

# CENTRAL TABLELANDS *Water*



Business Paper

Extraordinary Meeting of Central Tablelands *Water*

17 May 2019

Canowindra



15 May 2019

## Notice to Members

Extraordinary Meeting of Council to be held at the Old Vic Inn, Canowindra on Friday, 17 May 2019 at 10.30am.

### Agenda

1. Public Forum
2. Apologies for non-attendance
3. Confirmation of Minutes – Extraordinary Meeting held 5 March 2019
4. Disclosures of interests
5. Reports of Staff

Yours faithfully

G. Rhodes  
**General Manager**

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**HELD ON FRIDAY 17 MAY 2019**

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**01) DRAFT MODEL CODE OF MEETING PRACTICE (GO.PO.1)**

**Author:** General Manager

**IP&R Link:** Strategic Priority 2 – An efficient, sustainable and customer focussed organisation.

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**RECOMMENDATION:**

That the draft Model Code of Meeting Practice be endorsed and placed on public exhibition for a period of at least 42 days.

**REPORT**

The Office of Local Government (Circular No 18-45/18 December 2018) has advised Councils that a new Model Code of Meeting Practice has been prescribed under the *Local Government (General) Regulation 2005* and the existing meetings provisions of the Regulation have been repealed.

The key changes to the Model Meeting Code are as follows:

- new meetings principles
- optional rules for pre-meeting councillor briefings
- optional rules for public forums
- a new requirement for meetings to be webcast
- new rules limiting the use of mayoral minutes without notice to cases of urgency
- optional rules requiring a staff report for motions seeking decisions that do not align with councils' integrated planning and reporting (IP&R) objectives
- optional rules allowing multiple items to be adopted in a block
- optional rules allowing rescission motions to be dealt with at the same meeting in cases of urgency and allowing matters to be recommitted to correct an error
- optional rules placing time limits on meetings.

Council must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code prescribed by the Regulation. An adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the code of meeting practice adopted by the council.

Council is obligated to adopt a Code of Meeting Practice that aligns with the model code by 14 June 2019. It must be publicly exhibited for a period of not less than 42 days and submissions invited prior to the policy adoption process.

**BUDGET IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**ATTACHMENTS**

Draft CTW Model Code of Meeting Practice



# **CENTRAL TABLELANDS WATER**

## **MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW**

**2018**

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## 1 INTRODUCTION

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

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

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

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

In adopting the Model Meeting Code, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

## 2 MEETING PRINCIPLES

### 2.1 Council and committee meetings should be:

*Transparent:* Decisions are made in a way that is open and accountable.

*Informed:* Decisions are made based on relevant, quality information.

*Inclusive:* Decisions respect the diverse needs and interests of the local community.

*Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.

*Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

*Respectful:* Councillors, staff and meeting attendees treat each other with respect.

*Effective:* Meetings are well organised, effectively run and skilfully chaired.

*Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.



### 3 BEFORE THE MEETING

#### Timing of ordinary council meetings

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

Council shall meet at 10.30am on the 2<sup>nd</sup> Wednesday of alternate months, commencing in February each year. The meetings shall alternate between the towns of Grenfell, Blayney and Canowindra. Meetings will be held at the Weddin Shire Council Chambers in Grenfell, Blayney Water Filtration Plant Administration Building, and the Old Vic Inn at Canowindra.

Council shall adopt an annual schedule of dates for Council meetings at the October 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 Chairperson.

#### Extraordinary meetings

- 3.2 If the chairperson receives a request in writing, signed by at least two (2) members, the chairperson 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 chairperson can be one of the two members requesting the meeting.

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

#### Notice to the public of council meetings

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

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

- 3.4 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.
- 3.5 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

#### Notice to members of ordinary council meetings

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

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

- 3.7 The notice and the agenda for, and the business papers relating to, the meeting may be given to members in electronic form, but only if all members 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 members of extraordinary meetings

- 3.8 Notice of less than three (3) days may be given to members 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 [five \(5\)](#) business days before the meeting is to be held.
- 3.10 A member 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 member for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - (b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

#### Questions with notice

- 3.13 A member may, by way of a notice submitted under clause 3.9, ask a question for response by the general manager about the performance or operations of the council.
- 3.14 A member is not permitted to ask a question with notice under clause 3.13 that comprises a complaint against the general manager or a member of staff of

the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.

- 3.15 The general manager or their nominee may respond to a question with notice submitted under clause 3.13 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

#### Agenda and business papers for ordinary meetings

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

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

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

- 3.18 Nothing in clause 3.17 limits the powers of the chairperson to put a chairperson's minute to a meeting under clause 9.6.

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

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

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

**Note: Clause 3.20 reflects section 9(2A)(a) of the Act.**

- 3.21 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to members 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 member or by any other person to another person who is not authorised to have that information.

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

- 3.22 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 3.22 reflects section 9(2) and (4) of the Act.**

- 3.23 Clause 3.22 does not apply to the business papers for items of business that the general manager has identified under clause 3.20 as being likely to be considered when the meeting is closed to the public.

**Note: Clause 3.23 reflects section 9(2A)(b) of the Act.**

- 3.24 For the purposes of clause 3.22, 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 members.

**Note: Clause 3.24 reflects section 9(3) of the Act.**

- 3.25 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 3.25 reflects section 9(5) of the Act.**

### Agenda and business papers for extraordinary meetings

- 3.26 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.

- 3.27 Despite clause 3.26, 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.

- 3.28 A motion moved under clause 3.27(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

- 3.29 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.

- 3.30 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

- 3.31 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief members 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.
- 3.32 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.33 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.34 Members 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.
- 3.35 Members must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

## **4 PUBLIC FORUMS**

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums are to be chaired by the chairperson or their nominee.
- 4.3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 4.30pm the day prior to 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.
- 4.4 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.
- 4.5 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.
- 4.6 The general manager or their delegate is to determine the order of speakers at the public forum.

- 4.7 Each speaker will be allowed 5 minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.8 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.
- 4.9 A member (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.
- 4.10 Speakers at public forums cannot ask questions of the council, members or council staff.
- 4.11 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.
- 4.12 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.11, 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.
- 4.13 Clause 4.12 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 14 of this code.
- 4.14 Where a speaker engages in conduct of the type referred to in clause 4.11, 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.
- 4.15 Members 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 member 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 members at meetings

- 5.1 All members must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

**Note: A member may not attend a meeting as a member (other than the first meeting of the council after the member is elected or a meeting at which the member 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 member cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 5.3 Where a member is unable to attend one or more ordinary meetings of the council, the member should request that the council grant them a leave of absence from those meetings. This clause does not prevent a member 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 member's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the member 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 member's request for a leave of absence.
- 5.6 A member's civic office will become vacant if the member 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 member 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 members 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 members 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 members 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 safety and welfare of members, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the chairperson may, in consultation with the general manager and, as far as is practicable, with each member, 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.

#### Entitlement of the public to attend council meetings

- 5.15 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 5.15 reflects section 10(1) of the Act.**

- 5.16 Clause 5.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.



- 5.17 A person (whether a member 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 5.17 reflects section 10(2) of the Act.**

#### Webcasting of meetings

- 5.18 All meetings of the council and committees of the council are to be webcast on the council's website. *The webcast is to comprise an audio recording of the meeting and will be uploaded to council's website within 2 weeks after the meeting.*
- 5.19 Clause 5.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for *six (6) months*. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

#### Attendance of the general manager and other staff at meetings

- 5.22 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 are members.

**Note: Clause 5.22 reflects section 376(1) of the Act.**

- 5.23 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 5.23 reflects section 376(2) of the Act.**

- 5.24 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 5.24 reflects section 376(3) of the Act.**

- 5.25 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.

## **6 THE CHAIRPERSON**

#### The chairperson at meetings

- 6.1 The chairperson, or at the request of or in the absence of the chairperson, the deputy chairperson (if any) presides at meetings of the council.

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

- 6.2 If the chairperson and the deputy chairperson (if any) are absent, a member elected to chair the meeting by the members present presides at a meeting of the council.

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

#### Election of the chairperson in the absence of the chairperson and deputy chairperson

- 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 member then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
  - (b) every member present must be silent to enable the chairperson to be heard without interruption.

## **7 MODES OF ADDRESS**

- 7.1 The chairperson is to be addressed as 'Mr Chairperson' or 'Madam Chairperson'.
- 7.2 A member is to be addressed as 'Councillor [surname]'.
- 7.3 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 The general order of business for an ordinary meeting of the council shall be:

1. Opening meeting
2. Acknowledgement of country
3. Recording of Meeting Statement
4. Apologies and applications for a leave of absence by members
5. Confirmation of minutes of previous meeting(s)
6. Disclosures of interests
7. Public Forum
8. Chairperson's minute
9. Councillor Representation
10. Notices of motion
11. Reports of Staff
12. Questions with notice
13. Confidential matters
14. Conclusion of the meeting

- 8.2 The order of business as fixed under clause 8.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 8.3 Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 8.2 may speak to the motion before it is put.

## **9 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS**

### Business that can be dealt with at a council meeting

- 9.1 The council must not consider business at a meeting of the council:
- (a) unless a member has given notice of the business, as required by clause 3.10, and
  - (b) unless notice of the business has been sent to the members 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 chairperson's 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 members 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).

#### Chairperson's minutes

- 9.6 Subject to clause 9.9, at a meeting of the council, the chairperson may, by minute signed by the chairperson, 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 chairperson's minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson may move the adoption of a chairperson's minute without the motion being seconded.
- 9.8 A recommendation made in a chairperson's minute put by the chairperson is, so far as it is adopted by the council, a resolution of the council.
- 9.9 A chairperson's 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 chairperson's 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 chairperson's 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 member may, through the chairperson, put a question to another member about a matter on the agenda.
- 9.16 A member 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 member 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 documents. Where a member 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 Members 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 member 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 member who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.

- 10.3 If a member 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 members, the member may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a member who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other member 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.

#### 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 member who moved the original motion.

#### Foreshadowed motions

- 10.17 A member 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 member 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 member 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 member, 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 member 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 member 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 member 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 member 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 member expresses an intention to speak against it, or
  - (b) if at least two (2) members have spoken in favour of the motion or amendment and at least two (2) members 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 members must be heard without interruption and all other members must, unless otherwise permitted under this code, remain silent while another member 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 members

- 11.1 Each member 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 member 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 member who has voted against a motion put at a council meeting so requests, the general manager must ensure that the member'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) members 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 member 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 members for chairperson or deputy chairperson is to be by secret ballot.

## **12 COMMITTEE OF THE WHOLE**

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

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

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

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

- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes.

However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **13 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC**

#### Grounds on which meetings can be closed to the public

- 13.1 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 members),
  - (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 13.1 reflects section 10A(1) and (2) of the Act.**

- 13.2 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 13.2 reflects section 10A(3) of the Act.**

#### Matters to be considered when closing meetings to the public

- 13.3 A meeting is not to remain closed during the discussion of anything referred to in clause 13.1:
- (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 13.3 reflects section 10B(1) of the Act.**

13.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 13.1(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 13.4 reflects section 10B(2) of the Act.**

13.5 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 13.2), 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 13.1.

**Note: Clause 13.5 reflects section 10B(3) of the Act.**

13.6 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 members or to employees of the council, or
  - (ii) cause a loss of confidence in the council or committee.

**Note: Clause 13.6 reflects section 10B(4) of the Act.**

13.7 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 Chief Executive of the Office of Local Government.

**Note: Clause 13.7 reflects section 10B(5) of the Act.**

Notice of likelihood of closure not required in urgent cases

13.8 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 13.1, and
- (b) the council or committee, after considering any representations made under clause 13.9, 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 13.8 reflects section 10C of the Act.**

### Representations by members of the public

- 13.9 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 13.9 reflects section 10A(4) of the Act.**

- 13.10 A representation under clause 13.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 13.11 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 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by 4.30pm the day prior to the Council meeting at which the matter is to be considered.
- 13.12 The general manager (or their delegate) may refuse an application made under clause 13.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 13.13 If more than the permitted number of speakers apply to make representations under clause 13.9, 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 13.9, the general manager or their delegate is to determine who will make representations to the council.
- 13.14 The general manager (or their delegate) is to determine the order of speakers.
- 13.15 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 13.9 after the motion to close the part of the meeting is moved and seconded.
- 13.16 Each speaker will be allowed five (5) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

### Expulsion of non-members from meetings closed to the public

- 13.17 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 member 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.

- 13.18 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.

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

- 13.19 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

- 13.20 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.
- 13.21 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 13.20 during a part of the meeting that is webcast.

### **14 KEEPING ORDER AT MEETINGS**

#### Points of order

- 14.1 A member 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.
- 14.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 14.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the member 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

- 14.4 The chairperson, without the intervention of any other member, may call any member to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 14.5 A member who claims that another member has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 14.6 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.
- 14.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

#### Motions of dissent

- 14.8 A member 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.
- 14.9 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.
- 14.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

#### Acts of disorder

- 14.11 A member commits an act of disorder if the member, at a meeting of the council or a committee of the council:
  - (a) contravenes the Act or any regulation in force under the Act or this code, or
  - (b) assaults or threatens to assault another member 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
  - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

14.12 The chairperson may require a member:

- (a) to apologise without reservation for an act of disorder referred to in clauses 14.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 14.11(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 14.11(d) and (e).

#### How disorder at a meeting may be dealt with

14.13 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 members.

#### Expulsion from meetings

- 14.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a member, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Members may only be expelled by resolution of the council or the committee of the council.
- 14.15 Clause 14.14, does not limit the ability of the council or a committee of the council to resolve to expel a person, including a member, from a council or committee meeting, under section 10(2)(a) of the Act.
- 14.16 A member 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 14.11. The expulsion of a member from the meeting for that reason does not prevent any other action from being taken against the member for the act of disorder concerned.
- 14.17 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.
- 14.18 Where a member 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.
- 14.19 If a member 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 member or member of the public from that place and, if necessary, restrain the member or member of the public from re-entering that place for the remainder of the meeting.

### Use of mobile phones and the unauthorised recording of meetings

- 14.20 Members, 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.
- 14.21 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.
- 14.22 Any person who contravenes or attempts to contravene clause 14.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.23 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.

## **15 CONFLICTS OF INTEREST**

- 15.1 All members 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 DECISIONS OF THE COUNCIL**

### Council decisions

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

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

- 16.2 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

- 16.3 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 16.3 reflects section 372(1) of the Act.**

- 16.4 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 16.4 reflects section 372(2) of the Act.**

- 16.5 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 16.5 reflects section 372(3) of the Act.**

- 16.6 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) members if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

**Note: Clause 16.6 reflects section 372(4) of the Act.**

- 16.7 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 16.7 reflects section 372(5) of the Act.**

- 16.8 The provisions of clauses 16.5–16.7 concerning lost motions do not apply to motions of adjournment.

**Note: Clause 16.8 reflects section 372(7) of the Act.**

- 16.9 A notice of motion submitted in accordance with clause 16.6 may only be withdrawn under clause 3.10 with the consent of all signatories to the notice of motion.

- 16.10 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 16.10 reflects section 372(6) of the Act.**

- 16.11 Subject to clause 16.7, 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 members 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.

- 16.12 A motion moved under clause 16.11(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 16.11(b) can speak to the motion before it is put.

16.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.11(c).

#### Recommitting resolutions to correct an error

16.14 Despite the provisions of this Part, a member 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.

16.15 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.14(a), the member is to propose alternative wording for the resolution.

16.16 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.14(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.

16.17 A motion moved under clause 16.14 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 16.14 can speak to the motion before it is put.

16.18 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.14.

16.19 A motion moved under clause 16.14 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

## **17 AFTER THE MEETING**

### Minutes of meetings

17.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

**Note: Clause 17.1 reflects section 375(1) of the Act.**

17.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

17.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

**Note: Clause 17.3 reflects section 375(2) of the Act.**

17.4 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.

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

**Note: Clause 17.5 reflects section 375(2) of the Act.**

17.6 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.

17.7 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

17.8 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 17.8 reflects section 11(1) of the Act.**

17.9 Clause 17.8 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 17.9 reflects section 11(2) of the Act.**

17.10 Clause 17.8 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 17.10 reflects section 11(3) of the Act.**

17.11 Correspondence or reports to which clauses 17.9 and 17.10 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

17.12 The general manager is to implement, without undue delay, lawful decisions of the council.

**Note: Clause 17.12 reflects section 335(b) of the Act.**

## **18 COUNCIL COMMITTEES**

### Application of this Part

- 18.1 This Part only applies to committees of the council whose members are all councillors.

### Council committees whose members are all councillors

- 18.2 The council may, by resolution, establish such committees as it considers necessary.
- 18.3 A committee of the council is to consist of the chairperson and such other members as are elected by the members or appointed by the council.
- 18.4 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

- 18.5 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

- 18.6 The general manager must send to each member, 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.
- 18.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

### Attendance at committee meetings

- 18.8 A committee member (other than the chairperson) 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.
- 18.9 Clause 18.8 does not apply if all of the members of the council are members of the committee.

### Non-members entitled to attend committee meetings

- 18.10 A member 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 member 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

- 18.11 The chairperson of each committee of the council must be:
- (a) the chairperson, or
  - (b) if the chairperson 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.
- 18.12 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.
- 18.13 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.
- 18.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

### Procedure in committee meetings

- 18.15 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.
- 18.16 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 18.15.
- 18.17 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

- 18.18 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.
- 18.19 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.
- 18.20 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 18.19 during a part of the meeting that is webcast.

### Disorder in committee meetings

- 18.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

### Minutes of council committee meetings

- 18.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.
- 18.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 18.24 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.
- 18.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 18.26 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.
- 18.27 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.

## **19 IRREGULARITIES**

19.1 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 member or committee member, or
- (c) any defect in the election or appointment of a member or committee member, or
- (d) a failure of a member 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 19.1 reflects section 374 of the Act.**

## 20 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
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 18.11 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 18.2 of this code (being a committee consisting only of members) 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 members under clause 11.7 of this code requiring the recording of the names of the members who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a member under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a member under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act



quorum	means the minimum number of members or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

**02) DELIVERY PROGRAM PROGRESS REPORT (FM.PL.1)**

**Author:** General Manager

**IP&R Link:** Strategy Priority 1 – Provide a high quality and reliable drinking water supply – Strategy Priority 2 – An efficient, sustainable and customer focussed organisation - Strategy Priority 3 – Regional leadership and collaboration..

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**RECOMMENDATION:**

That Council note the report.

**REPORT**

This report relates to and provides information about Council's progress in achieving the strategic outcomes prescribed in Council's Integrated Planning and Reporting Delivery Program. It provides information on the performance of Council's strategic objectives in a streamlined summary aligned directly with Council's Delivery Program.

In accordance with Section 404(5) of the *Local Government Act 1993*, the General Manager must ensure that regular reports are provided to Council as to progress with respect to the achievement of the principal activities detailed in the Delivery Program.

This report has been compiled in consultation with management and staff.

A copy of the Delivery Program Progress Report as at March 2019 is attached for information.

**BUDGET IMPLICATIONS**

Nil

**POLICY IMPLICATIONS**

Nil

**ATTACHMENTS**

Delivery Program Progress Report

STRATEGY PRIORITY 1 – PROVIDING A HIGH QUALITY AND RELIABLE DRINKING WATER SUPPLY							
DP Ref	Key Result Area	ACTIVITY	Measure	Responsible Officer/s	Ongoing	Completed	Comment
1.1.1	1.1 SERVICE PROVISION THROUGH FIT FOR PURPOSE INFRASTRUCTURE	Deliver capital works program based on asset management data.	Capital works program is delivered	DOTS & AO	✓		The Capital Works program is progressing. All current capital works are within budget.
1.1.2		Develop and deliver maintenance program	Maintenance Program is delivered	DOTS & WNM	✓		CTW develops a maintenance program based on operational needs and asset condition on an annual basis.
1.1.3		Develop and implement a backflow prevention program.	Program is in place	DOTS & WNM	✓		In progress.
1.1.4		Undertake regular water meter replacement program	Program is in place	DOTS & WNM	✓		Meter replacement program when the meter is above 7,500 kL is ongoing.
1.2.1	1.2 COMPLIANCE AND REGULATION	Implement a Water Quality Management Plan.	Water quality guidelines are met or exceeded	DOTS	✓		Drinking Water Management System is reviewed and updated on an annual basis.
1.2.2		Inform and involve our customers and regulators about projects, programs and other activities	Positive involvement and feedback	GM & DOTS	✓		Notification regarding projects and programs are provided via CTW's website, facebook page, public notices in local newspapers, newsletters and householder pamphlets.
1.2.3		Undertake strategic reviews of water treatment facilities.	Reviews completed	DOTS & WQM	✓		CTW has an extensive water monitoring program at Lake Rowlands and WTP's which determine any adjustments to WTP operation. CTW regularly consults with NSW Dept of Health and participates in reviews to ensure treatment processes meet Drinking Water Guidelines.
1.2.4		Develop and implement an Integrated Water Cycle Management Plan using established community expectations and asset management information	Plan implemented	DOTS & WQM	✓		IWCM completed in 2014. IWCM to be reviewed and updated every 8 years in accordance with BPM guidelines.
1.2.5		Undertake regular water sampling programs	Program ongoing	DOTS & WQM	✓		Council has an extensive water quality sampling program in place which enables Council to meet regulatory water quality compliance requirements.
1.2.6		Develop and maintain register of legislation and regulation requirements	Register completed	DOTS, WNM & WQM	✓		In progress.
1.3.1	1.3 BEST PRACTICE ASSET MANAGEMENT	Assets are managed strategically, using whole of life methodology to improve delivery of services and financial management	TAMP and systems, hierarchy and processes are in place	AO	✓		Revised Asset Management Plan adopted in June 2018.

**STRATEGY PRIORITY 1 – PROVIDING A HIGH QUALITY AND RELIABLE DRINKING WATER SUPPLY**

DP Ref	Key Result Area	ACTIVITY	Measure	Responsible Officer/s	Ongoing	Completed	Comment
1.4.1	1.4 MITIGATE ENVIRONMENTAL IMPACT OF SERVICE DELIVERY	Review and implement water demand management plan.	Plan has been implemented	DOTS & AO	√		Industry water expert engaged to assist CTW to review and update current Demand Management Plan. This is to be completed in 19/20.
1.4.2		Review and implement drought management plan.	Plan has been implemented	DOTS & AO	√		Industry water expert engaged to assist CTW to review and update current Drought Management Plan. This is to be completed in 19/20.
1.4.3		Develop and implement an energy cost reduction strategy.	Program is in place and savings quantified	DOTS, WNM, WQM & AO	√		Renewable Energy Action Plan developed following and energy audit of CTW's assets. SMT are currently working through the action plan with energy industry experts.
1.4.4		Renewable energy sources are utilised where viable	Alternative sources are being used	DOTS, WNM, WQM & AO	√		Solar panels were installed at CTW Administration Office in 2018.
1.4.5		Automate and improve the reliability of processes at, and data available from, water treatment facilities.	Evidence of continuous improvement	DOTS, WNM, WQM & AO	√		Ongoing consultation with NSW Dept of Health and associated industry experts to ensure drinking water guidelines are met or exceeded.
1.5.1	1.5 EFFICIENT WATER USE	Provide customers with information and system to monitor water usage.	Water usage can be monitored	GM	√		Water saving and monitoring measures are provided via CTW's website, newsletters, television advertising and Smart Water Mark.

**STRATEGY PRIORITY 2 – AN EFFICIENT, SUSTAINABLE AND CUSTOMER FOCUSED ORGANISATION**

DP Ref	Key Result Area	ACTIVITY	Measure	Responsible Officer/s	Ongoing	Completed	Comment
2.1.1	2.1 CUSTOMER SERVICE	Develop and implement a customer engagement strategy	Strategy has been implemented.	DFCS	√		Formal strategy yet to be completed.
2.1.2		Undertake customer survey	Survey is completed and feedback being used to improve performance	DFCS		√	Customer satisfaction survey completed by independent research company in March 2019.
2.1.3		Review and action customer survey feedback.	Customers are provided timely services and response.	SMT	√		SMT are currently reviewing the results of the survey and will develop an action plan to address identified areas for improvement.
2.1.4		Establish service levels and monitor and report on performance.	Service level Reviews completed	DOTS & DFCS	√		In progress.
2.1.5		Public education information about water management and sustainable water practice is developed and published	Information is available	DOTS	√		Council's membership and involvement with the CWUA includes participation in joint demand management advertising and promotion. This includes the Smart Approved WaterMark membership.

**STRATEGY PRIORITY 2 – AN EFFICIENT, SUSTAINABLE AND CUSTOMER FOCUSED ORGANISATION**

DP Ref	Key Result Area	ACTIVITY	Measure	Responsible Officer/s	Ongoing	Completed	Comment
2.1.6	2.1 CUSTOMER SERVICE	Communicate and engage with constituent councils regularly.	Good relationships and communication with other councils.	GM	√		Constituent councils are regularly invited to attend CTW Strategic and Planning workshops. (e.g. Strategic Futures, DSP, IP&R). Continuous networking with Central NSW Councils during Centroc/JO meetings. The GM also attends Water County Council GM's meetings on a quarterly basis.
2.1.7		Provide timely advice to developer or customer requests for service connection	Customer service standards are met.	DOTS	√		Timely responses are provided to developer and customer connection requests.

**STRATEGY PRIORITY 2 – AN EFFICIENT, SUSTAINABLE AND CUSTOMER FOCUSED ORGANISATION**

DP Ref	Key Result Area	ACTIVITY	Measure	Responsible Officer/s	Ongoing	Completed	Comment
2.2.1	2.2 FINANCIAL MANAGEMENT	Develop a long-term financial management plan.	LTFP developed annually.	DFCS	√		Draft commencing FY19/20 being developed
2.2.2		Review schedule of fees and charges as part of the annual operational plan.	Updated annually.	DFCS	√		Draft commencing FY19/20 being developed
2.2.3		Work with constituent councils to review and implement an agreed Development Servicing Plan (DSP) which may include a deferred payment scheme	Plan is developed and implemented	SMT	√		Constituent councils were invited to participate in the CTW DSP Workshop held in March 2019. The draft DSP is currently going through the independent audit process in accordance with the 2016 DSP Guidelines.
2.2.4		Generate income through diversification exploring fee for service opportunities within the region	New income is identified	SMT	√		Ongoing.
2.2.5		Apply project management methodology and structure to key projects to meet budget and timelines	Projects completed on time and in budget	DOTS & DFCS	√		Microsoft Project is currently being used to plan, monitor and progress projects. Regular SMT and Managers meetings are held to discuss the progress of current projects (i.e. timelines and budget) and to plan for the delivery of future projects.
2.2.6		Secure grant funding where available to support delivery and development of services and infrastructure	Grant funding applications successful	SMT	√		CTW continues to apply for grant funding when available. CTW were recently successful in securing funding to purchase and install 3 water filling stations in Manildra, Eugowra and Canowindra.
2.3.1	2.3 IMPROVING PERFORMANCE AND MANAGING RISK	Monitoring of organisational and operational performance is regular, accessible and understandable	KPI and performance data is monitored and reported	DFCS	√		Ongoing.

STRATEGY PRIORITY 2 – AN EFFICIENT, SUSTAINABLE AND CUSTOMER FOCUSED ORGANISATION							
DP Ref	Key Result Area	ACTIVITY	Measure	Responsible Officer/s	Ongoing	Completed	Comment
2.3.2	2.3 IMPROVING PERFORMANCE AND MANAGING RISK	Manage the risk management framework including a risk register	Framework is in place	DOTS & DFCS	√		Continually monitored and updated.
2.3.3		Develop and implement a business wide and information technology continuity plan	BCP is in place	SMT	√		In progress.
2.3.4		Implement internal audit processes for governance and compliance management.	Internal audit committee meets regularly	DFCS	√		Audit, Risk and Improvement Committee in place and meets 3 times per year. Audit Plan being finalised.
2.3.5		Implement Work Health and Safety Program	Program is in place	SMT	√		A review of CTW's WHS policies and procedures was undertaken in late 2018. Recommendations from the review are currently being addressed via an Action Plan.
2.3.6		Complete a strategic futures review of the operating model of CTW to maximise independence and relevance	Review and plan has been completed	SMT	√		A CTW Futures Strategic Workshop was held in September 2018 with constituent councils invited to attend and participate. Strategies from the workshop are regularly reviewed at SMT meetings with strategies being progressed.
2.4.1	2.4 A CAPABLE AND MOTIVATED WORKFORCE	Develop and implement a workforce management strategy and plan including a review of salary and organisation structure	Review has been completed and plan developed	SMT	√		A salary system and organisation structure review was undertaken during 18/19. The new salary system was implemented from 1 January 2019. Recruitment of positions from identified resource skills gap was undertaken in March/April 2019. Full completion of the project is expected by June 2019.
2.4.2		Provide staff with professional development opportunities that meet future needs.	Training needs are identified annually, and a training budget is available	SMT	√		Training plan and professional development opportunities to be discussed and agreed during staff performance appraisals.
2.4.3		Develop capability and innovate with mobile technologies in the field	Mobile technologies are in use	DOTS	√		In progress.
2.5.1	2.5 EFFICIENT BUSINESS OPERATIONS	Corporate systems are integrated and efficient	Evidence of continuous improvement	DFCS	√		In progress.
2.5.2		Continually update and improve the Geographic Information System.	GIS system is current and used	AO	√		In progress.
2.5.3		Implement a fleet management system.	Review is completed and system in place	DOTS & DFCS	√		Currently being investigated.
2.5.4		Develop systems and processes to monitor and report on emerging technology and methods related to water cycle management.	New technologies are implemented	DOTS	√		In progress.

STRATEGY PRIORITY 3 – REGIONAL LEADERSHIP AND COLLABORATION							
DP Ref	Key Result Area	ACTIVITY	Measure	Responsible Officer/s	Ongoing	Completed	Comment
3.1.1	3.1 REGIONAL COLLABORATION AND PARTNERSHIPS	Work closely with Central West JO (through Water Alliance) for regional water security and access	Active participant of JO	GM & DOTS	√		The Chairman and General Manager attend Centroc and JO Board Meetings. The GM attends Centroc GMAC Meetings. DFCS attends Centroc RDOCs Meetings. The GM or DOTS attend CWUA Meetings. CTW Staff participate in joint Centroc Projects when applicable to CTW.
3.1.2		Participate in opportunities for resource, expertise and knowledge sharing with Central West JO.	Opportunities identified and considered	SMT	√		
3.1.3		Partner with and support constituent councils to attract growth and new business to the region.	Growth in constituent councils is supported	SMT	√		CTW continues to work with constituent councils to encourage growth in the region.
3.2.1	3.2 INDUSTRY AND REGIONAL LEADER IN THE WATER SECTOR	Explore opportunities to influence water industry policy and direction through participation in industry groups and bodies	Recognised as a sector leader	SMT	√		CTW continues to have a strong working relationship with DoI Water and WaterNSW. GM has nominated to represent CTW on the WaterNSW Lachlan Customer Advisory Group.
3.2.2		Identify value add services to grow the capability of the Council	Role and service provision is expanded	SMT	√		Ongoing.
3.2.3		Develop a future water strategy	Strategy is developed	SMT	√		Ongoing.
3.2.4		Investigate additional raw water sources within the region.	Ongoing investigation	DOTS	√		Ongoing.
3.2.5		Increase capacity of Lake Rowlands (dependent on grant funding)	Lake Rowlands is enlarged	SMT	√		CTW continues to advocate for the enlargement of Lake Rowlands. CTW is a major stakeholder in the Lake Rowlands to Carcoar Pipeline Project business case with WaterNSW.

**03) DRAFT OPERATIONAL PLAN 2019/2020 INCORPORATING 2019/2020 REVENUE POLICY AND DRAFT 2019/20 TO 2028/29 LONG TERM FINANCIAL PLAN (FM.PL.1)**

**Author:** Director Finance and Corporate Services

**IP&R Link:** Strategy Priority 2 – An efficient, sustainable and customer focussed organisation – Key Result Area 2.2 Financial Management - Develop a long term financial management plan 2.2.2 Review schedule of fees and charges annually as part of annual operational plan. 2.2.1

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**RECOMMENDATION:**

1. That Council endorses the draft Operational Plan 2019 – 2020 – Parts 1 & 2 and it be placed on public display for a period of 28 days.
2. That Council endorses the draft Long Term Financial Plan 2019-20 to 2028-29 and it be placed on public display for a period of 28 Days

**REPORT**

The 2019/20 draft Operational Plan and draft 2019/20 to 2028/29 Long Term Financial Plan have been prepared and are presented to Council.

The main features of the 2019/20 Operational Plan are:

**Fees and Charges**

- 6% increase in user charges from \$2.92 to \$3.10 per kl.
- 2% increase in availability charges for a standard 20mm meter connection. Increasing from \$235 to \$240 per annum.
- The overall increase in the residential water account for consumers using an average quantity of 190kls of water per annum is around \$36.30 or 70 cents per week.
- Disconnection and attendance fees which were unchanged in 2018/19 will increase by around 6%. Reconnection fees for periods greater than 3 months of disconnection will rise from \$305.00 to \$320.00.
- Service connection fees will rise by around 6% to improve cost recovery for those services.
- The user charge for the new Automatic Filling Stations in Cabonne Shire has been set at \$6.20 per kl.

**Capital Grants**

The following grants have been included in the 2019/20 operational plan:

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This is Page No. 5 of the Agenda presented to the Extraordinary Meeting of Central Tablelands County Council held at the Old Vic Inn, Canowindra on 17 May 2019



- \$833K for stage 1 of the Carcoar Reservoir project. Council has been advised that these funds remain from the joint funding received with Orange City Council for the Carcoar to Orange Pipeline project. The use of these surplus funds is currently being discussed with the relevant State Government funding body (Restart).
- \$50K for 50% funding for preliminary design work on the Lake Rowlands Dam Safety works.

### **Operational Expenditure**

The main features of the operational expenditure are:

- Salary and Wages based upon 21.6 FTE which incorporates Council new organisation structure following the recent review.
- Salary and Wage rates estimated to rise by 3.5% across Council incorporating the 2.5%, being 2019 Award Increase plus and 1% for staff reviews allowing progression through the adopted salary system structure.
- Materials and Contracts increases of 3.0% in accordance with the movement in the Local Government Cost Index (LGCI) plus 0.3% (this index is used by the Independent Pricing and Regulatory Tribunal for the determination of the rate pegging limit for General Purpose Councils)
- General Insurances are estimated to rise by 4%.
- Electricity is estimated to rise by 3% however it is noted that existing electricity contracts are due to expire at 31 December, 2019 which creates significant uncertainty as to the future pricing of power which makes up around 7% of Council's overall operating costs.
- Chemical prices are estimated to increase by around 3.0%.
- Provision has been made for costs associated with the Council wide training in the new Code of Conduct and Customer Service. (6.2K)
- Provision of \$2K for the cost of audio recording of Council meetings in accord with the new requirements of the new meeting code of practice.

### **Capital Expenditure Projects**

The following projects are included in the 19/20 Capital Budget:

- \$100K has been allocated to complete the commissioning of Trunk Main K (between Gooloogong and Grenfell). This is expected to be completed in December 2019 and January 2020. These funds will be reallocated from the 2018/19 Capital Budget.
- \$60K for renewal of network infrastructure signage.
- \$150K for telemetry renewals and upgrades.
- \$80K for renewal of high priority reticulation mains.

- \$40K for refurbishment work at the Canowindra Depot.
- \$49K for renewal of pumps as part of an ongoing annual program.
- 100K for Lake Rowlands Dam Safety design works (50% Grant Funded)
- 450K for the gross cost of vehicle replacement (\$247K estimated recovery through vehicle sales)
- 80K for reticulation main renewals restoring an annual program that was set aside to accumulate funding for Trunk Main K.
- 60K to update Network Signage.
- The overall budget for Capital expenditure in 2019/20 is \$1.97M ( Grant funding 883K)

### **Estimated Operating Result 2019/20**

The budget result is expected to be a surplus of \$68K before Capital Grants and Contributions. The result after the receipt of capital amounts is expected to be a surplus of \$1.08M. This includes expected one off grant funding of \$883K being 833K for the Carcoar Reservoir (residual funding from the Carcoar to Orange Pipeline project – Restart NSW) and 50K for the Design Work for Lake Rowlands Dam Safety design work.

The estimated cash result is a surplus of \$739,734 which will be transferred to the infrastructure restriction to provide for future renewals of infrastructure.

This is considered to be a satisfactory result given the drought conditions and the possibility of continuing demand management measures.

### **Long Term Financial Plan (LTFP) 2018-19 to 2028-29**

The LTFP has been reviewed updated and encompasses the following fundamental points:

- The Base Case has been prepared with conservative water user charges estimate to factor into account a continuation of drought conditions and the impact of water restrictions upon water sales.
- To ensure that Council is financial sustainable (can achieve operating surpluses before capital amounts each year)
- To understand that the renewal of infrastructure at Council will require grants from other tiers of government (high quality and reliable water supplies are a whole of Government Issue), prudent use of borrowings and own source funding. (Predominantly from water user charges).
- Council's future borrowing program will be strategically linked to the capital program so as accurately match funding with capital expenditure.
- To ensure that Council balances aspirational capital requirements to a priority based asset management framework that allows Council to operate within its

means whilst ensuring that our customers have the capacity to pay for an essential service (being a high quality reliable water supply).

- User charges have been estimated to change as follows:

Years	Increase per annum
19/20 to 22/23	6%
24/25 to 26/27	5%
27/28 to 28/29	4%

- The base case scenario which incorporates the 2019/20 Operational Budget produces a positive operating result before capital for each year of the plan.
- The \$46.8M 10 year capital budget can be funded through a combination of strategic borrowings of \$10.5M, Capital Grants of \$6.8M with the balance being funded internally by Council.
- Two additional scenarios have included in the LTFP. One which analyses the impact of a 3% reduction in water sales over the life of the plan (this compounds over time). (Scenario 2) Another which considers the impact of not receiving the \$6.8M in capital grants and taking out a \$6M additional loan in 2026/27 to complete the Capital Program. (Scenario 3)

The base case scenario utilising the 2019/20 operating budget is the preferred option as it gives a pathway to achieve the objectives of Council whilst remaining financially sustainable.

Scenarios 2 and 3 provide Council with an indication of the challenges involved if water income is reduced, grant income is not forthcoming and the level of debt required to complete the planned capital program.

Council faces unique financial challenges posed by a having a large body of infrastructure that is spread amongst a small number of consumers (i.e.: low connections per km of mains).

The LTFP provides a framework that can be used to ensure financial sustainability whilst at the same time renewing infrastructure and maintaining a high quality and reliable water supply.

**BUDGET IMPLICATIONS**

As per the Report.

**POLICY IMPLICATIONS**

Revenue Policy changes.

**Attachments**

Draft 19/20 Operational Plan has been distributed separately.

Draft 19/20 to 28/29 Long Term Financial Plan distributed separately

**04) QUESTIONS ON NOTICE**

(General Manager)

No questions on notice were received.

**ATTACHMENTS**

Nil

**05) WATER LEAKAGE – ACCOUNT 41315000004 (CR.EQ.1)**  
**ELECTRICITY PROCUREMENT (ET.SP.2)**

(General Manager)

**RECOMMENDATION:**

1. That, as these matters deal with items that are subject to the affairs of an individual or commercial information of a confidential nature, Council consider those matters in the Committee of the Whole and that in terms of Section 10A (2) of the Local Government Act, the press and the public be excluded from the meeting of the Committee of the Whole.

**ATTACHMENTS**

Nil

**06) PROCEED TO COMMITTEE OF THE WHOLE**

(General Manager)

**RECOMMENDATION:**

1. That, as business for the Ordinary Meeting has now concluded, Council proceed into Committee of the Whole to discuss the items referred to in the report.

*Council should exclude the press and public at this point, for confidential discussion on the items referred to Committee*

**ATTACHMENTS**

Nil

**RECOMMENDATION:**

1. That, as the deliberation of the Committee having been concluded, Council reconvene the Ordinary Meeting.



**07) REPORT OF THE COMMITTEE OF THE WHOLE**

(General Manager)

**RECOMMENDATION:**

That the recommendations of the Committee of the Whole be adopted.

**ATTACHMENTS**

Nil