group Fitness classes for students.

School end-of-year presentations
Support and voucher donations for recognised students, with a community presence recognising ongoing support.





## Goals

Deliver future NAIDOC Week initiatives.
Increase social media presence.
Diversify access and inclusion.

# Questions & feedback

CentrePoint Sport & Leisure Centre

Questions & feedback

Thank you