



**Central
Tablelands
Water**

Business Paper

**Ordinary Meeting of
Central Tablelands Water**

13 April 2022

Grenfell



Saturday, 9 April 2022

Notice to Members

Your attendance is requested at an Ordinary Meeting of Council to be held at the Weddin Shire Council Chambers, Grenfell on Wednesday, 13 April 2022 at 10.30am.

Morning tea will be provided from 10am.

Agenda

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 from Previous Meeting(s)
6. Matters Arising from Previous Meetings
7. Disclosures of Interests
8. Public Forum
9. Chairperson's Minute
10. Councillor Representation
11. Notices of Motion
12. Reports of Staff
13. Questions on Notice
14. Confidential Matters
15. Late Reports
16. Conclusion of the Meeting

Yours faithfully

G. Rhodes
General Manager

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land. I would also like to pay respect to their people both past and present and extend that respect to other Aboriginal Australians who are present.

RECORDING OF MEETING STATEMENT

In accordance with the Central Tablelands Water Code of Meeting Practice, this meeting will be audio recorded and will be uploaded to Council's website within 2 weeks after the meeting. The audio recording will allow members of the public to listen to the proceedings of the Council meetings. The objective of this service is to eliminate geographic and other access barriers for the community wishing to learn more about Council's decision making processes. By speaking at the Council Meeting you agree to be audio recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times. Whilst Council will make every effort to ensure that audio recordings are available, it takes no responsibility for, and cannot be held liable for technical issues beyond its control. Technical issues may include, recording device failure or malfunction, or power outages. Audio recordings are a free public service and are not an official record of Council meetings. Recordings will be made of all Council meetings (excluding confidential items) and published within 2 weeks after the meeting. For a copy of the official public record, please refer to Council's Business Papers and Minutes page on Council's website. Council does not accept any responsibility for any verbal comments made during Council meetings which may be inaccurate, incorrect, defamatory, or contrary to law and does not warrant nor represent that the material or statements made during the meeting are complete, reliable, accurate or free from error. The audio recording is primarily set up to capture the proceedings of the Council meeting and members of the public attending a Council meeting need to be aware they may be recorded as part of the proceedings.

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HELD ON WEDNESDAY 13 APRIL 2022

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12. REPORTS OF STAFF**12.1) LOCAL GOVERNMENT NSW SPECIAL CONFERENCE 2022 (CM.CF.1)****Author:** General Manager**IP&R Link:** Strategic Priority 3: Regional leadership and collaboration

RECOMMENDATION:

That Council note the report regarding the Local Government NSW (LGNSW) Special Conference 2022.

REPORT

The Chairperson, Deputy Chairperson and General Manager represented Central Tablelands Water at the LGNSW Special Conference held at the Regency Hyatt Hotel Sydney from 28 February to 2 March 2022.

As reported at the February Council meeting, this conference is the annual policy-making event for NSW general-purpose councils, associate members and the NSW Aboriginal Land Council. It is the pre-eminent event of the local government year where local councillors come together to share ideas, debate issues, and work towards a better future in a post-COVID NSW.

The conference focused on how councils can drive a “Locally Led” employment and economic recovery, as we all continue to grapple with the complex challenges posed by the global pandemic. The conference was well attended by NSW councils across the state, inclusive of mayors, councillors, general managers and senior staff.

BUDGET IMPLICATIONS

Operational Plan FY21/22.

POLICY IMPLICATIONS

Nil

ATTACHMENTS

Nil.

12.2) DRAFT CODE OF MEETING PRACTICE POLICY (CM.ME.1)

Author: General Manager
IP&R Link: Strategic Priority 2: An efficient, sustainable and customer focused organisation – 2.5: Efficient business operations – 2.5.5: Good governance in place with timely management of council meetings.

RECOMMENDATION:

That Council:

1. Note the report, and
2. Endorse the draft Code of Meeting Practice Policy, which includes the new provisions outlined in the *Model Code of Practice for Local Government in NSW 2021*, to be placed on public display for a period of 28 days.

REPORT

The *Model Code of Meeting Practice for Local Government in NSW* was updated in November 2021. The new Model Meeting Code contains new provisions that allow councils, including county councils, to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies.

Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

An amendment has also been made to the Model Meeting Code implementing recommendation 6 of the Independent Commission Against Corruption's (ICAC) report in relation to its investigation of the former Canterbury City Council (Operation Dasha). ICAC recommended that the Model Meeting Code be amended to require that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

CTW's Code of Meeting Practice Policy has been updated accordingly and is now presented to Council for review and endorsement prior to proceeding on public display for a period of 28 days.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

The draft Code of Meeting Practice Policy reflects the latest update to the *Model Code of Meeting Practice for Local Government in NSW 2021*.

The new Model Meeting Code contains new provisions that allow councils, including county councils, to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies.

ATTACHMENTS

- 1 Draft Code of Meeting Practice Policy 40 Pages



**Central
Tablelands
Water**

DRAFT CODE OF MEETING PRACTICE

April 2022

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1 INTRODUCTION

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

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

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 members and staff act ethically and make decisions in the interests of the whole community.

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

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

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

3 BEFORE THE MEETING

Timing of ordinary council meetings

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

3.2 The council may, by resolution, vary the time, date and place of ordinary meetings for flexibility on given circumstances.

Note: Under section 396 of the Act, county councils are required to meet at least four (4) times each year.

Extraordinary meetings

- 3.3 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 3.3 reflects section 366 of the Act.

Notice to the public of council meetings

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

Note: Clause 3.4 reflects section 9(1) of the Act.

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

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to members of ordinary council meetings

- 3.7 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 3.7 reflects section 367(1) of the Act.

- 3.8 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 councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to members of extraordinary meetings

- 3.9 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 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A member 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 four (4) business days before the meeting is to be held.
- 3.11 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.
- 3.12 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.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:
- (a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
 - (b) by written notice sent to all members with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.

Questions with notice

- 3.14 A member may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A member is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

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

- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the chairperson to put a chairperson's minute to a meeting under clause 9.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

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

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

Statement of ethical obligations

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

Availability of the agenda and business papers to the public

- 3.24 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of

council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

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

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

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

- 3.26 For the purposes of clause 3.24, copies of agendas and business papers must be published on 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 3.26 reflects section 9(3) of the Act.

- 3.27 A copy of an agenda, or of an associated business paper made available under clause 3.24, may in addition be given or made available in electronic form.

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

Agenda and business papers for extraordinary meetings

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

Pre-meeting briefing sessions

- 3.33 Prior to each ordinary meeting of the council, the 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.

- 3.34 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.35 Pre-meeting briefing sessions may be held by audio-visual link.
- 3.36 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.37 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.
- 3.38 Members (including the chairperson) 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 member who made the declaration.

4 PUBLIC FORUMS

- 4.1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.
- 4.2 Public forums may be held by audio-visual link.
- 4.3 Public forums are to be chaired by the chairperson or their nominee.
- 4.4 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 4pm on the Monday before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.5 A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting.
- 4.6 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.7 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.

- 4.8 No more than two (2) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 4.9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.10 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the chairperson or the chairperson's nominated delegate, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.11 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than two days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.12 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.13 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson.
- 4.14 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.15 A 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.
- 4.16 Speakers are under no obligation to answer a question put under clause 4.15. Answers by the speaker, to each question are to be limited to three (3) minutes.
- 4.17 Speakers at public forums cannot ask questions of the council, members, or council staff.
- 4.18 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to five (5) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 4.19 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the

council defer consideration of the matter pending the preparation of a further report on the matters.

- 4.20 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies, and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.21 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.20, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.22 Clause 4.21 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 14 of this code.
- 4.23 Where a speaker engages in conduct of the type referred to in clause 4.20, the general manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the general manager or their delegate considers appropriate.
- 4.24 Members (including the chairperson) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the councillor who made the declaration.

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

5 COMING TOGETHER

Attendance by 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, unless permitted to attend the meeting by audio-visual link under this code.
- 5.4 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.
- 5.5 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.
- 5.6 The council must act reasonably when considering whether to grant a member's request for a leave of absence.
- 5.7 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 5.7 reflects section 234(1)(d) of the Act.

- 5.8 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

- 5.9 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 5.9 reflects section 368(1) of the Act.

- 5.10 Clause 5.9 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 5.10 reflects section 368(2) of the Act.

- 5.11 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.

- 5.12 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.
- 5.13 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.
- 5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of members, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the 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.
- 5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

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

Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.

Attendance by members at meetings by audio-visual link

- 5.19 Members may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a member for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the member will be prevented from attending the meeting in person.
- 5.21 Members may request approval to attend more than one meeting by audio-visual link. Where a member requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a member to attend a meeting by audio-visual link.
- 5.23 A member who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The member may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a member to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
 - (a) the meetings the resolution applies to, and
 - (b) the reason why the member is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a member's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a member's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by members to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a member's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the member to attend the meeting by these

means.

- 5.27 The council and committees of the council may refuse a member's request to attend a meeting by audio-visual link where the council or committee is satisfied that the member has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a member attending a meeting by audio-visual link in the same way it would if the member was attending the meeting in person. Where a member is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A member must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The member's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A member must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 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 5.31 reflects section 10(1) of the Act.

- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

- 5.33 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 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a member, from a council or committee meeting. Alternatively, if adopted, clause 15.15

authorises chairpersons to expel persons other than members from a council or committee meeting.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website as soon as practicable after the meeting.
- .
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.

Note: Clauses 5.34 – 5.38 reflect section 236 of the Regulation.

- 5.39 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

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are board members.

Note: Clause 5.40 reflects section 376(1) of the Act.

- 5.41 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 5.41 reflects section 376(2) of the Act.

- 5.42 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 5.42 reflects section 376(3) of the Act.

- 5.43 The attendance of other council staff at a meeting, (other than as members of

the public) shall be with the approval of the general manager.

- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual-link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

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 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

- 7.1 The general order of business for an ordinary meeting of the council shall be:

- 01 Opening meeting
- 02 Acknowledgement of country
- 03 Recording of Meeting Statement
- 04 Apologies and applications for a leave of absence or attendance by audio-visual link by members
- 05 Confirmation of minutes
- 06 Matters arising from previous minutes
- 07 Disclosures of interests
- 08 Public Forum
- 09 Chairperson's minute
- 10 Member Representation
- 11 Notices of Motion
- 12 Reports of Staff
- 13 Questions on Notice
- 14 Confidential Matters
- 15 Late Reports
- 16 Conclusion of the meeting

- 7.2 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.

Note: If adopted, Part 13 allows council to deal with items of business by exception.

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

8 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGSBusiness that can be dealt with at a council meeting

- 8.1 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 councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 8.2 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.
- 8.3 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.
- 8.4 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.
- 8.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

Chairperson's minutes

- 8.7 A chairperson's minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting.
- 8.8 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.
- 8.9 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.
- 8.10 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

- 8.11 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

- 8.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 8.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 8.14 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.
- 8.15 A member may, through the chairperson, put a question to another member about a matter on the agenda.
- 8.16 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.
- 8.17 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 information. 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.
- 8.18 Members must put questions directly, succinctly, respectfully and without argument.
- 8.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a member or council employee.

9 RULES OF DEBATEMotions to be seconded

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

Notices of motion

- 9.2 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.

- 9.3 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.
- 9.4 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

- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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

- 9.9 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

- 9.10 An amendment to a motion must be moved and seconded before it can be debated.
- 9.11 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.
- 9.12 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.

- 9.13 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.
- 9.14 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.
- 9.15 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.
- 9.16 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

- 9.17 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.
- 9.18 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.
- 9.19 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

- 9.20 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.
- 9.21 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.
- 9.22 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.

- 9.23 Despite clause 9.22, 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.
- 9.24 Despite clause 9.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 9.25 Despite clauses 9.20 and 9.21, 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.
- 9.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 9.25. A seconder is not required for such a motion.
- 9.27 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 9.20.
- 9.28 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.
- 9.29 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.
- 9.30 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.

10 VOTING

Voting entitlements of members

- 10.1 Each member is entitled to one (1) vote.
- Note: Clause 10.1 reflects section 370(1) of the Act.**
- 10.2 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 10.2 reflects section 370(2) of the Act.**
- 10.3 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

- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 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.
- 10.8 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 10.4 of this code.
- 10.9 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.

11 COMMITTEE OF THE WHOLE

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

Note: Clause 11.1 reflects section 373 of the Act.

- 11.2 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 9.20–9.30 limit the number and duration of speeches.

- 11.3 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.

- 11.4 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.

12 DEALING WITH ITEMS BY EXCEPTION

- 12.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 12.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 12.1, the chairperson must list the items of business to be adopted and ask members to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 12.3 The council or committee must not resolve to adopt any item of business under clause 12.1 that a member has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 12.4 Where the consideration of multiple items of business together under clause 12.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 12.5 A motion to adopt multiple items of business together under clause 12.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 12.6 Items of business adopted under clause 12.1 are to be taken to have been adopted unanimously.
- 12.7 Members must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 12.1 in accordance with the requirements of the council's code of conduct.

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, members, 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 councillors 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 Departmental 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 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 13.9, members of the public must first make an application to the council in the approved form. Applications must be received by 4pm on the Monday before

the 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 No more than four (4) speakers are to be permitted to make representations under clause 13.9.
- 13.14 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.
- 13.15 The general manager (or their delegate) is to determine the order of speakers.
- 13.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 13.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four (4) speakers to make representations in such order as determined by the chairperson.
- 13.17 Each speaker will be allowed three (3) minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-members from meetings closed to the public

- 13.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a 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.
- 13.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Obligations of members attending meetings by audio-visual link

- 13.20 Members attending a meeting by audio-visual link must ensure that no other person is within sight or hearing of the meeting at any time that the meeting is

closed to the public under section 10A of the Act.

Information to be disclosed in resolutions closing meetings to the public

13.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

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

Note: Clause 13.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

13.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

13.23 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 13.22 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, the Regulation 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, makes unfavourable personal remarks about, or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

Note: Clause 14.11 reflects section 182 of the Regulation.

- 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), (b), or (e), 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 any statement that constitutes an act of disorder referred to in clauses 14.11(d) and (e).

Note: Clause 14.12 reflects section 233 of the Regulation.

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, including any member, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 14.16 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 councillor, from a council or committee meeting, under section 10(2)(a) of the Act.
- 14.17 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 14.12. 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.

Note: Clause 14.17 reflects section 233(2) of the Regulation.

- 14.18 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.
- 14.19 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.
- 14.20 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.

How disorder by members attending meetings by audio-visual link may be dealt with

- 14.21 Where a member is attending a meeting by audio-visual link, the chairperson or a person authorised by the chairperson may mute the member's audio link to the meeting for the purposes of enforcing compliance with this code.

- 14.22 If a member attending a meeting by audio-visual link is expelled from a meeting for an act of disorder, the chairperson of the meeting or a person authorised by the chairperson, may terminate the member's audio-visual link to the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 14.23 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.
- 14.24 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.
- 14.25 Without limiting clause 14.18, a contravention of clause 14.24 or an attempt to contravene that clause, constitutes disorderly conduct for the purposes of clause 14.18. Any person who contravenes or attempts to contravene clause 14.24, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 14.26 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.
- 15.2 Members attending a meeting by audio-visual link must declare and manage any conflicts of interest they may have in matters being considered at the meeting in accordance with the council's code of conduct. Where a member has declared a pecuniary or significant non-pecuniary conflict of interest in a matter being discussed at the meeting, the member's audio-visual link to the meeting must be suspended or terminated and the member must not be in sight or hearing of the meeting at any time during which the matter is being considered or discussed by the council or committee, or at any time during which the council or committee is voting on the matter.

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 16.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

- 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 3.10.

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 3.10.

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 3.11 with the consent of all signatories to the notice of motion.
- 16.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 16.11 reflects section 372(6) of the Act.

- 16.12 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.
- 16.13 A motion moved under clause 16.12(b) can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.12(b) can speak to the motion before it is put.
- 16.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.12(c).

Recommitting resolutions to correct an error

- 16.15 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.
- 16.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 16.15(a), the member is to propose alternative wording for the resolution.
- 16.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 16.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.
- 16.18 A motion moved under clause 16.15 can be moved without notice. Despite clauses 9.20–9.30, only the mover of a motion referred to in clause 16.15 can speak to the motion before it is put.
- 16.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 16.15.

- 16.20 A motion moved under clause 16.15 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) the names of members attending a council meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a council meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

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

Note: Clause 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 board members.

Council committees whose members are all board members

- 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.
- 18.18 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

- 18.19 The provisions of the Act and Part 13 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.
- 18.20 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.
- 18.21 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 18.20 during a part of the meeting that is webcast.

Disorder in committee meetings

- 18.22 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

- 18.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the

following matters are recorded in the committee's minutes:

- (a) the names of members attending a meeting and whether they attended the meeting in person or by audio-visual link,
- (b) details of each motion moved at a meeting and of any amendments moved to it,
- (c) the names of the mover and seconder of the motion or amendment,
- (d) whether the motion or amendment was passed or lost, and
- (e) such other matters specifically required under this code.

- 18.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 18.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 18.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 18.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 18.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

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
audio-visual link	means a facility that enables audio and visual communication between persons at different places
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 20.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 20.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 12.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 11.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 10.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 10.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including

	the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2021</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

12.3) COUNCIL RESOLUTIONS UPDATE REPORT (GO.CO.1)

Author: General Manager
IP&R Link: Strategic Priority 2: An efficient, sustainable and customer focused organisation – 2.5.5: Good governance in place with timely management of council meetings.

RECOMMENDATION:

That Council note the Council Resolutions Update Report to February 2022.

REPORT

The General Manager is responsible for ensuring that Council's resolutions, policies and decisions are implemented in a timely and efficient manner, progress monitored and variances reported.

The General Manager provides the management oversight in relation to all information progressing from appropriate staff to Council for consideration via the Business Paper.

After a Council meeting, each resolution is allocated to the General Manager or responsible officer to action in accordance with the Council resolution. The Senior Management Team (SMT) then discuss the progress of these resolutions at fortnightly SMT meetings.

Council have requested a Resolutions Update Report at each Council meeting.

The Council Resolutions Update Report includes Council Resolutions to February 2022.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

ATTACHMENTS

- 1 Council Resolutions Update - February 2022 3 Pages

COUNCIL RESOLUTIONS UPDATE

Council Resolutions Update – Meeting held 13 April 2022					
Resolution Ref.	Date of Meeting	Subject	Responsible Officer	Decision	Action Taken/Status
20/015	12/2/20	Water Security – Regional approach to support neighbouring councils	GM	<ol style="list-style-type: none"> 1. Consider the issue of adopting a collaborative approach to the supply of water between networks connected to the CTW supply system at the upcoming drought management workshop in March 2020, and 2. As a matter of urgency, authorize the general manager to negotiate an agreement between CTW, Orange City Council and Cabonne Council to transfer water to Molong for emergency purposes, and report back to Council on the outcome of the agreement. 	5/4/22 – DOTS and OCC Water Strategic Manager have been progressing the Annexures to the draft WSA (i.e. Form of Request, SOPs, Comms Plan) prior to a follow up meeting being arranged in the near future.
20/097	14/2/20	Centroc Water Grid Pipeline Project	GM/DOTS	That Council endorse Central Tablelands Water's involvement in partnering with Parkes and Forbes Shire Councils in strengthening regional water security through the Centroc Water Grid Pipeline Project, subject to approval of the business case and approval of CTW's financial contribution.	5/2/21 - DOTS continues to represent CTW by attending monthly Centroc Water Grid update meetings. Please refer to DOTS Water Security – Drought Update Reports.

21/092	17/11/21	Sub-Regional Town Water Supply Strategy	GM/DOTS	<p>That Council:</p> <ol style="list-style-type: none"> 1. Note the report on the project “Development of the Safe and Secure Water Program – Cabonne, Orange and Central Tablelands Water Regional Town Water Strategy (SSWP270)”; 2. Endorse the Memorandum of Understanding - Development of the Safe and Secure Water Program – Cabonne, Orange and Central Tablelands Water Regional Town Water Strategy, and 3. Authorise the Chairman and General Manager to execute all necessary documentation to enter into the Memorandum of Understanding - Development of the Safe and Secure Water Program – Cabonne, Orange and Central Tablelands Water Regional Town Water Strategy. 	9/2/22 MOU is yet to be executed by all 3 councils.
22/011	16/2/22	Audit Risk and Improvement Committee (ARIC)	DFCS	<ol style="list-style-type: none"> 5. That Council issue an expression of interest to appoint an Independent Member Representative on the Central Tablelands Water Audit, Risk and Improvement Committee. 6. That Council Re-appoint Donna Rygate as an Independent Member of the Central Tablelands Audit Risk and Improvement Committee. 7. That the Independent Member selected be appointed by the General 	<p>5/4/22 An expression of interest process was successfully undertaken in collaboration with Blayney Shire Council and Upper Macquarie Weeds County Council during February. The GM has appointed a new independent member following the recommendation of the EOI panel.</p> <p>Donna Rygate was re-appointed as an independent member of the ARIC in February.</p> <p>Actions completed.</p>

				Manager to the Central Tablelands Water, Audit, Risk and Improvement Committee.	
22/015	16/2/22	Purchase of critical equipment for the Carcoar Water Treatment Plant	DOTS	That Council endorse the early procurement of Programmable Logic Control (PLC) equipment for Carcoar Water Treatment Plant (CWTP) in preparation of ensuring CWTP operation is not compromised due to the lack of availability of the original, now obsolete, PLC modules, and the global delays in manufacturing electronic components due to the impacts of Covid-19.	5/4/22 All PLC components have been procured. The microprocessor and adaptor kits have been delivered, however, the Input/Output modules are on back order. Action completed.

12.4) FINANCIAL MATTERS - INVESTMENT REPORT AS AT 31 MARCH, 2022
(FM.BA.1)

Author: Director Finance & Corporate Services
IP&R Link: Strategic Priority 2: An efficient, sustainable and customer focused organisation – 2.3.1: Organisational performance is measured and reported through KPI's and used for decision-making.

RECOMMENDATION:

That the information in relation to Council's Investments at 31 March, 2022 be noted.

REPORT**Cash and Investments**

The investment summary below represents Council's total investments as at 31 March, 2022 in accordance with clause 212 of the Local Government (General) Regulation 2005 and Section 625 of the Local Government Act 1993.

The above investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulation 2005 and Council's Investment Policy.



Peter McFarlane
Responsible Accounting Officer

Investment Commentary

As reported previously the outlook for term deposits particularly in the case of terms exceeding 9 months has improved significantly.

Interest rates for the rollover of funds with a 12 month horizon is now double or better to what was being offered 3 to 4 months ago. This has resulted in an improvement of 40 to 80 basis points (0.4% to 0.8%).

Council is now benefitting significantly from its actions of extending its term deposit length that was undertaken around 12 months ago. Council increased its terms from around 6 to 9 months to 12 months due to the additional interest margin that could be gained.

The change in market rates on term deposits has been in response to market expectations that the Reserve bank (RBA) will increase the cash rate (currently 0.1%) in response to the continuing fall in unemployment (now around 4.0%) and rising inflation (headline rate currently 3.5%) but expected to go higher when the March 2022 Consumer Price Index is released.

The RBA are continuing to keep the cash rate at an historic low of 0.1% but given the increasing inflation markets are pricing in up to four cash rate increases this year.

It is notable that Central Banks around the world including the US Federal Reserve and the Bank of England have increased rates significantly over the past 3 months in response to headline inflation numbers of up to 8.0%.

These increases in rates by Central Banks is also putting downward pressure on the Australian Dollar (\$A) due to reduced capital inflows into Australia. This downward valuation of the Australian Dollar also places pressure on inflation due to the increased price of imported goods.

BUDGET IMPLICATIONS

The rising level of interest rates on Council's term deposits is likely to enable the interest earned budget to be exceeded this year, particularly as maturing deposits are rolled into higher yielding options.

POLICY IMPLICATIONS

Council continues to operate around the 12-month term for most of its deposits (to enable Council to get the best rate and have a maturity on a business day some terms have gone out to 367 days). Council is operating in the area of the yield curve where substantial increases in market rates are occurring as the expectation for increases in the cash rate becomes more likely.

This illustrates that Council has sufficient flexibility within its investment policy to successfully respond to changing market conditions.

ATTACHMENTS

- 1 Cash and Investments at 31-3-2022

		Credit Rating	Term (Days)	Rate	Maturity Date	% of Portfolio
Short Term Deposits	\$ 7,900,000.00					94.24%
Commonwealth Bank of Australia	600,000	AA-	364	0.41%	17/06/22	7.16%
Commonwealth Bank of Australia	500,000	AA-	365	0.76%	7/02/23	5.96%
AMP - Curve Securities	500,000	BBB	365	1.00%	28/02/23	5.96%
Unity Bank/Reliance Credit Union	500,000	Unrated	365	0.50%	4/08/22	5.96%
Macquarie Bank - Curve Securities	400,000	A+	367	0.40%	17/10/22	4.77%
ME Bank - Curve Securites	500,000	BBB+	367	1.35%	27/03/23	5.96%
AMP - Curve Securities	500,000	BBB	365	1.00%	3/11/22	5.96%
Bank of QLD - Curve Securities	500,000	BBB+	367	0.67%	31/10/22	5.96%
Macquarie Bank - Curve Securities	600,000	A+	320	0.40%	22/08/22	7.16%
MyState - Curve Securites	500,000	BBB	365	1.10%	15/03/23	5.96%
ME Bank - Curve Securites	500,000	BBB+	365	1.05%	10/03/23	5.96%
Macquarie Bank - Curve Securities	300,000	A+	0	0.60%	At Call	3.58%
ME Bank - Curve Securities	500,000	BBB+	330	0.45%	5/05/22	5.96%
Commonwealth Bank of Australia	500,000	AA-	365	0.33%	15/09/22	5.96%
AMP - Curve Securities	500,000	BBB	365	0.80%	23/09/22	5.96%
Macquarie Bank - Curve Securities	500,000	A+	365	1.60%	28/03/23	5.96%
At Call Deposits	\$ 482,977.57					5.76%
Commonwealth Bank - General Account	\$ 477,779.26	AA-	At Call	0.00%	N/A	
Commonwealth Bank - BOS Account	\$ 5,171.49	AA-	At Call	0.10%	N/A	
Reliance Credit Union - Cheque Account	\$ 26.82	Unrated	At Call	0.00%	N/A	

Total Value of Investment Funds **\$ 8,382,977.57** **100%**

Average Rate on Term Deposits

90 Day BBSW for March 2022	0.2315%
Average Rate on Term Deposits	0.7763%
Margin over 90 day BBSW	0.5448%

Average Term - Short Term Deposits (days) 338

Long Term Credit Rating

	Amount \$	%
AA-	\$ 2,082,950.75	24.85%
A+	\$ 1,800,000.00	21.47%
BBB+	\$ 2,000,000.00	23.86%
BBB	\$ 2,000,000.00	23.86%
Unrated	\$ 500,026.82	5.96%
Total	\$ 8,382,977.57	100.00%

BANK RECONCILIATION

Balance as per Bank Statement	\$	451,986.93
Add: Auspost Receipting 31/03/2022 deposited 01/04/2022	\$	1,895.34
Add: Visa card purchases presented February 2022	\$	10,026.35
Add: Visa card purchases presented March 2022	\$	13,870.64

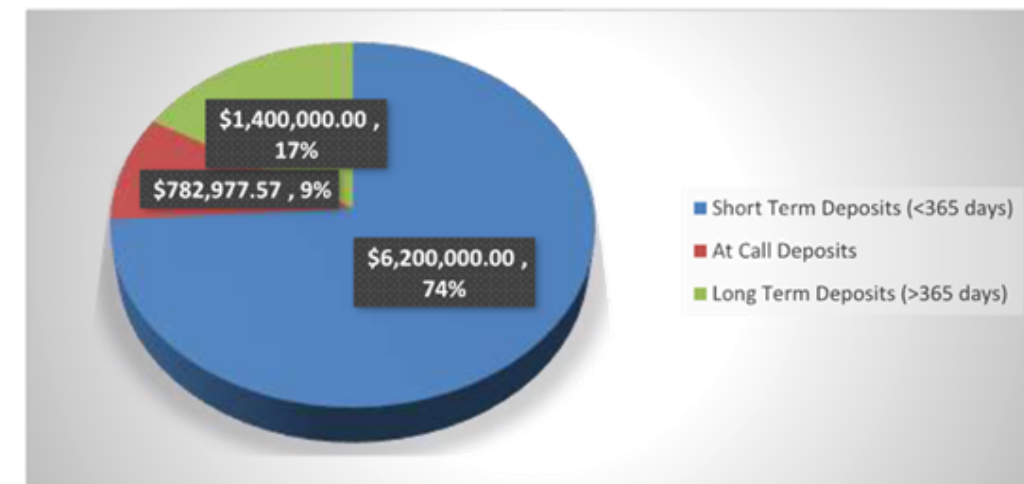
Balance as per Cash Book **\$ 477,779.26**

GENERAL FUND

(a) Cash Book Balance \$ 482,977.57

(b) Bank Balance \$ 482,977.57

Short Term Deposits (<365 days)	\$ 6,200,000.00
At Call Deposits	\$ 782,977.57
Long Term Deposits (>365 days)	\$ 1,400,000.00



12.5) COUNCILLORS SUPERANNUATION PAYMENTS FROM 1 JULY 2022
(GO.CO.1)

Author: Director Finance & Corporate Services
IP&R Link: – 2.5.5: Good governance in place with timely management of council meetings. – 2.5: Efficient business operations

RECOMMENDATION:

1. That Council apply superannuation payments to Councillors and Chairperson's Fees from 1 July 2022.
2. That superannuation payment apply in addition to fees adopted by Council as payable to Councillors and the Chairperson.
3. That the superannuation rate be as prescribed by the Superannuation Guarantee Act 1992 from time to time.

REPORT

Councillors are not considered employees of council and are expressly excluded from the entitlement to superannuation under the Superannuation Guarantee Charge (SGC) Act of 1992. Section 12 (9) of that Act in discussing who is eligible for SGC contributions states:

9) A person (is eligible for SGC payments) who:

(a) holds, or performs the duties of, an appointment, office or position under the Constitution or under a law of the Commonwealth, of a State or of a Territory; or

(b) Is otherwise in the service of the Commonwealth, of a State or of a Territory (including service as a member of the Defence Force or as a member of a police force);

is an employee of the Commonwealth, the State or the Territory, as the case requires.

However, this rule does not apply to a person in the capacity of the holder of an office as a member of a local government council

This means that under that Commonwealth legislation “a holder of an office as a member (councillor) of a local government council” is not entitled to payments of superannuation in respect of fees received.

For many years to improve equity in councillors remuneration and make it more attractive to hold office as a councillor, Local Government NSW has requested the Local Government Remuneration Tribunal (the LGRT, determines annually the range of fees payable to Councillors under Sec 241 of the Local Government Act 1993), to consider the issue of superannuation for councillors. The LGRT has advised that the issue of superannuation for councillors was not a matter for them to consider.

It is important to note that despite not being considered employees, councillors have for many years been able to successfully salary sacrifice (forgo part of the fee payable in return for contributions to a compliant superannuation fund) as long as they comply with the Australian Taxation Office (ATO) guidelines in respect of salary sacrifice arrangements.

In May 2021, amendments to the Local Government Act (LGA) 1993 (Section 252B) commenced, which provided an option for councillors from 1 July, 2022 to have superannuation payments made in addition to their annual fees, equivalent in amount to superannuation guarantee payments under the SGC legislation. Office of Local Government Circular 22-04, a copy that is attached outlines how the superannuation system for councillors will operate.

The main points being:

- The contribution will be based upon the rate of the SGC when the payment of fees is made. (i.e. 2022/23 the rate will be 10.5% of the fees paid)
- Contributions will be paid to a complying superannuation fund specified by each individual councillor. (i.e. a complying or eligible superannuation fund is one that is set up in a way that satisfies all Commonwealth Government legislation requirements and is approved by the Australian Prudential Regulatory Authority known as APRA)
- The decision to make superannuation guarantee payments is a matter for each individual council and must be made at an open meeting of Council.
- Individual councillors may opt out of receiving superannuation contributions by submitting in writing a request to the General Manager of Council.

BUDGET IMPLICATIONS

Provision will be made for the cost of superannuation contributions in the 2022/23 and future years operational budgets. The estimated cost of providing for the contributions in 2022/23 based upon a 2.5% increase in adopted fees payable by Council, will be \$8,506.

POLICY IMPLICATIONS

The payment of superannuation contributions will not affect the benefits available to councillors under the Councillor Payment of Expenses and Provision of Facilities Policy.

ATTACHMENTS

- 1 OLG Circular 22-04 Councillors Superannuation



Circular Details	21-07 / 27 May 2021 / A767595
Previous Circular	20-42
Who should read this	Councillors / General Managers / Finance & Rating Staff / Corporate Governance & Legal Staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Council to implement

Commencement of *Local Government Amendment Act 2021*

What's new or changing

- The *Local Government Amendment Act 2021* (Amendment Act) was passed by the NSW Parliament on 13 May 2021 and has come into effect, although some reforms will commence by proclamation, as indicated below.
- This Amendment Act includes reforms to ensure a fairer and more flexible rating system for councils and ratepayers, councillor superannuation and minor changes that relate to council elections and the terms of office of chairs of county councils and joint organisations.

What this will mean for your council

- Councillors, general managers and staff should familiarise themselves with the key reforms in the Amendment Act, with a particular focus on those changes that came into effect on commencement, as outlined below.
- Councils created by merger in 2016 that have yet to harmonise their rating structures have more flexible options for their rating structures, including the option to harmonise rates gradually over up to eight years. See key points for merged councils below.

Key points

- The Government remains committed to strengthening the performance and sustainability of local government, including councils created by merger in 2016. The Amendment Act delivers key reforms to achieve these outcomes.
- Rating reforms will ensure councils have a stable and reliable revenue base, provide greater flexibility for councils and ratepayers, enabling a fairer distribution of the rating burden. This implements key elements of the Government's response to the Independent Pricing and Regulatory Tribunal's (IPART's) review of the local government rating system.
- The Amendment Act will be subject to a Statutory Review within 2 years.

Key points for merged councils

- Importantly, the Act now provides greater flexibility for those councils formed in 2016 as they prepare to harmonise rates from 1 July 2021. These councils can choose, in consultation with their communities:
 - to harmonise their rating structures gradually over up to eight years - councils that take up this option must apply no more than 50% of the total increase in rates for each rating category over the period, in any year;

Office of Local Government
 5 O'Keefe Avenue NOWRA NSW 2541
 Locked Bag 3015 NOWRA NSW 2541
 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
 E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- to set separate rates for different residential land within a contiguous urban area, like Greater Sydney and the Central Coast; and
- to set separate rates for farming land based on geographic location.
- It is a matter for each merged council to determine whether or not to take up one or more of these options as they develop a rating structure for their area.
- The Amendment Act also provides a process for councils constituted within the last 10 years to submit a business case with supporting reasons to the Minister for a de-amalgamation of an area. Further information on this process will be provided separately.

Key points about rating changes for all NSW councils

- Changes to improve flexibility for residential and farmland rates can also be used by all NSW councils.
 - Councils are able to set different residential rates within a contiguous urban area and can choose to set different rates for farmland based on geographic location. These provisions commence on assent.
 - Councils will be able to set business rates based on whether the land is predominantly used for industrial activities. This will commence by proclamation.
 - A new rating category for environmental land will be created for land where meaningful development is constrained by geography or regulation that imposes significant restrictions on use, such as conservation agreements. This provision will commence by proclamation, once regulations are made.
 - The Act now clearly allows for multiple rate pegs to be set, if required, as part of limiting councils' general income each year. This will enable the Government to deliver on its commitment to align councils' general income to population growth in future to help relieve pressure in growing communities. This provision commences on assent. IPART will recommend a proposed rate peg methodology to the Minister.
 - To reduce red tape, the Act will allow councils to levy a new kind of special rate for infrastructure jointly funded with other government entities. These special rates are not limited to funding council functions and resulting income does not form part of councils' general income under the rate peg. This provision will commence by proclamation, once regulations are made.
 - The Act also allows for regulations to be made to specify circumstances under which the rating exemption for land subject to a conservation agreement may be removed. This will not commence until regulations are made following consultation with key stakeholders to ensure incentives for land conservation remain in place.
 - The Act will provide any councils that provide water and sewerage services and levy special rates for that purpose with discretion about whether to exempt certain properties from those rates.
 - Limits will be placed on ratepayers eligible to postpone rates due to a change in the permitted use of their land. This will still allow owner occupiers who would face hardship to apply to council for a postponement of the portion of their rates that have increased due to rezoning.

Key points about other changes

Office of Local Government
 5 O'Keefe Avenue NOWRA NSW 2541
 Locked Bag 3015 NOWRA NSW 2541
 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
 E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- Councils will have the option to make superannuation contribution payments for councillors from 1 July 2022 equivalent in amount to superannuation guarantee payments. The decision to make superannuation contribution payments must be made by resolution at an open meeting.
- Minor amendments have been made to allow the time for the receipt of postal votes to be prescribed by regulation and to allow greater flexibility for the NSW Electoral Commission and other electoral service providers in the administration of countbacks to fill vacancies.
- The term of office of chairpersons of county councils has been extended to two years, aligning it with the terms of office of mayors elected by councillors and chairpersons of joint organisations. Technical amendments have also been made to clarify that the terms of chairpersons of county councils and joint organisations expires on the election day of their member councils.
- Further rating reforms that do not rely on the Amendment Act will be implemented by making changes to regulations and releasing new guidance later this year.
- In part, this includes aligning rating income growth with population growth to help councils provide for growing communities within the rate pegging system while still protecting residents from sudden and excessive rate rises.
- To give effect to this commitment, the Minister has asked IPART to recommend a proposed rate peg methodology that allows the general income of councils to be varied each year in a way that accounts for population growth.
- IPART has been asked to ensure that councils with lower population growth are not disadvantaged, to undertake public consultation and to provide a final report by September.
- There is no change to the requirement for councils to pay an annual Emergency Services Levy (ESL) contribution from within councils' general income.

Where to go for further information

- The Local Government Amendment Act 2021 is available at <https://www.legislation.nsw.gov.au>.
- The Government's response to IPART's review of the local government rating system is available at www.olg.nsw.gov.au/wp-content/uploads/2020/06/IPART-Rating-Review-Government-Response.pdf
- IPART's final report on the local government rating system is available at www.ipart.nsw.gov.au/Home/Industries/Local-Government/Reviews/Local-Government-Rating-System/Local-Government-Rating-System



Luke Walton
Acting Deputy Secretary
Local Government and Planning Policy

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

12.6) GOVERNMENT INFORMATION PUBLIC ACCESS ACT 2009 (GIPA) - AGENCY INFORMATION GUIDE (IM.CO.1)

Author: Director Finance & Corporate Services
IP&R Link: Strategic Priority 2: An efficient, sustainable and customer focused organisation – 2.5: Efficient business operations – 2.5.5: Good governance in place with timely management of council meetings.

RECOMMENDATION:

That Council adopt the draft Agency Information Guide (AIG) 2022 in accordance with the Government Information Agency Act 2009 (GIPA).

REPORT

Council is required to update its Agency Information Guide (AIG) in accord with the requirements of the GIPA Act 2009.

The purpose of the AIG is to explain how Council deals with the release of information to comply with the GIPA Act and promote open government.

There are various kinds of information held by Council that is described as follows:

1. Open Access – being information that is made publicly available usually on Council's website – this information is available at no charge.
2. Proactive release – being information that is not considered to be open access but Council has considered it is in the public interest to make the information publicly available - this information is available at no charge.
3. Informal release – being information that Council has decided to release when a request is made – this information is not made publicly available – this information is available at no charge.
4. Formal access application – being information that is not publicly available but a written request and application is made for release upon payment of an application fee.

The AIG is a valuable document to ensure that everyone is aware of how to access information from and about Council.

BUDGET IMPLICATIONS

A \$30.00 application fee for GIPA application fees apply. A further \$30.00 per hour processing charge may be applied depending on the extent of resources required to process the application.

Council does not budget for any revenue for GIPA application charges or processing fees.

POLICY IMPLICATIONS

Nil

ATTACHMENTS

- 1 2022 Central Tablelands Water Agency Information Guide

2022

Central Tablelands Water



Central Tablelands Water

Agency Information Guide

Prepared in accordance with the provision
of Section 20 of the Government
Information (Public Access) Act 2009.

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OPEN ACCESS INFORMATION

AGENCY INFORMATION GUIDE – CENTRAL TABLELANDS WATER

ABOUT COUNCIL

Central Tablelands County Council (Trading as Central Tablelands Water), a water supply authority constituted under the Local Government Act 1993, was first proclaimed in 1944. The council area includes the Shires of Blayney, Cabonne and Weddin. Bulk water is also supplied to Cowra Shire Council to service the villages of Woodstock, Gooloogong and Pearce's Rural Scheme. Council also provides reticulated water to the township of Quandialla.

COUNCIL STRUCTURE & OBJECTIVES

Central Tablelands Water is a constituency of three local government areas, namely Blayney Shire, Cabonne Shire and Weddin Shire. The Council comprises two delegates each elected by their constituent council for a four-year term. The Chairman and Deputy Chairman are elected every two years by the Councillor's.

Operational aspects of the Council are run by the General Manager with a structure of 2 departments, each with its own Director. Refer to Council's Organisation Structure at Appendix 2 for a listing of functions within each department.

Council's Vision, Mission and corresponding strategic directions and outcomes are listed in Council's [Strategic Business Plan](#), [Delivery Program](#), Asset Management Plan and [Operational Plan](#).

EFFECT THAT COUNCIL FUNCTIONS HAVE ON THE PUBLIC

The Council's functions are directed towards meeting the needs and expectations of the public, which it serves, and to fulfil legislative and regulatory requirements. In fulfilling these requirements, Council makes decisions that impact the public. These include determining:

- Council's role and responsibilities within the CTW Strategic Business Plan;
- Fees and charges levied by Council; and,
- Policies and procedures in the provision of services.

DECISION MAKING– PUBLIC PARTICIPATION

Council comprises its councillor's who as elected representatives of the community provide strategic and policy guidance to benefit the community. Council meets regularly (six times per year) to determine recommendations from Council staff in relation to its functions.

Meetings of the Council are open to the members of the public and all are welcome to attend (except those sessions closed to the public as stated by the Local Government Act). The opportunity is also offered to members of the public to address Council on matters that are within its jurisdiction. Prior arrangements should be made with the General Manager.

Council also holds Community Consultation meetings; receives input from the Community and can be approached directly. All Council and Community Consultation meetings are advertised on Council's website and local newspapers prior to the meetings being held.

WHAT INFORMATION IS HELD BY COUNCIL?

Council holds information relating to its various functions. The information covers a wide range including: files, policy documents, general documents and legal documents.

WHAT INFORMATION IS PUBLICLY AVAILABLE?

The type of information that is available and may be accessed includes but is not limited to:

- Integrated Planning & Reporting (IP&R) Documents (Strategic Business Plan, Operational Plan; Delivery Plan, Long Term Financial Plan, Workforce Management Plan, Asset Management Plan)
- Strategic Business Plan;
- Council's Business Papers;
- Annual Reports;
- Financial Reports
- Drought Management Plan;
- Developer Servicing Plan;
- Demand Management Plan; and,
- Council Policies.
- Disclosure Log of Formal Access Applications
- Register of Contracts

HOW IS COUNCIL INFORMATION ACCESSED?

Under the Government Information (Public Access) Act 2009 (the GIPA Act) there are four ways that Council held information may be accessed:

1. Mandatory release

State and local government agencies are required to publish specific open access information on their website, free of charge. For example, these could include a register of government contracts, policies, media releases and annual reports. Please refer to Appendix 1 for a list of open access information available to the public. This list is progressively being added to Council's website; however it can be requested from Council's Right to Information Officer at any time.

2. Proactive release

Council seeks to make as much other information as possible publicly available in an appropriate manner, including on the internet. The information is usually available free of charge or at the lowest reasonable cost e.g. Council may charge photocopying fees for hardcopy (paper) documents. Frequently requested information or information of public interest may be made readily available. Council's proactive release procedure will be reviewed as required.

3. Informal release

Council is authorised to release other information in response to an informal request, subject to any reasonable conditions Council imposes. For example, such information could include requests for personal information by the individual concerned. In some instances, an Access to Council Information – Informal Release Request may be required and will need to be submitted. In other instances the information will simply be handed over or be made available for viewing or be provided electronically or by way of a paper copy. Access to photocopying may be made available at the requestor's expense.

4. Formal release

Council may release information in response to a formal access application. This is the last resort, if the information is not available in any other way. A Government Information (Public Access) Act 2009 Access Application will need to be submitted with an accompanying fee.

The current application fee for formal release is \$30.00. A further fee of \$30.00 per hour may be required as a processing charge depending upon the resources required to review the application.

DOCUMENTS ABOUT COUNCIL THAT HAVE BEEN TABLED IN PARLIAMENT

No documents have yet been tabled in Parliament by or on behalf of Central Tablelands Water. Should this occur Council will publish links to these documents here.

COUNCIL'S POLICY DOCUMENTS

Council's policies are available from Council's website: www.ctw.nsw.gov.au

For enquiries please contact Council's Right to Information Officer:

Phone: 02 6391 7200

E-mail: water@ctw.nsw.gov.au

Mail: PO Box 61 Blayney NSW 2799

The GIPA Act defines "policy documents" as documents used by Council in connection with the exercise of those functions of Council that affect or are likely to affect rights, privileges

or other benefits, or obligations, penalties or other detriments, to which members of the public are or may become entitled, eligible, liable or subject.

COUNCIL'S DISCLOSURE LOG OF FORMAL ACCESS APPLICATIONS

Council's Disclosure Log of Formal Access Applications is available on the website www.ctw.nsw.gov.au.

Council received its first formal application in 2018. A second formal application was transferred by another agency in 2021.

COUNCIL'S RECORD OF ANY OPEN ACCESS INFORMATION THAT HAS NOT BEEN DISCLOSED BECAUSE OF AN OVERRIDING PUBLIC INTEREST

There has not been an occurrence of not disclosing information because of an overriding public interest.

COUNCIL REGISTER OF INTEREST DETAILS

Council is required to provide open access to disclosure of interest forms lodged by Councillors and Designated persons (those being the Council's General Manager and Directors) on its website. Council can pursuant to section 6 (4) of the GIPA Act redact information where there is an overriding public interest against disclosure. Matters that Council will redact include signatures, property addresses and items where disclosure is considered detrimental to the privacy and security of the person making the disclosure.

COUNCIL'S REGISTER OF GOVERNMENT CONTRACTS

Under the GIPA Act 2009 Council is required to provide a register for all contracts over \$250,000 where the contractor undertakes a specific project, the contractor agrees to provide specific goods or services or which involves the transfer or lease of real property.

Council's Register of Contracts over \$250,000 in value are available on Council's website at www.ctw.nsw.gov.au.

CONTACT INFORMATION – THE INFORMATION AND PRIVACY COMMISSION NEW SOUTH WALES

If you require any other advice or assistance about access to information you may contact the Information and Privacy Commission New South Wales by the following methods:

Information and Privacy Commission NSW

Level 15, McKell Building

2-24 Rawson Place

Haymarket NSW 2000

GPO Box 7011

Sydney NSW 2001

Free call: **1800 IPC NSW** (1800 472 679)

Website: www.ipc.nsw.gov.au

Email: ipcinfo@ipc.nsw.gov.au

Appendix 1

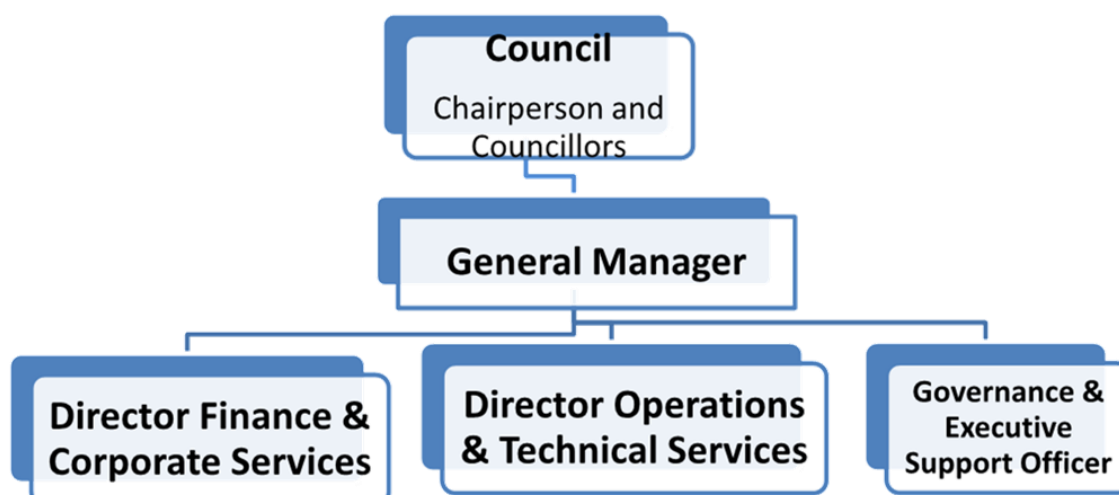
1 INFORMATION ABOUT LOCAL AUTHORITY

- (1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
 - a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
 - b) code of meeting practice;
 - c) annual report;
 - d) annual financial reports;
 - e) auditor's report; and,
 - f) IP&R documents.
 - g) disclosure log of formal access applications
 - h) contracts register where value exceeds \$250,000
 - i) register of interests
- (2) Information contained in the following records is prescribed as open access information:
 - a) agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
 - b) minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
 - c) Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.

Appendix 2

ORGANISATION STRUCTURE – CENTRAL TABLELANDS WATER

Council's organisation structure includes two directorates being Finance and Corporate Services and Operations and Technical Services.



Key Functions

Financial Management
Administration
Accounts Payable
Accounts Receivable
Payroll
Water Billing
Customer Service
Records Management
ARIC
Insurance
Human Resource Management
Information Technology
Financial Reporting
Workers Compensation
Taxation Compliance
Financial Planning

Key Functions

Water Supply
Water Supply Infrastructure
Water Supply Maintenance
Asset/Plant Management
Depot Management
WH&S Management
Project Management

12.7) AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC) (CM.AU.1)

Author: Director Finance & Corporate Services
IP&R Link: Strategic Priority 2: An efficient, sustainable and customer focused organisation – 2.3: Improving Performance and managing risk

RECOMMENDATION:

That Council note report and the final composition of the Audit, Risk and Improvement Committee.

REPORT

The following resolutions were made at the Council meeting held on the 16th February 2022:

1. That Council Re-appoint Donna Rygate as an Independent Member of the Central Tablelands Water Audit Risk and Improvement Committee.
2. That the Independent Member selected be appointed by the General Manager to the Central Tablelands Water, Audit, Risk and Improvement Committee.(ARIC)

Council is advised that after a joint expression of interest conducted by Blayney Shire Council (BSC), Central Tablelands Water (CTW) and Upper Macquarie County Council (UMCC), a second independent committee member has been appointed by the General Manager.

This was done after a recommendation of a three person evaluation panel consisting of the Director of Corporate Services of BSC, the acting General Manager at UMCC and the Director of Finance and Corporate Services of CTW.

Mr Ron Gillard was appointed as the second independent member. Mr Gillard is currently sitting on the ARIC's of Cowra, Tamworth and Hilltops Council's.

The composition of the ARIC is therefore:

Donna Rygate – Independent Member
Ron Gillard – Independent Member
Cllr Nash – Council representative
Cllr Somerville – Council alternate representative

The first meeting of the newly composed ARIC is scheduled to occur on Wednesday 18 May 2022 at the Blayney Shire Community Centre.

BUDGET IMPLICATIONS

Council has an adopted budget in 21/22 for ARIC operations of \$21,500. This will allow for committee meeting operational costs and the undertaking of one internal audit review.

An amount of \$2,518 has been spent in 21/22 on the two committee meetings held to date, leaving an amount of \$18,982 remaining.

These funds will be utilised to undertake one internal audit engagement and cover the cost of conducting meetings including independent member's fees.

POLICY IMPLICATIONS

Section 428A of the Local Government Act 1993 outlines the requirements and duties of the ARIC. Section 23A of the Local Government Act apply to the new OLG guidelines that will be released shortly.

ATTACHMENTS

Nil.

12.8) WATER SECURITY - DROUGHT IMPACT UPDATE (WS.AM.1)**Author:** Director Operations & Technical Services**IP&R Link:** – 1.1.1: Deliver capital works program based on asset management data. Strategic Priority 1: Provide a high quality and reliable drinking water supply**RECOMMENDATION:**

That Council note the information in the report.

REPORT

Central Tablelands Water (CTW) continues to welcome ongoing rainfalls in its Lake Rowlands Dam (LRD) catchment area.

In following with NSW State Government directions, CTW continues to develop its drought resilience opportunities through continuance of the below projects.

1. The fit out of Woodstock Pump Station continues to progress within budget and in a timely manner.
2. CTW, in conjunction with Parkes and Forbes Shire Councils, has now completed the final draft of the Centroc Water Grid Pipeline project. The draft final business case has been distributed to all councils and DPE for comment.

BUDGET IMPLICATIONS

Project		Woodstock Pump Station		
Approved Budget		\$806,703 (includes \$63,886 contingency)		
Project End date		June 2022		
Revised Budget	Expenditure to date	Projected (*)	Total	Remaining Funds (**)
\$806,703	\$574,286	\$106,500	\$680,742	\$117,417

Note: (*) Projected costs include 1-2 weeks of commissioning.

(**) Remaining funds will be available for CTW's 12ML reservoir project.

POLICY IMPLICATIONS

Nil

ATTACHMENTS

Nil.

12.9) PERFORMANCE OF COUNCIL'S SYSTEMS (WS.MO.4)

Author: Director Operations & Technical Services
IP&R Link: Strategic Priority 1: Provide a high quality and reliable drinking water supply – Strategic Priority 2: An efficient, sustainable and customer focused organisation – 2.1.4: Establish service levels and monitor and report on performance.

RECOMMENDATION:

That Council note the information.

REPORT

FROM 02/02/2022 to 06/04/2022

a) Main Breaks

Location		Date	Size / Type	Comment
Blayney	Osman St	1/03/2022	100mm AC	R&RP
Blayney *	Frape St	11/03/2022	100mm AC	DNR
Blayney *	Adelaide Ln	1/04/2022	100mm AC	DNR
Blayney *	Adelaide Ln	5/04/2022	100mm AC	R&RP
Carcoar	Icely St	7/03/2022	100mm AC	R&RP
Eugowra	Casuarina Way nr Nanami Ln	23/02/2022	50mm Poly	R&RP

- Pipe repaired as a result of damage by others.



Notes

1. CTW Mains (Trunk & Retic) Break score of 3/573km == 0.52/100km.
Rolling Value across 12mths = 7.33/100km which is slightly lower than the 2017-18 NSW State Median benchmark of 9.0 breaks/100km.

b) Service Activities and Requests

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
BLAYNEY	22	18	14	29	1.97%	1470
BURST METER	2	0	0	0	0.00%	

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CHECK METER READING	0	2	0	0	0.00%	
DIRTY WATER COMPLAINT	0	0	3	10	0.68%	
LEAKING HYDRANT	0	0	0	1	0.07%	
LEAKING METER	8	6	5	11	0.75%	
LEAKING SERVICE	4	1	4	0	0.00%	
LOW PRESSURE COMPLAINT	0	0	0	1	0.07%	
MAIN BREAK	2	3	1	4	0.27%	
MAINTENANCE - GENERAL	1	3	0	1	0.07%	
METER NEW / REPLACEMENT	0	2	1	0	0.00%	
METER NOT SHUTTING OFF	3	0	0	0	0.00%	
PATHCOCK FAILURE	0	1	0	1	0.07%	
STOP VALVE FAILURE	2	0	0	0	0.00%	
Total Complaints = 11						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
CANOWINDRA	24	16	13	13	1.15%	1132
CHECK METER READING	0	1	0	1	0.09%	
DIRTY WATER COMPLAINT	0	0	0	1	0.09%	
LEAKING METER	5	1	5	3	0.27%	
LEAKING SERVICE	6	8	6	4	0.35%	
LOW PRESSURE COMPLAINT	1	1	0	2	0.18%	
MAIN BREAK	9	4	1	0	0.00%	
MAINTENANCE - GENERAL	2	0	0	2	0.18%	
METER NEW / REPLACEMENT	0	1	1	0	0.00%	
NO WATER COMPLAINT	1	0	0	0	0.00%	
Total Complaints = 2						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
CARCOAR	1	2	1	2	1.49%	134
LEAKING SERVICE	0	0	0	1	0.75%	
MAIN BREAK	0	2	0	1	0.75%	
METER NOT SHUTTING OFF	0	0	1	0	0.00%	
NO WATER COMPLAINT	1	0	0	0	0.00%	
Total Complaints = 0						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
CARGO	3	2	3	1	0.61%	163
LEAKING METER	0	0	1	1	0.61%	
LEAKING SERVICE	0	0	0	0	0.00%	

MAIN BREAK	1	0	0	0	0.00%	
NO WATER COMPLAINT	2	0	0	0	0.00%	
METER NEW / REPLACEMENT	0	2	2	0	0.00%	
Total Complaints = 0						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
CUDAL	4	6	0	6	2.61%	230
LEAKING METER	2	2	0	3	1.30%	
LEAKING SERVICE	0	1	0	3	1.30%	
MAIN BREAK	1	1	0	0	0.00%	
METER NEW / REPLACEMENT	0	2	0	0	0.00%	
PATHCOCK FAILURE	1	0	0	0	0.00%	
Total Complaints = 0						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
EUGOWRA	4	9	2	9	2.31%	389
CHECK METER READING	1	0	1	0	0.00%	
LEAKING METER	0	1	1	1	0.26%	
LEAKING SERVICE	1	4	0	1	0.26%	
LOW PRESSURE COMPLAINT	1	1	0	0	0.00%	
MAIN BREAK	0	0	0	1	0.26%	
MAINTENANCE – GENERAL	1	0	0	2	0.51%	
METER NEW / REPLACEMENT	0	0	0	3	0.77%	
METER NOT SHUTTING OFF	0	2	0	0	0.00%	
QUALITY COMPLAINT	0	1	0	1	0.26%	
Total Complaints = 1						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
GRENFELL	21	24	18	14	1.04%	1341
BURST METER	0	0	0	1	0.07%	
CHECK METER READING	4	3	1	1	0.07%	
CUSTOMER DAMAGED METER	0	0	0	1	0.07%	
DIRTY WATER COMPLAINT	2	1	0	0	0.00%	
HYDRANT LEAKING	0	0	0	1	0.07%	
LEAKING METER	3	3	3	3	0.22%	
LEAKING SERVICE	4	10	5	2	0.15%	
LOW PRESSURE COMPLAINT	1	0	3	3	0.22%	
MAIN BREAK	2	1	1	0	0.00%	
MAINTENANCE – GENERAL	2	2	1	1	0.07%	

METER NEW / REPLACEMENT	0	1	2	0	0.00%	
METER NOT SHUTTING OFF	1	0	1	1	0.07%	
NO WATER COMPLAINT	0	1	0	0	0.00%	
PATHCOCK FAILURE	1	0	0	1	0.07%	
QUALITY COMPLAINT	1	2	0	0	0.00%	
STOP VALVE FAILURE	0	0	1	0	0.00%	
Total Complaints = 3						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
LYNDHURST	2	2	3	1	0.00%	155
CHECK METER READING	0	1	1	0	0.00%	
DIRTY WATER COMPLAINT	0	0	1	0	0.00%	
LEAKING METER	1	0	0	0	0.00%	
LOW PRESSURE COMPLAINT	1	0	0	0	0.00%	
MAINTENANCE – GENERAL	0	1	1	0	0.00%	
NO WATER COMPLAINT	0	0	0	1	0.65%	
Total Complaints = 1						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
MANDURAMA	5	3	2	2	1.49%	134
CHECK METER READING	1	0	1	0	0.00%	
LEAKING SERVICE	1	2	0	1	0.75%	
LOW PRESSURE COMPLAINT	0	0	0	0	0.00%	
MAIN BREAK	2	1	0	0	0.00%	
MAINTENANCE – GENERAL	1	0	1	0	0.00%	
NO WATER COMPLAINT	0	0	0	1	0.75%	
Total Complaints = 1						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
MANILDRA	4	3	1	2	0.71%	280
LEAKING METER	0	1	0	0	0.00%	
LEAKING SERVICE	1	0	1	1	0.36%	
LOW PRESSURE COMPLAINT	0	0	0	1	0.36%	
MAIN BREAK	3	0	0	0	0.00%	
METER NEW / REPLACEMENT	0	1	0	0	0.00%	
QUALITY COMPLAINT	0	1	0	0	0.00%	
Total Complaints = 1						

ACTIVITIES	PREVIOUS YEARS	THIS PERIOD	
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	2019	2020	2021	2022	% of Total meters	Total Meters
MILLTHORPE	6	18	3	4	0.88%	457
BURST METER	0	0	0	0	0.00%	
CHECK METER READING	0	2	0	0	0.00%	
LEAKING METER	2	3	0	1	0.22%	
LEAKING SERVICE	1	2	1	1	0.22%	
LOW PRESSURE COMPLAINT	1	1	0	0	0.00%	
MAIN BREAK	1	2	2	0	0.00%	
MAINTENANCE - GENERAL	1	1	0	1	0.22%	
QUALITY COMPLAINT	0	7	0	1	0.22%	
Total Complaints = 1						

ACTIVITIES	PREVIOUS YEARS			THIS PERIOD		Total Meters
	2019	2020	2021	2022	% of Total meters	
QUANDIALLA	1	1	0	0	0.00%	100
LEAKING SERVICE	1	1	0	0	0.00%	
Total Complaints = 0						

TOTAL ACROSS CTW TOWNSHIPS	97	104	60	83	1.39%	5985
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Notes:

1. Comparison years use data from the normal 8 week period i.e. February to April
2. Total Meters is the number of meters connected to consumers.
3. CTW complaint rolling value score across 12mths == 13.37%, due to water discolouring issues in Blayney township. The result is vastly higher than the 2017/18 NSW State median of 5.0 complaints/1000 connections.
4. CTW Total Service Activities and Requests score == 1.39%, which is below CTW benchmark of 5% across all townships.

c) *Lake Rowlands*

The current level of Lake Rowlands Dam is 93% (7.04.22) with the Dam's scour valve fully shut.

d) *New Water Services*

Since 2nd February 2022, there have been an additional eight (8) new domestic water services connected to Council's mains.

e) *Water transfer through CTW ⇔ OCC pipeline*

No water has been transferred to, or from, Orange using this pipeline.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

12.10) MAINTENANCE OF COUNCIL'S SYSTEMS (WS.MO.4)

Author: Director Operations & Technical Services
IP&R Link: Strategic Priority 1: Provide a high quality and reliable drinking water supply – 1.1.2.2: Implement revised maintenance program. – 1.1.4: Maintain cleanliness of Facilities. – 1.1.5: Maintenance and flushing programs in place for reticulation system. – 1.5.5.2: Implement water meter replacement program. – 1.5: Efficient use of water

RECOMMENDATION:

That Council note the information in the General Report.

REPORT**GENERAL REPORT**

- a) *Meter Reading*
The fourth meter read for the 2021-22 financial year commenced on 4 April 2022 in accordance with CTW's meter reading schedule.
- b) *Meter Change Program*
There have been thirty-nine (39) water meter changes since the previous reporting period.
- c) *Water Filtration Plants*
Carcoar Water Treatment Plant (CWTP) performance has degraded over the past months resulting in CTW bringing forward the changeover of its saturator vessel now planned for the 1st week of May 2022. To reduce the effect of this performance degradation, CTW has initiated the running of Gooloogong bores from this week until after the saturator has been installed.

Blayney Water Treatment Plant (BWTP) performance has returned to full operation without need for additional treatment due to the return to normal levels of manganese in the raw water source.
- d) *Pump Stations*
Cleaning of pump stations listed under general maintenance has continued throughout our network over the past months.
- e) *Drinking Water Quality*
There have been no reportable incidences of exceeding CTW's Critical Control Points for delivery of drinking water from CTW's Water Treatment Plants.
- f) *Trunk Mains*
Ongoing inspections continue to be hampered due to the persistent wet weather conditions.
- g) *Hydrants*
Ongoing inspections and maintenance requirements have continued on hydrants throughout all towns on the CTW supply network during the previous three months.
- h) *Rural Scheme renewals*
No renewals have been undertaken for this 2021-22 financial year.
- i) *Reticulation main renewals*
Works have commenced on replacement of high risk reticulation mains in Millthorpe.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

ATTACHMENTS

Nil.

13. QUESTIONS ON NOTICE

(General Manager)

No questions on notice were received.

ATTACHMENTS

Nil

14. CONFIDENTIAL MATTERS

RECOMMENDATION:

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

14.1) ELECTRICITY PROCUREMENT (WS.AG.1) (ET.SP.2)

This matter is considered to be confidential under Section 10A(2) (c) (di) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

14.2) REQUEST TO WAIVE DEVELOPER CHARGES (WS.AG.1)

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.