

# COUNCIL MEETING AGENDA

<b>Date</b>	<b>Wednesday, 19 June 2019</b>
<b>Venue</b>	Rous County Council Administration Office, Level 4, 218-232 Molesworth Street, Lismore
<b>Lunch</b>	12.30pm
<b>Meeting</b>	1.00pm

## AGENDA

### 1. Opening of the meeting

### 2. Acknowledgement of Country

*Council would like to show its respect and acknowledge the Traditional Custodians of the Land, of Elders past and present on which this meeting takes place.*

### 3. Public Access

- Tracey Doherty – Richmond River Cane Growers' Association (refer to report 9. i)

### 4. Apologies and Leave of Absence

### 5. Confirmation of minutes of previous meeting

- i). Ordinary Council meeting 17 April 2019 .....1-5

### 6. Disclosure of Interest

### 7. Notice of Motion

- i). Review of cost / benefit of current and recent insurance arrangements .....6

### 8. General Manager reports

- i). Development of a Coastal Management Program for the Richmond River .....7-9

### 9. Group Manager Corporate and Commercial reports

- i). Final draft Delivery program / Operational plan and 2019/20 Budget .....10-47
- ii). Retail water customer account assistance .....48-49
- iii). Innovate 2020 Reconciliation Action Plan (RAP) .....50-61

### 10. Group Manager People and Performance reports

- i). Draft Code of Meeting Practice .....62-100

**11. Group Manager Operation reports**

- i). Fluoride plant dosing plant performance report: Quarter 1 - 2019 ..... 101-108
- ii). Contract for the provision of electricity for Council operations..... 109-110

**12. Policies**

- i). Proposed Financial Reserves policy ..... 111-127

**13. Information reports**

- i). Investments – May 2019..... 128-134
- ii). Water production and usage – April 2019 and May 2019..... 135-142
- iii). Audit, Risk and Improvement Committee: meeting update ..... 143-148
- iv). Reports/actions pending ..... 149-150

**14. Confidential (Move into Closed Council) 151**

- i). Financial assistance for pensioners – section 582 ..... 152-153
- ii). Strategic review of Richmond Water laboratories ..... 154-230

**15. Matters of urgency**

**16. Questions on Notice**

**17. Close of business**



Phillip Rudd  
General Manager

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# ROUS COUNTY COUNCIL

## MINUTES OF THE ORDINARY COUNCIL MEETING

### 17 April 2019

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#### 1. OPENING OF THE MEETING

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Meeting commenced at pm 1.02pm.

In attendance:

##### Councillors

Keith Williams (Chair), Sharon Cadwallader, Basil Cameron, Darlene Cook, Vanessa Ekins (Deputy Chair), Sandra Humphrys, Robert Mustow.

##### Staff

Phillip Rudd (General Manager), Guy Bezrouchko (Group Manager Corporate and Commercial), Helen McNeil (Group Manager People and Performance), Andrew Logan (Group Manager Operations), Michael McKenzie (Planning Manager), Natalie Woodhead-Tiernan (Finance Manager), Ben Wilson (Risk and Compliance Coordinator), Adam Nesbitt (Delivery Manager) and Noeline Smith (minute taker).

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#### 2. ACKNOWLEDGEMENT OF COUNTRY

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*Council showed its respect and acknowledged the Traditional Custodians of the Land, of Elders past and present, on which this meeting took place.*

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#### 3. PUBLIC ACCESS

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Nil.

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#### 4. APOLOGIES AND LEAVE OF ABSENCE

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Leave of Absence previously granted to Cr Richardson.

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#### 5. CONFIRMATION OF MINUTES

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i). **Ordinary Council meeting 20 February 2019** (File 182/13)

**RESOLVED [15/19]** (Cadwallader/Cook) that the minutes of the meeting held 20 February 2019 be confirmed as presented.

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#### 6. DISCLOSURE OF INTEREST

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Nil.

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## 7. GENERAL MANAGER REPORTS

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### i). **Development of a Coastal Management Program for the Richmond River** (File 1181)

**RESOLVED [16/19]** (Ekins/Humphrys) that Council:

1. Proceed to commence development of a Coastal Management Program (CMP) for the Richmond River estuary in 2019/20 through the conduct of a Stage 1 Scoping Study.
2. Endorse the proposed project management and coordination role to be played by RCC in partnership with our constituent councils.
3. Concurrently implement on-ground RCC CZMP actions.

### ii). **Nightcap Water Treatment Plant raw water pump station pump supply** (File 251.17)

**RESOLVED [17/19]** (Cadwallader/Humphrys) that the contract for the supply and delivery of four vertical turbine pumps be awarded to Sterling Pumps Pty Ltd for a lump sum price of \$497,777 including GST, subject to satisfactory financial assessment.

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## 8. GROUP MANAGER CORPORATE AND COMMERCIAL REPORTS

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### i). **Draft Delivery program / Operational plan and 2019/20 Budget** (File 2333.1/19)

**RESOLVED [18/19]** (Cadwallader/Cameron) that Council:

1. Approve the draft Delivery program / Operational plan and 'Revenue' policy attached to the report, for public exhibition. Adjustments approved at this meeting as part of the March Quarterly Financial Review report will be included in the exhibited document as appropriate.
2. At its June 2019 meeting:
  - a) Receive for information public submissions (if any) lodged during the public consultation process and information about how the submissions have been considered.
  - b) Receive for adoption the final draft Delivery program / Operational plan.
3. Council noted reference to desalination is not part of the Future Water Strategy (refer page 21 of the report).

### ii). **Quarterly Budget Review Statement for quarter ending 31 March 2019** (File 2333/13)

**RESOLVED [19/19]** (Humphrys/Mustow) that Council note the result presented in the Quarterly Budget Review Statement of 31 March 2019 and authorise the variations to the amounts from those previously estimated.

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iii). **Retail water customer account assistance** (File 2282/13)

**RESOLVED [20/19]** (Cook/Cameron) that Council in accordance with section 356 (1) of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of the report.

**TABLED REPORT**

**RESOLVED [21/19]** (Humphrys/Cook) that Council consider the tabled report as urgent business.

Cr Mustow and Cr Ekins voting against.

iv). **Waiver of development contributions – St Vincent de Paul Society** (File 2524/16)

**RESOLVED [22/19]** (Mustow/Cadwallader) that Council bulk headworks charges levied on the development (via section 68 application for water supply works within Ballina Shire) totalling \$3,864.60, be waived for St Vincent de Paul Society, as it is a not-for-profit and charitable type organisation providing facilities for homeless people in our community.

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**9. GROUP MANAGER PEOPLE AND PERFORMANCE REPORTS**

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i). **Draft Code of Conduct and Code of Conduct Procedures** (File 856/15)

**RESOLVED [23/19]** (Cadwallader/Mustow) that:

1. Revoke the following:
  - (a) Far North Coast County Council Code of Conduct and Code of Conduct Procedures dated 8 May 2013;
  - (b) Rous County Council Code of Conduct and Code of Conduct Procedures dated 20 March 2013; and
  - (c) Richmond River County Council Code of Conduct and Code of Conduct Procedures dated 8 May 2013,and any Codes of Conduct and Code of Conduct Procedures revoked as a result of that revocation.
2. Adopt the attached Rous County Council Code of Conduct and Code of Conduct Procedures.

ii). **Draft Code of Meeting Practice** (File 856/15)

**RESOLVED [24/19]** (Mustow/Cook) that Council resolve to publicly notify and exhibit the draft Code of Meeting Practice at Attachment 1.

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**10. POLICIES**

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Cr Cameron left the meeting at 2.26pm.

Cr Cameron returned to the meeting at 2.30pm.

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**i). Investments (revised)** (File 172)

**RESOLVED [25/19]** (Cadwallader/Humphrys) that Council:

1. Revoke the 'Investments' policy adopted by Council on 16 May 2018 and any policy revived as a result of that revocation.
2. Adopt the draft 'Investments' policy attached to the report.

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**11. INFORMATION REPORTS**

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**i). Investments – March 2019** (File 59/12)

**RESOLVED [26/19]** (Cook/Humphrys) that Council receive and note the investments for March 2019.

**ii). Water production and usage – February 2019 and March 2019** (File 5/12)

**RESOLVED [27/19]** (Cadwallader/Cameron) that Council receive and note the report.

**iii). Reports/actions pending** (File 1181/12)

**Moved** (Cr Ekins) that Council receive and note the report subject to inclusion of point 3 in resolution 6/19 and point 6 in resolution 6/19.

The motion on being put to the meeting lapsed for want of a seconder.

**RESOLVED [28/19]** (Mustow/Cadwallader) that Council receive and note the report subject to replacement of point 6 with point 3 in resolution 6/19.

**iv). RAP Advisory Group: meeting update** (File 2453/18)

**RESOLVED [29/19]** (Cook/Cameron) that Council receive and note the meeting minutes as presented.

**v). Audit, Risk and Improvement Committee: Minutes and Strategy** (File 847)

**RESOLVED [30/19]** (Cameron/Cook) that Council:

1. Receive and note the attached minutes from the Audit, Risk and Improvement Committee meeting of 25 March 2019.
2. Adopt the attached Internal Audit Strategy 2019 – 2022 as noted and endorsed by the Audit, Risk and Improvement Committee.

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**12. MATTERS OF URGENCY**

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Nil.

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**13. QUESTIONS ON NOTICE**

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Nil.

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**14. CLOSE OF BUSINESS**

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There being no further business the meeting closed at 3.02pm.



## **Notice of Motion**

**Council meeting 19 June 2019**

*I hereby move the following motion:*

Due to a current insurance class action by Local Government Councils, management review cost / benefit of current and recent insurance arrangements and report back to Council.

A handwritten signature in black ink, appearing to read "R. Mustow", with a long horizontal flourish extending to the right.

Councillor Robert Mustow

7 June 2019



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## Development of a Coastal Management Program for the Richmond River

(1181/18(2))

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<b>Business activity priority</b>	Strategy and planning
<b>Goal 2</b>	Align strategic direction to core functions and sustainability

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### Recommendation

That Council receive and note this report which provides an overview of the five stages associated with the development of a Coastal Management Program (CMP) for the Richmond River.

### Background

At the Ordinary meeting of Rous County Council (RCC) on 17 April 2019, it was resolved (16/19) that Council:

- i). Proceed to commence development of a Coastal Management Program (CMP) for the Richmond River estuary in 2019/20 through the conduct of a Stage 1 Scoping Study.
- ii). Endorse the proposed project management and coordination role to be played by RCC in partnership with our constituent councils.
- iii). Concurrently implement on-ground RCC CZMP actions.

RCC has received confirmation of support from its constituent councils to proceed with a Stage 1 (Scoping Study) of the development of a CMP for the Richmond River in 2019/20 and confirming that they would each contribute \$10,000 in 2019/20 to support this task. Accordingly, RCC is now proceeding to apply for 1:1 funding from the Planning Stream of the (former) Office of Environment and Heritage (OEH) Coastal and Estuary Grants Program to conduct a Stage 1 Scoping Study for the CMP. At this stage, this funding opportunity is open until 30 June 2019.

The purpose of this report is to provide an overview of the likely overall timeframe and stages associated with the development of the CMP. This will ensure that all subsequent stages of the CMP development process are reflected in our Integrated Planning and Reporting documentation.

A CMP is prepared in five stages:

- Stage 1: Identify the scope of a CMP
- Stage 2: Determine risks, vulnerabilities and opportunities
- Stage 3: Identify and evaluate options
- Stage 4: Prepare, exhibit, finalise, certify and adopt the CMP
- Stage 5: Implement, monitor, evaluate and report.

Table 1 provides an outline of the likely staged development of the CMP, identifying the tasks at each stage, the likely duration and budget, the availability of grant funding, and the extent of any community consultation requirements at each stage.

**Table 1: Overview of the stages, timeframes and budget in preparing and implementing a coastal management program**

Stage	Action / Study / Engagement	Estimated duration	Estimated budget	Estimated staff hours (RCC only)	Grants available?	Community consultation
Stage 1	<b>Identify the scope of a coastal management program</b> - purpose is to review progress made in managing issues in coastal areas; develop a shared understanding of the current situation; and to identify the focus of the new CMP.	12 – 18 months	\$100,000	200 – 285 hrs	Yes. OEH Coastal and Estuary Grants Program Planning Stream 1:1.	Yes. Identify the community and stakeholders and prepare an engagement strategy.
Stage 2	<b>Determine risks, vulnerabilities and opportunities</b> - involves undertaking detailed studies that help councils to identify, analyse and evaluate risks, vulnerabilities and opportunities.	18 – 24 months	\$150,000 - \$200,000	385 – 490 hrs	Yes. OEH Coastal and Estuary Grants Program Planning Stream 1:1. Availability in future years still to be confirmed by NSW Government.	Yes. Engage with the community and stakeholders.
Stage 3	<b>Identify and evaluate options</b> - involves the identification and evaluation of management options.				Yes. OEH Coastal and Estuary Grants Program Planning Stream 1:1. Availability in future years still to be confirmed by NSW Government.	Yes. Evaluate management actions, considering their feasibility, viability and acceptability to community/stakeholders.
Stage 4	<b>Prepare, exhibit, finalise, certify and adopt the coastal management program.</b>				Yes. OEH Coastal and Estuary Grants Program Planning Stream 1:1. Availability in future years still to be confirmed by NSW Government.	Yes. Formal exhibition of the draft CMP and any related planning proposals.
Stage 5	<b>Implement, monitor, evaluate and report.</b>	Implementation phase	To be determined		Yes. OEH Coastal and Estuary Grants Program Implementation Stream 1:1.	Yes. Reporting to stakeholders and the community on progress and outcomes through the IP&R framework.

Development of a CMP will benefit from the extensive work that has already been undertaken as part of the CZMP process.

A further consideration in the administrative arrangements associated with the CMP preparation process are the outcomes of the Richmond River Governance and Funding Project. Notwithstanding the staged CMP development process shown in Table 1, RCC is committed to working with all catchment partners to meet the objectives of the Richmond River Governance and Funding Project and recognises that the arrangements for development of the CMP may evolve as the outcomes of this project are realised.

## **Governance**

### **Finance**

The table below sets out proposed budgets based on the advice regarding the commitment of financial contributions from constituent councils and assuming that Council's application for funding through the OEH Coastal and Estuary Grants Program is successful. The budgets have been incorporated in the report in relation to the adoption of the Operational Plan 2019/20 (and budget) which is to be considered by Council at this meeting.

	<b>Budget 2019/20</b>
	<b>\$</b>
<b>Revenue</b>	
Constituent councils	30,000
Rous County Council	20,000
OEH Coastal and Estuary Grants Program	50,000
<b>Expenditure</b>	
Stage 1 (Scoping Study) of the development of a CMP for the Richmond River	100,000

Costs associated with the subsequent stages of the CMP preparation process are dependent on the findings of the scoping study and gap analysis. This would be the subject of a subsequent funding application and budget process.

### **Legal**

Not applicable.

### **Consultation**

RCC has developed this approach in consultation with our constituent councils and OEH. Table 1 identifies the additional consultation that will occur throughout the CMP development process.

### **Conclusion**

The new coastal management framework effectively places a 'sunset clause' on the existing Coastal Zone Management Plan for the Richmond River estuary, meaning that it will cease to be certified after 31 December 2021. In order to retain a certified plan for the management of the Richmond River estuary into the future, and quality for the associated grant funding opportunities, then it is proposed to follow the advice of OEH and commence development of a CMP for the Richmond River as soon as possible. This report outlines the various stages of CMP development, estimated costs and potential timeframes associated with this process.

Phillip Rudd  
General Manager

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## Final draft Delivery program/Operational plan and 2019/20 Budget

(2092/17)

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<b>Business activity priority</b>	Strategy and planning
<b>Goal 2</b>	Align strategic direction to core functions and sustainability

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### Recommendation

That Council:

1. Receive for information the public submission lodged during the consultation process and note the staff response.
2. Receive and note the staff submissions lodged during the consultation process outlined in the report.
3. Adopt the final draft Delivery program/Operational plan (incorporating the 2019/20 Budget estimates and 'Revenue' policy), including changes arising from staff-initiated amendments.

### Background

Council approved public exhibition of the draft Delivery program/Operational plan (incorporating the 2019/20 Budget estimates and 'Revenue' policy) at its 17 April 2019 meeting. The public consultation period concluded at 9.30am on 28 May 2019 and one submission from the public was received.

#### Public submission – Richmond River Cane Growers' Association Ltd (Attachment 1)

The Richmond River Cane Growers' Association Ltd lodged a submission in response to the public exhibition of the draft Delivery program/Operational plan and 2019/20 Budget. The submission proposes a solution to water quality and flow associated with the fixed weir across the Tuckombil Canal.

A staff response to the submission has been attached to this report (Attachment 2). No changes to the draft Delivery program/Operational plan are proposed as a result of the submission at this time.

It is proposed that staff will undertake the actions set out in the attached response, within the 2019/20 year with no requirement for an additional budget at this time.

No adjustments to the draft Budget are therefore proposed in response to the public submission.

#### Staff submissions

Following is a summary of notable changes whereby actions have been either added (items in blue text) or deleted (items in *red* italicised text).

<b>Delivery program</b>			
<i>Theme and goal</i>			
<b>Leadership</b>			
<b>What achieving our goal will look like</b>	<b>How we will achieve our goal</b>	<b>Activity</b>	<b>How we will measure our performance</b>
1.1 Leaders are visible at all levels of the organisation and are supported to effectively lead and drive performance	1.1.1 Enhance management and leadership skills.	1.1.1.3 Rous Leaders lead and coordinate activities to ensure: - currency/ relevance of signs and symbols; - 'above and below the line' behaviours across the organisation.	Legacy branding (signs and symbols) updated/ replaced/ disposed (i.e. logos, pre-merger Council names Rous Water, Far North Coast Weeds, Richmond River County Council.
			Review of corporate 'above and below the line' behaviours so they are tailored, meaningful and relevant for each team and working environment.
		1.1.1.4 Leader in Me (LiMe) cohort undertaking activities to drive and support culture transformation.	Current LiMe participants coordinate a specific, self-initiated, whole-of-Rous project to build a constructive culture.
			Buddy system in place between LiMe graduates and new cohort.
			LiMe graduates and new cohort coordinate and lead an All Staff meeting.
			LiMe graduates and new cohort provide input and support towards a peer recognition initiative (e.g. for end of year staff function).
			LiMe cohort delivering regular communications to the workforce about program activities.
			Assess effectiveness of the LiMe program to determine continuation of the program.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
Amendments to the proposed leadership activities to be undertaken by LiMe program participants by sharing responsibility across all leaders at Council where appropriate. Timing of delivery is Y3, Y4.		Included in draft Budget. It is not anticipated the proposed amendments will significantly impact proposed Budget allocations.	

<b>Strategy and planning</b>			
<b>What achieving our goal will look like</b>	<b>How we will achieve our goal</b>	<b>Activity</b>	<b>How we will measure our performance</b>
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.7 Assess physical security review audit results and develop implementation plan.	2.4.7.2 Review Rocky Creek Dam security.	Review complete and reported to the Leadership Team.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
Staff have completed investigations into alternative gate arrangements at Rocky Creek Dam, However, a holistic review of Rocky Creek Dam security and associated risks is required before progressing further.		Proposed funding from carryover funds from 2018/19 (CE-RCD Security budget balance \$48K).	

<b>What achieving our goal will look like</b>	<b>How we will achieve our goal</b>	<b>Activity</b>	<b>How we will measure our performance</b>
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.10 Implementation of advanced asset management planning.	<i>2.4.10.2 Develop a position paper recommending the appropriate natural resource management initiatives for water supply assets for consultation with constituent councils.</i>	<i>Constituent councils consulted on position paper for natural resource management initiatives for water supply assets.</i>
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
A complete external audit on Catchment Management Plan implementation and delivery is required before this activity can be undertaken.  Reconsider action at a future date following completion of 2.4.13.5.		No impact on draft Budget.	

What achieving our goal will look like	How we will achieve our goal	Activity	How we will measure our performance
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.10 Implementation of advanced asset management planning.	<p><i>2.4.10.3 Identify Rous County Council's core flood mitigation responsibilities and redundant flood management assets.</i></p> <p>2.4.10.3 Identify Rous County Council's core flood mitigation responsibilities and management of other assets.</p>	Strategic triple bottom line review of flood mitigation assets completed.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
A strategic triple bottom line review of flood mitigation assets is proposed in the 2019/20 Operational plan. These works are a prerequisite before future management options can be evaluated. The proposed wording change is minor in nature and intended to clarify the purpose of the activity to be undertaken.		No impact on draft Budget.	

What achieving our goal will look like	How we will achieve our goal	Activity	How we will measure our performance
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.10 Implementation of advanced asset management planning.	<i>2.4.10.4 Develop a business plan recommending the appropriate natural resource management initiatives for flood mitigation assets.</i>	<i>Constituent councils consulted on business plan for natural resource management initiatives for flood mitigation assets.</i>
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
It is recommended that this matter be deferred until after the Richmond River Governance and Funding Review project is completed.		No impact on draft Budget.	

What achieving our goal will look like	How we will achieve our goal	Activity	How we will measure our performance
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.13 Staged implementation of Catchment Management activities.	2.4.13.3 Prepare Rocky Creek Dam (including Whian Whian Falls) multi-year Master Plan.	Achieved.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
Preliminary steps were taken to commence this project in Y2. The inclusion of the proposed wording is designed to confirm Council's support for the continuation of the project in Y3 and Y4.		Requires budget allocation of \$80K; to be funded from BULK. (Note: \$50K carryover from 2018/19, therefore net \$30K adjustment).	

What achieving our goal will look like	How we will achieve our goal	Activity	How we will measure our performance
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.13 Staged implementation of Catchment Management activities.	2.4.13.4 Complete bush regeneration follow-up works on Wilsons River landowner sites and renew landholder agreements to establish a target date of 30 June 2021 for handing over ongoing maintenance.	Achieved.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
This activity was a recommendation during a workshop with Councillors on the review of bush regeneration resourcing. Whilst a budget had been included in the draft Delivery program/ Operational plan that was placed on public exhibition, a specific activity was not included in the document.		No impact on draft Budget.	



What achieving our goal will look like	How we will achieve our goal	Activity	How we will measure our performance
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.13 Staged implementation of Catchment Management activities.	2.4.13.5 Complete an external audit report on Catchment Management Plan implementation and prepare a 5-year delivery plan.	Achieved.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
The Y2 Delivery program/Operational plan contained an activity to complete an external review of one bulk water source Catchment Management Plan. However, there was no budget allocation included in the draft Budget for this activity. It is recommended that a complete external review be undertaken for all bulk water source Catchment Management Plans.		Requires a new budget allocation of \$80K; to be funded from BULK.	

What achieving our goal will look like	How we will achieve our goal	Activity	How we will measure our performance
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.23 Develop Strategic Plan for targeted flood mitigation research and grants.	2.4.23.1 Develop a program of works with research partners.	Complete the Lismore Flood Risk Management Study.  <i>Commence the Lismore Flood Risk Management Plan.</i>  Support Lismore City Council with the Lismore Flood Risk Management Plan.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
The Lismore Flood Risk Management Study is scheduled for completion in November 2019. The additional \$50K is required to complete the Study. Once completed, Lismore City Council will be leading the development of a grant submission for the Lismore Flood Risk Management Plan. Lismore City Council will be tasked with its delivery.		Requires a new budget allocation of \$50K; to be funded from FLOOD.	

What achieving our goal will look like	How we will achieve our goal	Activity	How we will measure our performance
2.4 Converting strategy into action plans that anticipate and accommodate change and allocate accountability.	2.4.25 Develop and implement Procurement, Properties and Fleet Business Plan.	2.4.25.1 Develop Procurement, Properties and Fleet Business Plan for 2019-21 period.	Adopted by Leadership Team.
		2.4.25.2 Implementation of Procurement, Properties and Fleet Business Plan.	Progress reports to Leadership Team regarding implementation of priorities identifies in Business Plan.
<b>Nature of proposed change</b>		<b>Draft Budget impact?</b>	
<p>The development of a Business Plan for the Procurement, Properties and Fleet portfolios, in light of the new Procurement and Properties Coordinator role.</p> <p>Timing of delivery is Y3, Y4.</p>		Nil impact on draft Budget.	

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Nightcap Water Treatment Plant - Raw Water Pumping Station (2.4.2.1) (Asset Planning Engineer)

The draft Budget includes \$660,000 for the modification and upgrade of the switch room. Staff have now received updated cost estimates which indicates that the original budget is inadequate. An additional \$250,000 is required. With this change the total project budget will be \$1.488M which includes 20% contingency (\$151,000) being for various construction and installation elements.

Office of Environment and Heritage (OEH) Grant (Strategic Planning Engineer)

Council has received notification from OEH that the grant application for 'Increasing Resilience to Climate Change (IRCC)' was unsuccessful. The total project was expected to be \$150,000, funded by OEH on a 2:1 basis (\$100,000 grant funds + \$50,000 Council contribution). The draft Budget was prepared on the basis that the grant application would be successful. As that has not been the case, staff recommend removing the project from the Budget.

If approved, these proposed amendments will be incorporated into the final draft Delivery program/ Operational plan.

## Governance

### Finance

Assuming Council adopts the staff recommended submissions, the table below shows the Budget impact, per fund.

	Draft Budget	Final Budget	Bulk Fund	Flood Fund
<b>Operating Revenue</b>				
Unsuccessful OEH grant	100,000	0	0	(100,000)
<b>Submission Total (Operating Revenue)</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>(100,000)</b>
<b>Operating Expenses</b>				
Submission 2.4.13.3	0	30,000	30,000	
Submission 2.4.13.5	0	80,000	80,000	
Submission 2.4.23.1	0	50,000		50,000
Unsuccessful OEH grant (incl Council cont.)	150,000	0		(150,000)
<b>Submission Total (Operating Expense)</b>	<b>150,000</b>	<b>160,000</b>	<b>110,000</b>	<b>(100,000)</b>
<b>Change in operating result</b>	<b>4,665,900</b>	<b>4,555,900</b>	<b>110,000</b>	<b>0</b>
<b>Capital Expenses</b>				
NWTP - Raw Water Pumping Station	660,000	910,000	250,000	0
<b>Reserve movement (Transfer from)</b>	<b>5,540,100</b>	<b>5,900,100</b>	<b>360,000</b>	<b>0</b>

NB: () = reduction

**Legal**

Adoption of an Operational plan before the beginning of each financial year is a requirement of the *Local Government Act 1993*. The Operational plan is a sub-plan of the Delivery program and includes Council's 'Revenue' policy containing proposed fees and charges for the upcoming financial year. A draft Operational plan must be publicly exhibited for at least 28 days, and Council must accept and consider any public submissions made on the draft before its adoption.

One public submission was received which is attached to this report.

The proposed Operational plan outlines activities to be undertaken throughout the 2019/20 year to achieve the strategies in Year 3 of the Delivery program, as part of Council's 2017-21 Business Activity Strategic Plan (adopted by Council on 21 June 2017; [50/17]).

**Consultation**

Notice of public consultation was provided on Council's website on 29 April 2019 and in the Northern Star on 1 May 2019, with the closing date for lodgement being 9.00am on 28 May 2019.

One public submission had been received and was considered in response to the public consultation process (refer to 'Background').

**Conclusion**

Following a period of public consultation the final draft Delivery program/Operational plan (incorporating the 2019/20 Budget estimates and 'Revenue' policy) is presented to Council for adoption.

Phillip Rudd  
General Manager

**Attachments:**

1. Submission from Richmond River Cane Growers' Association Ltd
2. Rous County Council response to the submission



# RICHMOND RIVER CANE GROWERS' ASSOCIATION LTD

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Monday 27<sup>th</sup> May 2019

ROUS	Resub	Letter	118,985
RRCC	File	176/16	
FNCW	Action	GM, OEM, FEO	
RWL	Registered	30 MAY 2019	

Phillip Rudd  
General Manager  
Rous County Council  
218-232 Molesworth Street  
Lismore NSW 2480

Dear Mr Rudd,

## Re: An Effective Alternative to the Fixed Weir Across the Tuckombil Canal

Please find enclosed the Richmond River Canegrowers Association's proposed solution to the ongoing water quality and flow problems associated with the fixed weir across the Tuckombil Canal, and their anticipated exacerbation caused by the elevated carriageway being constructed in this section of the flood plain.

The substantial alteration of the physical landscape around the canal, its potential effects on water retention and flood flow, as well as changing government and community attitudes towards water quality, warrant a review of the management of the Canal.

This Association welcomes the opportunity to discuss constructive alternatives to the current structure in the Tuckombil Canal with Rous County Council, and would appreciate the opportunity to speak to the proposal with the review committee.

Should you require further information, including additional supporting material, please feel free to contact me anytime.

Yours faithfully

Tracey Doherty  
Manager

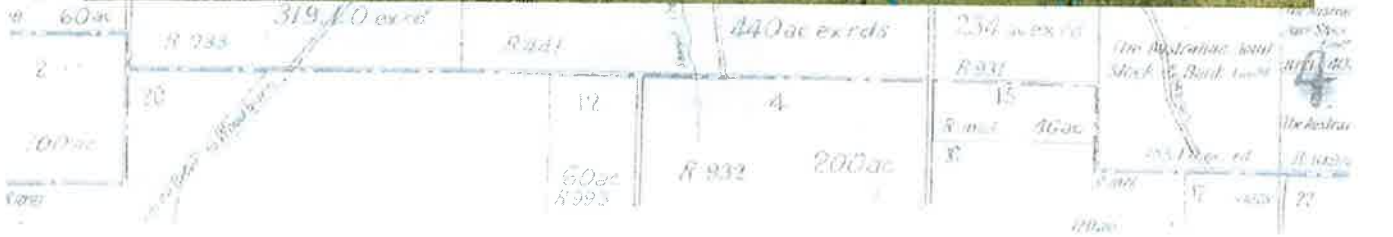
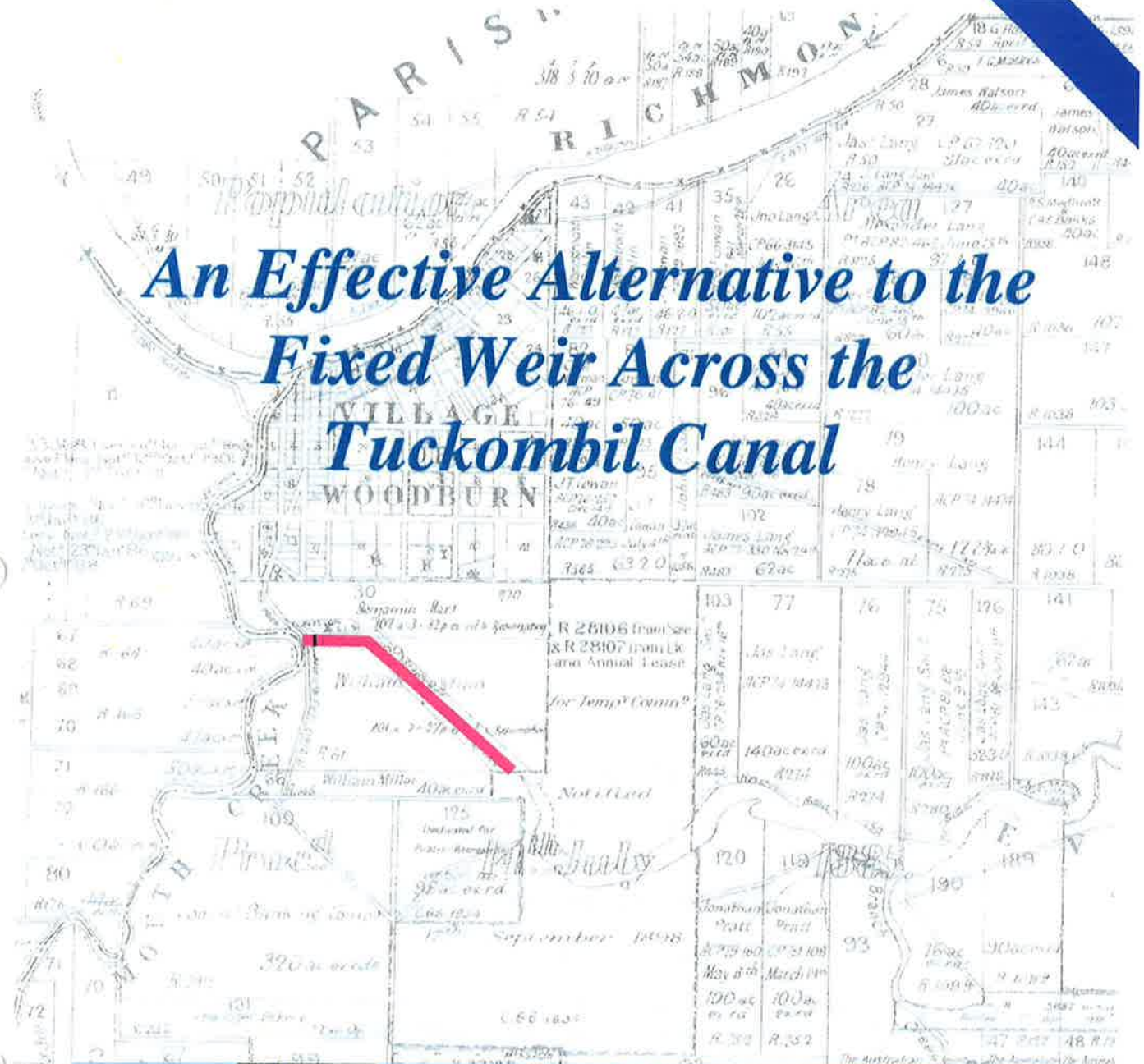
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# An Effective Alternative to the Fixed Weir Across the Tuckombil Canal



**EXECUTIVE SUMMARY:**

- ★ In the 1890's a 1.5 km Canal was dug from the Richmond River to the Evans River at Woodburn to give mid Richmond flood water a 30 km shorter route to the sea at Evans Head.
- ★ A flagstone weir, made of sandstone blocks, prevented salt water from the Evans mixing with fresh water from the Richmond, which settlers used for watering crops and livestock.
- ★ The weir was contentious from the first flood, holding back water and reducing the efficiency of the new Canal. Calls for it to be lowered and removed continued until the 1960's.
- ★ In 1965, the canal was enlarged to 61 metres wide and 1.5 metres deep with levee banks on both sides at 4.14m AHD.
- ★ An inflatable rubber fabridam attached to a concrete base was installed at this time replacing the flagstone weir at the head of the Canal.
- ★ The fabridam worked well preventing salt water intrusion when inflated, and when deflated laid flat on the bottom of the canal presenting no obstacle to flood flows.
- ★ After a series of failures, the fabridam was replaced with a fixed weir at 0.74m ADH on conflicted advice, and against strong community wishes.
- ★ The weir remains in place blocking water up to 0.74m AHD; obstructing flood flow; and negating any opportunity to implement accepted measures to counter sporadic fluctuations in water quality used in other sections of the river.
- ★ A more flexible solution to flood relief on the mid Richmond, damage to the local and state economies and preventing adverse water quality events, needs to be found.
- ★ A replacement for the now outdated fixed weir system is required.
- ★ The Richmond River Canegrowers' Association Limited is proposing the installation of a vertical lift Bulk Head Gate system to replace the current outdated fixed weir.
- ★ A vertical lift Bulk Head Gate system gives full control over the Canal from fully open to fully closed; it removes blockage of water up to 0.74m AHD; it removes all obstruction to flood flow; it counters possible damming effects of the new highway; and it gives the capability to immediately treat fluctuations in water quality before they become a problem.

Contact: **Tracey Doherty,**  
**Manager**

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***This submission seeks to replace the concrete block fixed weir across the Tuckombil Canal with a vertical lift 'bulkhead' gate system***

***"The Committee supports a structure for the Tuckombil Canal that can be fully openable and fully closeable"***

Tuckombil Canal Community Consultative Committee 2006

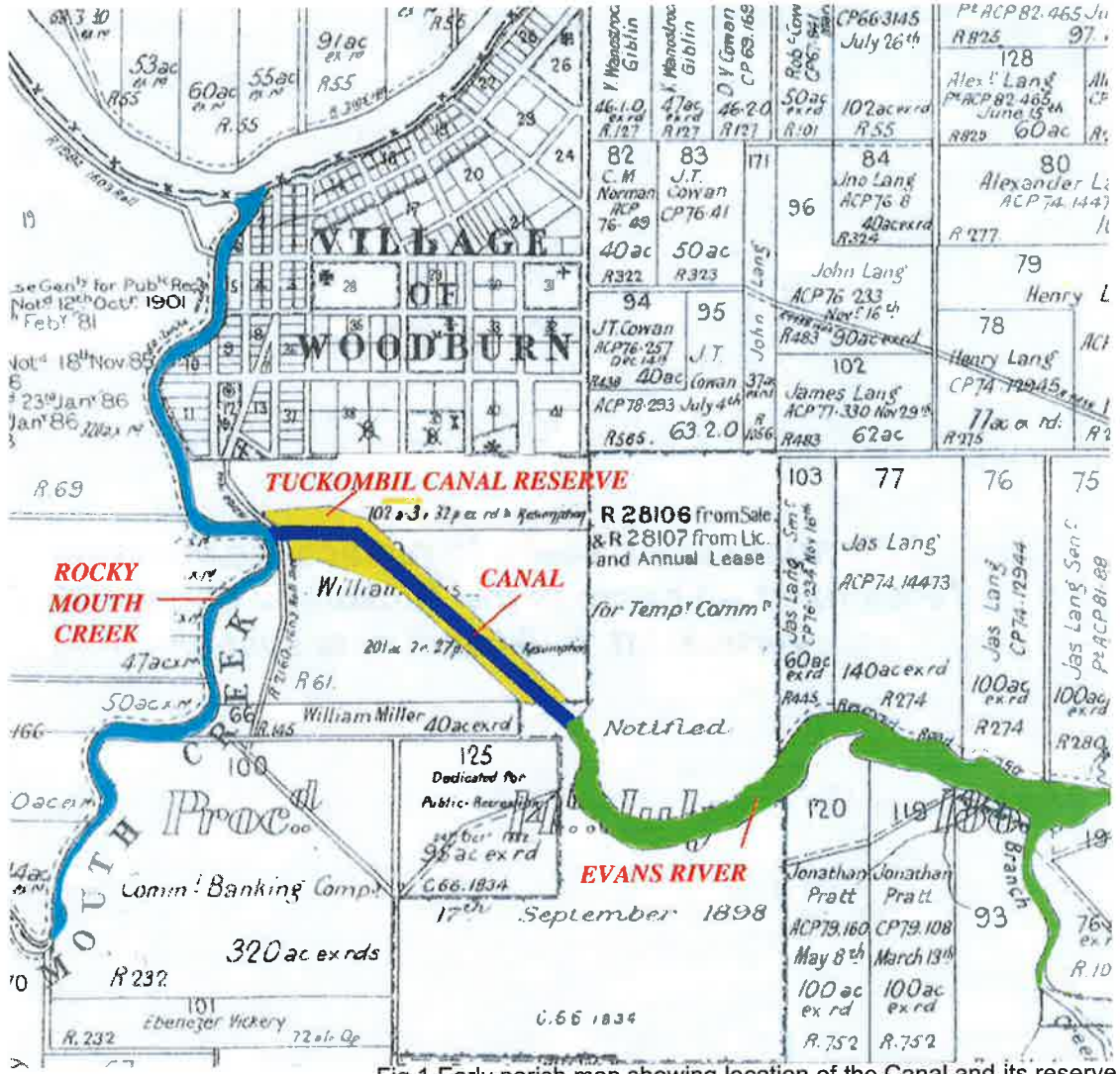


Fig 1 Early parish map showing location of the Canal and its reserve

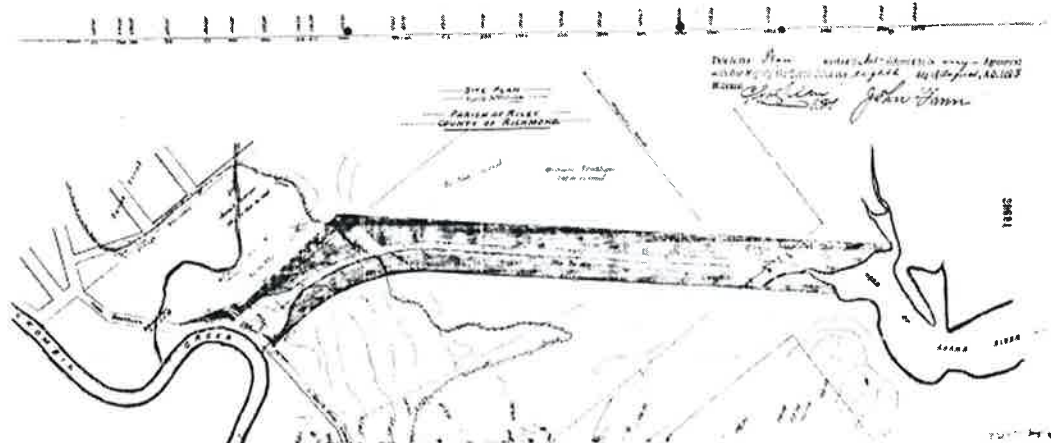


Fig 2 Canal location from the original plan. (Note that Rocky Mouth Creek was then known as Tuckombil Creek)

## 1. Background

The Tuckombil Canal is a man made canal linking the Richmond River to the headwaters of the Evans River south east of Woodburn township. The canal was dug in the 1890's by the NSW Department of Public Works as part of extensive private and public works on the Richmond to improve navigation and protect against flooding. It was opened in 1895

The canal taps into an oxbow bend in Rocky Mouth Creek (then known as Tuckombil Creek) and extends east for 1500 metres discharging into the headwaters of the Evans River. The original canal was shallower and narrower than the existing canal and featured a flagstone causeway at its junction with Rocky Mouth Creek. This causeway, made of sandstone blocks, prevented salt water from the Evans mixing with fresh water from the Richmond, which settlers used for watering crops and livestock. Its height was set at just above the high tide mark.

Early records show a needle dam was planned, possibly instead of the flagstone weir, but it is uncertain if it was used. Vertical wooden needles are not designed to be watertight and the desire not to contaminate the fresh creek water may have favored the watertight flagstone structure

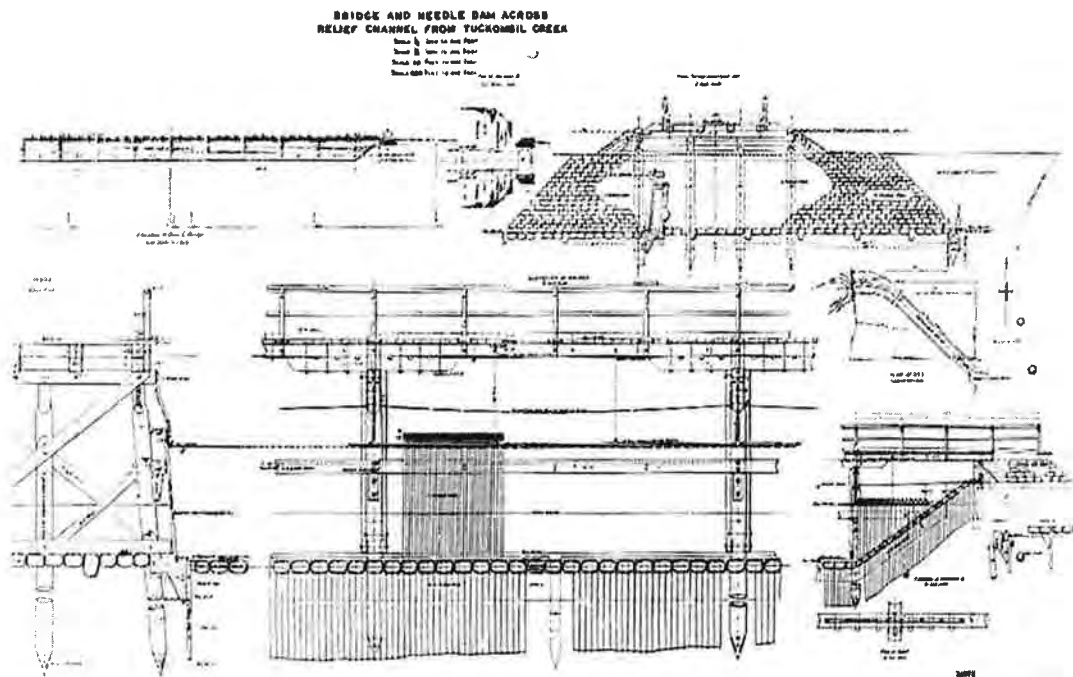


Fig 3 Original Needle Dam Plans

The logic behind the canal construction was straightforward:

- The Evans River is part of the Richmond River Flood Plain draining its south eastern region
- Geological features of the area suggests that the Richmond River once flowed through Evans Head to the sea
- It is inferred that over time with the Irongates restricting flood flow, the river migrated through coastal swamps and lowlands to its present outlet adjacent to the east Ballina lava flow
- Flood waters from the Richmond continue to spill onto the upper reaches of the Evans River taking the shorter route to the sea
- A canal was seen as a cost effective means of speeding up the natural flood overflow at Woodburn into the swampy headwaters of the Evans (Geological Features 1985)



Fig 4 Original Fabridam inflated – 1965 (Michael Woods Photo)



Fig 5 Steel Sheet Pile Barrier – 1985 (Michael Woods Photo)

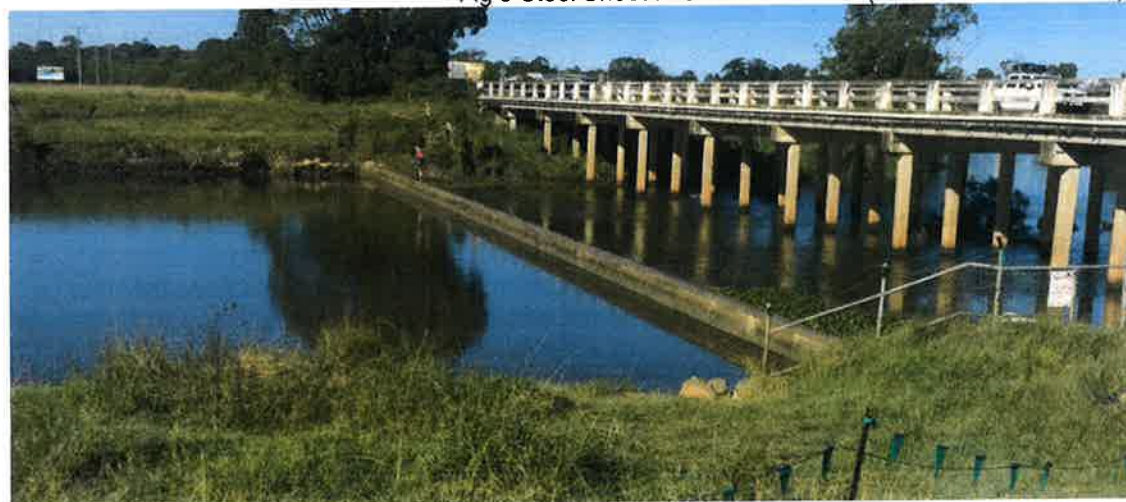


Fig 7 Present Fixed Height Weir 2019

A number of ambitious flood mitigation schemes were proposed in the 1800's to provide flood relief for the mid Richmond by reducing inundation times in the Swan Bay and Bungawalbyn catchments. Construction of a direct and deeper route for floodwaters from the Richmond to the Evans River was part of these plans, as was the simultaneous clearing a path through the meleluca swamps at the headwaters of the Evans River and widening and deepening a section of the Irongates obstruction. This path would take floodwaters seven miles (eleven kilometers) to sea at Evans Head instead of the twenty six miles (forty two kilometers) to the sea at Ballina, cutting inundation times on the mid Richmond and reducing flood damage on the lower river.

The height of the flagstone weir was always contentious with residents and local councils complaining that it was too high and restricted flow in flood time. In a deputation to the Director of Public Works in 1929 fifty delegates complained *'when the water pushed over the sill there was already seven or eight feet of water in the river at Swan Bay, which meant destruction of crops. The suggestion was that the Sill be lowered or taken out'* (NS 12/6/29)

There is no doubt that the Canal alleviated flooding on the mid Richmond, however many considered it could be improved, and by the 1940's calls were made for the enlargement of the canal. *'Cr. Robinson pointed out that the original opening of the canal had reduced the flood level by seven feet. If work of widening and deepening of the canal could be carried out as was planned, it would certainly relieve the flooded areas'*. (NS22/1/44)

Following a series of destructive floods in 1945, 1948 and 1954, the Richmond River County Council was formed as the public Flood Mitigation Authority for the Richmond River, and immediately faced renewed calls for the canal to be made more efficient. In 1965, the canal was enlarged to 61 metres wide, 1.5 metres deep (excluding levees) and 1600 metres long with levee banks on both sides at 4.14m AHD, as part of extensive flood mitigation works. An inflatable fabridam attached to a concrete base replaced the flagstone weir at the head of the canal.

The fabridam was designed to eliminate the restriction of flood flow caused by a fixed weir. In normal weather the fabridam was inflated (80% water and 20% air) to prevent tidal exchange between the Canal and Rocky Mouth Creek. During floods the fabridam was deflated, allowing it to sink to the bottom of the Canal, eliminating any restriction to floodwater flow into the Canal.

The fabridam was a 'good' solution, however the nature of its reinforced rubber construction made it prone to vandalism and natural degeneration. By 1983 it had worn out and needed replacing. The fabridam was removed and a barrier made of interlocking steel sheet piles was installed to prevent salt water entering Rocky Mouth Creek while studies were conducted to determine the best replacement option. Nature intervened in 1988 and following heavy rain, the sheet pile barrier seriously impeded flood water flow, increasing flooding in the Rocky Mouth Creek catchment and surrounding areas. As a result, approximately one third of the piling was removed allowing free tidal interchange through the opening.

In 1993 the remaining sheet piling was removed and a new fabridam installed. This dam failed in 1999 and was repaired.

In July 2001 two of the seams on the fabridam parted, the dam collapsed and salt water again entered Rocky Mouth Creek. Richmond River County Council immediately began monitoring salinity levels at Rocky Mouth Creek, Woodburn, Swan Bay and Coraki, publishing the results each week in the Northern Star's Rural Section, along with Maximum Tolerance Levels for six species of livestock (Dairy cattle, beef cattle, poultry, pigs, horses and sheep) NS10/10/2001.

A temporary fixed concrete weir, constructed of precast Jersey type Barriers with steel pegged and cement sealed joints was installed by Richmond Valley Shire Council at 0.74m AHD the same height as the inflated fabridam. For the next seven years RRCC conducted a consultative and study process to determine the 'best' long term management option for the Canal.

Despite community objections RRCC opted to leave the fixed weir in position as the replacement for the fabridam citing scores on a decision making matrix to justify the decision.

In 2014 this barrier was vandalized. A jack hammer was used to unseal two vertical joints either end of a central block with the intention of using flood flow and accompanying debris to dislodge the block setting up a chain reaction to destroy the weir. (Richmond Flood Plain Newsletter 16/5/14)

The damage was repaired and a welded, folded stainless steel ridge capping was bolted into the top of the blocks, effectively preventing sections from being removed during, and replaced after flood flow.

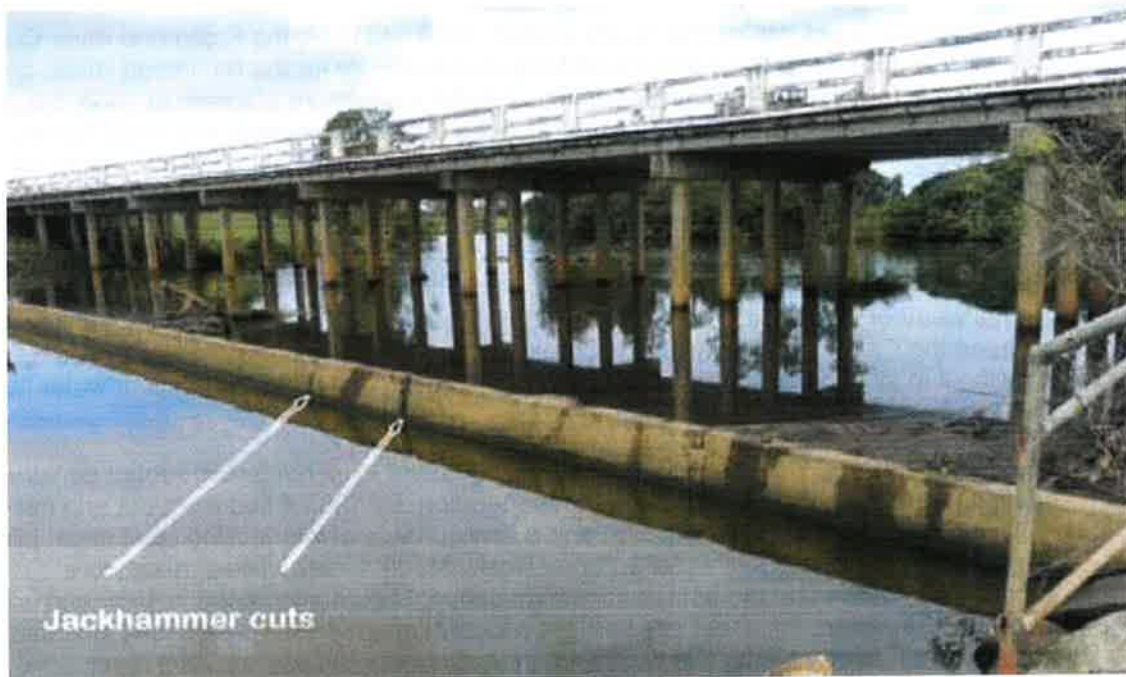


Fig 8 Damage to the fixed weir 2014

A reward was posted by RCC for information leading to a conviction (Richmond Flood Plain Newsletter 16/5/14)

## 2. Current position

- i. A concrete precast Jersey Barrier weir at 0.74m AHD, located on the foundation of the original fabridam, completely transects the Canal at its junction with Rocky Mouth Creek. The depth of the weir is approximately 1550mm.
- ii. At the time of its installation the public believed that this barrier was 'removable' with sections being able to be lifted out of the canal by crane, as required in flood time. The 10mm folded stainless steel capping bolted to the sections makes them difficult to remove and return quickly as floodwaters may dictate. (Capping would have to be cut and unbolted, then rewelded)
- iii. The weir has a base level at -0.86m AHD and a crest height of 0.74m AHD
- iv. The fixed weir prevents saline water entering the Richmond but restricts water flow into the Canal in flood time
- v. An extensive elevated embankment carriageway bypassing Woodburn Township to its east, across the natural flood flow path to the Evans River, has been constructed as part of the Pacific Highway upgrade. The four-lane highway crosses the Canal (C04) Woodburn Town Drain (C05 Woodburn Floodway) and has a further floodway (C50) in between these two waterways just north of the Canal.



vi. Association members and local residents remain skeptical of flood modeling for the Pacific Highway upgrade in this area. Their concerns, focused on the damming effect of the elevated carriageway, the low number, and small size of flow paths for water to stream under the roadway in flood time, and the new obstructions in the Canal posed by the highway bridge pylons, were aired in 2005, and were supported by The Tuckombil Canal Community Consultative Committee. (Tuckombil Canal Structure Report 2008).



Fig 7. Highway over the Canal showing three escapes, the canal bridge, a small escape to its north and the bridge over the Woodburn Town Drain



Fig 8. Water banked on the western side of the carriage way embankment, north and south of the Canal, after heavy rain in 2017



The Flood Management Objectives set out in the RMS 'Hydrological Mitigation Report 2017', allows for a flood level increase of up to 50mm on cane land; no more than a 5% increase in duration; flood velocities below one metre per second on cane land where flows are currently below this figure and increase of not more than 20% where existing velocities are above 1 metre per second; and, 'no changes in direction of water courses or the direction of flood flows except for constriction in and expansion out of discrete openings (bridges and culverts) and construction diversions'

Members believe these objectives will not be met while the current fixed weir is in place. The cumulative restrictive effects of the weir, the embankment, and new bridge pylons in the Canal will retain water longer, at a greater depth on upstream cane land, and seems certain to change the direction of water flow in the vicinity of the carriageway.

vii. The Marine Estate Management Strategy (MEMS) launched by the NSW Government in Ballina last year, highlights the findings that the Richmond River *'is in worse ecological health than most estuaries in NSW'* and has designated 'Restoring the Richmond River' as the Case Study to be used for the Strategy's implementation. (MEMS p30). Stage two of MEMS will require the development of Drainage Management Plans (DMP) for drains on the floodplain, and while it is suggested that DMPs will include Current Floodgate Management Plans (Russel 2019), it is not clear what other legislative requirements will have to be met. It is reasonable to suggest that any structure in the Tuckombil Canal will have to be flexible enough to adjust to flood flows and water quality changes. There is now widespread community pressure to 'fix' water quality on this River. The current fixed weir fails to address community concerns, and may well be contributing to poor water quality.

viii. The fixed weir limits access to high quality sea water that would allow the implementation of standard practices now used in other parts of the river to improve water quality and avoid fish kills eg sea water buffering, dilution and tidal flushing. The 'Historical Construct of Activities in the Richmond River Catchment' (Bruschett & Otto 2017) (Appendix 1) shows no fish kills in the river during the operation of the fabridam between 1965 and 2000. Major fish were experienced in 2001 and 2008 after the current fixed weir was installed.

ix. Flood Mitigation has become a low priority for governments charged with funding the management and maintenance of its vital infrastructure. Rous County Council (previously Richmond River County Council), the government body responsible for the Tuckombil Canal is grossly underfunded. It relies on annual funding from the Office of Environment and Heritage (OEH) and contributions from those local government councils with jurisdiction over the floodplain. RCC has not had a funding increase from OEH since 1985, and local councils seem to have other more pressing funding priorities. RCC has inadequate funds, a staff of five (three of which are field staff) and is hamstrung by cross jurisdictional legislation and red tape which prevent it obtaining permits essential for flood mitigation works. Preventative maintenance of large infrastructure including pipes and headwalls, has ceased.

xi. Economic impact of water inundation on the sugar industry is substantial. Sugar Research Australia (SRA) has developed an accurate calculator of sugar cane degradation for industry managers and farmers that shows substantial losses after five days of water covering cane land and progression to total loss after fifteen days inundation.

xii The 'cheap' 2001 fixed weir option is outdated in 2019. Community attitudes to river water quality have changed dramatically since the installation of the fixed weir, and the GHD report regarding a replacement structure in the Canal in 2008. Fixing water quality and preventing fish kills would now override cost considerations, which featured so heavily in the decision making process in 2008.



Fig 9 Concrete weir obstructing flow



Fig 10 Concrete weir obstructing flow

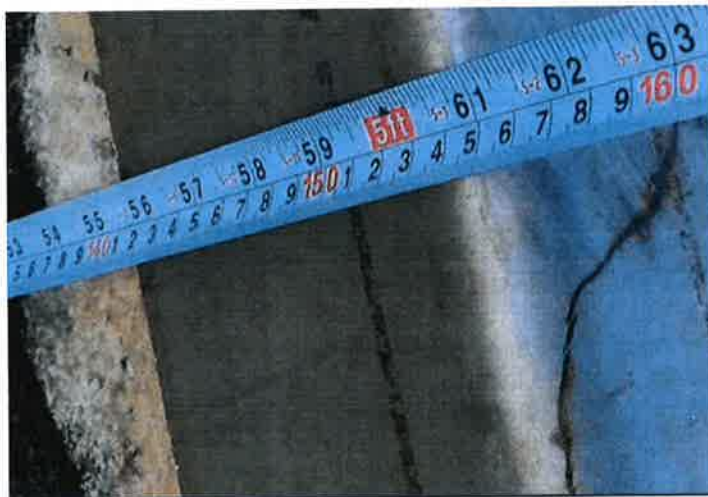


Fig 11 Weir height at 1550 mm

xiii. Members of this Association and local residents considered the 2008 RRCC decision to install a fixed weir, and sections of the GHD 'Tuckombil Canal – A Report Regarding a Replacement Structure in the Canal' (GHD 2008) to be flawed. A choice seems to have been made from four possible alternatives based on cost, not necessarily on what was best. This Association questioned the validity and reliability of the process at the time and again in 2013 (Poel 2013), specifically seeking clarification on the weightings given to components of the decision making matrix (p26), the modeling on high weir levels that were never going to be implemented, and the final recommendation that 'fixed crest weir with a crest height of 0.74m AHD was identified as the preferred option'.

This recommendation remains conflicted. GHD authors noted that there were four options that returned much the same score - the fixed weir at 0.74 AHD (Score 2.37), Fabridam (Score 2.16), Watergate (Score 2.06) and fixed weir at 0.6 AHD (Score 2.01). The authors draw attention to the fact that *'the difference in scores between these options is minimal (10%). Given that it was difficult to establish tangible and qualified or quantifiable answers to several criteria based on the information available, these differences are not considered to be significant and therefore any of these options are likely to be acceptable'* (p32)

A campaign to sell the weir to the public as the 'best' option continues at a time when local residents and the SES Deputy Controller questions its effectiveness in flood time (McCormack undated) and the wider community question its ability to deal with intermittent changes in water quality.

### 3. Limitations of Current Position

Current system;

- restricts water flow into the canal in flood time
- retains flood water at increased depths for longer periods on properties in the Rocky Mouth Creek catchments and upstream from its junction with the Richmond eg Yeager's Canal
- reduces the effectiveness of a range of measures available to improve water quality in Rocky Mouth Creek eg sea water buffering, tidal mixing, dilution or flushing. (Practices that are now standard procedures on the lower river eg in the Empire Vale system)
- raises acute concerns about the damming effects of the elevated highway upgrade through the natural 'overland' route floodwater takes to the Evans River
- does not adequately address increased inundation times and crop damage
- significantly impacts the sugar industry (and other industries) and hence the local and regional economies
- puts 42 kilometres of the Richmond River from Woodburn to Ballina at risk

From its beginnings the objectives and functioning of the Canal were conflicted. The primary objective of flood mitigation was at odds with the need to preserve the fresh water status of the Richmond ie preventing salinity.

This disparity remains today with a fixed weir being effective in preventing tidal exchange between the two rivers and hence fluctuations in salinity, but in so doing restricts water flow into the Canal in times of flood. (It is the same argument that was used by residents against the flagstone weir at the turn of the last century.)

This Association now has grave concerns that the cumulative effects of the new highway and the permanent weir restricting water flow into the canal, will lead to increased inundation times and depths, west of Rocky Mouth Creek. There is little doubt in the minds of long term residents that the new highway will restrict overflow from the Richmond via the 'overland' route to the east of Woodburn into the Evans in flood time. It is logical to suggest that this restriction will push water to the north and **will dramatically increase the importance of the Tuckombil Canal** as the channel and main route for escaping water. Most members

consider the 'highway escape' north of the new canal bridge (C50) and the bridge over the Woodburn Town Drain (C05) to be inadequate floodways in large flood events.

The 'Rocky Mouth Creek Active Floodgate Management Plan 2018-2012' minimises the effects of low oxygen and acid water discharge into the Richmond River. The floodgates are a large six cell system across Rocky Mouth Creek south west of the Canal opening. Implicit in this plan is a supply of water containing high concentrations of oxygen and whose buffering capacity has not been reduced ie that is still capable of diluting and reducing the effects of acid water in the creek. In times of both acid and oxygen stress, the plan relies on a source of 'good' water. It is reasonable to suggest that sea water that has traveled 42 km from Ballina will have had its acid buffering capacity reduced compared to that which has traveled 11 km from Evans Head. At pH's in the ranges 7-9 the bicarbonate ion ( $\text{HCO}_3^-$ ) is favored in the buffer equilibrium with the ability to absorb protons ( $\text{H}^+$  or acid) as the equilibrium shifts to the  $\text{H}_2\text{CO}_3$  side. It is reasonable to suggest that water that has negotiated 42 kilometers from Ballina to Woodburn through acidic run off will have a high concentration of  $\text{H}_2\text{CO}_3$  relative to  $\text{HCO}_3^-$  ie a lower acid buffering capacity to that traveled 11 kilometers through similar conditions.

The Empire Vale Floodgate system also using sea water to dilute, oxygenate and buffer water, is 8 km from Ballina and is very effective because of its close access to the sea.

Research into the relationship between inundation times and sugar cane crop damage undertaken in the Mulgrave and Babinda areas of Queensland was used to develop and validate a regressive crop damage calculating equation, that is now used industry wide, based on inundation times and sugar cane stalk length. The 'regression calculator' is most accurate for periods of flooding greater than five days. This research indicates that sugar cane may suffer between fifteen and twenty percent yield loss after five days of submergence, between thirty and sixty percent yield loss after ten days and between thirty seven and one hundred percent loss after fifteen days, when stalk lengths range between one half of a metre and two and a half metres. (Ridge & Reghenzani 2016). When the decision was made to install a fixed weir at 0.74 AHD this research was available, however the lack of accurate predictions of water inundation times on cane land west of the Rocky Mouth Creek and Woodburn areas caused by the weir, (and the failure to use the calculator) did not provide an accurate picture of the expected financial losses that would result. Farmers in the area now report water retention times in excess of the critical fifteen day period and strongly argue that removal of the fixed weir system would significantly reduce these times, and the subsequent crop regression.

This Association considers the flow on effects of the fixed weir on the local and state economies were under estimated in the original decision making process. In 2013 the NSW Sugar Milling Co-operative's Agricultural Services Division was requested to accurately assess the impact of the Australia Day floods and the subsequent flooding caused by a low pressure system towards the end of February, on the NSW Sugar Industry. The impact was assessed at a loss \$69 million to the state, of which \$29 million was suffered by growers and \$40 million was lost by the milling and refining sectors. Broadwater sugar producers had 369 hectares of cane destroyed, 210 hectares severely damaged and lost 607 hectares of soybeans, with a total loss value at \$4.2 million. In addition the cost of replanting destroyed areas was put at \$0.9 million and the repair bill for damage to headlands, tracks, loading pads and culverts was placed at \$0.35 million. The 'up river' shires were most harshly affected with the mid Richmond suffering severely, particularly in the Woodburn, Swan Bay Dungarubba and Coraki areas. Ballina Shire fared better with inundation times reduced by good mitigation and proximity to the river mouth. In the Ballina Shire 11 hectares of cane were destroyed, 16 severely damaged and 80 hectares of soybeans were lost, compared with 148 hectares of cane destroyed, 85 severely damaged and 412 hectares of soybeans lost in Lismore Shire, and 210 hectares of cane destroyed, 109 severely damaged and 115 hectares of soybeans lost in the Richmond Valley Shire area. (Beattie 2013)

This was not a major flood but the impact of a \$15 million loss to the local economy from one primary industry on the flood plain is substantial. Producer members of this Association strongly argue that the removal of the current fixed obstacle to flood flow in the Canal, the fixed weir, would reduce retention times and cut losses.

It is understandable that the Insurance Council of Australia is now advocating for flood mitigation to be placed on an infrastructure par with road, rail, and bridge construction (Sullivan 2019). The concept of allocating funds for preventative infrastructure has proven to be a cheaper option for the insurance industry and governments than the costly rebuilding processes after flood damage has occurred.

The cost of this proposal, which will lower water retention and inundation time, would be repaid rapidly into the local and state economies as average losses in excess of \$10 million per flood (to the sugar industry alone) are reduced.

The Productivity Commission has recommended that \$200 million be allocated each year to disaster relief including flood mitigation. This recommendation has not been implemented.

Rainfall, water quality and water flows since 2008 have discredited the Decision Matrix scores used to justify the low cost option of the fixed weir. Landholders, particularly those in the Rocky Mouth creek catchment now have first hand experience of the performance of all options - a fabric dam, a sheet pile barrier, a fixed weir at 0.74 and a clear canal with no structure at all, but feel their experience and knowledge is neither valued nor used.

#### **4. Proposal**

*The recommendation of the Tuckombil Canal Community Consultative Committee (2006) be revisited and adopted ie that a fully 'openable' and 'closable' structure be constructed as a long term replacement for the fixed weir on the Tuckombil Canal, to alleviate flooding and improve water quality.*

The proposal concentrates on the long term twin requirements of improving water quality of the Richmond and the rapid unimpeded removal of floodwater into the Evans River. It recommends a suitable structure and a suggested method of funding it.



Fig 13. Four gate system on the Edwards River at Deniliquin



Fig 14 Three gate system (location unknown)



Fig 15 Stevens Vertical Lift Bulkhead Weir



Fig 16 Tuckombil Canal Fixed Concrete Block Weir

## 5. Proposal in Detail

All available reports were considered in formulating this proposal, including all recommendations by the Tuckombil Canal Community Consultative Committee. At its meeting No11 (22/8/2006), the Committee 'agreed to advise the Richmond River County Council that:

- i* The Committee members' discussions with the wider community reveals that the community **favors a fabridam option and will not support a fixed weir option**
- ii* The Committee supports a structure for the Tuckombil Canal that can be **fully openable and fully closeable** with a crest height of 0.74 AHD and a base of 0.00 AHD which could be a fabridam or tidal activated gates solution'

At its final meeting August 2006 the Committee instructed GHD Consulting to come up with recommendations that could satisfy the criteria listed in (ii) above. GHD recommended a **TOPS Spillway gate** and a **Lay flat gate** as structures that would meet the criteria set by the Committee; (GHD p10) either alternative would remove any restrictions to flow during flood time. Vertical Lift Bulk Head gates were not evaluated.

The proposal also takes into account the financial constraints and limited funding resources available to RCC at the time, and considers lack of money to be the primary reason for choosing the cheap, no maintenance, fixed weir option. This lack of funding persists to the present day with widespread detrimental effects on flood relief and river water quality. In 1996 RRCC cleaned drain outlets from floodgates to the river for the last time, and has not performed any maintenance on these outlets for twenty five years. The clogged outlets now hold water back on the floodplain for unnecessarily long periods allowing microbial breakdown of submerged vegetation to deoxygenate and acidify the water before it is eventually discharged into the river. The fixed weir in the Tuckombil has the same effect.

The General Manager of RCC has stated to the RRCCG Association, local members of parliament and representatives of the contributing Shires Councils, that RCC does not have the funds nor the staff to maintain these outlets and no longer considers their upkeep to be the responsibility of the Rous County Council (Rudd 2018). The Association acknowledges that RRCC staff who advised the Board, and the Board who rejected community recommendations for the Tuckombil Canal in 2008 are no longer with Rous County Council.

This proposal takes into account the obstructive nature of the fixed weir, its inability to address community and government pressure to 'fix' water quality on the Richmond, and the need to cope with long term effects of upgrading the Pacific Highway through the lowlands east of Woodburn township. It draws on local experience of water movements in the area over the past one hundred and twenty four years and seeks to provide a long-term solution to current and future challenges.

### 5.1 Recommended Structure

The Richmond River Canegrowers' Association recommends that Vertical Lift Bulkhead gates be installed across the Canal to replace the current fixed concrete weir.

Whilst the locally favored replacement in 2008 was another fabridam, the limited lifespan, high initial cost and expensive repair and maintenance bill made it unattractive. The vertical lift gate system has a high initial cost, offset by the fact that it is a long-term investment that addresses both water quality and flow restriction problems posed by the fixed weir.

The structure would be modeled on Stevens Weir on the Edwards River at Deniliquin in the NSW Riverina but on a much smaller scale in terms of the width of the waterway covered

and the strength of the gates required. Spanning 60 metre Canal width to a depth of 1.55 metres with only a small pressure differential on either side of the gate due to tidal fluctuations, the gate specifications would bear no comparison to the river height controlling system of the Stevens Weir.



The ability to lift the gates incrementally from fully closed at values below 0.00 AHD to totally open at heights well clear flood waters satisfies all community requests, including the desire to improve water quality. The ease of adjustment provides rapid response to rain and water quality events. The system provides operators with immediate reaction capabilities to counter poor water quality as it begins to form, allowing a suite of counter measures to be used, including dilution, sea water buffering, tidal mixing and in conjunction with the Richmond system, tidal flushing of Rocky Mouth Creek through the Canal. It gives very fine control over



water movement and allows a much more measured approach to adjusting water quality than does the opening or shutting of floodgates.

### *5.2 Project Management, Funding and Construction*

Association members are disappointed that agencies did not capitalize on the opportunity to develop a long-term plan to combat pressures on water quality and flood mitigation on the mid Richmond as part of the Pacific Highway upgrade in this area.

This project will be the responsibility of the Canal owner – Rous County Council. The option to subcontract or increase staff and complete the project ‘in house’ would be a matter for RCC. Given the current staff and funding levels at the Council, it is acknowledged that at this stage RCC has neither the staff nor the financial capability to construct the Bulk Head Gate system proposed, but does have the technical expertise and experience to manage the project.

This long-term option has not been costed but will be expensive compared to the fixed weir and fabridam options.

Funding would be required from both the Federal and State governments, with considerable support and representation from local stakeholders to secure adequate financial support for the project, including an allowance for ongoing maintenance. The Richmond River Canegrowers’ Association Limited and the NSW Canegrowers’ Association would play a key role in this support.

This Association suggests a ‘stepped’ strategy to recover outstanding monies and secure new funds:

- i. As an initial step, proceedings, including legal, be initiated to recover all indexed funds withheld by OEH since 1985.
- ii. One off matched grants be sought from the State and Federal Governments by a combined group of stakeholders including peak mid Richmond industry bodies, local councils and RCC. (The Productivity Commission has recommended that \$200 million be allocated each year to disaster relief including flood mitigation.)
- iii. Contributions be sought from local councils particularly those that have levied ratepayers to establish ‘fix the river’ funds
- iv As part of the political process all local State and Federal representatives be engaged to support the proposal with the view to prosecuting the case for funding with relevant ministers. This Association will meet with Kevin Hogan, Justine Elliott, Chris Gulaptis, Janelle Saffin Tamara Smith and Ben Franklin to discuss funding this project.

With the benefit of hindsight this system would have been a much cheaper option than the fabridams, the steel sheet piling, the current weir and their maintenance, combined.

### *5.3 Overall Assessment of the Proposal*

This proposal gives the best long term capability to address ongoing water inundation, flood flow and water quality issues on the mid Richmond River, exacerbated by obstructed flow in the Tuckombil Canal.

The economic, environmental and social costs of **not** replacing the fixed weir with a more flexible structure, are substantial.

In economic terms, the release of flood waters in 2013 could have saved a large proportion of the \$5.5 million losses to Richmond River Canegrowers. The flow on losses in production to the milling and refining sectors of another \$10 million bring the total losses from that one

flood to \$15 million to the Richmond sugar industry alone (Beattie 2013). With ongoing flooding being a feature of this river, assessment of the cost of this proposal must be considered in light of these losses to the local and state economies.

The proposal also addresses the environmental cost of blocking water at 0.74m AHD and gives those charged with managing this system a flexible tool to use in treating any decline in water quality before it becomes a problem.

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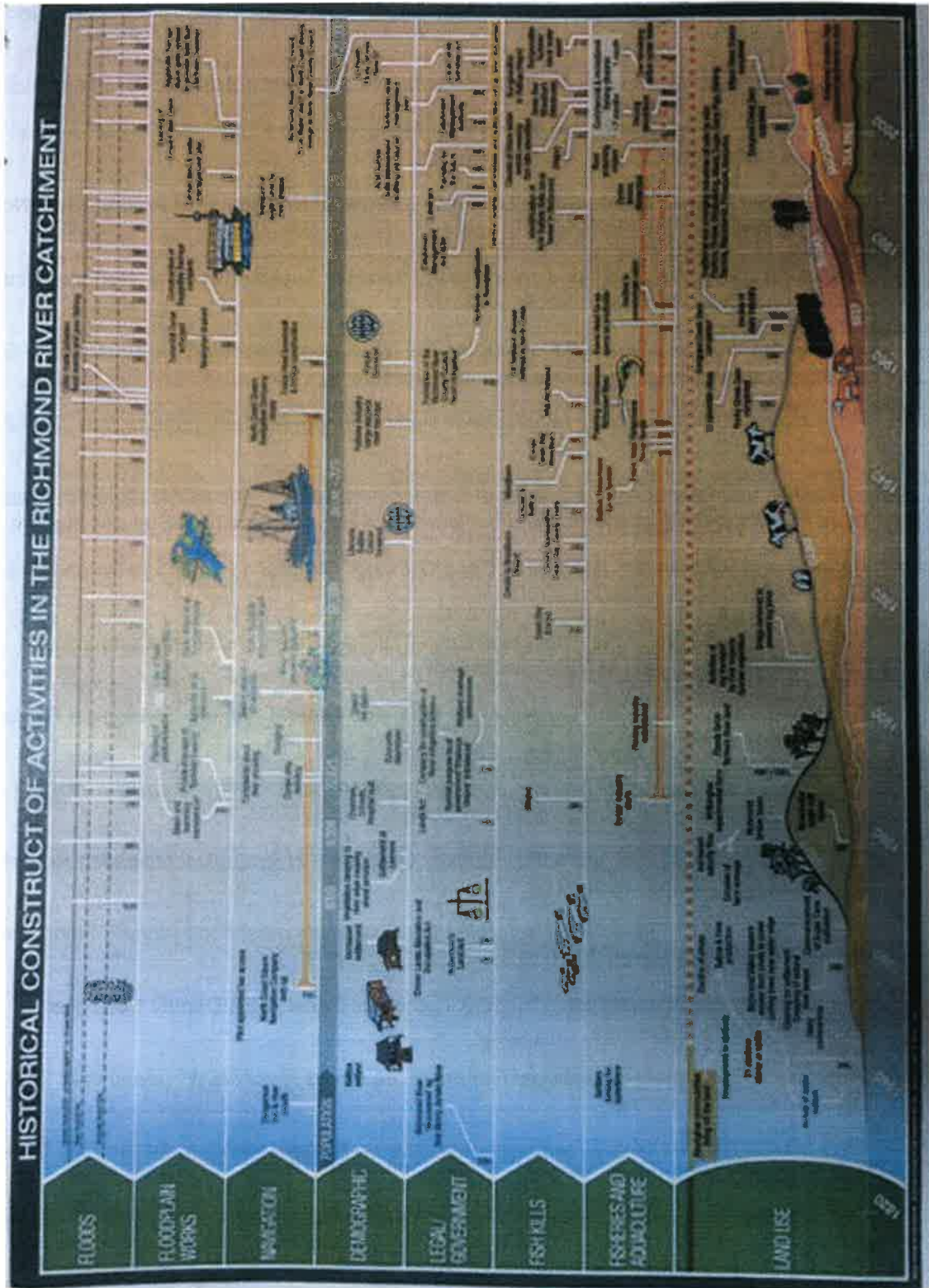
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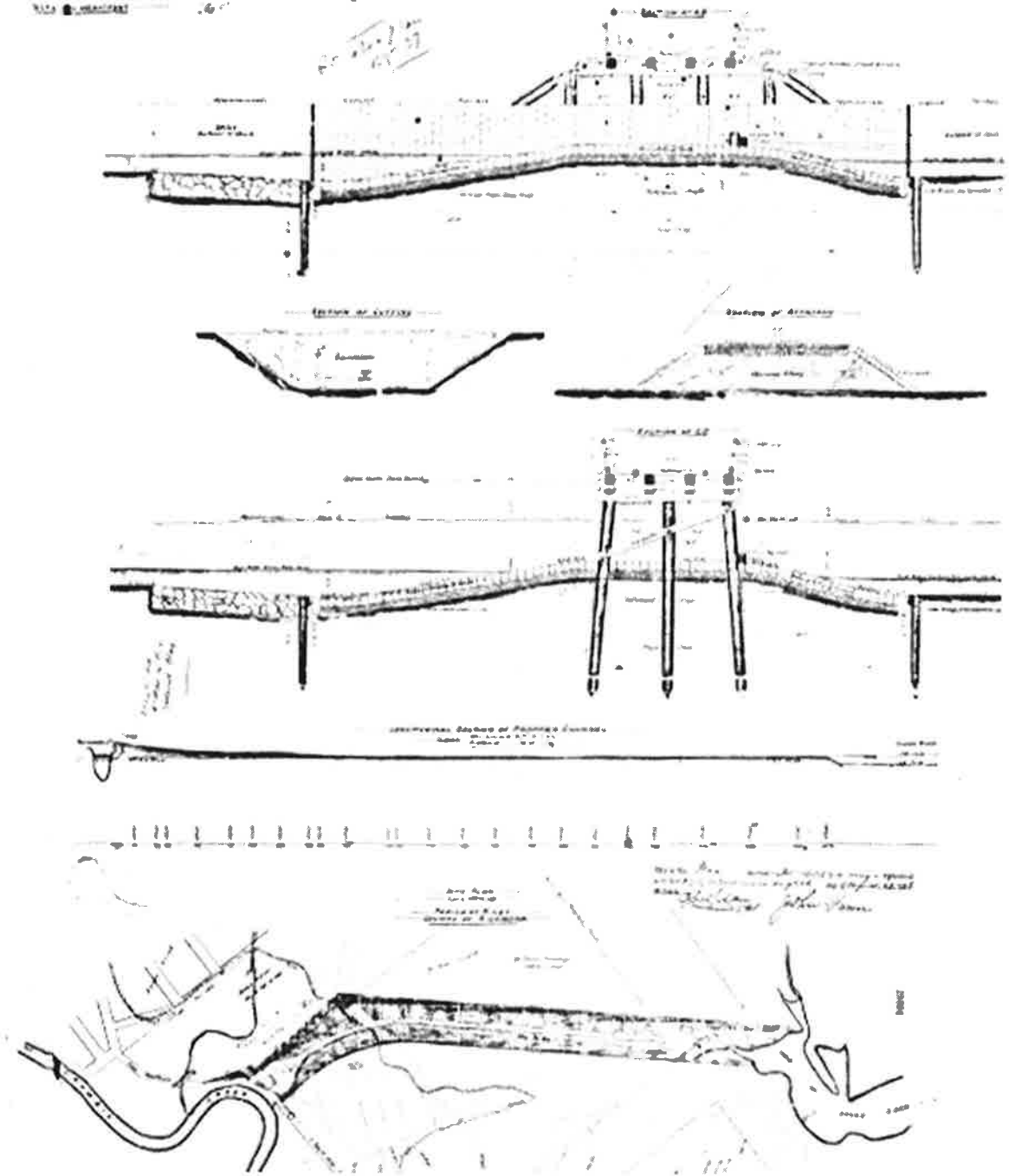
NSW Public Works access to all original plans and diagrams 1875 – archived on Microfiche

Tove archived newspaper articles

Appendix 1 Historical Construct of Activities in the Richmond River Catchment



EVANS RIVER FLOOD CHANNEL  
ED CUTTING, WEIR, BRIDGE, ETC.



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**Public exhibition of draft Delivery program/Operational plan and 2019/20 Budget**

**Rous County Council response to the submission by:**

**Richmond River Cane Growers' Association Ltd  
'An effective alternative to the fixed weir across the Tuckombil Canal'**

**27 May 2019**



**Background**

The Tuckombil Canal is an artificial channel which connects Rocky Mouth Creek (mid-Richmond) to the Evans River.

- The Canal was constructed in the late 1890s to divert floodwaters from the Richmond River into the Evans River via Rocky Mouth Creek. A sandstone causeway above high tide level prevented tidal exchange between the river systems.
- In 1959, after major floods during the preceding decade, Richmond River County Council (R RCC) was constituted and the management responsible for the Tuckombil Canal was transferred.
- In 1965 the canal was deepened and widened, to reduce flood drainage times for the Swan Bay – Bungawalbyn areas. An inflatable Fabridam was installed across the canal to prevent tidal exchange in normal times. During floods the Fabridam was deflated to allow passage of floodwaters.
- During a period from 1983 to 1985, the Fabridam had worn out and a temporary sheet piling coffer dam was put in place until 1988. It was noted that the temporary sheet piling coffer dam was not continuous and salt intrusion in Rocky Mouth creek occurred at that time.
- A replacement Fabridam was installed in 1994 which restricted the influx of saline waters from the Evans River, into Rocky Mouth Creek and the Richmond River.
- In 1999 the Fabridam failed and the Rocky Mouth Creek floodgates were lowered during repairs, leading to a fish kill.
- In 2001, the Fabridam failed again and under emergency provision, RCC installed a temporary concrete modular tidal barrier across the Tuckombil Canal, with the primary purpose of excluding saltwater from the Evans River entering Rocky Mouth Creek and the mid Richmond River.
- After the temporary barrier was installed, R RCC undertook community consultation and commissioned a study to assess replacement options to the existing fixed structure for the Canal. The study was also to determine the long-term management of the Canal.
- The Tuckombil Canal Community Consultative Committee was established in 2004 and representatives were appointed from the following bodies/agencies:
  - Ballina Fishing Cooperative
  - Evans Head Fishing Cooperative
  - Department of Infrastructure, Planning and Natural Resources (then NSW Office of Environment and Heritage - OEH)
  - NSW Department of Primary Industries - Fisheries

- 
- Richmond River Cane Growers Association
  - NSW Farmers Association
  - State Emergency Service
  - Evans Head Chamber of Commerce
  - Woodburn Chamber of Commerce
  - Aboriginal Land Council
- In addition to the Community Consultation Committee, a Project Technical Group was formed to manage the review project. This was led by RRCC with membership from Richmond Valley Council and NSW OEH.
  - The study's objectives were to assess variable options with two key considerations in this regard:
    - The canal must continue to fulfil the role for which it was originally constructed, i.e. flood mitigation; and
    - It must continue to prevent saltwater intrusion into the upstream freshwater environment.
  - Other factors like the management of Blackwater discharge into the Evans River and the long-term considerations of climate change were considered but not documented in the study.
  - The Management Plan process involved:
    - Developing a detailed understanding of the existing hydrology of the area, particularly in relation to flooding in the area.
    - Identification of management options for the Tuckombil Canal, given maintenance of its flood mitigation role and its role in preventing saltwater intrusion into upstream areas.
    - Consultation with the local community to discuss the options and to seek advice and input based on local knowledge.
    - Reviewing the management scenarios through a triple bottom line study of social, environmental and economic considerations.

The report concluded that there were three preferred options, being:

- Fixed concrete weir option;
- Lay flat gate options; and
- Top Gate option.

In August 2012, RRCC resolved to 'reaffirm the fixed weir as the long-term management option for the Tuckombil Canal'.

### **Staff response**

Currently, Rous County Council (RCC) does not have any plans to undertake a further review of the current arrangements in the Tuckombil Canal. A review would require a similar process as outlined in the previous study. It is noted that extensive investigations would be required before any specific option could be considered. These investigations would need to document evidence on the economic benefits, assessments of environmental impacts and potential benefits, as well as detail construction and maintenance costs. This information would also be required for both project approvals and any potential capital grant application.



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RCC staff acknowledge that the resolution to support the fixed weir as the long-term management option had impacts on nearby farms, as the level of service to those farms had changed from what was previously provided by the Fabridam. RCC staff also acknowledge that sections of the community view the previous process of review favoured a status quo outcome and did not truly recognise the extent of negative impacts on landowners that previously did not exist when the Fabridam was in place.

It is estimated that the costs to undertake the review would be in the order \$150K to \$200K and take 12 to 18 months to complete. It is noted that grant funding is potentially available to support this process at 2:1 (State to RCC funding). However, this funding opportunity will not be available until March 2020 and successful applications are not typically announced until 7-9 months after the grant application closes.

As part of the Pacific Highway upgrade project, RMS (via Pacific Complete consortium) were required to undertake extensive flood modelling impact assessments. This flood modelling was used to ensure that the impacts from the constructed highway did not exceed prescribed thresholds. RCC staff have had limited involvement in the RMS floodplain committee and staff received one presentation on the initial results from the flood impact assessments in 2016. Since that time, RCC has not had any direct involvement in this modelling process.

It is noted that, if a review was to occur, these RMS models would be required to assess the impact of both the Tuckombil canal options and the newly constructed highway embankment. Attempts by RCC staff have been made to secure access to the models, however, should they not be forthcoming, the assessment costs to review alternative options to that of the fixed weir would increase by approximately \$120K.

#### **Further actions by staff**

RCC will liaise with RMS to seek access to all flood models that have been developed to assess flood impacts as a result of the Pacific Highway upgrade project within the RCC local government area.

RCC will develop a grant application in the 2020 round of NSW Floodplain Grants Scheme to seek funding to undertake a further review of options for the Tuckombil Canal. Stakeholders will be engaged as part of this process.

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## Retail water customer account assistance

(2283/13)

**Business activity priority** Strategy and planning

**Goal 2** Align strategic direction to core functions and sustainability

### Recommendation

That Council in accordance with section 356 (1) of the *Local Government Act 1993* and its 'Retail Water Customer Account Assistance' policy, approve financial assistance as listed in Table 1 of this report.

### Background

Applications for financial assistance in accordance with section 356 (1) under Council's 'Retail Water Customer Account Assistance' policy are tabled below:

**Table 1**

Account	Property owner/s	Date application received	Nature of leak	Original water charges due	S356 financial assistance to be approved	Adjusted water charges due after approval
10618-10000-1	GR & GE Whaley	15-May-19	Undetected leak located at joiner near creek. An unauthorised heavy vehicle appears to have been across the area and reversed at the worst point of the leak. A plumber has installed a PRV and inspected the repair. It is in accordance with relevant Standards.	\$3,024.12	\$1,379.34	\$1,644.78
10396-11000-8	GJB & HL Brummelhuis	8-May-19	Concealed leak was located by a plumber in a 1" poly pipe approx. 400mm below the ground. The pipe was repaired the same day. It is in accordance with relevant Standards.	\$2,739.72	\$1,166.04	\$1,573.68
<b>Total</b>				<b>\$5,763.84</b>	<b>\$2,545.38</b>	<b>\$3,218.46</b>

### Governance

#### Finance

The 2018/19 financial year budget allocation for applications made in accordance with the 'Retail Water Customer Account Assistance' policy is \$25,000.

The status of the budget is as follows:

2018/19 financial year budget	\$ 25,000.00
S356 assistance approved financial year to date	\$ 7,979.43
S582 assistance approved financial year to date	\$ 3,139.15
S582 assistance approved since last Council meeting	-
Proposed S356 assistance approved this Council meeting	\$ 2,545.38
Proposed S582 assistance approval this Council meeting	\$ 1,137.60
<b>Budget remaining 2018/19 financial year</b>	<b>10,198.44</b>

**Legal**

Section 377(q) of the *Local Government Act 1993* provides that a decision under section 356 to contribute money or otherwise grant financial assistance may not be delegated and that the decision must be made by resolution of Council.

**Conclusion**

The total value of section 356 financial assistance equates to \$2,545.38 by application of Council's '*Retail Water Customer Account Assistance*' policy. It is proposed that Council grant the recommended financial assistance.

Guy Bezrouchko  
Group Manager Corporate and Commercial

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## Innovate 2020 Reconciliation Action Plan (RAP)

(2453/18)

**Business activity priority**

Strategy and planning

**Goal 2**

Align strategic direction to core functions and sustainability

**Recommendation**

That Council adopt the attached draft *'Innovate 2020 Reconciliation Action Plan.'*

**Background**

In June 2016, Council adopted the draft *'Reconciliation Action Plan (RAP) 2016'*. The RAP focused on areas where Rous County Council could best influence positive change for reconciliation.

The RAP Advisory Group (AG) has considered an updated RAP, the *'Innovate 2020 RAP'*. The RAP identifies specific and measurable actions to be undertaken to ensure we meet our goals and provides an opportunity to build on our previous works and progress into the future.

At its 28 March 2019 meeting, the RAP AG supported the draft *'Innovate 2020 RAP'* as presented to the meeting, noting it is a 'living document' (subject to continual editing and updating); and further, that the Plan be recommended to Council for adoption.

**Governance****Finance**

The draft Operational plan 2019/20 includes \$57,500 for RAP initiatives, with \$40,000 separately provided, subject to Council's future approval, in delivering Aboriginal employment strategies. The remaining \$17,500 is available for facilitating the RAP Advisory Group meetings, including sitting fees, participation in NAIDOC, and Reconciliation Week events and cultural awareness training.

**Consultation**

Consultation was undertaken with the AG, Aboriginal stakeholders, Emma Walke (Consultant) and Council staff.

**Conclusion**

The draft *'Innovate 2020 RAP'* provides a practical, respectful and achievable platform of goals and actions for progressing reconciliation outcomes, recognising Rous County Council's existing, strong relationships with Traditional Custodians. It is also a conduit through which we can further enhance our ability to establish new relationships into the future. Staff recommend that Council adopt the draft *'Innovate 2020 RAP'* as attached to this report.

Guy Bezrouchko  
Group Manager Corporate and Commercial

Attachment:

1. 'Innovate 2020 RAP'

**Attachment 1**



*Note: Logo subject to Reconciliation Australia approval*

**Innovate 2020 Reconciliation Action Plan (RAP)**

## ABOUT THE ARTIST

Rous County Council acknowledges Sheldon Harrington Snr (1961-2015) as the artist for the images used in this document. Sheldon Harrington Snr is a Widjabal descendent and artist. Sheldon played a key role in the development and execution of joint on-ground projects that protect and enhance natural and cultural values in water supply catchment areas (*Water Walks* and *Reconnecting to Country*), in association with Rous County Council, the Widjabal people and the local communities. Through his work with Rous County Council, Sheldon integrated sustainability principles with local Aboriginal culture and best management practice for catchment lands, fulfilling a responsibility to contribute culturally appropriate material and content including lore, location-based information (not including sensitive site information) and other key messages.

Sheldon Harrington Snr was a key contributor to the partnership established between Rous County Council and the Widjabal people, which was established primarily to improve cultural awareness and to stress the importance of land and water to country and people. The contract between Widjabal elders and Rous County Council primarily deals with the need for all of us to look after land and water as people. This working relationship is about Rous County Council acknowledging the ancestry, heritage, country, identity and language of the people from this country. Rous County Council acknowledges Sheldon as a proud Bundjalung man that contributed greatly to our joint community education and reconciliation projects. We are working together for future generations to make Australia a better place. This work does not impact on Native Title claims or claimants.



## Our business

Rous County Council (RCC) is a multi-purpose county council delivering bulk water, weed biosecurity and flood mitigation services. Council also operates Richmond Water Laboratories, providing professional sampling, testing and analysis of water quality to NSW councils, private industry and the public. Our constituent councils are Lismore, Ballina, Byron and Richmond Valley.

**Bulk water:** RCC is the regional water supply authority and provides bulk water from its principal supply source at Rocky Creek Dam, and services around 100,000 people.

**Weed biosecurity:** RCC is the local control authority for weed biosecurity. Its operations cover an area of more than a million hectares including Kyogle and Tweed Shires, under service level agreements.

**Flood mitigation:** RCC is the flood mitigation authority across the local government areas of Ballina, Lismore and Richmond Valley.



## Our RAP

Bundjalung people have lived in the region for many thousands of years in a sustainable relationship with the natural environment. The water catchment areas managed by Rous County Council are a part of the natural landscape that forms the identity, culture, spirituality and resource base for the Widjabal/Wiyabal people of the Bundjalung nation. Despite the significant changes of the past 200 years, the Widjabal/Wiyabal people still maintain a responsibility and deep relationship with the land and water. Rous County Council acknowledges this relationship and deeply values their traditional laws, knowledge and lessons about places and sustainability.

Rous County Council conducts all business activities in accordance with its values of Integrity, Commitment, Trust, Social Responsibility, and Accountability. As an organisation, Rous County Council believes in the value of strong community engagement and is proud to have a respected and productive relationship with the Traditional Custodians of the land on which Rous County Council catchments sit. In 2002, through a collaborative partnership between Rous County Council and Traditional Custodians, two environmental sustainability projects, Reconnecting to Country and Water Walk, were delivered.

The Reconnecting to Country and Water Walk projects strengthened relationships between Rous County Council and the Widjabal/Wiyabal people, improved catchment health and created an approach for sustainability education that incorporated the cultural values and perspectives of Traditional Custodians. The projects created a sense of Aboriginal history and heritage through appropriate.

## Rous County Council – Innovate 2020 RAP

### Overview

Continuing on from the previous Reflect Reconciliation Action Plan (RAP), Rous County Council aims to work alongside the Aboriginal Communities on whose country they operate, and with Respect, towards a better more inclusive, mutually understood future.

Rous County Council together with our RAP advisory group members have built a long-standing relationship over some years, we all agree to learn and share together for a better, stronger future in our region.

Our Innovate RAP begins to build on the foundations, goals, challenges and wins of the past three years, and aims to consolidate, but also to increase our engagement with Aboriginal peoples. We are focusing on our relationships this year with an intent to increase representatives of the advisory group to ensure Aboriginal peoples from our recently increased areas have visibility and opportunity to provide input into the work we do. Rous is continuing to encourage staff to become a part of the advisory group and learn and share alongside our Elders and Community members.

New input will bring new ideas and new ways of doing things in the community.

#### **Our focus areas:**

- Respectful Community Involvement underpinned by shared understandings through cultural awareness, and learning about our local Aboriginal peoples, lands, history and culture
- Real Work on Land
- Strengthening the Tone of our relationship and building on our past successes through employment, training and commercial opportunities

We are excited to aim higher, and plan for new ideas, new input which will on strengthen Rous County Council's place in the community alongside our Aboriginal partners towards reconciliation.



Action	Deliverable	Timeline	Officer	Status	Comment
<p>1. RAP Working Group (RAP-AG) actively monitors RAP development and implementation of actions, tracking progress and reporting</p>	<p>Required:</p> <ul style="list-style-type: none"> <li>• RAP-AG oversees the development, endorsement and launch of the RAP.</li> <li>• Ensure Aboriginal and Torres Strait Islander peoples are represented on the RAP-AG.</li> <li>• RAP Working Group (WG) to meet quarterly to support.</li> <li>• The implementation of the RAP.</li> <li>• Review Terms of Reference for the RAP-AG.</li> <li>• <i>Continue to engage with key community stakeholders to join the RAP-AG.</i></li> </ul>				
<p>2. Celebrate and participate in National Reconciliation Week (NRW) by providing opportunities to build and maintain relationships between Aboriginal and Torres Strait Islander peoples and other Australians</p>	<ul style="list-style-type: none"> <li>• At least one internal event for NRW each year.</li> <li>• Register our NRW event via Reconciliation Australia's NRW website.</li> <li>• Support an external NRW event.</li> <li>• Ensure our WG participates in an external event to recognise and celebrate NRW.</li> <li>• <i>Extend an invitation to Aboriginal and Torres Strait Islander peoples to share their reconciliation experiences or stories.</i></li> <li>• <i>Encourage staff to participate in external events to recognise and celebrate NRW.</i></li> <li>• <i>Circulate NRW information to staff and invite comment/response.</i></li> </ul>				

Action	Deliverable	Timeline	Officer	Status	Comment
3. Develop and maintain mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples, communities and organisations to support positive outcomes	<ul style="list-style-type: none"> <li>Continue to work with current engagement plan to work with our Aboriginal and Torres Strait Islander stakeholders.</li> <li>Consult with Wadmaal/Wiyabal and Bundjalung Elders, local Aboriginal Land Councils, Aboriginal Advisory Groups and relevant Aboriginal organisations within the four constituent council areas to identify Traditional Custodians of the lands and waters within the four council areas.</li> <li>Meet with local Aboriginal and Torres Strait Islander organisations to develop guiding principles for future engagement.</li> <li>Explore and develop innovative ways to ensure RCC works collaboratively with Aboriginal knowledge holders with the RCC's Future Water Strategy (FWS).</li> </ul>				
4. Raise internal and external awareness of our RAP to promote reconciliation across our business and sector	<ul style="list-style-type: none"> <li>Implement and review a strategy to communicate our RAP to all internal and external stakeholders.</li> <li>Promote reconciliation through ongoing active engagement with all stakeholders.</li> <li>Ensure that <i>Innovate 2020 RAP</i> is included in Council's Community and Engagement Strategy.</li> </ul>				
5. Include other unique relationships actions and targets related to your core business and vision for reconciliation	<p><i>Suggestions:</i></p> <ul style="list-style-type: none"> <li><i>Explore opportunities to support the Recognise campaign.</i></li> <li><i>Support Reconciliation Australia and your state/territory-based reconciliation council.</i></li> </ul>				

Action	Deliverable	Timeline	Officer	Status	Comment
6. Engage employees in cultural learning opportunities to increase understanding and appreciation of Aboriginal and Torres Strait Islander cultures, histories and achievements	<ul style="list-style-type: none"> <li>• Identify cultural learning opportunities for all RCC staff.</li> <li>• Develop and implement a cultural awareness training strategy for our staff which defines cultural learning needs of employees in all areas of our business and considers various ways cultural learning can be provided.</li> <li>• Cultural Awareness Training Kit.</li> <li>• Face-to-face cultural conversations.</li> <li>• Opportunities to engage with Aboriginal cultural activities.</li> <li>• Opportunity for all staff to engage with the RAP through the advisory group meetings.</li> <li>• Work with Aboriginal and Torres Strait Islander consultants to develop cultural awareness training.</li> <li>• Promote the Reconciliation Australia's Share Our Pride online tool to all staff.</li> <li>• Investigate local cultural experiences and immersion opportunities.</li> </ul>				
7. Engage employees in understanding the significance of Aboriginal and Torres Strait Islander cultural protocols, such as Welcome to Country and Acknowledgement of Country, to ensure there is a shared meaning	<ul style="list-style-type: none"> <li>• Develop, implement and communicate a cultural protocol document for Welcome to Country and Acknowledgement of Country.</li> <li>• Review and if required, build on the current list of key contacts for organising a Welcome to Country and maintaining respectful partnerships.</li> <li>• Include Acknowledgement of Country at the commencement of important external and external meetings.</li> </ul>				

Action	Deliverable	Timeline	Officer	Status	Comment
	<ul style="list-style-type: none"> <li>• Invite Aboriginal people into our office to explain the significance of Welcome to Country and Acknowledgement of Country.</li> <li>• Organise and display an Acknowledgment of Country plaque in our office/s or on our office building.</li> </ul>				
8. Provide opportunities for Aboriginal and Torres Strait Islander staff to engage with their culture and communities by celebrating NAIDOC Week	<ul style="list-style-type: none"> <li>• All staff have the option to attend at least one NAIDOC event annually.</li> <li>• Provide opportunities for all Aboriginal and Torres Strait Islander staff to participate with their cultures and communities during NAIDOC Week.</li> <li>• Hold an internal or external NAIDOC Week event.</li> <li>• Support an external NAIDOC Week community event.</li> <li>• Contact our local NAIDOC Week Committee to discover events in our community.</li> </ul>				
9. Include other unique actions related to your core business and vision for reconciliation	<p><i>Suggestions:</i></p> <ul style="list-style-type: none"> <li>• <i>Celebrate and recognise Aboriginal and Torres Strait Islander dates of significance.</i></li> </ul>				

Action	Deliverable	Timeline	Officer	Status	Comment
10. Investigate opportunities to improve and increase Aboriginal and Torres Strait Islander employment outcomes within our workplace	<ul style="list-style-type: none"> <li>• Develop and implement an Aboriginal and Torres Strait Islander Employment and retention strategy.</li> <li>• Engage with existing Aboriginal and Torres Strait Islander staff to consult on employment strategies, including professional development.</li> <li>• Advertise all vacancies in Aboriginal and Torres Strait Islander media.</li> <li>• Collect information on our current Aboriginal and Torres Strait Islander staff to inform future employment opportunities.</li> <li>• Review HR and recruitment procedures and policies to ensure there are no barriers to Aboriginal and Torres Strait Islander employees and future applicants participating in our workplace.</li> <li>• Provide two traineeship opportunities in 2019 to Aboriginal people.</li> <li>• Develop an Aboriginal and Torres Strait Islander professional development strategy.</li> <li>• Include Aboriginal and/or Torres Strait Islander representation on recruitment and selection panels.</li> <li>• Include in all job advertisements, 'Aboriginal and Torres Strait Islander people are encouraged to apply.'</li> <li>• Engage with external Aboriginal and Torres Strait Islander peoples and/or consultants to advise on recruitment, employment and retention strategies, including professional development.</li> </ul>				

Action	Deliverable	Timeline	Officer	Status	Comment
11. Investigate opportunities to incorporate Aboriginal and Torres Strait Islander supplier diversity within our organisation	<ul style="list-style-type: none"> <li>Review procurement policies and procedures to identify barriers to Aboriginal and Torres Strait Islander businesses to supply our organisation with goods and services.</li> <li>Develop and communicate to staff a list of Aboriginal and Torres Strait Islander businesses that can be used to procure goods and services.</li> <li>Develop one commercial relationship with an Aboriginal and/or Torres Strait Islander owned business.</li> <li>Investigate Supply Nation membership.</li> </ul>				
12. Include other unique opportunities actions related to your core business and vision for reconciliation	<ul style="list-style-type: none"> <li>Develop and implement Aboriginal and Torres Strait Islander employment pathways (e.g. traineeships or internships).</li> <li>Investigate opportunities to increase pro bono activities.</li> <li>Support scholarships for Aboriginal and Torres Strait Islander students.</li> <li>Support Aboriginal and Torres Strait Islander leadership.</li> </ul>				
13. Report RAP achievements, challenges and learnings to Reconciliation Australia	<ul style="list-style-type: none"> <li>Complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia annually.</li> <li>Investigate participating in the RAP Barometer.</li> <li>Continue to work with <i>systems and capability needs to track, measure and report on RAP activities</i>.</li> </ul>				
14. Report RAP achievements, challenges and learnings internally and externally	<ul style="list-style-type: none"> <li>Publicly report our RAP achievements, challenges and learnings.</li> </ul>				

Action	Deliverable	Timeline	Officer	Status	Comment
15. Review, refresh and update RAP	<ul style="list-style-type: none"><li>Review, refresh and update RAP based on learnings, challenges and achievements.</li><li>Send draft RAP to Reconciliation Australia for formal feedback and endorsement.</li></ul>				

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## Draft Code of Meeting Practice

(897.13)

**Business activity priority**

Strategy and planning

**Goal 2**

Align strategic direction to core functions and sustainability

### Recommendation

That Council:

1. Revoke Council's current Code of Meeting Practice dated 21 November 2018 and any Codes of Meeting Practice revoked as a result of that revocation.
2. Adopt the draft Code of Meeting Practice attached to this report.

### Background

At its meeting of 17 April 2019, in considering proposed amendments to the Code of Meeting Practice, Council resolved (24/19) that Council publicly notify and exhibit the draft Code of Meeting Practice (Attachment 1).

Changes to the Code of Meeting Practice were instigated due to amendments made to the *Local Government Act 1993*, providing for a Model Code of Meeting Practice (the Model Code) which is prescribed by the *Local Government (General) Regulation 2005*. Council is required to adopt a Code of Meeting Practice incorporating the mandatory provisions of the Model Code.

#### No further amendments recommended

No submissions have been received as a result of public notification and exhibition. It is not recommended that Council make any further amendments to the proposed Code of Meeting Practice beyond that considered by the Council at the April 2019 meeting.

### Governance

#### Legal

In accordance with section 361 of the *Local Government Act 1993*, a period of public exhibition of an amended Code must not be less than 28 days and must also specify a period of not less than 42 days during which submissions may be made to Council. Section 362 of the Act enables Council to adopt an amended Code after considering all submissions received from the public exhibition process.

#### Consultation

The amended Code was advertised via public notice and publicly exhibited on Council's website from Thursday, 18 April 2019 until Friday, 31 May 2019, (43 days) and via public notice in The Northern Star newspaper on Friday, 19 April 2019, allowing submissions up until 31 May 2019 (42 days).

#### Conclusion

Subsequent to a public exhibition process and no receipt of public submissions, it is recommended that the publicly exhibited version of the draft Code of Meeting Practice be adopted by Council without amendment.

Helen McNeil

Group Manager People and Performance

Attachment:

1. Draft Code of Meeting Practice for adoption, with proposed track-changed amendments



**Attachment 1 (Draft Code)**



# Code of Meeting Practice

A code governing the conduct of  
meetings of Council:  
based on the Office of Local Government Model  
Code of Meeting Practice



Version	Purpose and Description	Date adopted by Council	Resolution no.
1.0	Adopt Code of Meeting Practice	15 March 2000	10196/00
1.1	PUBLIC CONSULTATION DRAFT	15 August 2011	63/11
2.0	Adopt revised Code of Meeting Practice	16 November 2011	101/11
2.1	Insert local rule regarding debate on amendments to motions (4.17)	18 July 2012	53/12
2.2	PUBLIC EXHIBITION DRAFT – Amendment to meeting frequency	19 September 2018	77/18
3.0	Adopt revised Code of Meeting Practice	21 November 2018	103/18
3.1	PUBLIC CONSULTATION DRAFT – following release of new OLG Model Code of Meeting Practice (Council meeting 17 April 2019)	<a href="#">17 April 2019</a>	<a href="#">24/19</a>
<a href="#">4.0</a>	<a href="#">Adopt revised Code of Meeting Practice</a>		

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## 1 Introduction

This Code of Meeting Practice [is to be referred to as the 'Rous County Council Code of Meeting Practice' \('the Code'\)](#) and is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

The Code applies to all meetings of council and committees of council of which all the members are councillors (committees of council). [It should be noted that a council committee whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.](#)

### Background

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Code [of Meeting Practice for Local Councils in NSW, developed by the Office of Local Government \(OLG\)](#). Council may also incorporate non-mandatory and other [supplementary provisions](#).

[Various provisions found throughout Council's Code are outlined below:](#)

Provision	Explanation	Identified by:
Mandatory	Provisions which must be included in the Code	No symbol
Non-mandatory	Provisions suggested by OLG which may be included in the Code	◆
Non-mandatory (amended)	Utilises or replaces non-mandatory provisions suggested by OLG, to meet organisational needs	♣
Supplementary	Additional provisions drafted by Council to meet organisational needs.	♠

[All provisions must be consistent with the mandatory provisions of the Model Code of Meeting Practice for Local Councils in NSW.](#)

[Non-mandatory provisions which have not been adopted are marked as "Omitted", so to ensure consistency with numbering throughout the Code.](#)

[Making, amending and dealing with the Code must be undertaken in accordance with Chapter 12, Part 2, Division 1 of the Local Government Act 1993, including public notice and exhibition requirements.](#)

**Deleted:** ¶

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

**Deleted:** The provisions of the Model Meeting Code that are not mandatory are indicated in **red font**.¶

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

¶ The Model Meeting Code also applies to meetings of the boards of joint organisations and county councils. The provisions that are specific to meetings of boards of joint organisations are indicated in **blue font**.¶

¶ In adopting the Model Meeting Code, joint organisations should adapt it to substitute the terms 'board' for 'council', 'chairperson' for 'mayor', 'voting representative' for 'councillor' and 'executive officer' for 'general manager'.¶

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

## 2 Meeting principals

2.1 Council and committee meetings should be:

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

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

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

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

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

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

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

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

## 3 Before the meeting

### Timing of ordinary council meetings

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

The third Wednesday of February, April, June, August, October and December at 1:00pm.

▲ On the third Wednesday of the month when meetings are not scheduled to be held, Council will hold briefings or workshops at 1:00pm unless, in consultation with the Chair, the General Manger determines that there is no substantial matter for discussion.

3.2 Omitted – superseded by clause 3.1.

**Note:** Councils must use either clause 3.1 or 3.2.

**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) councillors, 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 councillors requesting the meeting.

**Note:** Clause 3.3 reflects section 366 of the Act.

Deleted: [council to specify the frequency, time, date and place of its ordinary meetings]

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

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

**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 councillors of ordinary council meetings**

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

**Note: Clause 3.7 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 councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

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

**Notice to councillors of extraordinary meetings**

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

**Note: Clause 3.9 reflects section 367(2) of the Act.**

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

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

Deleted: [council to specify notice period required]

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

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

### 3.13 Omitted and replaced with:

- ♣ The chairperson may rule that a motion or an amendment is out of order if, in the view of the chairperson, the proposed motion:
- (a) is vague and equivocal in its language;
  - (b) is the direct negative of or is inconsistent with a resolution just passed by the meeting;
  - (c) is an amendment which alters the motion to the extent that it effectively reverses the motion it proposes to amend;
  - (d) proposes an action that is unlawful;
  - (e) is outside the scope of the meeting;
  - (f) in the opinion of the chairperson, contains potentially defamatory statements;
  - (g) is unnecessary in that it proposes a course of action or policy already resolved upon by the meeting; and
  - (h) is potentially vexatious and proposed to impede the orderly transaction of business.

The General Manager may provide factual information on a notice of motion to assist in the discussion of the motion. The General Manager must not comment on the merit of a notice of motion.

Where a motion put before Council is not exactly as presented on the Agenda, the motion must be in writing and provided to the chairperson before the mover may proceed.

If a Councillor, including the seconder to the original motion, proposes a variation to a motion, the chairperson must ask whether any Councillor objects to the variation. If there is no objection, the proposed variation is adopted into the motion by consent of the Council. If there is an objection, the proposed variation must be dealt with as an amendment and seconded and voted on accordingly. Only one amendment is to be considered by Council at any one time.

The chairperson must not accept a motion 'that the motion be now put' if a Councillor is speaking to the motion in accordance with this Code of Meeting Practice or while a question, properly asked by a Councillor, awaits response in accordance with a direction of the chairperson.

### **Questions with notice**

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

### **Agenda and business papers for ordinary meetings**

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

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

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

[♣ The business paper is to be provided to Councillors no later than the Friday prior to the scheduled Ordinary Council 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 councillor or by any other person to another person who is not authorised to have that information.

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

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.
- [♣ The business paper is to be available on Council's website no later than the Monday prior to the scheduled Ordinary Council meeting.](#)

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

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



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

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

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

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

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

#### **Agenda and business papers for extraordinary meetings**

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

#### **Pre-meeting briefing sessions**

- 3.32 ~~◆ Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.~~
- 3.33 ~~◆ Pre-meeting briefing sessions are to be held in the absence of the public.~~
- 3.34 ~~Omitted.~~
- 3.36 ~~Omitted.~~
- 3.37 ~~Omitted.~~

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

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

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

## **4 Public forums**

- 4.1 ~~♣ The council may hold a public forum immediately 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 or other matters relevant to~~

Council. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council. Council will commence an ordinary meeting in accordance with clause 3.1. However, if applications to speak have been received in accordance with clause 4.3, Council will adjourn the meeting to enable the public forum to occur. A public forum is limited to 15 minutes in total, however this amount may be extended at the discretion of the general manager.

- 4.2 **◆** Public forums are to be chaired by the chairperson or their nominee.
- 4.3 **♣** All applications to address Council during the public forum must be authorised by the general manager, and where possible, details of speakers are to be included in the Agenda. To speak at a public forum, a person must first make an application to the council. Applications to speak at the public forum must be received by 10am on the day of a Council meeting, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.4 Omitted.
- 4.5 **◆** 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.
- 4.6 **◆** 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.
- 4.7 Omitted.
- 4.8 Omitted.
- 4.9 Omitted.
- 4.10 Omitted.
- 4.11 **♣** The general manager or their delegate is to determine the order of speakers at the public forum, with consideration to the custom that speakers are heard alternately, for example, an objector to a matter followed by a supporter.
- 4.12 **♣** Each speaker will be allowed five minutes to address the council. The general manager, at their discretion, may increase a speaker's time limit.
- 4.13 **◆** 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.
- 4.14 **◆** A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 4.15 **◆** Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to five minutes.
- 4.16 **◆** Speakers at public forums cannot ask questions of the council, councillors or council staff.

Deleted: in the approved form

Deleted: [date and time to be specified by the council] before the date on which the public forum is to be held

Deleted: A person may apply to speak on no more than [number to be specified by the council] items of business on the agenda of the council meeting

Deleted:

Deleted: No more than [number to be specified by the council] speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting....

Deleted: 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....

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

Deleted: 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 [number to be specified by the council] days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Deleted: [number to be specified by the council]

Deleted: This time is to be strictly enforced by the chairperson. ...

Deleted: [number to be specified by the council]

- 4.17 ~~◆ The general manager or their nominee may, with the concurrence of the chairperson, address the council in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.~~
- 4.18 ~~◆ 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.~~
- 4.19 ~~◆ 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.~~
- 4.20 ~~◆ If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.19, 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.~~
- 4.21 ~~◆ Clause 4.20 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 15 of this code.~~
- 4.22 ~~◆ Where a speaker engages in conduct of the type referred to in clause 4.19, 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.~~
- 4.23 ~~Omitted.~~

**Deleted:** for up to [number to be specified by the council] minutes

**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.**

**Deleted:** .

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

## 5 Coming together

### *Attendance by councillors at meetings*

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

**Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.**

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.

- 5.3 ~~Omitted.~~

**Deleted:** The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.¶

¶ **Note:** Clause 5.3 reflects clause 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils **must not** adopt clause 5.3....

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

**Note: Clause 5.7 reflects section 234(1)(d) of the Act.**

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

[♣ Once a leave of absence has been granted by Council and communicated to the applicant, the leave of absence is not capable of being rescinded by Council.](#)

#### ***The quorum for a meeting***

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

**Note: Clause 5.9 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 councillors 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 councillors 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 safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.~~
- 5.15 ~~◆ 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.~~

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

- 5.16 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 5.16 reflects section 10(1) of the Act.**
- 5.17 Clause 5.16 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.18 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- by a resolution of the meeting, or
  - 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 5.18 reflects section 10(2) of the Act.**

#### **Webcasting of meetings**

- 5.19 All meetings of the council and committees of the council are to be webcast on the council's website.
- ~~◆ Webcasting will occur via one of the following methods (in order of availability):~~
- ~~audio recording, and placed on Council's website subsequent to the Council meeting;~~
  - ~~audio-visual recording, and placed on Council's website subsequent to the Council meeting; or~~
  - ~~live webcasting (if viable).~~

**Note: Councils will be required to webcast meetings from 14 December 2019. Councils that do not currently webcast meetings should take steps to ensure that meetings are webcast by 14 December 2019.**

**Note: Councils must include supplementary provisions in their adopted codes of meeting practice that specify whether meetings are to be livestreamed or recordings of meetings uploaded on the council's website at a later time. The**

**Deleted: 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 councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.¶**

supplementary provisions must also specify whether the webcast is to comprise of an audio visual recording of the meeting or an audio recording of the meeting.

- 5.20 Clause 5.19 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 5.21 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 5.22 A recording of each meeting of the council and committee of the council is to be retained on the council's website for a maximum of 12 months. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Deleted: ¶  
 Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.19–5.22. Joint organisations that choose not to webcast meetings may omit clauses 5.19–5.22.¶

Deleted: [council to specify the period of time the recording is to be retained on the website].

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

- 5.23 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 5.23 reflects section 376(1) of the Act.**
- 5.24 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 5.24 reflects section 376(2) of the Act.**
- 5.25 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 5.25 reflects section 376(3) of the Act.**
- 5.26 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.

## **6 The chairperson**

### ***The chairperson at meetings***

- 6.1 The [chairperson](#), or at the request of or in the absence of the [chairperson](#), the deputy [chairperson](#) (if any) presides at meetings of the council.
- ♣ The chairperson of a county council is elected in accordance with section 391 of the Act, to undertake functions in accordance with section 391A of the Act. As a matter of administrative convenience, Council may elect a deputy chairperson. The election of the deputy chairperson will be conducted at the same time and in the same manner as the annual election of the chairperson.
- 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 councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

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

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

**Chairperson to have precedence**

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

**7 Modes of address**

- 7.1 ~~The chairperson is to be addressed as 'Mr/Madam Chair' or 'Mr/Madam Chairperson'.~~
- 7.2 ~~Omitted.~~
- 7.3 ~~A councillor is to be addressed as 'Councillor [surname]'.~~
- 7.4 ~~A council officer is to be addressed by their official designation or as Mr/Ms [surname].~~

**Deleted:** If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.

**Deleted:** Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chairperson' or 'Madam Chairperson'...

## 8 Order of business for ordinary council meetings

8.1 ~~Omitted – superseded by 8.2.~~

**Deleted:** At a meeting of the council, the general order of business is as fixed by resolution of the council.

8.2 ~~♣The general order of business for an ordinary meeting of the council shall be:~~

**Deleted:** [councils may adapt the following order of business to meet their needs]¶

~~01 Opening meeting\_~~

~~02 Acknowledgement of Country\_~~

~~03 Apologies and Leave of Absence\*~~

**Deleted:** applications for a leave of absence by councillors

~~04 Confirmation of minutes of previous meeting\*~~

~~05 Disclosure of interest\*~~

~~06 Chair's minute(s)~~

**Deleted:** Mayoral

~~07 Reports of committees~~

~~08 Reports to council (General Manager and Group Managers, as applicable)~~

~~09 Policies~~

~~10 Information reports~~

~~11 Confidential matters~~

~~12 Matters of urgency\*~~

~~13 Notices of motions/Questions on notice\*~~

~~14 Close of business\*~~

**Deleted:** 10 Confidential matters¶  
11

**Deleted:** Conclusion of the meeting

~~♣ The items marked with an asterisk (\*) are routinely included in the council meeting agenda. Remaining items are included as appropriate based on the council business proposed for discussion at the meeting.~~

**Note:** Councils must use either clause 8.1 or 8.2.

8.3 The order of business as fixed under clause 8.2 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

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

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

## 9 Consideration of business at council meetings

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

9.1 The council must not consider business at a meeting of the council:

- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
- (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.

9.2 Clause 9.1 does not apply to the consideration of business at a meeting, if the business:

- (a) is already before, or directly relates to, a matter that is already before the council, or
- (b) is the election of a chairperson to preside at the meeting, or
- (c) subject to clause 9.9, is a matter or topic put to the meeting by way of a chairperson's minute, or



(d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.

9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:

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

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put.

9.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b).

#### **Chairperson's minutes**

9.6 Subject to clause 9.9, the chairperson at a meeting of the council, may, by minute signed by the [chairperson](#), put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.

9.7 A [chairperson's](#) minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson may move the adoption of a [chairperson's](#) minute without the motion being seconded.

9.8 A recommendation made in a [chairperson's](#) minute put by the [chairperson](#) is, so far as it is adopted by the council, a resolution of the council.

9.9 A [chairperson's](#) minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.10 [Omitted.](#)

#### **Staff reports**

9.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

#### **Reports of committees of council**

9.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.

9.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

#### **Questions**

**Deleted:** Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.

- 9.14 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 9.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 9.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 9.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 9.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 9.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

## **10 Rules of debate**

### ***Motions to be seconded***

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

### ***Notices of motion***

- 10.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 10.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 10.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
  - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

### ***Chairperson's duties with respect to motions***

- 10.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.

- 10.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 10.7 Before ruling out of order a motion or an amendment to a motion under clause 10.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 10.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

### **Motions requiring the expenditure of funds**

#### 10.9 Omitted.

**Deleted:** A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

### **Amendments to motions**

- 10.10 An amendment to a motion must be moved and seconded before it can be debated.
- 10.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 10.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 10.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 10.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 10.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 10.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

### **Foreshadowed motions**

- 10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 10.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed

amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.

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

***Limitations on the number and duration of speeches***

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

[10.31 Omitted](#)

## 11 Voting

### Voting entitlements of councillors

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

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

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

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

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

[11.4 Omitted](#)

### Voting at council meetings

11.5 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

11.6 [Omitted – superseded by clause 11.11](#)

11.7 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

11.8 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

11.9 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.

11.10 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

11.11 **◆ All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.**

**Note: If clause 11.11 is adopted, clauses 11.6 – 11.9 and clause 11.13 may be omitted.**

**▲ Note: only clause 11.6 is omitted.**

Deleted: *Participation by non-voting representatives in joint organisation board meetings*

Deleted: Non-voting representatives of joint organisation boards may speak on but must not move, second or vote on any motion or an amendment to a motion

Deleted: .

Deleted: ¶  
- Note: Under section 400T(1)(c) of the Act, non-voting representatives of joint organisation boards may attend but are not entitled to vote at a meeting of the board.¶  
¶ Note: Joint organisations must adopt clause 10.31. Councils must not adopt clause 10.31.¶

Deleted: A motion at a meeting of the board of a joint organisation is taken to be lost in the event of an equality of votes....

Deleted: - Note: Clause 11.4 reflects clause 397E of the Regulation. Joint organisations must adopt clause 11.4 and omit clauses 11.2 and 11.3. Councils must not adopt clause 11.4.¶

¶ Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 11.4 must be adapted to reflect those requirements.¶  
¶

Deleted: If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

### ***Voting on planning decisions***

- 11.12 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- 11.13 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- 11.14 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 11.15 Clauses 11.12–11.14 apply also to meetings that are closed to the public.

**Note: Clauses 11.12–11.15 reflect section 375A of the Act.**

**Note: The requirements of clause 11.12 may be satisfied by maintaining a register of the minutes of each planning decision.**

## **12 Committee of the whole**

- 12.1 The council may resolve itself into a committee to consider any matter before the council.
- Note: Clause 12.1 reflects section 373 of the Act.**
- 12.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.
- Note: Clauses 10.20–10.30 limit the number and duration of speeches.**
- 12.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- 12.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

## **13 Dealing with items by exception**

- 13.1 **♣**The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution. [Only items included under the "Information Reports" agenda item may be considered in this manner.](#)
- 13.2 **♠** Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 13.1, the chairperson must list the items of business

to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.

- 13.3 **◆** The council or committee must not resolve to adopt any item of business under clause 13.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 13.4 **◆** Where the consideration of multiple items of business together under clause 13.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 8.3.
- 13.5 **◆** A motion to adopt multiple items of business together under clause 13.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 13.6 **◆** Items of business adopted under clause 13.1 are to be taken to have been adopted unanimously.
- 13.7 Omitted.

**Deleted:** Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 13.1 in accordance with the requirements of the council's code of conduct....

## 14 Closure of council meetings to the public

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

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

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

◆ If the Agenda lists more than one matter for discussion in a part of a meeting proposed to be closed to the public, Council must consider each proposed closure of the meeting on its individual merits. For example, Council may consider one recommendation that lists the individual reason(s) for the proposed closure of the meeting, matter by matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

***Notice of likelihood of closure not required in urgent cases***



- 14.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 14.1, and
  - (b) the council or committee, after considering any representations made under clause 14.9, resolves that further discussion of the matter:
    - (i) should not be deferred (because of the urgency of the matter), and
    - (ii) should take place in a part of the meeting that is closed to the public.

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

#### ***Representations by members of the public***

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

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

- 14.10 A representation under clause 14.9 is to be made after the motion to close the part of the meeting is moved and seconded.
- 14.11 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 14.9, members of the public must first make an application to the council in the approved form. Applications must be received by 10am on the day of the Council meeting at which the matter is to be considered.
- 14.12 The general manager (or their delegate) may refuse an application made under clause 14.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 14.13 No more than four speakers are to be permitted to make representations under clause 14.9.
- 14.14 If more than the permitted number of speakers apply to make representations under clause 14.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 14.9, the general manager or their delegate is to determine who will make representations to the council.
- 14.15 The general manager (or their delegate) is to determine the order of speakers.
- 14.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 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 14.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than four speakers to make representations in such order as determined by the chairperson.
- 14.17 Each speaker will be allowed five minutes to make representations, and this time limit

Deleted: [date and time to be specified by the council] before the meeting

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is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

***Expulsion of non-councillors from meetings closed to the public***

- 14.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 14.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

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

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

**Note: Clause 14.20 reflects section 10D of the Act.**

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

- 14.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 14.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 14.21 during a part of the meeting that is webcast.

***Decisions to be made in open meeting***

- 14.23 ♣ The council or a council committee, all the members of which are councillors, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

[▲ Note: Clause 14.23 reflects section 254 of the Act.](#)

## 15 Keeping order at meetings

### *Points of order*

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

### *Questions of order*

- 15.4 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 15.5 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 15.6 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 15.7 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### *Motions of dissent*

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

### *Acts of disorder*

- 15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- contravenes the Act or any regulation in force under the Act or this code, or
  - assaults or threatens to assault another councillor or person present at the meeting, or
  - 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
  - insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
  - says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.
- 15.12 The chairperson may require a councillor:
- to apologise without reservation for an act of disorder referred to in clauses 15.11(a) or (b), or
  - to withdraw a motion or an amendment referred to in clause 15.11(c) and, where appropriate, to apologise without reservation, or
  - to retract and apologise without reservation for an act of disorder referred to in clauses 15.11(d) and (e).

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

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

#### ***Expulsion from meetings***

- 15.14 ~~Omitted – superseded by clause 15.15.~~
- 15.15 ~~◆ All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person other than a councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act. Councillors may only be expelled by resolution of the council or the committee of the council.~~
- 15.16 ~~◆ Clause 15.15 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.~~
- 15.17 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 15.12. The expulsion of a councillor from the meeting for that reason does not prevent

**Deleted:** All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act....

**Deleted: Note:** Councils may use either clause 15.14 or clause 15.15.

**Deleted:** [delete whichever is not applicable],

any other action from being taken against the councillor for the act of disorder concerned.

- 15.18 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.
- 15.19 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 15.20 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

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

- 15.21 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 15.22 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 15.23 Any person who contravenes or attempts to contravene clause 15.22, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 15.24 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

## **16 Conflicts of interest**

- 16.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at [public forums](#), meetings of the council, committees of the council [and any briefings or workshops of 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 [either](#):
- [in the minutes of the meeting at which the declaration was made; or](#)
  - [via other written record in the case of public forums, briefings or workshops of Council, and include details of how the conflict was managed.](#)

## **17 Decisions of the council**

**Council decisions**

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

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

Deleted: in the case of councils and section 400T(8) in the case of joint organisations

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

Deleted: Note: Under section 400U(4) of the Act, joint organisations may specify more stringent voting requirements for decisions by the board such as a 75% majority or consensus decision making. Where a joint organisation's charter specifies more stringent voting requirements, clause 17.1 must be adapted to reflect those requirements.¶

**Rescinding or altering council decisions**

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

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

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

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

- 17.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

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

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

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

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

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

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

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

- 17.9 A notice of motion submitted in accordance with clause 17.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

**17.10** Omitted and replaced with:

▲ A notice of motion to rescind a resolution to prevent action proceeding on the resolution must be given verbally to the chairperson and general manager by close of business the day following the relevant Council meeting. The formal written rescission motion signed by three councillors is to be presented to the general manager within

[48 hours of the closure of the meeting to prevent action on the resolution to prevent action on the resolution prior to reconsideration of the rescission motion.](#)

**Deleted:** A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than [council to specify the period of time] after the meeting at which the resolution was adopted....

- 17.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

**Note: Clause 17.11 reflects section 372(6) of the Act.**

- 17.12 **♣** Subject to clause 17.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of [sufficient](#) urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 17.13 **◆** A motion moved under clause 17.12(b) can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.12(b) can speak to the motion before it is put.

- 17.14 **◆** A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.12(c).

#### ***Recommitting resolutions to correct an error***

- 17.15 **◆** Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

- 17.16 **◆** In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 17.15(a), the councillor is to propose alternative wording for the resolution.

- 17.17 **◆** The chairperson must not grant leave to recommit a resolution for the purposes of clause 17.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 17.18 **◆** A motion moved under clause 17.15 can be moved without notice. Despite clauses 10.20–10.30, only the mover of a motion referred to in clause 17.15 can speak to the motion before it is put.

- 17.19 **◆** A motion of dissent cannot be moved against a ruling by the chairperson under clause 17.15.

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

## **18 Time limits on council meetings**

18.1 [Omitted](#)

18.2 [Omitted](#)

18.3 [Omitted](#)

18.4 [Omitted](#)

18.5 [Omitted](#)

## 19 After the meeting

### Minutes of meetings

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

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

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

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

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

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

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

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

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

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

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

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

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

**Deleted:** Meetings of the council and committees of the council are to conclude no later than [council to specify the time].

**Deleted:** If the business of the meeting is unfinished at [council to specify the time], the council or the committee may, by resolution, extend the time of the meeting.

**Deleted:** If the business of the meeting is unfinished at [council to specify the time], and the council does not resolve to extend the meeting, the chairperson must either:

- ¶ (a) - defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
- ¶ (b) - adjourn the meeting to a time, date and place fixed by the chairperson.

**Deleted:** Clause 18.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to....

**Deleted:** Where a meeting is adjourned under clause 18.3 or 18.4, the general manager must:

- ¶ (a) - individually notify each councillor of the time, date and place at which the meeting will reconvene, and
- ¶ (b) - publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.



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

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

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

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

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

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

***Implementation of decisions of the council***

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

**Note: Clause 19.12 reflects section 335(b) of the Act.****20 Council committees*****Application of this Part***

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

***Council committees whose members are all councillors***

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

***Functions of committees***

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

***Notice of committee meetings***

20.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

20.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

***Attendance at committee meetings***

20.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

20.9 Clause 20.8 does not apply if all of the members of the council are members of the committee.

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

20.10 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

***Chairperson and deputy chairperson of council committees***

20.11 The chairperson of each committee of the council must be:

- (a) the [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.

20.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

20.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

20.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is

able or willing to preside, the acting chairperson is to preside at the meeting.

#### ***Procedure in committee meetings***

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

#### ***20.17 Omitted.***

- 20.18 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).

**Deleted:** A motion at a committee of a joint organisation is taken to be lost in the event of an equality of votes.¶

¶ **Note:** Clause 20.17 reflects clause 397E of the Regulation. Joint organisations must adopt clause 20.17 and omit clause 20.16. Councils must not adopt clause 20.17....

#### ***Closure of committee meetings to the public***

- 20.19 The provisions of the Act and Part 14 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 20.20 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.
- 20.21 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 20.20 during a part of the meeting that is webcast.

#### ***Disorder in committee meetings***

- 20.22 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***

- 20.23 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
  - (b) the names of the mover and seconder of the motion or amendment,
  - (c) whether the motion or amendment was passed or lost, and
  - (d) such other matters specifically required under this code.

- 20.24 ◆ All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.
- 20.25 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 20.26 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 20.27 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 20.28 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 20.29 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

## 21 Irregularities

- 21.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:
- (a) a vacancy in a civic office, or
  - (b) a failure to give notice of the meeting to any councillor or committee member, or
  - (c) any defect in the election or appointment of a councillor or committee member, or
  - (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
  - (e) a failure to comply with this code.

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

## 22 Definitions

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 15.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales

chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 6.1 and 6.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 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 2005</i>
webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

23 [↕](#) Summary: Procedure in relation to motions

<u>Motion</u>	<u>Notice?</u>	<u>Seconder required?</u>	<u>Debate</u>	<u>Right of reply</u>	<u>Ref.</u>
<a href="#">General</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">10.1-10.4</a>
<a href="#">Amendment</a>	<a href="#">No</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">No</a>	<a href="#">10.10-10.16</a>
<a href="#">Chairperson's Minute</a>	<a href="#">No</a>	<a href="#">No</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">9.6-9.9</a>
<a href="#">Urgency</a>	<a href="#">No</a>	<a href="#">Yes</a>	<a href="#">No</a>	<a href="#">No</a>	<a href="#">9.3-9.5</a>
<a href="#">Rescission/ alteration</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">17.3-17.7 s.372 of Act</a>
<a href="#">Urgent rescission/ Alteration</a>	<a href="#">No</a>	<a href="#">Yes</a>	<a href="#">No</a>	<a href="#">No</a>	<a href="#">17.12-17.14</a>
<a href="#">Alteration of order of business</a>	<a href="#">No</a>	<a href="#">Yes</a>	<a href="#">Mover only</a>	<a href="#">No</a>	<a href="#">8.3</a>
<a href="#">Dissent</a>	<a href="#">No</a>	<a href="#">Yes</a>	<a href="#">Mover, Chair only</a>	<a href="#">No</a>	<a href="#">15.8-15.10</a>

## Fluoride plant dosing performance report: Quarter 1 - 2019

(150.8/18)

**Business activity priority** Create value through applying knowledge

**Goal 3** Information and knowledge

### Recommendation

That Council note and receive the Fluoride Plant Dosing Performance Report for Quarter 1 - 2019, which shows that all plants are dosing in accordance with relevant guideline values.

### Background

In February 2019, it was resolved (6/19) that Council would receive a fluoride performance report incorporating chemical supplier testing data and dosing plant performance on a quarterly basis. This is the first report under this resolution and is for the 1 January to 31 March 2019 quarter (Q1).

### Fluoride plants' performance

Plant performance is measured against three criteria:

1. NSW Health Code of Practice for Fluoridation of Public Water Supplies ('Code') - target over a calendar year that > 95% of samples (treated and distribution) are between 0.9 and 1.5mg/L;
2. The Code - consistently achieve an overall dosing of between 0.95 to 1.05 mg/L; and
3. Australian Drinking Water Guidelines (ADWG) Health guideline value upper limit of 1.5mg/L.

Attachments 1 to 4 are charts presenting the results for each of the four dosing plants, in comparison to the criteria above.

The results of the analysis of samples collected during the quarter show that:

1. All plants have dosed at or below the ADWG guideline value of 1.5mg/L.
2. All plants have operated within the Code's target range of 0.9 to 1.5 mg/L, as demonstrated by the 95<sup>th</sup> percentile for all sample results.

### Fluoride deliveries

During Q1, there was one delivery of Sodium Fluorosilicate which was distributed to the Knockrow and Corndale plants. Fluoride deliveries were supplied and tested in accordance with Council's specifications. A conforming certificate of analysis for the product supplied is included as Attachment 5.

Supplier	Chemical	Date received	Batch no.	Purchase order no.	Delivered to	Total quantity received (kg)	Certificate of analysis received and meets specification?
Axieo Operations	Sodium Fluorosilicate	13/03/2019	1817168B	PO8401	Corndale	2000	Yes
Axieo Operations	Sodium Fluorosilicate	13/03/2019	1817168B	PO8401	Knockrow	2000	Yes

**Governance****Finance**

Not applicable.

**Legal**

Not applicable.

**Consultation**

Not applicable.

**Conclusion**

For the period 1 January to 31 March 2019, the four fluoride plants operated by Council have met the dosing targets prescribed in the Australian Drinking Water Guidelines and the targets range within the NSW Health Code of Practice for Fluoridation of Public Water Supplies.

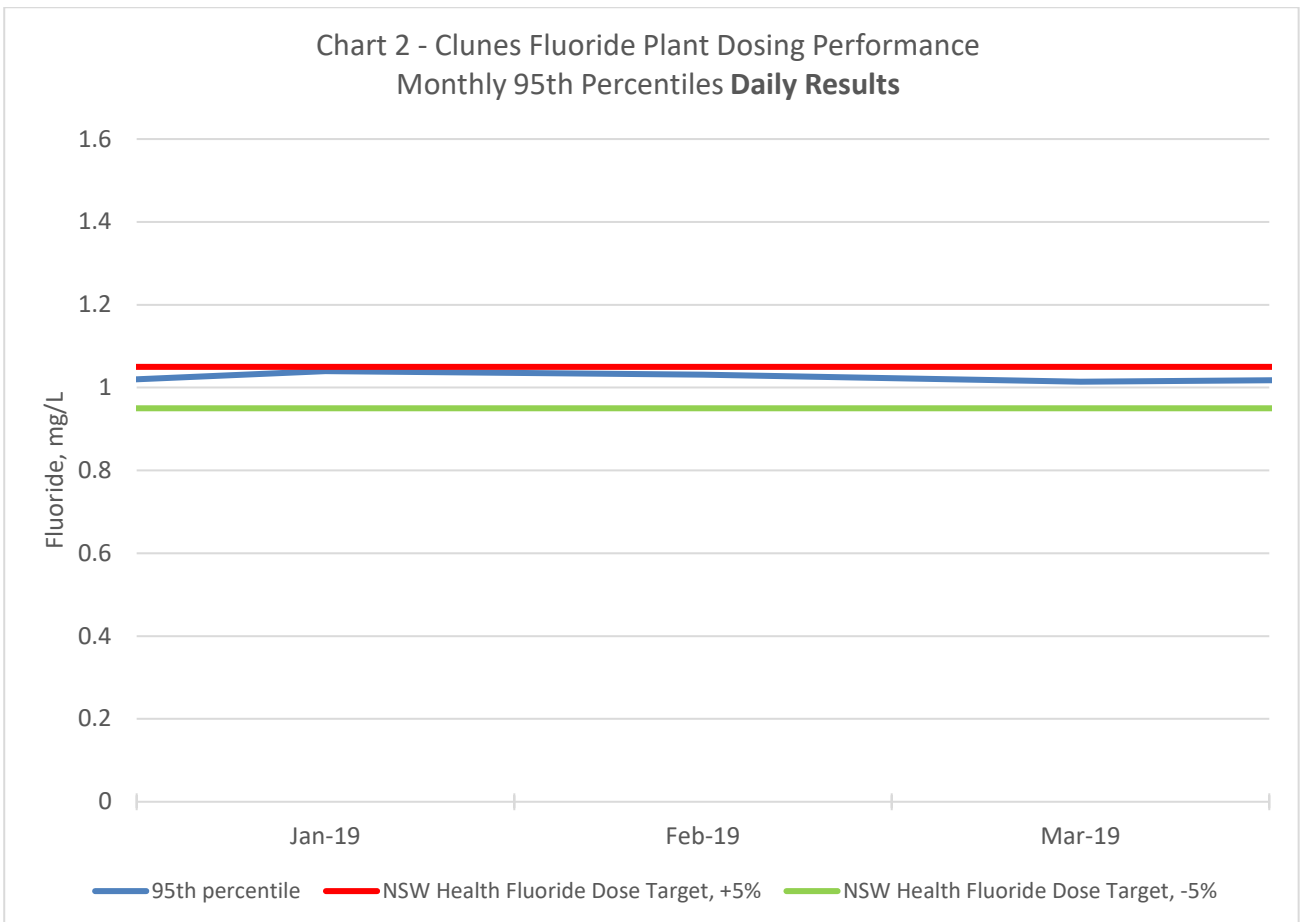
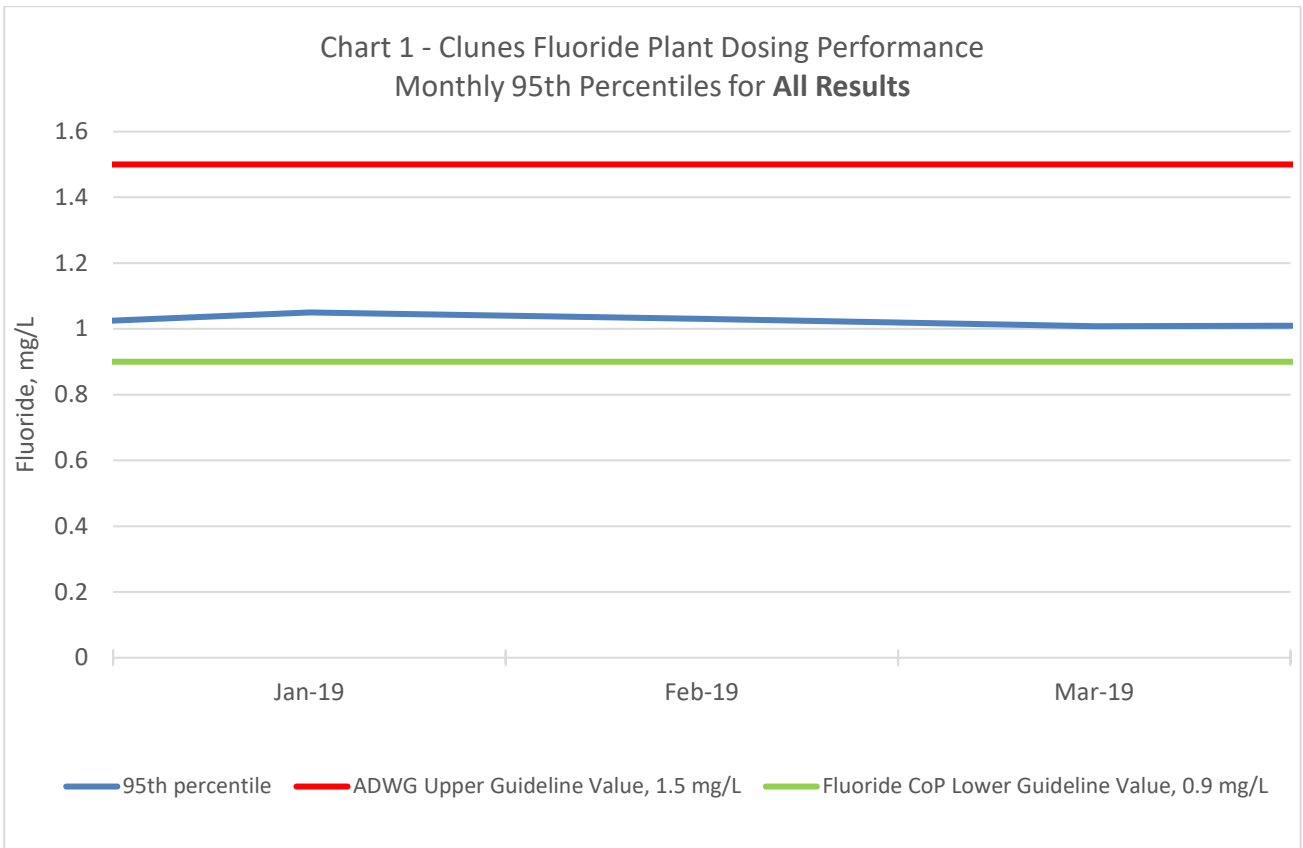
The next report will be presented at the August 2019 Council meeting for the April to June 2019 quarter.

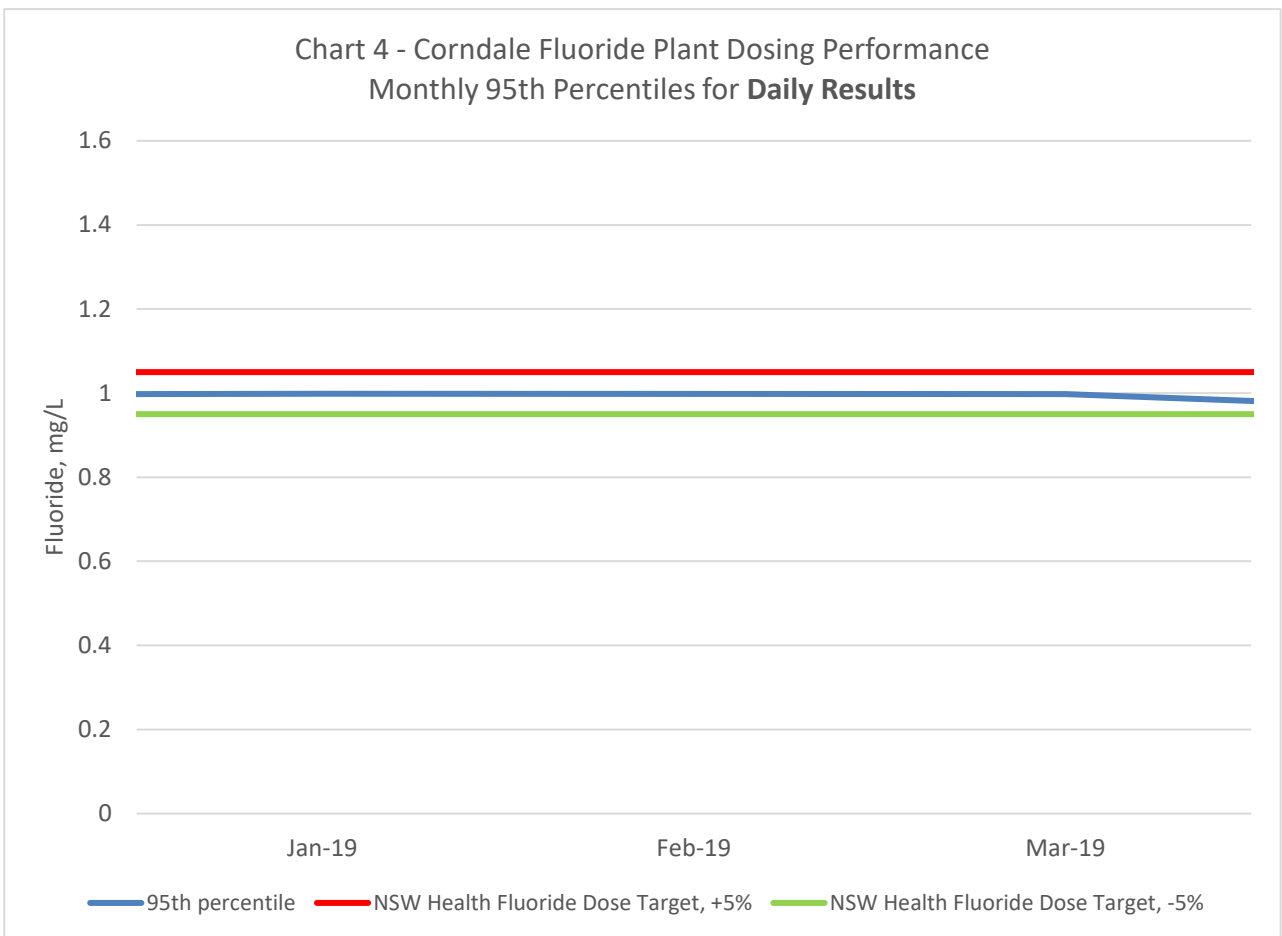
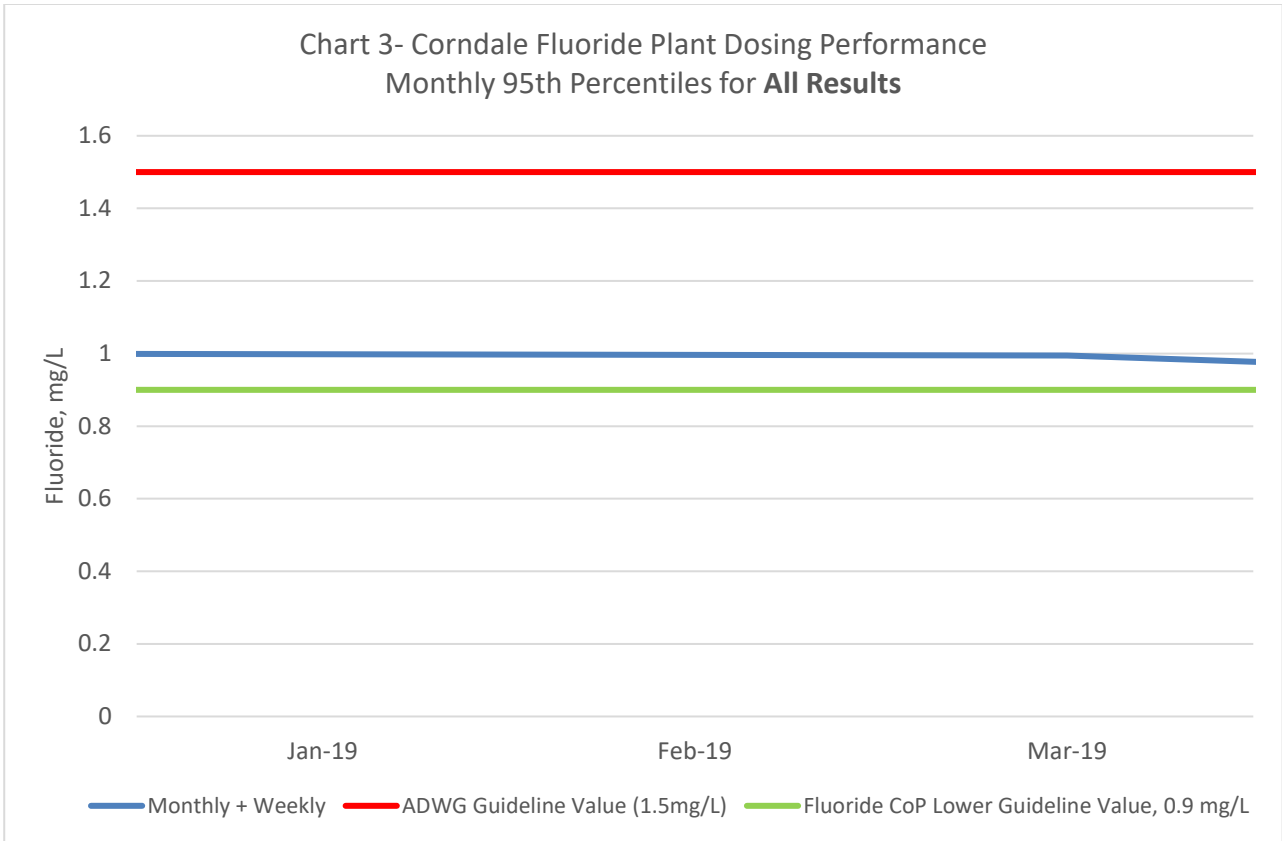
Andrew Logan  
Group Manager Operations

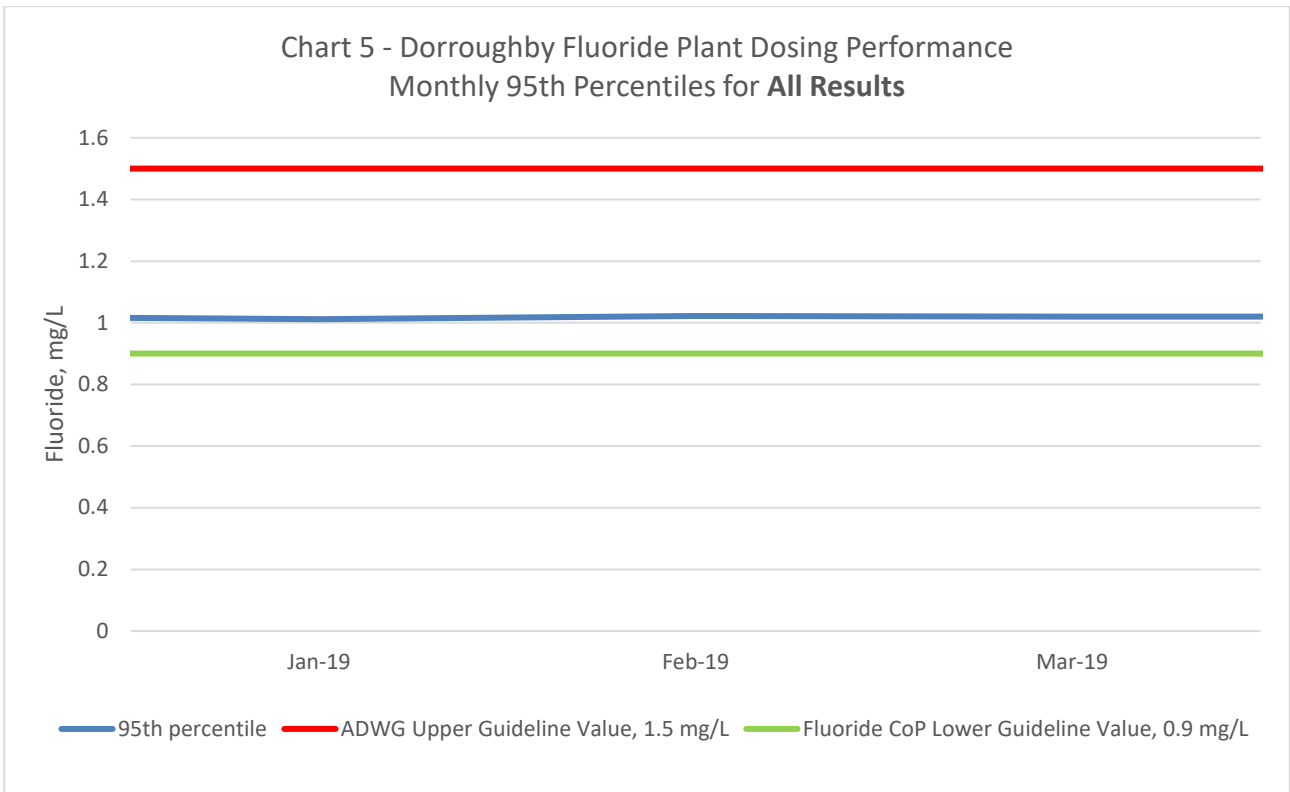
## Attachments:

1. Chart 1 – Clunes Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - All Results  
Chart 2 – Clunes Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - Daily Results
2. Chart 3 – Corndale Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - All Results  
Chart 4 – Corndale Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - Daily Results
3. Chart 5 – Dorrroughby Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - All Results  
Chart 6 – Dorrroughby Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - Daily Results
4. Chart 7 – Knockrow Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - All Results  
Chart 8 – Knockrow Fluoride Plant Dosing Performance – Monthly 95<sup>th</sup> Percentiles - Daily Results
5. Fluoride chemical delivery Certificates of Analysis

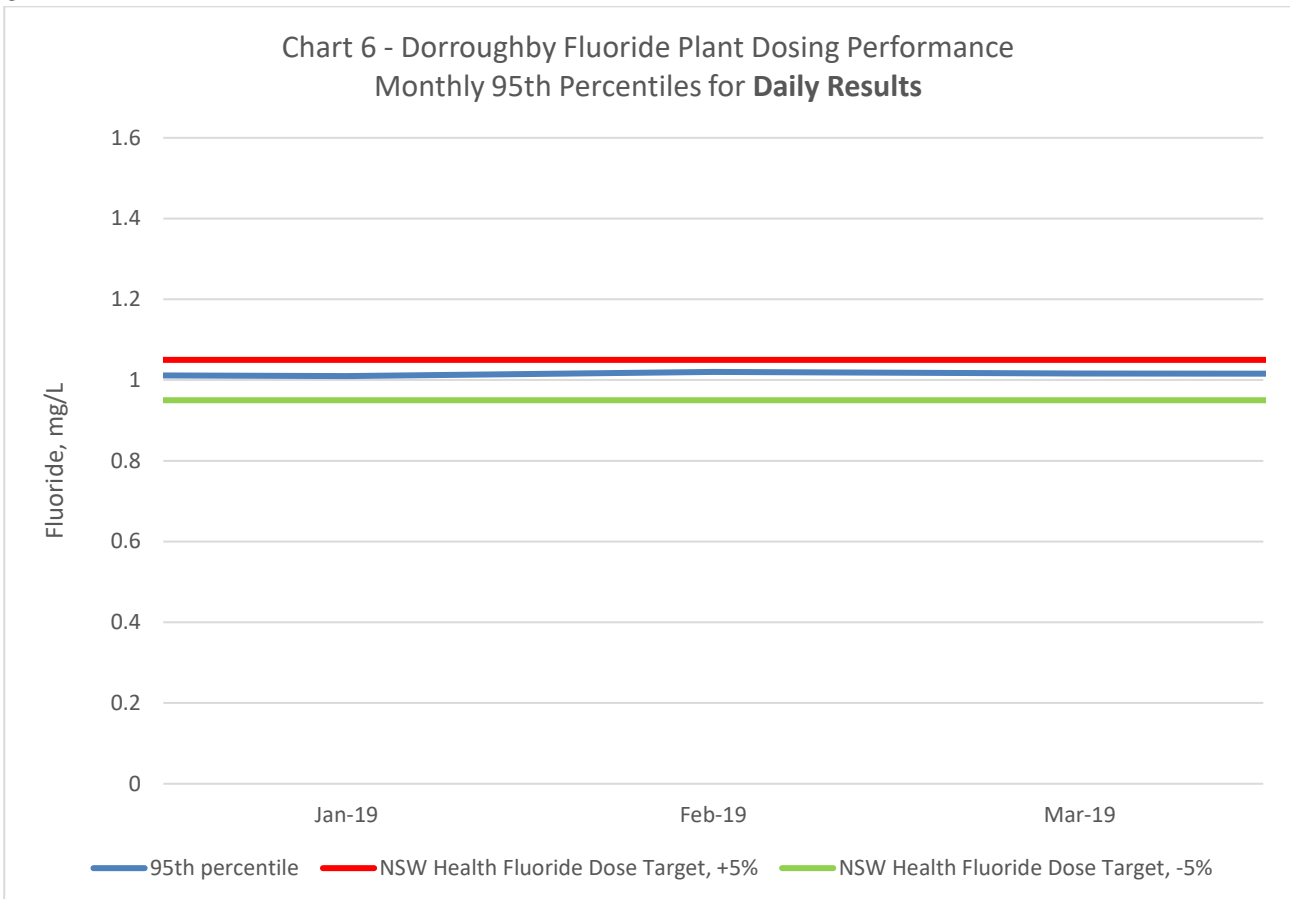


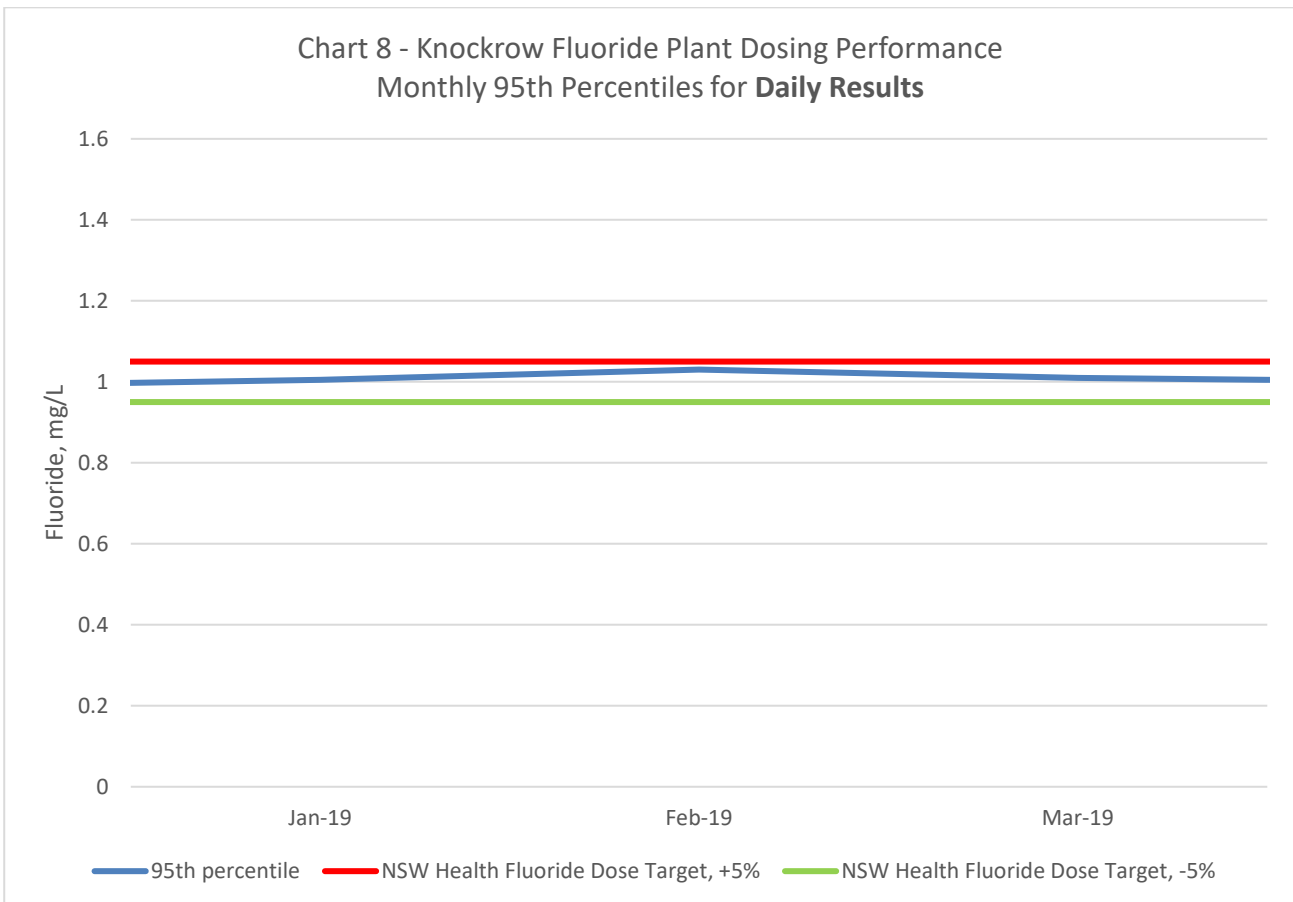
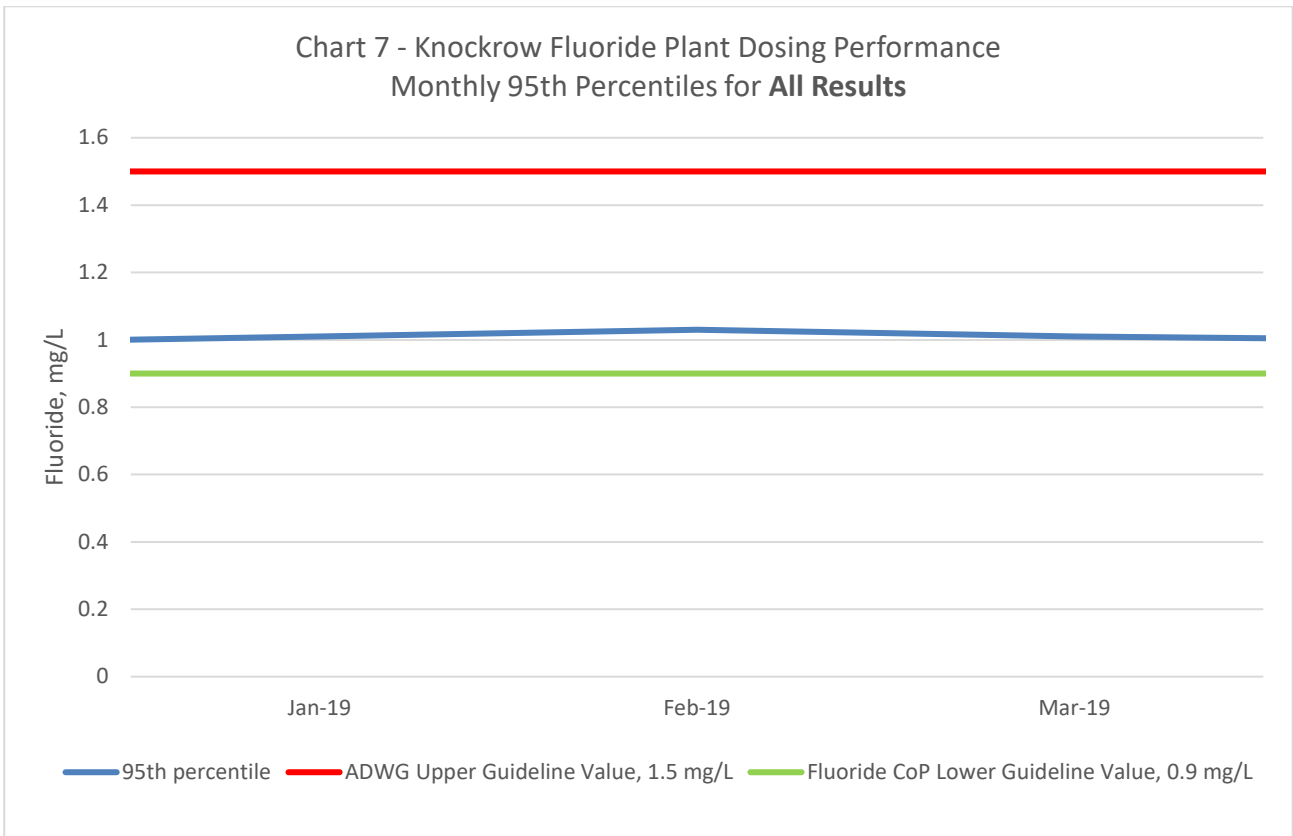






3





**CERTIFICATE NO.:** B750603  
**ISSUE DATE:** 13/02/2019

**REVISION NO.:** 00  
This certificate supersedes any previous revisions

**CLIENT DETAILS:** Devinder Singh  
Axio Operations (Australia) Pty Ltd  
Level 3, 35 Cotham Road  
Kew VIC 3101

**CLIENT REF:** 1817168B  
**PRODUCT CODE:** AQSODFLUSI  
**IGN:** 027226

**DATE RECEIVED:** 29/01/2019  
**TEST DATE:** Sample tested between date received and reported.

**CONDITIONS OF SAMPLE:** Receipt Temperature: Room Temperature  
Storage Temperature: Ambient

**RESULTS OF ANALYSIS:**

Test	Method	Unit	B750603-1	Standard Method	Specification	Min/Max Result Standards
Sodium Fluorosilicate	IND031.1	%w/w	99.4	AWWA B702-06	Sec 5.2.5	98% min ✓
Fluoride #	IND031.1	%w/w	60.2	AWWA B702-06	Sec 5.2.5	59.4% min ✓
Water Insoluble Residue	CF090.1	%w/w	<0.1	AWWA B702-06	Sec 5.2.3	0.5% max ✓
Moisture (air)	CF005.1	%w/w	0.2	AWWA B702-06	Sec 5.2.4	0.5% max ✓
Antimony (Sb)*	IND041	mg/kg	<2.0	APHA 3500-Sb	Sec 5.2.6	100 max ✓
Arsenic (As)	IND041	mg/kg	<5.0	APHA 3500-As	Sec 5.2.6	100 max ✓
Barium (Ba)	IND041	mg/kg	<1	APHA 3500-Ba	Sec 5.2.6	100 max ✓
Beryllium (Be)	IND041	mg/kg	<1	APHA 3500-Be	Sec 5.2.6	100 max ✓
Cadmium (Cd)	IND041	mg/kg	<0.5	APHA 3500-Cd	Sec 5.2.6	50 max ✓
Chromium (Cr)	IND041	mg/kg	<1	APHA 3500-Cr	Sec 5.2.6	100 max ✓
Copper (Cu)	IND041	mg/kg	<1	APHA 3500-Cu	Sec 5.2.6	100 max ✓
Lead (Pb)	IND041	mg/kg	<2.0	APHA 3500-Pb	Sec 5.2.6	100 max ✓
Mercury (Hg)	IND041	mg/kg	<2.0	APHA 3500-Hg	Sec 5.2.6	20 max ✓
Nickel (Ni)	IND041	mg/kg	<1	APHA 3500-Ni	Sec 5.2.6	100 max ✓
Selenium (Se)	IND041	mg/kg	<5.0	APHA 3500-Se	Sec 5.2.6	100 max ✓
Thallium (Tl)*	IND041	mg/kg	<2.0	APHA 3500-Tl	Sec 5.2.6	70 max ✓
<b>Sizing</b>						
40 sieve (0.420mm)		%w/w	100.0	AWWA B702-11	Sec 5.2.2	98% min passing ✓
325 sieve (0.044mm)	CF035.10	%w/w	15.0	AWWA B702-11	Sec 5.2.2	25% max passing ✓

**APPROVED** *Andrew Graczyk*  
By Andrew at 9:37 am, Feb 14, 2019



**CERTIFICATE NO.:** B750603

**DEFINITIONS:** < : Less than, > : Greater than, [NT] : Not Tested, DWB : Dry Weight Basis, NA: not applicable, RP: Result Pending, -: Not received / requested / tested, ~ : Estimated, TBA: - to be advised, Δ: reference only holding time exceeded

\* Test not covered by NATA scope of accreditation

# : Result derived from calculation.

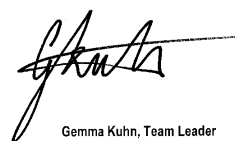
Please note: Sieve testing performed by an external subcontracted NATA certified Laboratory.

Accreditation No.: 11059 Report No: R19-005-1

Results were reported on an "as received" basis unless otherwise indicated.

Sampling was conducted by the customer and results reported pertain only to the samples submitted.

Responsibility for representative sampling rests with the customer.



Gemma Kuhn, Team Leader  
Chemistry (Brisbane)



The results of the tests, calibrations and/or measurements included in this document are traceable to Australian/national standards.

Accredited for compliance with ISO/IEC 17025 – Testing.

NATA Corporate Accreditation No.: 2455

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- Sydney: 2 Sirius Rd, Lane Cove West NSW 2066
- Wagga Wagga: Unit 5, 10-12 Koorringal Rd, Wagga Wagga NSW 2650
- Perth: 2/20 Millford Street, East Victoria Park WA 6101

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## Contract for the provision of electricity for Council operations

(2092/17)

**Business activity priority**

Results and sustainable performance

**Goal 7**

Sustainable performance

### Recommendation

That Council:

1. Note the proposed engagement of Regional Procurement and EnergyAction to undertake, on Council's behalf, a reverse auction for electricity (contestable sites only).
2. Note that a contract for purchase or sale at public auction is exempt from the tendering requirements under the *Local Government Act 1993* and that the General Manager has the delegated authority to execute the contract.

### Background

Rous County Council (Council) has a Retail Electricity Agreement with ERM Power Retail Pty Ltd (ERM) for the supply of electricity to 11 sites, buildings and installations across Council's operational area. These 11 sites are known as Contestable Sites, as they consume more than 100 Megawatt Hours (MWH) per annum. Sites consuming less than 100 MWH per annum are considered Non-Contestable and are billed differently.

The contract with ERM expires on 31 December 2019.

Council has previously engaged Regional Procurement, a specialist local government procurement advisory consultancy, to manage the execution of the electricity supply contract. Council is proposing to again engage Regional Procurement, who partner with EnergyAction, to undertake a reverse auction on Council's behalf to obtain prices for the supply of electricity to meet Council's needs. A reverse auction means that instead of the purchaser (Council) bidding to buy something, the suppliers (licensed electricity retailers) bid to sell something to Council.

EnergyAction has developed the Australian Energy Exchange which allows licensed energy retailers to competitively bid against one another to supply an organisation's energy. During the reverse auction, all bids are visible to all bidders. Council pays a small fee (\$495) to EnergyAction to undertake the reverse auction.

Regional Procurement has recently completed two reverse auctions for councils with smaller demand than Council, which have both produced lower prices than their previous contracts.

At the end of the reverse auction, Council will have three working days to work with Regional Procurement to assess the reverse auction bids and then execute a contract with the successful licensed energy retailer. Once the contract is executed, Council's relationship is with the licensed energy retailer, and the arrangements with Regional Procurement and EnergyAction cease.

The short time frame to execute the contract is due to the volatile nature of the electricity market. However, once the contract is executed, the prices are fixed for the two-year period.

The new contract will not affect Council's ability to install renewable energy at any of our sites or our attempts to reduce our consumption through other means, such as the use of more energy efficient equipment.

**Governance****Finance**

Council's consumption of electricity across the 11 sites during the last 12 months (1 May 2018 to 30 April 2019) was approximately 5.5 Gigawatt Hours (GWH). The actual expenditure for this period was \$1.373 million. The draft 2019/20 Budget has allowed \$1.512 million for electricity consumption across the 11 sites.

**Legal**

In 2010, Hunter Councils Inc. sought the opinion of the Department of Local Government and Sparke Helmore Lawyers as to whether a reverse auction was considered a public auction under section 55(3)(f) of the *Local Government Act 1993*. Their advice was that the procurement of the supply of electrical energy by reverse auction conforms with the requirements of section 55(3)(f) of the *Local Government Act 1993* and is exempt from the tendering provisions of the Act.

The proposed procurement is consistent with Council's 'Procurement' policy.

**Consultation**

Not applicable.

**Conclusion**

A procurement process is required shortly to obtain prices and enter into a new contract for the supply of electricity to 11 of Council's sites. The new contract is to be in place well before the current contract expires on 31 December 2019.

Council is proposing to engage Regional Procurement and EnergyAction to undertake a publicly advertised, reverse auction to obtain prices for the supply of electricity for a 24-month period from 1 January 2020.

Based on previous legal advice, the reverse auction process is exempt from the tendering provisions of the *Local Government Act 1993* and therefore the General Manager has the delegated authority to execute the contract for the provision of electricity for Council operations.

Andrew Logan  
Group Manager Operations



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## Proposed Financial Reserves policy

(172)

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<b>Business activity priority</b>	Strategy and planning
<b>Goal 2</b>	Align strategic direction to core functions and sustainability

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### Recommendation

That Council:

1. Adopt the attached 'Financial Reserves' policy.
2. Endorse a transfer of cash funds of \$800,000 from the Fleet Reserve to the Retail Water Reserve and a transfer of \$800,000 from the Employee Leave Entitlement Reserve to the Bulk Water Assets and Programs Reserve.

### Background

Council has cash reserves which are used to support operations, including situations where expense exceeds forecast or income is less than anticipated. Reserves are accumulated to fund future capital works and pay for liabilities that are accumulating but not yet due for payment.

Council typically reviews the type and level of cash reserves when considering budgets and end of year financial statements. The former Rous Water considered a report at its 15 February 2006 meeting that was a comprehensive review of the reserves on hand at the time.

It is now proposed to clarify the management of reserves by establishing a policy that provides direction and guidelines around the:

- type of reserves to be held
- authorisation process to create a reserve
- transfer of funds to or from a reserve
- preferred or target reserve balance.

It is proposed that the policy would be supported by a Financial Reserves procedure and a Financial Reserves scorecard.

### Overview

The Financial Reserves policy, the Financial Reserves procedure and the Financial Reserves scorecard are designed to regulate and assess the performance of cash reserve management.

For ease of reference, this report is presented in the following sections:

- Externally Restricted Reserves
- Internally Restricted Reserves
- Internally Restricted Reserves – Targets
- Financial Reserves procedures
- Financial Reserves scorecard
- Transfer of Reserve funds

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Council operates with two categories of reserves, being external and internal reserves:

- **Externally Restricted Reserves** are raised when legislation dictates that the funds be used for a specific purpose. Reserves are used to isolate these funds to ensure they are only applied for the purpose/s for which they were paid. Typically, this relates to developer contributions, grants or trust deposits.

There is no target reserve balance for Externally Restricted Reserves.

- **Internally Restricted Reserves** are raised at the discretion of Council and they are used to meet a variety of circumstances including known liabilities such as asset renewal or leave entitlements. They may also be used to assist with the acquisition of high cost new assets, or they may be used to cover budget shocks.

The proposed policy provides target reserve balances for Internally Restricted Reserves. The targets identify the minimum balance of the reserve and are viewed as a guide rather than a benchmark that must be achieved.

### **Externally Restricted Reserves**

The different types of Externally Restricted Reserves are detailed below.

#### Developer Contributions

Section 64 of the *Local Government Act 1993* and section 306 of the Water Management Act provide for Council to set a charge that is payable by developers wanting to create a development that will increase the burden on Council's infrastructure.

There are a number of constraints as to how Council may apply developer contributions both from the approved contribution plan and legislation. For this reason, the money must be set aside in a reserve and records maintained to ensure that the money is spent in accordance with the applicable conditions.

Typically, developer contributions received by Rous are applied in that same year as a recoupment of expenditure incurred in a previous year. Over recent years Rous has been using the contributions received to recoup expense incurred to construct the Wilsons River Source. As such there is no cash reserve of unexpended section 64 contributions on hand at present.

#### Grants and contributions

Typically grants are received from higher government tiers for a specific purpose. For example, the Weeds Action Program receives State government funding on an annual basis and the funds must be applied to complete specific tasks and actions.

It is common that grants will be expended across different financial years. At year end, unexpended funds are placed into a reserve. At the commencement of the next financial year the unexpended grant funds are withdrawn from the reserve and made available for expenditure in that next year.

#### Trust Reserve

Council receives bonds and deposits for a variety of reasons, mainly associated with works proposed by a third party. The bond is kept as surety that the work will be completed. If the works are deficient, the bond is used to complete the works as agreed.

The Trust Reserve is used to hold bonds and deposits until they are either returned to the payee or accepted as Council revenue.

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## Internally Restricted Reserves

Internally Restricted Reserves are created at the discretion of Council. The proposed policy identifies the main operational areas of Council and provides for at least one reserve for each area. The areas referred to and described as 'Funds' are Flood Mitigation, Weeds Bio, Retail Water, Richmond Water Laboratories, Commercial Properties, Bulk Water and Fleet Management.

Each Fund operates as its own identity and a reserve is important to allow the Fund to be financially independent. Each Fund will have one internal reserve, except Bulk Water. Due to the size and complexity of the Bulk Water Fund, there are six separate reserves proposed:

1. Assets and Programs Reserve
2. Employee Leave Entitlement Reserve
3. Buildings and Structures Reserve
4. Electricity Reserve
5. Office Equipment and ICT Reserve
6. Greenhouse Gas Abatement Reserve.

The general intent is to minimise the number of reserves on the understanding that use of internal reserves is ultimately at the discretion of Council. For example, if a large legal bill arose, Council may choose to fund it from the Electricity Reserve to manage the budget shock.

An Assets and Programs Reserve is proposed to provide for asset renewal and the purchase/construction of new assets. It also serves as the 'backstop' or primary reserve for the Fund.

Most assets will have a useful life and it is typical that the cost to maintain the asset at a satisfactory standard is comparatively cheap in the early years and more expensive in the later years. It is prudent to put cash aside in the early years to provide for replacement or major renewal of the asset in later years.

This reserve may also be considered as a source to fund new assets. Depending on the value of the new asset, the reserve may be used to finance the entire acquisition, or it may be one part of a solution that includes borrowings and grants.

The Employee Leave Entitlement Reserve is necessary so that the Fund is in a position to pay known liabilities that are accruing but not actually due for payment. The balance of this reserve will vary depending on the age of the workforce. If for example many staff are nearing retirement, then a reserve balance of say 60% of the accrued liability may be required. A much lower balance, say 20% of the liability, may be sound for a relatively young workforce.

Buildings and Structures Reserve is to be used for works associated with non-commercial buildings such as the depots or the administration office. The funds may be applied to remedy an emergency situation or for planned improvements. In some instances, the reserve may be used to minimise external borrowings.

Electricity Reserve is intended to be applied in situations associated with annual expenditure fluctuations. Primarily this relates to pumping costs when the Wilsons River Source is utilised.

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Office Equipment and ICT Reserve sets funds aside so that Council is able to pay for new office equipment or ICT as and when required. The total value of these assets is estimated to be in excess of \$5 million and it is important to be able to finance upgrades without delay and offset external borrowings in the event of a major upgrade.

Greenhouse Gas Abatement Reserve will source funds from savings in electricity accounts due to implemented energy saving measures. Funds in this reserve are used exclusively for implementing new energy saving measures that will reduce Council's greenhouse gas emissions.

### **Internally Restricted Reserves: Targets**

There is no prescribed formula to calculate the amount and type of reserve that should be held by each Fund. It is prudent to have some reserves, but the preferred level and type is difficult to determine precisely. Some may argue the more reserves the better, however holding cash in reserve does have an opportunity cost, i.e. funds held in reserve, while they will be invested and accumulate interest, could otherwise be applied in a way that may generate benefits in excess of interest earned.

The targets in the proposed policy are aimed at minimum balances only. Maximum reserve targets are perhaps even more subjective than rationalising minimum reserve balances and the policy does not attempt to prescribe a target.

The target reserve balances in the proposed policy should be viewed from the perspective of a preferred position. In many years the preferred position may not be achievable due to recent drawdown on the reserve, different Council priorities or financial performance does not enable the target to be achieved. Therefore, there needs to be a degree of latitude when considering target reserve balances.

It will also be the case that Council may choose to vary this policy and the associated targets depending on circumstances. For example, if Council has a very expensive project on the horizon, such as the Future Water Strategy, Council may resolve to commence setting funds aside in advance to reduce borrowings in the future.

The target is to be viewed as the starting point for discussion as opposed to a definitive position.

The targets in the Reserves policy are designed as follows:

- All Funds have a reserve target referred to as the Budget Shocks Target; and
- In respect to Bulk Water Fund, each individual reserve has a target, plus the combined value of all Bulk Water Reserves will endeavour to meet the overarching Budget Shocks Target.
- The scorecard also assesses the reserves held by the organisation as a whole against Budget Shocks Target.

Typically, Bulk Water, Flood Mitigation and Weeds Bio will hold external reserves in addition to internal reserves.

### **Budget Shocks Target**

The Budget Shocks Target is designed to ensure that the business has sufficient funds on hand to function when events occur, typically unforeseen, that have a detrimental impact on the Fund. For example, if for some reason the primary income source of a Fund was not received, the cash reserve is used to pay the bills.

The question then is what is considered to be a prudent amount to set aside for a Budget Shock Contingency. A common benchmark used by many businesses is that the cash reserve should be a percentage of the annual recurrent expenses. The rationale is that if, for example, your income ceased you would still be able to operate and pay bills for say three months (25% of average annual operating expense) or six months (50% of average annual operating expense).

It is logical that the preferred reserve balance will vary depending on the security of the income stream. For example, the primary income stream for Flood Mitigation is contributions from constituent councils, which is very dependable. In contrast, the primary income stream for Retail Water is based on customers using water, which is variable. It follows then that Retail Water will need to maintain a higher balance of operational reserve due to the unpredictable nature of the income stream.

However, a Fund could also be impacted by a budget shock beyond a loss of income, such as a higher expense than anticipated. For example, electricity costs may increase significantly during prolonged dry weather, as a result of the need to pump from the Wilsons River Source. Therefore, it would be reasonable to provide for a larger Budget Shock Reserve where the Fund has costs that may vary significantly from the norm.

The policy provides a way to score the variability of the incomes and expenses of each Fund and aligns this score to a percentage of annual operating expenses. The intention is that up to 12 months may be required to resolve a major budgetary problem as over this length of time Council will have access to other funding sources such as borrowings or be able to adjust prices to resolve the issue/s.

#### Bulk Water - Assets and Programs Reserve

This reserve is viewed as the backstop or 'catch all' for the Fund so the reserve title looks to encompass all aspects of the Fund. However, given the assets held by the Bulk Water Fund exceed \$350 million, a large focus for the reserve is asset management.

It is a difficult task to set a target reserve balance that is appropriate for a Fund that manages an extensive asset base. There are numerous complexities that render any target open to criticism.

For example, you could argue that the target balance for this reserve could be calculated based on the difference between the actual spend on asset renewal compared to depreciation over a given period. However, in one particular year you may spend a large amount renewing just one asset, which means the reserve target could be quite small, but in reality, other assets within the class have not been upgraded and are in need of funding.

It will also inevitably be the case that some assets will age faster or slower than the depreciation estimate, and any reserve target should consider the condition assessment of the asset base. It could also be argued that any target reserve should take into account funding strategies, as it is common to fund asset renewal from grants and borrowings as well as reserve funds.

Due to the complexity of choosing an appropriate target for this reserve, the benchmark chosen is the equivalent of one year's depreciation. It is simple but relevant and will vary as the asset base changes. It is based on the position of having sufficient funds to manage emergency situations and perhaps seed funding for larger capital projects.

Council may look to expand this target to meet circumstances as they arise. For example, if Council's strategy changed and it was essential to construct a new Dam at a cost of \$250 million. Council may change the target such that reserves are accumulated in advance of construction costs to minimise borrowings.

#### Bulk Water- Employee Leave Entitlement Reserve Target

The Bulk Water Fund is the deemed 'home' of all staff. Therefore, leave liabilities are payable by Bulk Water as and when they fall due. All other Funds pay the Bulk Water Fund for their share of the leave accrual via an oncost rate applied through the fortnightly timesheet process. Therefore, only Bulk Water Fund has need of a leave liability reserve.

This is a specific purpose reserve where cash funds are set aside to meet known liabilities. Staff will accrue annual and long service leave each year, however they may not take them until many years after the accrual date. In this way, a known liability is being created and it is prudent to set cash aside to enable payment at a later date.

Typically, accrued leave is taken during the course of the employee's service and therefore it will usually be provided for in the annual salaries and wages budget - the annual budget will provide for 52 weeks' pay and reserve funds will not be required. The reserve is typically required when the employee departs the organisation and they have large amounts of accrued leave owing.

Therefore, it is generally not necessary to fund the leave liability to 100%. One way to establish a percentage is to assess the age of the staff. The older the staff member the more likely it is that some or all of the leave liability will need to be paid out using reserve funds. A benchmark that has been promoted by a specialist local government accounting advisory firm, LG Solutions, is shown below.

Leave liability percentage funded:

<b>Employee Age</b>	Over 60	55-60	50-55	45-50	Under 45
<b>% Funded</b>	100%	60%	40%	20%	10%

On balance the percentages proposed by LG Solutions are reasonable. The policy/procedure includes these same percentages to calculate the reserve target.

It is important to note that there has been a long-standing Rous County Council position that leave liability be funded to 100%. The proposed policy will amend this target to the formula described above. It is considered that to have cash reserves to fund the liability to 100% is excessive and beyond industry norms.

#### Bulk Water- Buildings and Structures Reserve Target

The target nominated in the proposed policy is \$200,000 and this is based on historical information.

#### Bulk Water- Electricity Reserve Target

The target relates to the pumping costs of the Wilsons River Source. At peak times, these costs are very high, in the order of \$50,000 per week. Hence the cost is not part of everyday activities and recurrent budgets assume that only minimal pumping will occur.

Based on 5 months pumping at \$50,000 per week, the target is \$1 million.

Bulk Water - Office Equipment and ICT Reserve Target

The replacement value of the assets on hand is estimated at \$5 million. The target has been set at 10% of this amount, being \$500,000. The target is considered reasonable to meet budget shocks and enable replacement of assets without interruption to services.

Greenhouse Gas Abatement Reserve Target

There is no target for this reserve. The reserve balance will be variable, and it would also be expected that at different times, 100% of the available balance may be consumed to complete a project.

**Financial Reserves scorecard**

It is proposed that each year staff will compare reserve balances to agreed targets and detail the results in the form of a scorecard. The scorecard is intended to be a one stop shop of the type and amount of reserves on hand at a particular point in time compared to agreed targets.

The scorecard will be a useful tool when Council is considering the forthcoming year's budget and the long-term financial plan in the context of financial sustainability and establishing the price path for the various Funds over coming years.

**Current compared to proposed Reserves**

The policy proposes to reduce the total number of Reserves from 29 to 15 which includes internal and external reserves. It is considered that a reduction to reserve numbers will reduce administration and improve control as there is a focus on the Fund with the proposed new reserve structure.

**Transfer of Reserve Funds**

In compiling this report and the associated documents it has become apparent that some existing reserve balances are excessive, whilst others are less than desirable. The current balance of Reserves is historical only.

If Council approves the proposed policy inclusive of targets, it may be prudent to transfer funds in two instances. The table below shows the outcome of the Scorecard as at 1/7/18 for selected reserves.

<b>Reserve</b>	<b>Balance as at 1/7/18</b>	<b>Minimum Target Balance</b>
Retail Water Reserve	\$606,000	\$1,468,000
Fleet Reserve	\$1,417,000	\$300,000
Employees Leave Entitlement Reserve	\$1,839,000	\$513,000
Bulk Water - Assets and Program Reserve	\$20,760,000	\$5,000,000

The Retail Water Reserve is significantly less than the preferred minimum balance while Fleet has arguably an excess of cash on hand. It is suggested that \$800,000 be transferred from Fleet Reserve to Retail Water Reserve. This will leave Fleet Fund with a reserve that is still well in excess of the target whilst Retail Fund will be quite close to meeting the target. The Employee Leave Reserve is well in excess of the target and it is suggested that \$800,000 be transferred to the Assets and Programs reserve. The Assets and Programs Reserve is suggested as it is the 'backstop' reserve for Bulk Water. This transfer is shifting cash from one Bulk Water Reserve to another.

Council will be aware that ultimately internal reserves can be applied/adjusted at its discretion. If for some reason the Fleet or Leave Reserves needed a top up, this could be achieved by a Council resolution.

## **Finance**

The proposed policy puts in place a set of guidelines for the management of financial reserves.

## **Consultation**

The proposed policy has been developed by Council's finance staff. Discussions have occurred with finance staff from other Councils in the northern rivers, albeit on a very informal level.

Information was sourced from policies and guidelines of other Councils and corporate entities including the University of Idaho to Cairns Regional Council.

## **Conclusion**

Council does not have a financial reserves policy. It is considered that the introduction of a policy including a procedure and scorecard, will enhance the strategic management and procedural control of Council's cash reserves. Total cash reserves amounted to over \$36 million at the start of the current financial year.

Guy Bezrouchko  
Group Manager Corporate and Commercial

Attachment:

1. 'Financial Reserves' policy



# Policy



## Financial Reserves

Approved by Council: xx/xx/xxxx

Council requires cash reserves to facilitate the ongoing provision of services that meet community expectations and agreed service levels with stakeholder Councils.

Safety

Teamwork

Accountability

Respect

### Background

Cash reserves are an important part of Council's financial strategy to ensure long term financial sustainability and capacity to provide quality services on an ongoing basis.

This policy provides agreed direction and control in respect to the type of reserves that are required and a target in terms of the amount of cash to be held in each reserve.

### Policy statement

Basic financial planning dictates that sufficient funding is available for current operating requirements, capital expenditure and debt servicing. Further, it is prudent to plan for unforeseen events that may impact Council's ability to maintain service levels.

To achieve these aims, reserves are accumulated in a manner that avoids significant fluctuations to the price path of Council's fees and charges and minimises the impact on customers.

The *Local Government Act 1993* provides that Council may apply funds for any purpose allowed by the Act or other Acts except where:

- a) money that has been received as a result of the levying of a special rate or charge may not be used otherwise than for the purpose for which the rate or charge was levied, and
- b) money that is subject to the provisions of the *Local Government Act 1993* or any other Act (being provisions that state that the money may be used only for a specific purpose) may be used only for that purpose.

Council must create a reserve where unexpended funds have to be applied for a particular purpose as required by an Act. Funds held in accordance with legislation are described as 'externally restricted reserves'. Funds held in reserve at the discretion of Council are described as 'internally restricted reserves'.

### Policy summary

An outline of this policy is as follows:

- Externally Restricted Reserves - description and purpose of each reserve
- Internally Restricted Reserves - overview and description of the reserves and targets
- Internally Restricted Reserves - description of budget shocks target
- Internally Restricted Reserves - detailed description of the reserve and target
- Policy responsibilities
- Appendix A - Scorecard of actual reserve balances compared to targets.

### Externally restricted reserves

Externally restricted reserves are mandatory by virtue of legislation. There is no target reserve balance as they are only raised on an as needed basis.

<b>Reserve name</b>	<b>Developer Contributions Reserve</b>
<b>Restriction type</b>	External.
<b>Purpose</b>	Capital contributions paid by property developers to Council. The auspice for this charge comes from section 64 of the Local Government Act which allows Council to exercise functions under the Water Management Act 2000. The funds are applied to asset expansion works conducted by Council in accordance with the adopted Development Servicing Plan.
<b>Target value</b>	No target - income variable depending on development within the County.
<b>Target rationale</b>	Not applicable.

<b>Reserve name</b>	<b>Trust Account</b>
<b>Restriction type</b>	External.
<b>Purpose</b>	Council requires bonds or security deposits to be paid with development applications and contract works.
<b>Target value</b>	No target - income variable depending development and construction activity.
<b>Target rationale</b>	Not applicable.

<b>Reserve name</b>	<b>Unexpended Grants Reserve</b>
<b>Restriction type</b>	External.
<b>Purpose</b>	Council receives grant funds for specific projects and purposes. It is common that grants will be expended across different financial years and this reserve allows unexpended grant funds to be isolated and retained for expenditure on the project for which the grant was received.
<b>Target value</b>	No target - income variable.
<b>Target rationale</b>	Not applicable.

Externally restricted reserves may be raised within each Fund although typically they will only apply to Bulk Water, Flood Mitigation (unexpended grants) and Weeds Bio (unexpended grants).

### Internally restricted reserves

Internally restricted reserves are created at the discretion of Council and they are designed to meet a range of circumstances. The reserves in this policy have principally been created based on the different activities undertaken by Council.

Council operations can be segregated into discreet activities that, to some extent, operate independently of each other. The primary activities, referred to as 'Funds', are Flood Mitigation, Weeds Bio, Retail Water, Richmond Water Laboratories, Commercial Properties, Bulk Water and Fleet Management.

Each Fund has a unique financial strategy and the intent is that the Fund is financially sustainable over the long term. A reserve per Fund enables the cash surplus or deficit of each Fund to be isolated to that Fund and the retention of cash reserves allows that Fund to plan for the future and manage budget shocks.

Each Fund will have one internal reserve only, except Bulk Water. Those Funds with a single internal reserve may use the reserved cash for any purpose relevant to the Fund - it may be related to budget shock or asset improvement for example.

Due to the size and complexity of the Bulk Water Fund, there are six separate reserves:

1. Buildings and Structures Reserve
2. Assets and Programs Reserve
3. Employee Leave Entitlements Reserve
4. Electricity Reserve
5. Office Equipment and ICT Reserve
6. Greenhouse Gas Abatement Reserve.

Other sub reserves may be created to track cash movements, however, they will be incorporated into a nominated reserve for formal reporting purposes. Primarily this will relate to works carried forward and essentially a holding account is required to transfer funds forward to the next year to enable the completion of works that have been approved and funded by Council but not completed at year's end.

#### Internally Restricted Reserve Targets

Target reserve balances should be viewed from the perspective of a preferred position. In many years the preferred position may not be achievable due to either different Council priorities or financial performance does not enable the target to be achieved. There needs to be a degree of flexibility when considering target reserve balances.

All Funds have one internal reserve only, except Bulk Water Fund which has six reserves. The targets set out in this policy are based on the following:

<b>Reserve Name</b>	<b>Type of Target</b>
Flood Mitigation	Budget Shocks
Weeds BIO	Budget Shocks
Retail Water	Budget Shocks
Richmond Water Laboratories	Budget Shocks
Commercial Properties	Budget Shocks
Fleet Management	Budget Shocks
Bulk Water Combined	Budget Shocks
Bulk Water Buildings and Structures	Arbitrary value based on historical assessment
Bulk Water New & Existing assets	One year of depreciation
Bulk Water Employee Leave Entitlement	A % of the liability based on staff age profile
Bulk Water Electricity	5 months pumping Wilsons River
Bulk Water Office Equipment & ICT	10% of estimated replacement value
Bulk Water Greenhouse Gas Abatement	No target specified
Whole Organisation	Budget shocks

All Funds have a reserve target referred to as the 'Budget Shocks Target'. In respect to Bulk Water Fund, the combined value of all Bulk Water Reserves are compared against the Budget Shocks Target. Bulk Water Fund also has a target for each individual reserve, except the Greenhouse Gas Abatement Reserve.

### **Budget Shocks Target**

It is prudent that each Fund should maintain reserves that are on hand in the event of budget shocks. A budget shocks reserve target will be established that is the minimum desired level for the sum total of all internal reserves for the Fund.

If, for example the budget shocks target indicates that a particular Fund should have \$2 million on hand, the total of all reserves held by the Fund, whether it be for asset renewal, leave entitlements or a specific purpose reserve will preferably be not less than \$2 million. The only exclusion is that reserves that have funds specifically committed, such as a works carried forward reserve, must not be included when calculating whether internal reserves equal the budget shocks reserve target.

The fact that the target represents the minimum level is particularly relevant in respect to those Funds with only one reserve. Flood Mitigation and Retail Water for example have a large number and value of assets to maintain and at different times reserves may need to be accumulated for asset management purposes in excess of the budget shocks target.

The budget shock target is designed to ensure that the business has sufficient funds on hand to function as per normal when events occur, typically unforeseen, that have a detrimental impact on the Fund. For example, income is less or expenses are greater than anticipated.

The target level of the funds on hand will be assessed in accordance with the following guidelines. Each transaction type will be assessed as reliable, moderate or unreliable. The transaction types are:

- Variability of operating income
- Variability of capital income
- Variability of operating expense
- Variability of capital expense.

If a transaction type is assessed as reliable it receives a score of 1, moderate 2 and unreliable 3. Depending on the score for the Fund the target reserve balance will be the equivalent number of months of operating expense. For example, if a Fund is assessed as being completely reliable it will receive a total score of 4 and the target reserve balance will be 4/12ths of annual operating expense for the Fund. If a Fund is assessed as being completely unreliable it will receive a score of 12 and the target reserve balance will be equal to one year of operating expense.

The rationale being that the Fund can continue normal operations for a given percentage of a year by using cash reserves. This length of time will enable a recovery strategy to be put in place such as external borrowings, price increases, cost savings etc.

## List of Internally Restricted Reserves

<b>Reserve name</b>	<b>Flood Mitigation Reserve</b>
<b>Restriction type</b>	Internal - There is one internal reserve for the Fund.
<b>Purpose</b>	Isolate cash available to Flood Mitigation to enable a continuity of operations to meet the needs and expectations of Council and the community.
<b>Target</b>	Equal to five months annual operating expense. Annual operating expense based on the last complete financial year of operations.
<b>Target value</b>	See Appendix A: Scorecard.
<b>Target rationale</b>	Target based on assessment of overall income and expense reliability as per the Budget Shocks Target rationale. See Appendix A for results.

<b>Reserve name</b>	<b>Weed Biosecurity Reserve</b>
<b>Restriction type</b>	Internal.
<b>Purpose</b>	Isolate cash available to Weed Biosecurity to enable a continuity of operations to meet the needs and expectations of Council and the community.
<b>Target</b>	Equal to four months annual operating expense. Annual operating expense based on the last complete financial year of operations.
<b>Target value</b>	See Appendix A: Scorecard
<b>Target rationale</b>	Target based on assessment of overall income and expense reliability as per the Budget Shocks Target rationale. See Appendix A for results.

<b>Reserve name</b>	<b>Retail Water Supply Reserve</b>
<b>Restriction type</b>	Internal - There is one internal reserve for the Fund.
<b>Purpose</b>	Isolate cash available to Retail Water Supply to enable a continuity of operations to meet the needs and expectations of Council and the community.
<b>Target</b>	Equal to eight months annual operating expense. Annual operating expense based on the last complete financial year of operations.
<b>Target value</b>	See Appendix A: Scorecard.
<b>Target rationale</b>	Target based on assessment of overall income and expense reliability as per the Budget Shocks Target rationale. See Appendix A for results.

<b>Reserve name</b>	<b>Richmond Water Laboratories Reserve</b>
<b>Restriction type</b>	Internal - There is one internal reserve for the Fund.
<b>Purpose</b>	Isolate cash available to Richmond Water Laboratories to enable a continuity of operations to meet the needs and expectations of Council and the community.
<b>Target</b>	Equal to six months annual operating expense. Annual operating expense based on the last complete financial year of operations.
<b>Target value</b>	See Appendix A: Scorecard.
<b>Target rationale</b>	Target based on assessment of overall income and expense reliability as per the Budget Shocks Target rationale. See Appendix A for results.

<b>Reserve Name</b>	<b>Commercial Properties Reserve</b>
<b>Restriction type</b>	Internal - There is one internal reserve for the Fund.
<b>Purpose</b>	Isolate cash available to Commercial Properties to enable a continuity of operations to meet the needs and expectations of Council and the community.
<b>Target</b>	Equal to eight months annual operating expense. Annual operating expense based on the last complete financial year of operations.
<b>Target value</b>	See Appendix A: Scorecard.
<b>Target rationale</b>	Target based on assessment of overall income and expense reliability as per the Budget Shocks Target rationale. See Appendix A for results.

<b>Reserve Name</b>	<b>Fleet Management Reserve</b>
<b>Restriction type</b>	Internal - There is one internal reserve for the Fund.
<b>Purpose</b>	Isolate cash available to Fleet Management to enable a continuity of operations to meet the needs and expectations of Council and the community.
<b>Target</b>	Equal to 4 months annual operating expense. Annual operating expense based on the last complete financial year of operations.
<b>Target value</b>	See Appendix A: Scorecard.
<b>Target rationale</b>	Target based on assessment of overall income and expense reliability as per the Budget Shocks Target rationale. See Appendix A for results.

<b>Reserve Name</b>	<b>Bulk Water Budget Combined Reserve Value</b>
<b>Restriction type</b>	Internal - There are five internal reserves for the Fund being: Buildings Reserve, Assets and Programs Reserve, Employee Leave Entitlements Reserve, Insurance and Electricity Reserve and ICT/Office Equipment Reserve.
<b>Purpose</b>	Isolate cash available to Bulk Water to enable a continuity of operations to meet the needs and expectations of Council and the community.
<b>Target</b>	Equal to six months annual operating expense. Annual operating expense based on the last complete financial year of operations. The total of all available reserves is combined to compare to the budget shocks target.
<b>Target value</b>	See Appendix A: Scorecard.
<b>Target rationale</b>	Target based on assessment of overall income and expense reliability as per the Budget Shocks Target rationale. See Appendix A for results.

<b>Reserve Name</b>	<b>Bulk Water - Buildings and Structures Reserve</b>
<b>Restriction type</b>	Internal.
<b>Purpose</b>	Isolate cash for future renewal and replacement of non-commercial buildings and structures.
<b>Target value</b>	\$200,000.
<b>Target rationale</b>	Value intended to be sufficient to assist with emergency works or reduce external borrowing for replacement of assets.

<b>Reserve Name</b>	<b>Bulk Water - Assets and Programs Reserve</b>
<b>Restriction type</b>	Internal.
<b>Purpose</b>	Isolate cash for renewal and replacement of existing assets and to provide for the purchase/construction of a new and expanded asset base.
<b>Target</b>	One year's depreciation.
<b>Target value</b>	Based on the 2018/19 budget - \$5,000,000.
<b>Target rationale</b>	Value intended to be sufficient to assist with emergency works or reduce external borrowing for new or existing assets.

<b>Reserve name</b>	<b>Bulk Water - Employee Leave Entitlement Reserve</b>
<b>Restriction type</b>	Internal.
<b>Purpose</b>	Isolate cash for the payment untaken leave that has been accrued.
<b>Target</b>	Calculated % of the liability based on age of employees.
<b>Target value</b>	Based on the 2016/17 Annual Financial Statements - \$700,000.
<b>Target rationale</b>	Target calculation based on employee's age e.g. if over 60 years then 100% of liability is to be cash funded. If under 45 then 10% is cash funded. See Financial Reserves Procedure for details.

<b>Reserve name</b>	<b>Bulk Water - Electricity Reserve</b>
<b>Restriction type</b>	Internal.
<b>Purpose</b>	Isolate cash for the payment of abnormally high electricity expenses.
<b>Target</b>	Five months of the cost to pump water from the Wilsons River Source.
<b>Target value</b>	Based on peak usage and adjustment for new electricity rates the current estimate to pump water from the Wilsons River for 5 months is \$1,000,000.
<b>Target rationale</b>	Electricity cost to pump water from Wilson's River is very high (approx. \$50,000/week). Hence use of this water source is avoided where possible therefore only minimal recurrent budget for this cost. Reserve target looks to accommodate 5 months of 'extra' pumping to cover a drought scenario.

<b>Reserve name</b>	<b>Bulk Water - Office Equipment and ICT Reserve</b>
<b>Restriction type</b>	Internal.
<b>Purpose</b>	Isolate cash for the replacement and expansion of existing equipment including unforeseen emergencies.
<b>Target</b>	10% of the estimated replacement cost of office equipment and Information Technology hardware and software.
<b>Target value</b>	Current estimated replacement value as determined by ICT Manager is \$5 million hence target value is \$500,000.
<b>Target rationale</b>	The percentage-based target allows the target value to adjust to movement over time and 10% of the estimated replacement cost is considered reasonable to meet both budget shocks and provide seed funding for planned replacements.

<b>Reserve name</b>	<b>Bulk Water - Greenhouse Gas Abatement Reserve</b>
<b>Restriction type</b>	Internal.
<b>Purpose</b>	Isolate cash to enable new energy saving measures to be implemented that will reduce Council's emissions.
<b>Target</b>	No target specified. Variable depending on energy thence dollar savings from energy saving measures implemented.
<b>Target value</b>	No value specified.
<b>Target rationale</b>	Not applicable.

### Policy responsibilities

<b>Task</b>	<b>Position/Stakeholder</b>	<b>Frequency</b>
Implementation	Group Manager Corporate and Commercial	Ongoing
Monitoring of policy and completion of scorecard	Finance Manager	Annually
Review of Policy	Group Manager Corporate and Commercial	Once during the term of each Council

### Contact officer

Finance Manager.

### Related documents

#### Policies

N/A

#### Procedures

Financial Reserves procedure

#### Legislation

*Local Government Act 1993*

#### Other

Scorecard.

<b>Office use only</b>	File no.:	Next review date: (4 years)	
Version	Purpose and description	Date adopted by Council	Resolution no.
2	Financial Reserves Policy		



## Appendix A: Reserves Policy Scorecard

Date Reviewed:

Jan-19

<b>Internal Reserves compared to Budget Shocks Target</b>									
The target reserve balance is a percentage of the Funds annual operating expenses. The percentage is based on the reliability of the Funds financial transactions. Where the transactions are reliable the reserve target is a lower percentage than if the transactions are unreliable.									
Reliability Assessment									
Reliable	1 month of annualised operating expense as contingency								
Moderate	2 months of annualised operating expense as contingency								
Unreliable	3 months of annualised operating expense as contingency								
Reliability Rating	Flood Mitigation	Weeds Bio	Retail Water	RWL	Commercial Property	Fleet	Bulk Water Combined	Whole Organisation	
Operating Income	1	1	3	2	1	1	1	1	1
Operating Expense	2	1	3	2	1	1	2	2	2
Capital Income	1	1	1	1	1	1	1	1	1
Capital Expense	1	1	1	1	3	1	2	2	2
Reliability Total (in months)	5	4	8	6	6	4	6	6	6
2017/18 Operating Expense	1,642,000	1,266,300	2,201,394	697,000	306,800	901,200	17,883,900	24,898,600	
Reliability Rating	5 over 12	4 over 12	8 over 12	6 over 12	6 over 12	4 over 12	6 over 12	7 over 12	
Target Reserve Balance	684,000	422,000	1,468,000	349,000	153,000	300,000	8,942,000	12,449,000	
Actual Reserve Balance 30/6/18	2,031,300	1,280,700	606,900	346,300	1,208,600	1,417,000	25,982,500	32,873,300	
Result	Pass	Pass	Fail	Fail	Pass	Pass	Pass	Pass	
<b>Bulk Water Reserves and Targets</b>									
<b>Bulk Water Buildings and Structures Reserve</b>									
Target Reserve Balance									200,000
Actual Reserve Balance 30/6/18									637,500
Result									Pass
<b>Bulk Water - Assets and Programs Reserve</b>									
Reserve Target equal to 1 years depreciation									
Target Reserve Balance; based on 2018/19 forecast									5,000,000
Actual Reserve Balance 30/6/18									20,760,400
Result									Pass
<b>Bulk Water - Employee Leave Entitlement Reserve</b>									
Reserve Target is 29% of the accrued liability (see sheet in Wiki 2019/20 LTFP 'employee leave calculation')									
Target Reserve Balance; based on 2018/18 audited statements									513,000
Actual Reserve Balance 30/6/18									1,839,300
Result									Pass
<b>Bulk Water - Electricity Reserve</b>									
Reserve Target is estimated cost of 5 months electricity cost for Wilson's River Source (see Financial Reserves Procedure for calculation)									
Target Reserve Balance; based on Wilsons River historical cost									1,000,000
Actual Reserve Balance 30/6/18									1,968,000
Result									Pass
<b>Bulk Water Office Equipment and Computer Reserve</b>									
Reserve Target is 10% of estimated replacement cost									
Target Reserve Balance; estimated by IT Manager at \$5 million									500,000
Actual Reserve Balance 30/6/18									777,300
Result									Pass
<b>Bulk Water Greenhouse Gas Abatement Reserve</b>									
No reserve target applicable									
Target Reserve Balance									Nil
Actual Reserve Balance 30/6/18									Nil
<b>External Reserves and their balances as at 30/6/18</b>									
Bulk Water unexpended grants									2,963,600
Flood Mitigation Unexpended Grants									353,400
Weeds Bio unexpended grants									93,500

## Investments - May 2019

(59/12)

**Business activity priority** Results and sustainable performance

**Goal 7** Sustainable performance

### Recommendation

That Council receive and note this report on investments as at 31 May 2019.

### Background

Clause 212 of the *Local Government (General) Regulation 2005* and Council's 'Investment' policy require that a report detailing Council's investments be provided. This report has been prepared for 31 May 2019.

### Governance

#### Finance

##### The RBA cash rate decreased

At the RBA's June meeting, it was decided to decrease the cash rate from 1.50% to 1.25%. The 90-day average bank bill swap rate (BBSW) has decreased to 1.54%. This decrease will put further pressure on interest yields in the foreseeable future.

##### Total funds invested for May 2019 was \$38,809,592

This is an increase of \$2,108,652 compared to the March 2019 figure. This is primarily due to section 64 development contributions received from constituent councils and 15 settlements received for Perradenya release 5 stage 2.

##### Return for May was 2.70%

The weighted average return on funds invested for the month of May was 2.70%. This represents a decrease of two basis point compared to the March result (2.72%) and is 116 basis points above Council's benchmark (the average 90-day BBSW rate of 1.54%) (Refer: Graph D2 - Attachment 4).

##### Interest earned for May was \$88,784, year to date interest earned \$880,768

Interest earned compared to the adjusted budget is \$113,918 in excess of pro-rata budget (Refer: Attachment 1).

##### Summary of indebtedness as at 31 May 2019

Information	Loan #1	Loan #2	Loan #3	Loan #4	Loan #5	Loan #6	Total
Institution	CBA	CBA	CBA	Dexia	NAB	NAB	
Principal Borrowed	\$ 2,000,000	\$ 3,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 45,000,000
Date Obtained	9-Jun-04	31-May-05	31-May-06	21-Feb-07	31-May-07	25-Sep-07	
Term (Years)	20	20	20	20	20	20	
Interest Rate	6.82%	6.25%	6.37%	6.40%	6.74%	6.85%	
Date Due	10-Jun-24	31-May-25	31-May-26	21-Feb-27	31-May-27	25-Sep-27	
Annual Commitment	\$ 184,785	\$ 264,921	\$ 891,595	\$ 893,507	\$ 917,390	\$ 925,933	\$ 4,078,130
Principal Repaid LTD	\$ 1,164,224	\$ 1,691,478	\$ 5,027,881	\$ 4,472,303	\$ 4,386,815	\$ 4,104,615	\$ 20,847,315
Interest Incurred LTD	\$ 1,515,160	\$ 2,017,411	\$ 6,562,856	\$ 6,251,593	\$ 6,621,860	\$ 6,543,611	\$ 29,512,491
Principal Outstanding	\$ 835,776	\$ 1,308,522	\$ 4,972,119	\$ 5,527,697	\$ 5,613,185	\$ 5,895,386	\$ 24,152,685
Interest Outstanding	\$ 180,542	\$ 281,002	\$ 1,269,047	\$ 1,621,567	\$ 1,746,630	\$ 1,986,931	\$ 7,085,719

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Cheque account balance as at 31 May 2019 was \$99,540

Ethical holdings represent 76.01% of the total portfolio

Current holdings in Ethical Financial Institutions equals \$28,500,000. The assessment of Ethical Financial Institutions is undertaken using [www.marketforces.org.au](http://www.marketforces.org.au) which is an affiliate project of the Friends of the Earth Australia (Refer: Graph D4 – Attachment 4).

### **Legal**

All investments are in accordance with section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council's 'Investment' policy.

### **Consultation**

Nil.

### **Conclusion**

A report on investments is required to be submitted to Council. As at 31 May 2019, investments total \$38,809,592 and the average rate of return is estimated at 2.70%.

Guy Bezrouchko  
Group Manager Corporate and Commercial

Attachments:

1. Investment analysis report 31 May 2019
2. Investment by Type
3. Investment by Institution
4. Total funds invested / Comparison to index

## Rous County Council – Investment analysis report 31 May 2019

## Attachment 1

Funds Invested With	S & P Local Long Term Rating	Product Name	Ethical ADIs	Lodgement Date	Maturity Date	% of Portfolio	31 May 19 Balance	Rate of Return	Monthly Interest	Year-to-Date Interest
CBA Business Online Saver	AA-	CBA-BOS	No	At call		5.95	2,309,592.41	1.40	2,867.41	22,850.51
ING Bank Aust Ltd	A	TD	No	12/9/2017	10/9/2019	1.29	500,000.00	2.75	1,167.81	12,619.86
ING Bank Aust Ltd	A	TD	No	19/9/2017	17/9/2019	1.29	500,000.00	2.75	1,167.81	12,619.86
Bank of Queensland	BBB+	TD	Yes	6/2/2018	4/2/2020	1.29	500,000.00	2.85	1,210.27	13,078.77
ING Bank Aust Ltd	A	TD	No	8/2/2018	11/2/2020	2.58	1,000,000.00	2.90	2,463.01	26,616.44
Rural Bank	BBB+	TD	Yes	13/2/2018	18/2/2020	1.29	500,000.00	2.85	1,210.27	13,078.77
Auswide Bank Ltd	BBB+	TD	Yes	27/3/2018	24/3/2020	1.29	500,000.00	2.77	1,176.30	12,711.64
Police Credit Union SA	UNRATED	TD	Yes	5/6/2018	4/6/2019	1.29	500,000.00	2.90	1,231.51	13,308.22
Bank of Queensland	BBB+	TD	Yes	12/6/2018	11/6/2019	2.58	1,000,000.00	2.75	2,335.62	25,239.73
Auswide Bank Ltd	BBB+	TD	Yes	19/6/2018	25/6/2019	1.29	500,000.00	2.85	1,210.27	13,078.77
MyState Bank Limited	BBB+	TD	Yes	3/7/2018	2/7/2019	1.29	500,000.00	2.85	1,210.27	13,000.68
Gateway Bank Ltd	UNRATED	TD	Yes	13/7/2018	9/7/2019	1.29	500,000.00	2.95	1,252.74	13,052.74
Bank of Sydney Ltd	UNRATED	TD	Yes	13/7/2018	16/7/2019	1.29	500,000.00	2.95	1,252.74	13,052.74
AMP Bank	A-	TD	No	7/8/2018	6/8/2019	1.29	500,000.00	2.85	1,210.27	11,634.25
Bank of Queensland	BBB+	TD	Yes	14/8/2018	13/8/2019	1.29	500,000.00	2.75	1,167.81	10,962.33
ME Bank	BBB	TD	Yes	28/8/2018	27/8/2019	2.58	1,000,000.00	2.70	2,293.15	20,490.41
G & C Mutual Bank	BBB-	TD	Yes	11/9/2018	10/9/2019	1.29	500,000.00	2.85	1,210.27	10,267.81
Bendigo & Adelaide Bank	BBB+	TD	Yes	18/9/2018	17/9/2019	1.29	500,000.00	2.65	1,125.34	9,293.15
Maitland Mutual Building Society	UNRATED	TD	Yes	18/9/2018	24/9/2019	1.29	500,000.00	2.75	1,167.81	9,643.84
AMP Bank	A-	TD	No	25/9/2018	24/9/2019	2.58	1,000,000.00	2.80	2,378.08	19,101.37
AMP Bank	A-	TD	No	2/10/2018	1/10/2019	2.58	1,000,000.00	2.75	2,335.62	18,232.88
MyState Bank Limited	BBB+	TD	Yes	9/10/2018	8/10/2019	1.29	500,000.00	2.70	1,146.58	8,691.78
Police Credit Union SA	UNRATED	TD	Yes	9/10/2018	8/10/2019	1.29	500,000.00	2.90	1,231.51	9,335.62
Warwick Credit Union	UNRATED	TD	Yes	16/10/2018	15/10/2019	1.29	500,000.00	2.75	1,167.81	8,589.04
Railways Credit Union Ltd (T/As Move)	UNRATED	TD	Yes	23/10/2018	22/10/2019	1.29	500,000.00	2.90	1,231.51	8,779.45
Auswide Bank Ltd	BBB+	TD	Yes	26/10/2018	29/10/2019	1.29	500,000.00	2.76	1,172.05	8,242.19
Hunter United Employees Credit Union Ltd	UNRATED	TD	Yes	30/10/2018	29/10/2019	1.29	500,000.00	2.80	1,189.04	8,208.22
MyState Bank Limited	BBB+	TD	Yes	2/11/2018	29/10/2019	1.29	500,000.00	2.80	1,189.04	8,093.15
Rural Bank	BBB+	TD	Yes	13/11/2018	18/6/2019	1.29	500,000.00	2.70	1,146.58	7,397.26
MyState Bank Limited	BBB+	TD	Yes	20/11/2018	12/11/2019	1.29	500,000.00	2.80	1,189.04	7,402.74
National Australia Bank Limited	AA-	TD	No	4/12/2018	26/11/2019	2.58	1,000,000.00	2.73	2,318.63	13,388.22
Bank of Queensland	BBB+	TD	Yes	6/12/2018	23/7/2019	1.29	500,000.00	2.80	1,189.04	6,789.04
MyState Bank Limited	BBB+	TD	Yes	7/12/2018	26/11/2019	2.58	1,000,000.00	2.80	2,378.08	13,501.37
BankVic (Police Financial Services Ltd T/as)	BBB+	TD	Yes	11/12/2018	10/12/2019	1.29	500,000.00	2.95	1,252.74	6,950.68

Funds Invested With	S & P Local Long Term Rating	Product Name	Ethical ADIs	Lodgement Date	Maturity Date	% of Portfolio	31 May 19 Balance	Rate of Return	Monthly Interest	Year-to-Date Interest
BankVic (Police Financial Services Ltd T/as)	BBB+	TD	Yes	4/1/2019	17/12/2019	1.29	500,000.00	2.80	1,189.04	5,676.71
Australian Military Bank	UNRATED	TD	Yes	4/1/2019	7/1/2020	1.29	500,000.00	2.76	1,172.05	5,595.62
National Australia Bank Limited	AA-	TD	No	8/1/2019	3/12/2019	1.29	500,000.00	2.70	1,146.58	5,326.03
Queensland Country CU (formerly ECU Aust)	UNRATED	TD	Yes	15/1/2019	14/1/2020	1.29	500,000.00	2.80	1,189.04	5,254.79
The Capricornian Ltd	UNRATED	TD	Yes	22/1/2019	21/1/2020	1.29	500,000.00	2.85	1,210.27	5,075.34
Goldfields Money Ltd	UNRATED	TD	Yes	5/2/2019	28/1/2020	1.29	500,000.00	2.85	1,210.27	4,528.77
Summerland Credit Union	UNRATED	TD	Yes	5/2/2019	4/2/2020	1.29	500,000.00	2.80	1,189.04	4,449.32
QBank	BBB-	TD	Yes	12/2/2019	11/2/2020	1.29	500,000.00	2.85	1,210.27	4,255.48
BankVic (Police Financial Services Ltd T/as)	BBB+	TD	Yes	4/3/2019	25/2/2020	1.29	500,000.00	2.70	1,146.58	3,291.78
Gateway Bank Ltd	UNRATED	TD	Yes	5/3/2019	3/3/2020	1.29	500,000.00	2.70	1,146.58	3,254.79
MyState Bank Limited	BBB+	TD	Yes	1/4/2019	17/3/2020	1.29	500,000.00	2.70	1,146.58	2,256.16
Maitland Mutual Building Society	UNRATED	TD	Yes	2/4/2019	31/3/2020	1.29	500,000.00	2.75	1,167.81	2,260.27
Railways Credit Union Ltd (T/As Move)	UNRATED	TD	Yes	9/4/2019	10/3/2020	1.29	500,000.00	2.60	1,104.11	1,887.67
Auswide Bank Ltd	BBB+	TD	Yes	9/4/2019	7/4/2020	1.29	500,000.00	2.60	1,104.11	1,887.67
Defence Bank	BBB	TD	Yes	23/4/2019	21/4/2020	1.29	500,000.00	2.60	1,104.11	1,389.04
AMP Bank	A-	TD	No	23/4/2019	15/10/2019	1.29	500,000.00	2.70	1,146.58	1,442.47
Southern Cross Credit Union	UNRATED	TD	N/A	30/4/2019	19/11/2019	1.29	500,000.00	2.80	1,189.04	1,227.40
Bank of Sydney Ltd	UNRATED	TD	Yes	3/5/2019	5/5/2020	1.29	500,000.00	2.55	1,013.01	1,013.01
Firstmac Ltd	UNRATED	TD	Yes	3/5/2019	5/11/2019	1.29	500,000.00	2.75	1,092.47	1,092.47
Auswide Bank Ltd	BBB+	TD	Yes	7/5/2019	28/4/2020	1.29	500,000.00	2.40	821.92	821.92
Queensland Country CU (formerly ECU Aust)	UNRATED	TD	Yes	21/5/2019	19/5/2020	1.29	500,000.00	2.40	361.64	361.64
Bank of Queensland	BBB+	TD	Yes	17/7/2018	14/7/2020	1.29	500,000.00	3.00	1,273.97	13,109.59
Bank of Queensland	BBB+	TD	Yes	24/7/2018	21/7/2020	1.29	500,000.00	3.00	1,273.97	12,821.92
AMP Bank	A-	TD	No	21/8/2018	25/8/2020	1.29	500,000.00	2.95	1,252.74	11,476.71
Rural Bank	BBB+	TD	Yes	6/11/2018	3/11/2020	2.58	1,000,000.00	2.85	2,420.55	16,163.01
Newcastle Permanent Bldg Soc	BBB	TD	Yes	29/1/2019	19/1/2021	1.29	500,000.00	2.95	1,252.74	4,970.55
Newcastle Permanent Bldg Soc	BBB	TD	Yes	19/2/2019	16/2/2021	1.29	500,000.00	2.95	1,252.74	4,121.92
Newcastle Permanent Bldg Soc	BBB	TD	Yes	8/3/2019	2/3/2021	2.58	1,000,000.00	2.85	2,420.55	6,636.99
Auswide Bank Ltd	BBB+	TD	Yes	3/5/2019	4/5/2021	2.58	1,000,000.00	2.55	2,026.03	2,026.03
Firstmac Ltd	UNRATED	TD	Yes	3/5/2019	11/5/2021	1.29	500,000.00	2.75	1,092.47	1,092.47
MATURED TDs									1,010.96	316,697.26
						<b>100.00</b>	<b>38,809,592.41</b>	<b>2.70%</b>	<b>88,783.85</b>	<b>880,768.32</b>

**Total Investment Holdings**

<b>100.00</b>	<b>38,809,592.41</b>	<b>88,783.85</b>	<b>880,768.32</b>
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Total YTD Interest **880,768.32**

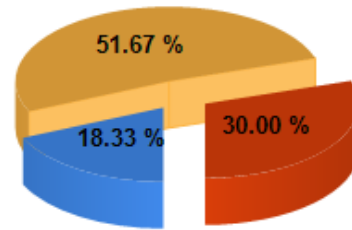
Deposits with Australian Deposit-taking institutions (ADI) are Government.

Budget Interest @ 31 May 19 **766,850.00**

Guaranteed for balances totalling up to \$250,000 per customer, per institution.

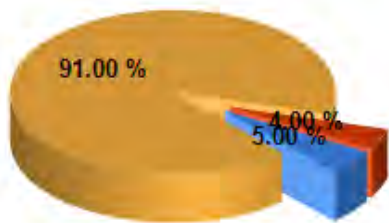
Budget variance **113,918.32**

Investment by Type



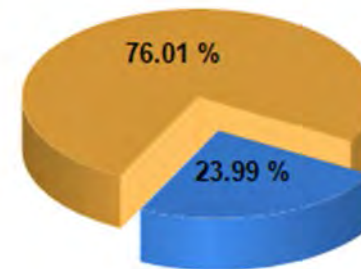
■ All A category term deposits    
 ■ BBB+, BBB, BBB- category term deposits    
 ■ Unrated Term Deposits

Investment by Fund

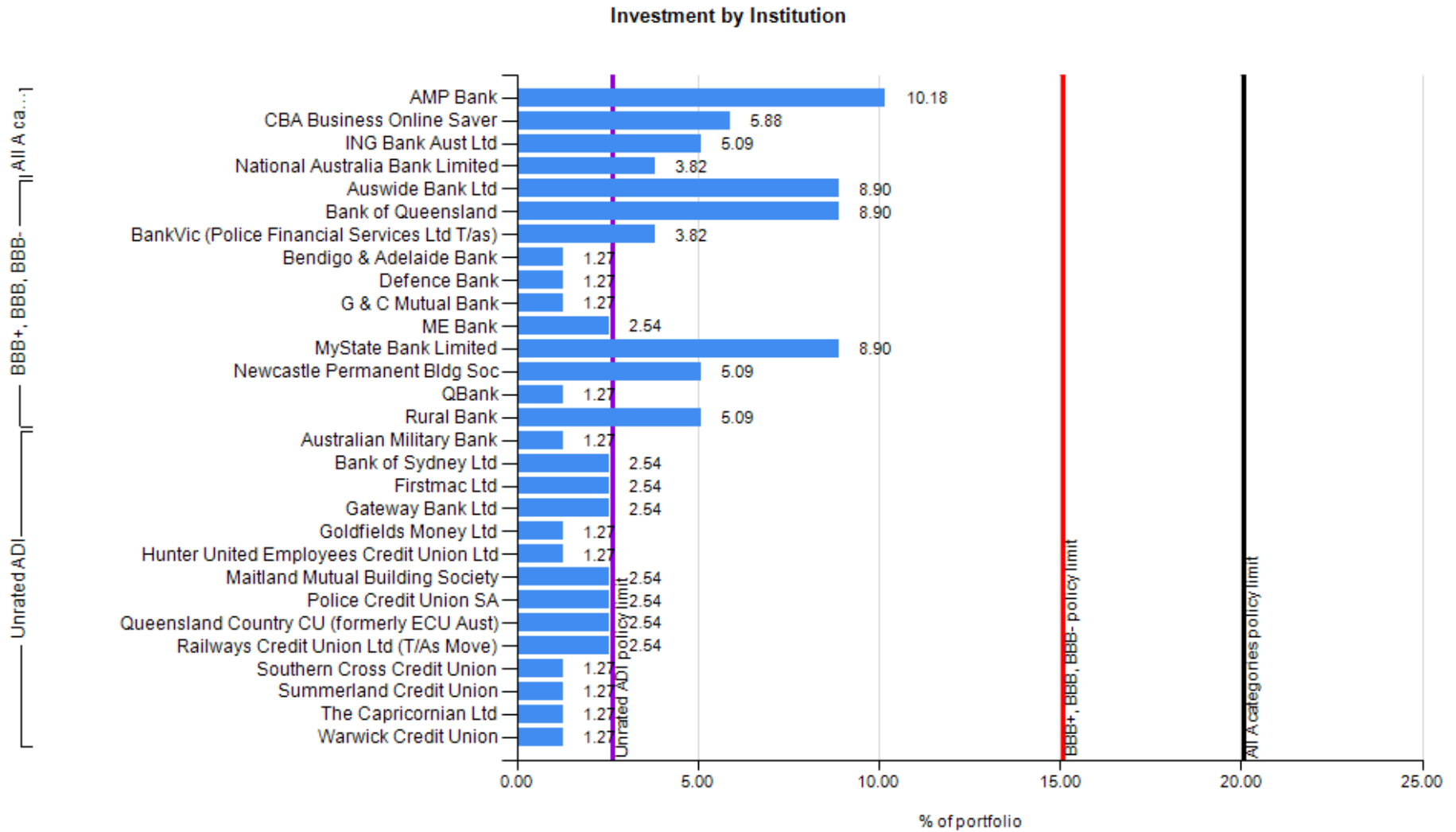


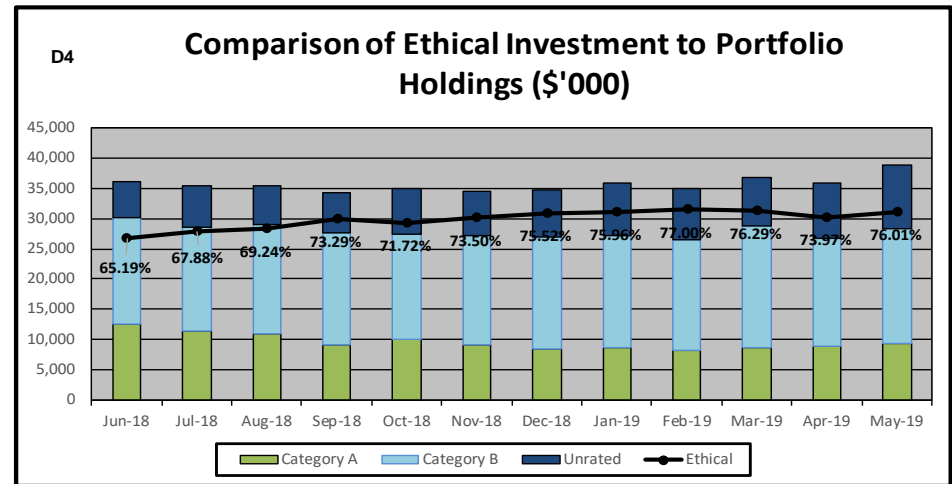
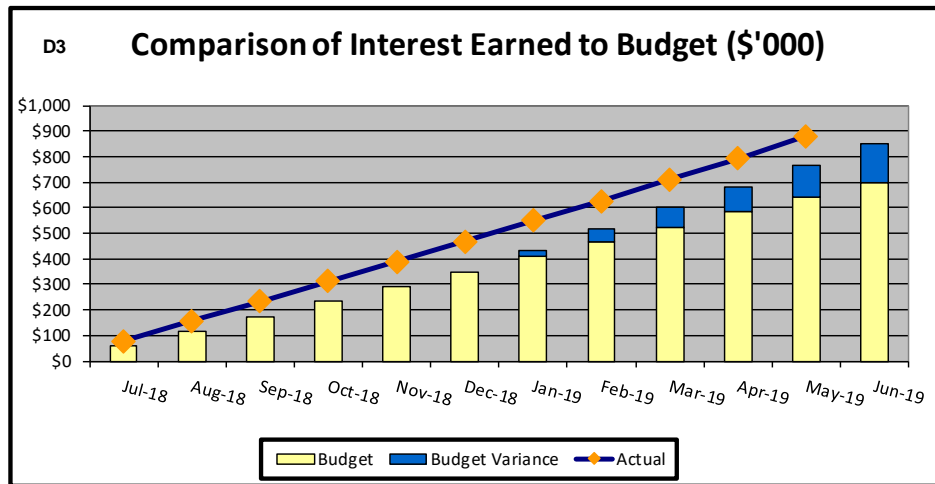
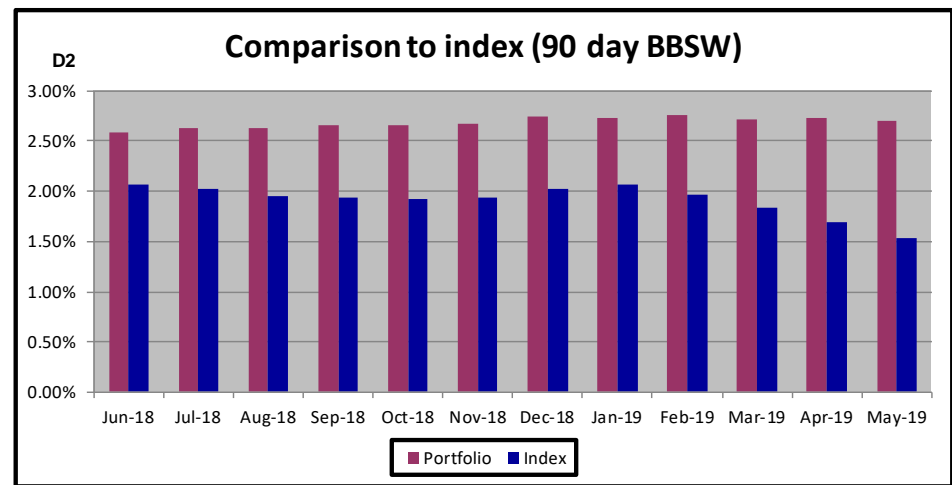
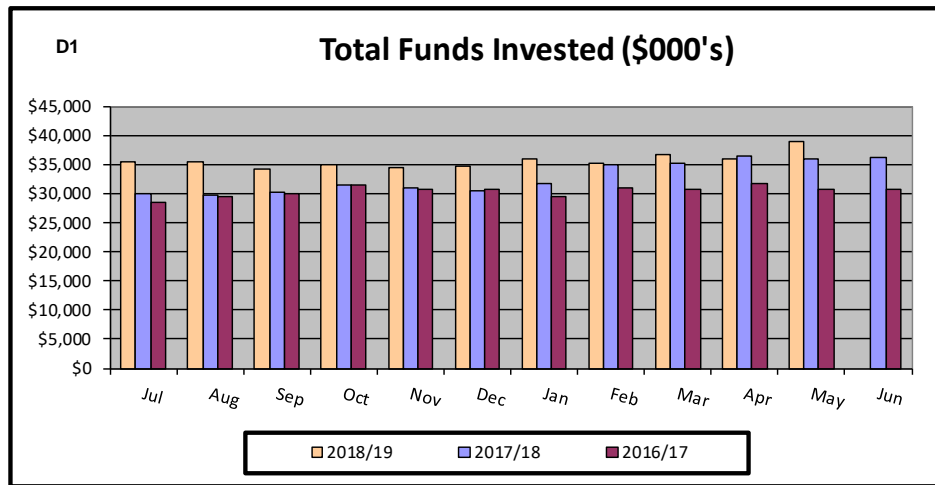
■ Flood fund    
 ■ Water fund    
 ■ Weeds fund

Ethical Investments as a % of Portfolio



■ Non ethical investments    
 ■ Ethical investments







## Water production and usage - April 2019 and May 2019

(5/12)

**Business activity priority**

Strategy and planning

**Goal 2**

Align strategic direction to core functions and sustainability

### Recommendation

That Council receive and note this report.

### Background

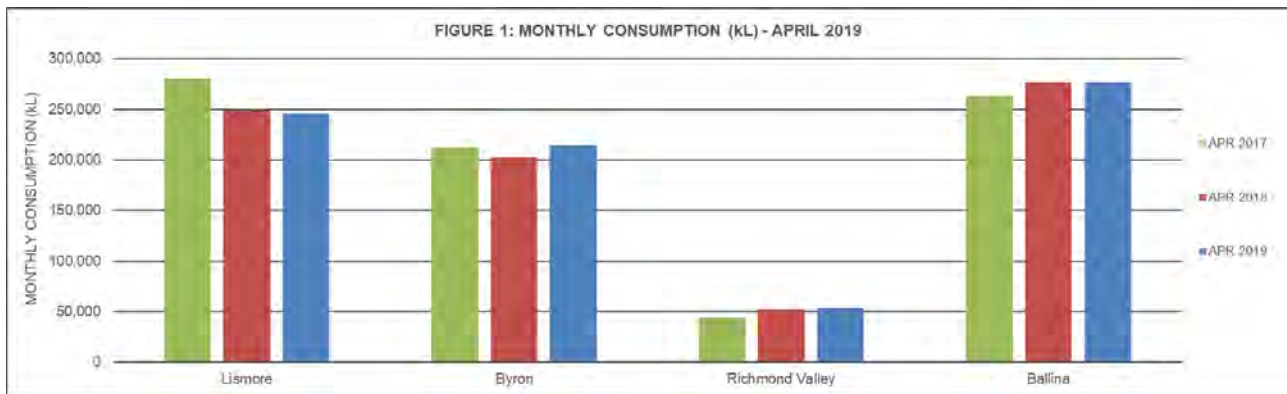
- Summary for April 2019**

The table below is the April 2019 bulk water sales to the constituent councils in kilolitres compared to March 2019 and the corresponding April for 2017 and 2018.

Council	Council area	Apr 2017	Apr 2018	Mar 2019	Apr 2019	Change on previous year %	% of Total
Lismore City Council	Dunoon/The Channon	11,023	11,600	11,499	11,554		
	Clunes	3,361	5,405	3,772	3,443		
	Pineapple Road	396	605	567	310		
	Holland Street	33,070	33,154	36,537	35,423		
	Ross Street	78,196	69,901	73,701	67,124		
	Tullera	1,578	1,934	1,368	1,153		
	No. 4 Reservoir	51,404	33,562	55,080	44,279		
	No. 9 Reservoir	96,062	87,760	68,801	78,396		
	Tanelawn	4,335	4,377	3,902	3,695		
	North Woodburn	655	612	688	662		
	<b>TOTAL</b>	<b>280,080</b>	<b>248,910</b>	<b>255,915</b>	<b>246,039</b>	<b>↓ 1.15</b>	<b>31.14</b>
Byron Shire Council	Bangalow	14,728	16,446	14,796	12,636		
	Byron Bay	59,735	48,596	54,012	51,745		
	Coopers Shoot	73,572	73,070	90,127	83,236		
	Wategos Beach	4,079	4,758	4,240	4,452		
	Brunswick Heads	16,479	14,707	17,260	16,376		
	Ocean Shores	43,298	44,420	48,434	45,797		
	<b>TOTAL</b>	<b>211,891</b>	<b>201,997</b>	<b>228,869</b>	<b>214,242</b>	<b>↑ 6.06</b>	<b>27.11</b>
Richmond Valley Council	Coraki	9,149	9,660	10,627	10,136		
	Woodburn	3,728	4,008	6,522	3,630		
	Broadwater	7,225	11,137	13,425	12,720		
	Evans Head	23,228	27,389	30,156	26,958		
	<b>TOTAL</b>	<b>43,330</b>	<b>52,194</b>	<b>60,730</b>	<b>53,444</b>	<b>↑ 2.39</b>	<b>6.76</b>
Ballina Shire Council	Ballina 375mm main	89,475	79,180	78,766	99,344		
	Lennox Head 200mm main	1,794	1,684	2,361	2,932		
	Basalt Crt 450mm main	102,355	135,680	153,960	113,217		
	Ballina Heights	10,448	5,218	7,816	5,292		
	<b>Sub-Total</b>	<b>204,072</b>	<b>221,762</b>	<b>242,903</b>	<b>220,785</b>		
	Wollongbar 375mm main	59,155	55,062	61,025	55,690		
	Lumley Park Bore	0	0	0	0		
	Converys Lane Bore	0	0	0	0		
	<b>Sub-Total</b>	<b>59,155</b>	<b>55,062</b>	<b>61,025</b>	<b>55,690</b>		
	<b>TOTAL</b>	<b>263,227</b>	<b>276,824</b>	<b>303,928</b>	<b>276,475</b>	<b>↓ 0.13</b>	<b>34.99</b>
<b>TOTAL MONTHLY CONSUMPTION BY CONSTITUENT COUNCILS</b>		<b>798,528</b>	<b>779,925</b>	<b>849,442</b>	<b>790,200</b>	<b>↑ 1.32</b>	<b>100.00</b>

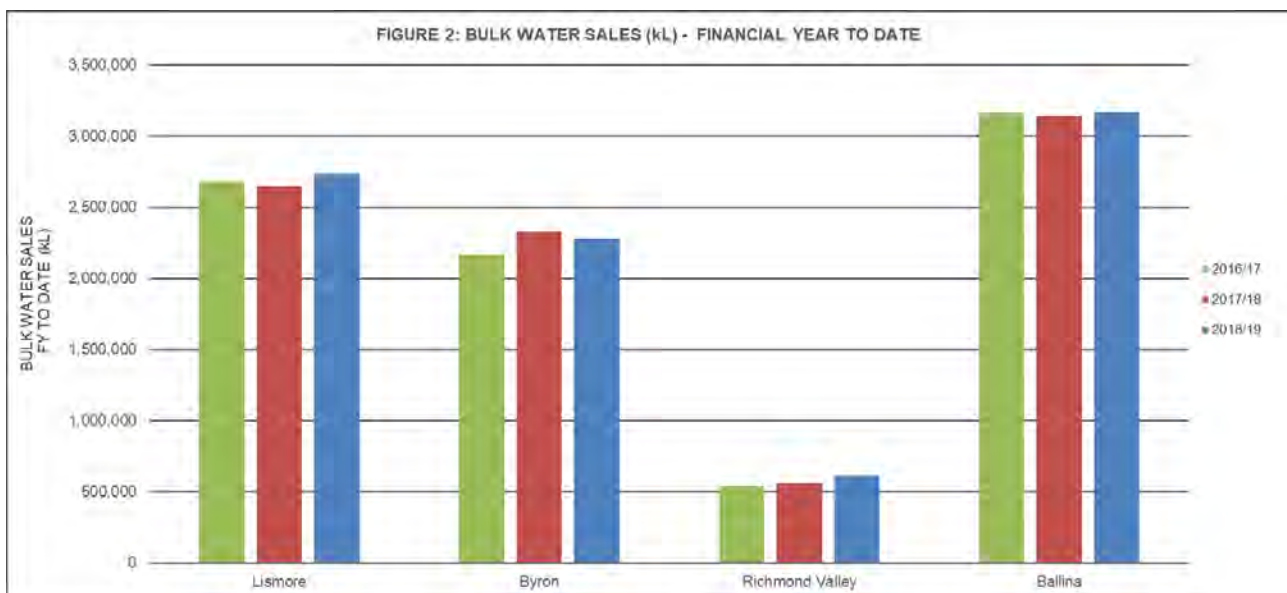
## Monthly consumption by constituents

Figure 1 is the monthly consumption for each council area compared to the previous two years.



## Sales to constituents – financial year to date

Figure 2 is the bulk water sales in kilolitres to the constituent councils for the financial year to date compared to previous financial years.



## Source contribution

The table below are the source contributions in kilolitres for the month compared to the corresponding month of the previous two years.

Daily source usage for April 2019 averaged 29.342ML. This is a decrease from the March 2019 daily average of 30.463ML. Rocky Creek Dam as at 30 April 2019 was at 88.64% of full capacity (refer Attachment 1).

Source	Apr 2017	Apr 2018	Mar 2019	Apr 2019	Change on previous year %	% of Total
Rocky Creek Dam	904,976	867,363	850,090	747,454		84.91
Wilson River	0	8,032	20,088	0		0.00
Emigrant Creek Dam	0	761	94,253	132,806		15.09
Alstonville Plateau Bores	0	0	0	0		
Coastal Sands Bores	0	0	0	0		
<b>TOTAL</b>	<b>904,976</b>	<b>876,156</b>	<b>964,431</b>	<b>880,260</b>	<b>↑ 0.47</b>	<b>100.00</b>
<b>YEAR TO DATE TOTAL</b>	<b>3,809,012</b>	<b>3,783,795</b>	<b>3,391,728</b>	<b>4,271,988</b>	<b>↑ 12.90</b>	

## New connections

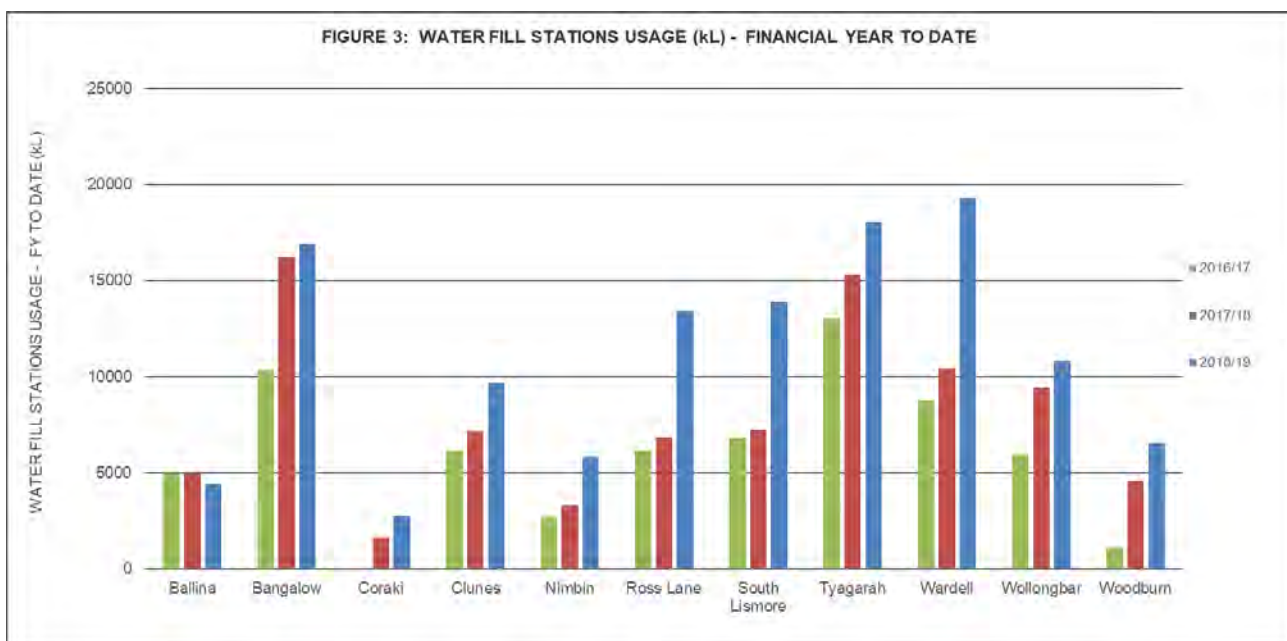
The table below is a summary of the new water connections for each council for the month. The kL/connection/day provides a comparison of the monthly consumption per connection per day.

Supply authority	New connections	Year to date total	Total connections	kL/Connection/Day
Lismore City Council	9	25	13,993	0.57
Byron Shire Council	8	34	10,003	0.68
Richmond Valley Council	N/A	7	2,693	0.67
Ballina Shire Council	35	124	15,208	0.60
Rous County Council	2	5	2,114	0.92
<b>TOTAL</b>	<b>54</b>	<b>195</b>	<b>44,011</b>	

## Water fill stations

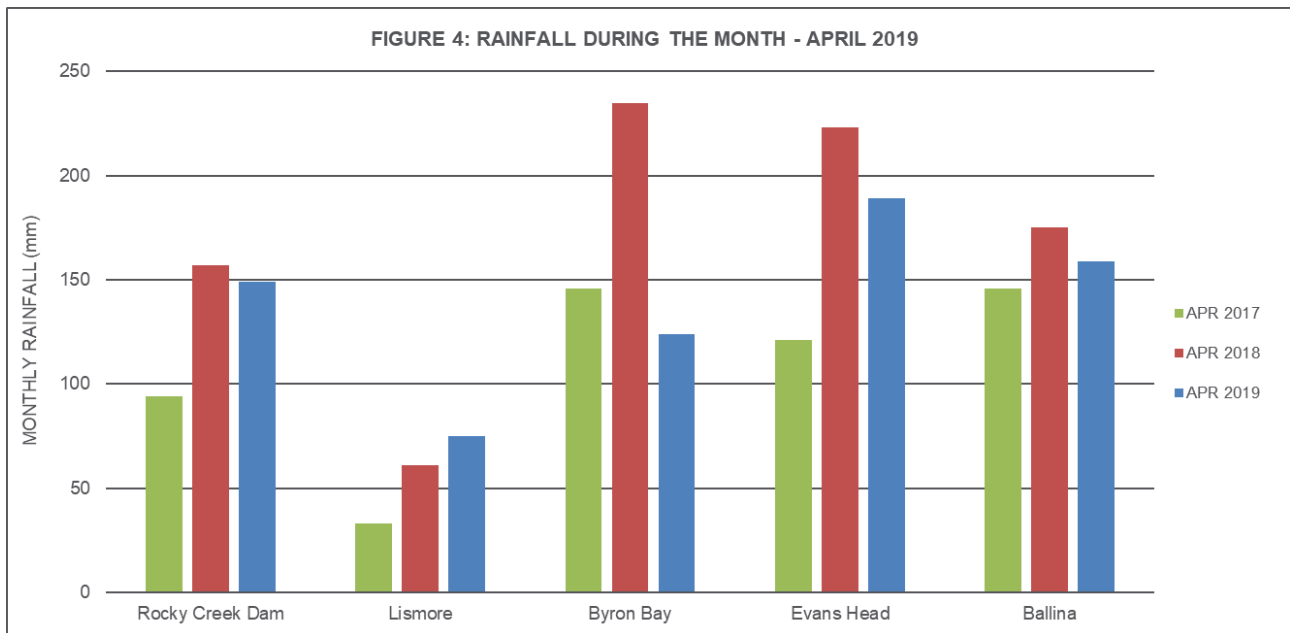
Figure 3 is the usage from the water fill stations for the financial year to date in kilolitres for each water fill station compared to previous financial years.

Total water usage for the water fill station network for April 2019 was 2,336kL, a decrease from 4,670kL in March 2019.



## Rainfall by area

Figure 4 is the monthly rainfall for Rocky Creek Dam and council areas compared to the previous two years.



Note: The Rocky Creek Dam rainfall reading is from the rain gauge at Nightcap Water Treatment Plant. Other rainfall data is from the Bureau of Meteorology.

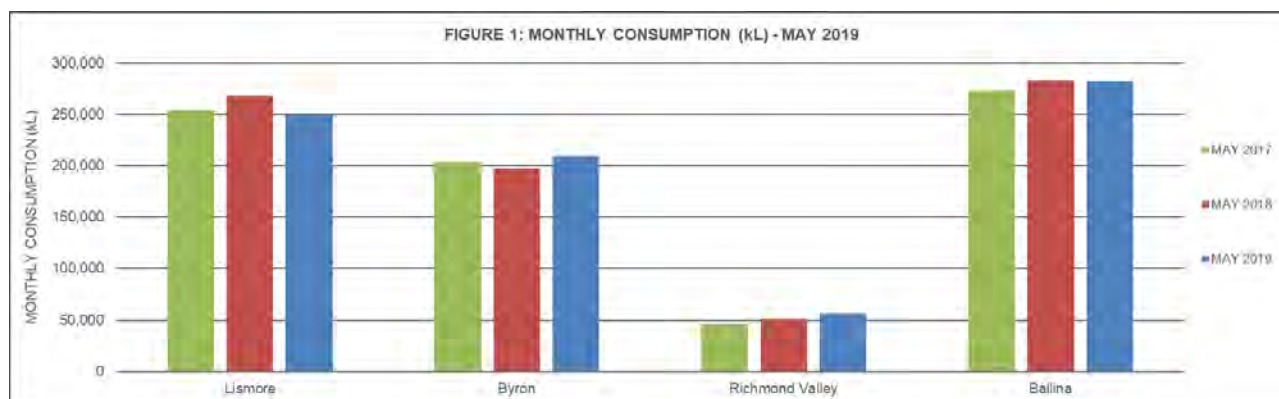
## • Summary for May 2019

The table below is the May 2019 bulk water sales to the constituent councils in kilolitres compared to April 2019 and the corresponding May for 2017 and 2018.

Council	Council area	May 2017	May 2018	Apr 2019	May 2019	Change on previous year %	% of Total	
Lismore City Council	Dunoon/The Channon	11,030	12,541	11,554	12,033			
	Clunes	3,595	5,130	3,443	3,524			
	Pineapple Road	519	682	310	375			
	Holland Street	32,697	37,512	35,423	36,521			
	Ross Street	78,880	73,805	67,124	69,546			
	Tullera	1,240	1,517	1,153	1,025			
	No. 4 Reservoir	27,732	37,468	44,279	45,474			
	No. 9 Reservoir	93,863	94,193	78,396	75,984			
	Tanelawn	4,208	4,660	3,695	4,164			
	North Woodburn	1,148	825	662	609			
	<b>TOTAL</b>	<b>254,912</b>	<b>268,333</b>	<b>246,039</b>	<b>249,255</b>	<b>↓ 7.11</b>	<b>31.24</b>	
Byron Shire Council	Bangalow	14,849	17,468	12,636	13,226			
	Byron Bay	47,659	44,424	51,745	44,787			
	Coopers Shoot	81,290	72,535	83,236	78,766			
	Wategos Beach	3,417	4,311	4,452	3,673			
	Brunswick Heads	15,067	14,177	16,376	15,140			
	Ocean Shores	41,499	44,878	45,797	53,998			
		<b>TOTAL</b>	<b>203,781</b>	<b>197,793</b>	<b>214,242</b>	<b>209,590</b>	<b>↑ 5.96</b>	<b>26.27</b>
Richmond Valley Council	Coraki	9,159	10,174	10,136	10,317			
	Woodburn	3,797	4,265	3,630	4,647			
	Broadwater	9,729	12,311	12,720	13,750			
	Evans Head	23,488	24,262	26,958	27,534			
		<b>TOTAL</b>	<b>46,173</b>	<b>51,012</b>	<b>53,444</b>	<b>56,248</b>	<b>↑ 10.26</b>	<b>7.05</b>
Ballina Shire Council	Ballina 375mm main	93,066	61,955	99,344	102,804			
	Lennox Head 200mm main	1,571	1,758	2,932	3,126			
	Basalt Crt 450mm main	114,160	156,089	113,217	111,796			
	Ballina Heights	6,903	5,478	5,292	6,655			
		<b>Sub-Total</b>	<b>215,700</b>	<b>225,280</b>	<b>220,785</b>	<b>224,381</b>		
	Wollongbar 375mm main	57,698	58,352	55,690	58,343			
	Lumley Park Bore	0	0	0	0			
	Converys Lane Bore	0	0	0	0			
		<b>Sub-Total</b>	<b>57,698</b>	<b>58,352</b>	<b>55,690</b>	<b>58,343</b>		
		<b>TOTAL</b>	<b>273,398</b>	<b>283,632</b>	<b>276,475</b>	<b>282,724</b>	<b>↓ 0.32</b>	<b>35.44</b>
<b>TOTAL MONTHLY CONSUMPTION BY CONSTITUENT COUNCILS</b>		<b>778,264</b>	<b>800,770</b>	<b>790,200</b>	<b>797,817</b>	<b>↓ 0.37</b>	<b>100.00</b>	

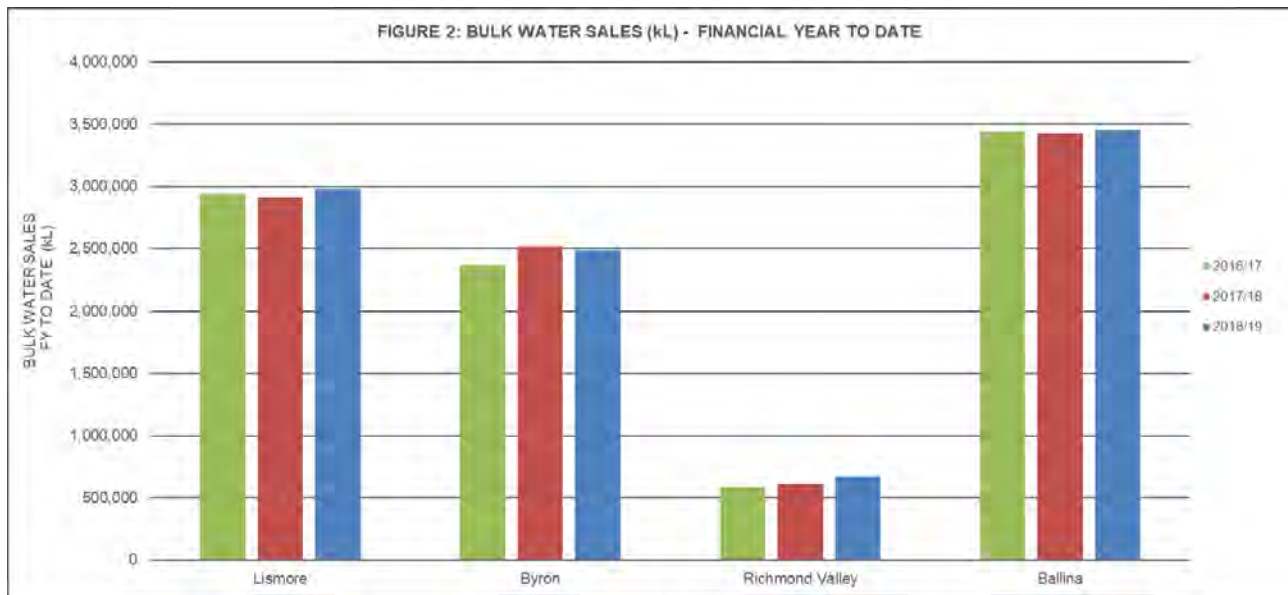
## Monthly consumption by constituents

Figure 1 is the monthly consumption for each council area compared to the previous two years.



## Sales to constituents – financial year to date

Figure 2 is the bulk water sales in kilolitres to the constituent councils for the financial year to date compared to previous financial years.



## Source contribution

The table below are the source contributions in kilolitres for the month compared to the corresponding month of the previous two years.

Daily source usage for May 2019 averaged 28.796ML. This is a decrease from the April 2019 daily average of 29.342ML. Rocky Creek Dam as at 31 May 2019 was at 87.66% of full capacity (refer Attachment 1).

Source	May 2017	May 2018	Apr 2019	May 2019	Change on previous year %	% of Total
Rocky Creek Dam	875,846	905,501	747,454	843,910		
Wilson River	473	10,147	0	0		
Emigrant Creek Dam	5,604	0	132,806	48,770		
Alstonville Plateau Bores	0	0	0	0		
Coastal Sands Bores	0	0	0	0		
<b>TOTAL</b>	<b>881,923</b>	<b>915,648</b>	<b>880,260</b>	<b>892,680</b>	<b>↓ 2.51</b>	<b>100.00</b>
<b>YEAR TO DATE TOTAL</b>	<b>4,690,935</b>	<b>4,699,443</b>	<b>4,271,988</b>	<b>5,164,668</b>	<b>↑ 9.90</b>	

## New connections

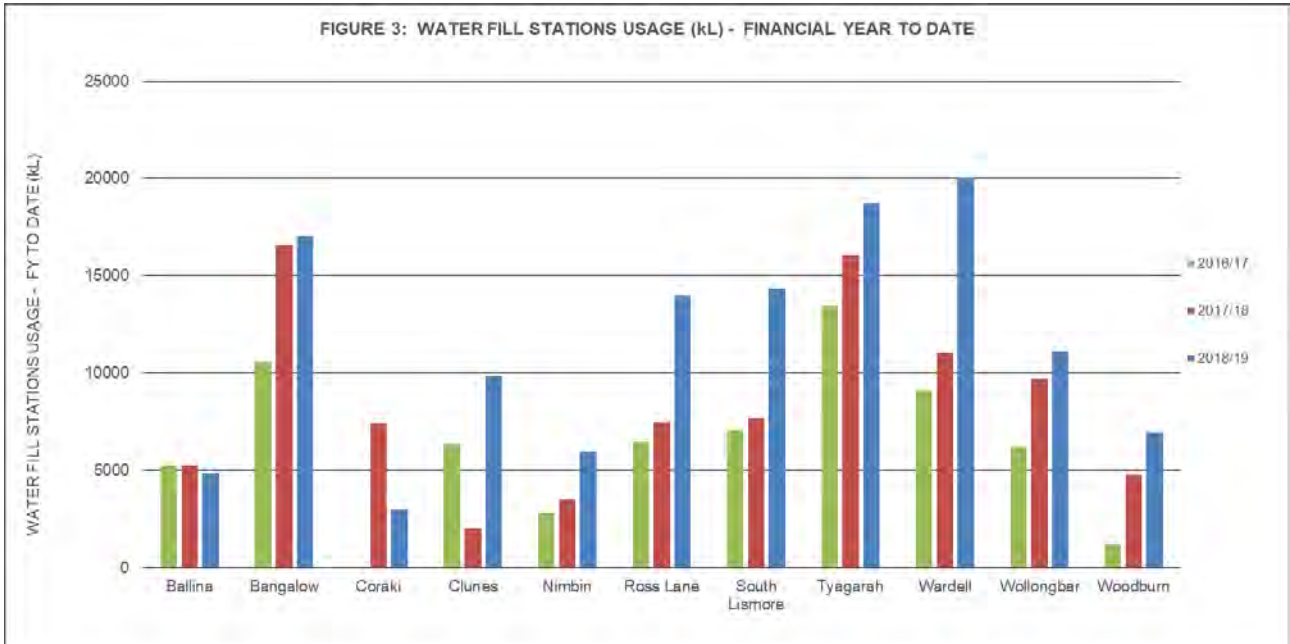
The table below is a summary of the new water connections for each council for the month. The kL/connection/day provides a comparison of the monthly consumption per connection per day.

Supply authority	New connections	Year to date total	Total connections	kL/Connection/Day
Lismore City Council	9	16	13,984	0.57
Byron Shire Council	8	26	9,995	0.68
Richmond Valley Council	N/A	7	2,693	0.67
Ballina Shire Council	N/A	89	15,173	0.60
Rous County Council	2	3	2,112	0.92
<b>TOTAL</b>	<b>19</b>	<b>141</b>	<b>43,957</b>	

**Water fill stations**

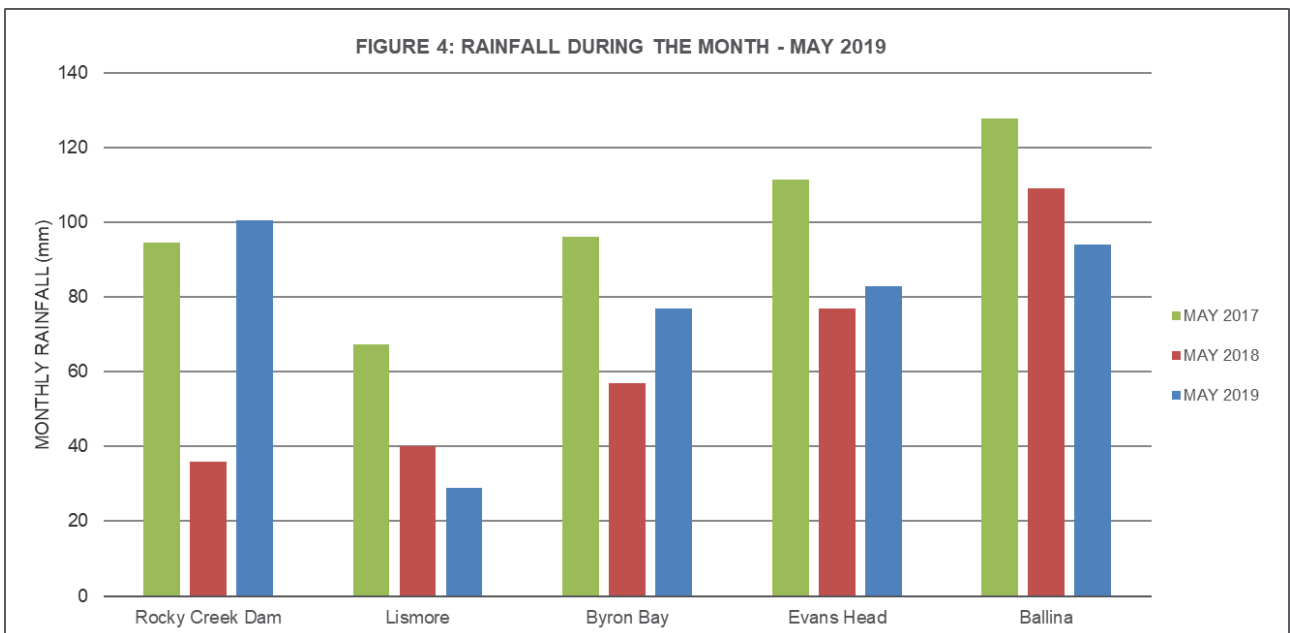
Figure 3 is the usage from the water fill stations for the financial year to date in kilolitres for each water fill station compared to previous financial years.

Total water usage for the water fill station network for May 2019 was 4,531kL, an increase from 2,336kL in April 2019.



**Rainfall by area**

Figure 4 is the monthly rainfall for Rocky Creek Dam and council areas compared to the previous two years.

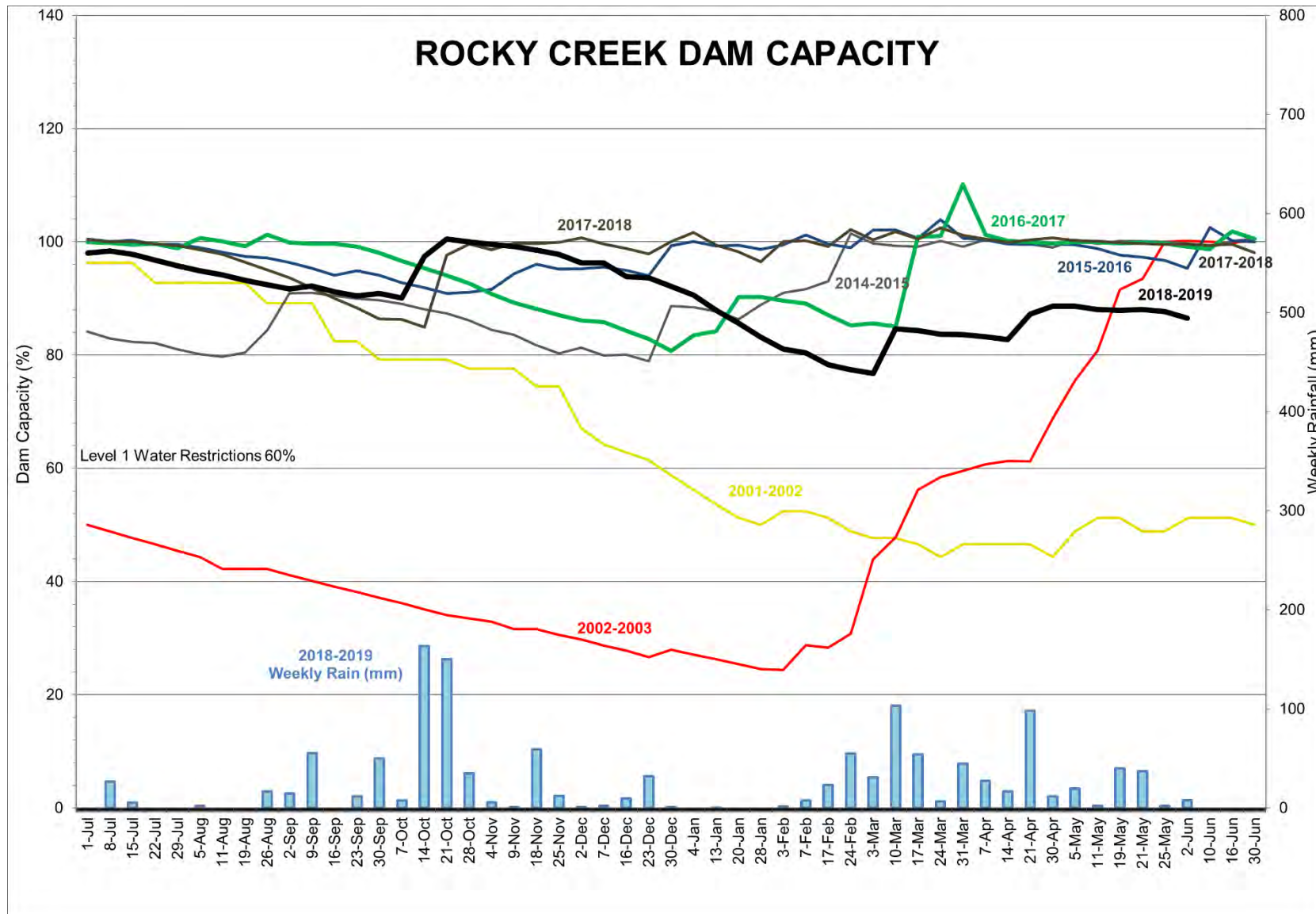


Note: The Rocky Creek Dam rainfall reading is from the rain gauge at Nightcap Water Treatment Plant. Other rainfall data is from the Bureau of Meteorology.

Michael McKenzie  
Planning Manager

Attachment:

1. Rocky Creek Dam Capacity.





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## Audit, Risk and Improvement Committee – meeting update

(847)

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<b>Business activity priority</b>	Strategy and planning
<b>Goal 2</b>	Align strategic direction to core functions and sustainability

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### Recommendation

That Council receive and note the attached minutes from the Audit, Risk and Improvement Committee meeting of 27 May 2019.

### Background

The Audit, Risk and Improvement Committee met on 27 May 2019. A copy of the meeting minutes is attached to this report (Attachment 1).

### Key messages

#### 1. Audit, Risk and Improvement Committee agenda – annual schedule of reports

Staff and Committee members attended Audit, Risk and Improvement Committee training (April and May 2019) which provided guidance on areas for improving Committee function and effectiveness. Staff and the Chairperson of the Committee met and reviewed the current meeting agenda and reporting arrangements to identify opportunities to incorporate learnings from the training.

A proposed agenda schedule was developed and presented to the Committee's May 2019 meeting (see attached). The schedule provides a snapshot of report types and timing across the five meetings that the Committee has each year. The report types align with the key areas of responsibility of Audit, Risk and Improvement Committees as prescribed in the *Local Government Act 1993*. The Committee endorsed the proposed agenda schedule subject to a further review at the July 2020 Audit, Risk and Improvement Committee meeting.

#### 2. External audit - interim audit

The external auditors conducted the interim audit, week commencing 15 April 2019. The interim audit focussed primarily on Council's financial processes and practices, although it also branched into ICT processes and practices, and Council policies in general. External auditors were at Council premises for one week and have continued to contact staff for more information or clarification on questions asked during the audit.

A Management Letter on the Interim Phase of the Audit for the Year Ending 30 June 2019 was issued by the Audit Office of New South Wales on 28 May 2019. The correspondence, presented to the Committee, outlined:

- Matters of governance interest identified during the audit
- Unresolved matters identified in previous audits
- Matters required to be communicated under Australian Auditing Standards.

Four issues were identified in the Interim Management Letter:

1. Authentication of payroll masterfile amendments
2. Purchase orders approved after goods or services have been received (confirming orders)
3. Policies and procedures framework
4. Procurement

### **3. Management Letter response**

A report on progress against the Audit Office of NSW Management letter for the year ending 30 June 2018 was furnished to the Committee at its 27 May 2019 meeting.

Four issues were identified in the Management Letter:

1. User access rights review
2. Backup testing documentation
3. Data breach framework
4. General data protection regulation

The Committee requested that management provide a briefing and update for the 29 July 2019 meeting on the ICT Business Plan 2019-2021 and other issues raised in the 27 May 2019 ARIC Business Paper.

### **4. Work Health and Safety Internal Audit**

The data collection phase of the WHS internal audit was completed on 3 May 2019 following two separate week-long site visits by the audit team on the weeks starting 18 March 2019 and 1 April 2019.

A complete report has not yet been provided to Council, however discussions with the auditors indicate that no material non-conformances in the legislative compliance component, nor the gap analysis have been identified. An interim gap analysis report assessing compliance against ISO 45001-2018 (the International Standard for Occupational Health and Safety Management Systems) was provided via email on 4 June 2019 and is currently under review by the Risk and Compliance Team.

Correspondence with the auditors has indicated that a finalised report will be provided to Council by the end of June 2019. This report will be reviewed upon receipt, and a corrective action plan subsequently developed.

#### **Governance**

##### **Finance**

All actions to be undertaken as a result of internal audit report recommendations are funded from existing recurrent budget and resource allocations. Where an action does not fall within an existing budget it will require a separate allocation approved by Council.

##### **Consultation**

This report was prepared in consultation with the Audit, Risk and Improvement Committee Chairperson.

##### **Conclusion**

This report provides a summary of the key messages from Council's Audit, Risk and Improvement Committee meeting of 27 May 2019. A copy of the minutes from the meeting are attached for information.

Phillip Rudd  
General Manager

##### **Attachments**

1. Minutes from Audit, Risk and Improvement Committee meeting of 27 May 2019
2. Agenda schedule presented to the 27 May 2019 Audit, Risk and Improvement Committee

# Rous County Council

## Audit, Risk and Improvement Committee Minutes

Monday, 27 May 2019

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The Chair opened the meeting at 10.00am.

In attendance:

Voting Committee members:

- Brian Wilkinson Independent member (Chair)
- David Yarnall Independent member
- Cr Darlene Cook Councillor member

Also present (Rous County Council):

- Phillip Rudd General Manager
- Guy Bezrouchko Group Manager Corporate and Commercial
- Andrew Logan Group Manager Operations
- Ben Wilson Risk and Compliance Coordinator

Also in attendance:

Mr Adam Bradfield, Thomas Noble and Russell.

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### 1. APOLOGIES

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Apologies received and noted from Helen McNeil, Group Manager People and Performance; Cr Basil Cameron (Rous County Council) and Reiky Jiang (Audit Office NSW)

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### 2. ACKNOWLEDGEMENT OF COUNTRY

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*Council showed its respect and acknowledged the Traditional Custodians of the Land, of Elders past and present, on which this meeting took place.*

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### 3. MINUTES

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Minutes of the meeting held 25 March 2019 were noted as presented.

**Action:** The Chair requested feedback at the July 2019 ARIC meeting on the Fraud and Corruption Control Checklist that was tabled at the November 2018 ARIC meeting.

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### 4. DISCLOSURE OF INTEREST

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Nil.

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**5. GENERAL MANAGER REPORTS**

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**i). Internal Audit actions: Progress update**

**RECOMMENDATION** (Cook/Yarnall) that the Committee note this report and the attached document prepared by Grant Thornton: 'Internal Audit Report - Audit, Risk and Improvement Committee May 2019'.

**Action:** The Committee requested management provide a briefing session post implementation of the Water Management Database circa November 2019.

(CARRIED)

**ii). Risk Register: Status of completion of actions**

**RECOMMENDATION** (Yarnall/Cook) that the Committee receive and note the report.

**Action:** The Committee requested an update from management for the July 2019 ARIC meeting on the weed biosecurity surveillance program (item #8 on the Council Risk Register).

**Action:** The Committee requested an update from management for the October 2019 ARIC meeting on the EDRMS (item #29 on the Council Risk Register).

(CARRIED)

**iii). Audit Office of NSW Management Letter: Management response**

**RECOMMENDATION** (Wilkinson/Yarnall) that the Committee receive and note the report and the Interim Phase Audit Management Letter (for the Year Ending 30 June 2019).

**Action:** That for the July 2019 meeting, management provide a briefing and update on the ICT Business Plan 2019-2021 and the IT issues raised in the May 2019 ARIC Business Paper.

(CARRIED)

**iv). Audit, Risk and Improvement Committee: Proposed agenda schedule**

**RECOMMENDATION** (Yarnall/Cook) that the Committee endorse the attached agenda schedule, subject to a review at the July 2020 ARIC meeting.

(CARRIED)

**v). Finance Status report**

**RECOMMENDATION** (Wilkinson/Yarnall) that the Audit Risk and Improvement Committee receive and note the information presented in the report.

(CARRIED)

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**6. CONFIRMATION OF MINUTES**

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**i). Audit, Risk and Improvement Committee meeting minutes 27 May 2019**

**RECOMMENDATION** (Cook/Yarnall) that the minutes of the Audit, Risk and Improvement Committee meeting held 27 May 2019 be confirmed.

(CARRIED)

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**7. NEXT MEETING**

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Monday, 29 July 2019.

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**8. CLOSE OF BUSINESS**

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There being no further business the meeting closed at 11.37am.

## Attachment 2

## Proposed Agenda Schedule

Subjects	Frequency	Annual Schedule				
		MAR	MAY	JUL	OCT	NOV
<b>Compliance</b>						
Reporting of known breaches	All	X	X	X		X
Compliance Monitoring	Compliance Register and Reporting (progress)					X
Policy Register Review	Policy Review Schedule (Reporting/progress)	X	X	X		X
OLG Calendar of Reporting	Report of compliance against calendar					X
<b>Risk Management</b>						
WHS Update	Audits, risk registers, incidents & trends	X	X	X		X
ERM Update/Framework	Rous Risk Register - status of completed actions	X	X	X		X
Project Risk Update	Status of Project Risk Processes in place and issues arising from projects					
Reports on Contracts over \$150,000	Report to Committee Contracts over \$150k (significant expenditure)					
Business Continuity Plans	Status of Business Continuity Plans and issues related thereto			X		
Report on Legal Matters	Committee to be aware of legal matters arising from Council business					
<b>Fraud Control</b>						
Fraud and Corruption Control Update	Review of Fraud and Corruption controls in place and issues arising			X		
Review Delegation Management	Update on Delegations in place and how they are managed			X		
Policy Compliance	Advice on any Policy non compliance					
Ethical Behaviour						
ICT Governance	ICT Strategy Updates					
AO Fraud Control Recommendations	Update on any Fraud Control recommendations from AO					
<b>Financial Management</b>						
Budget				X		
Quarterly Reviews		X	X			X
Annual Statements					X	
Management Letters (External Audit)	Management Letter Response	X	X	X	X	X
Monthly Investment Report		X	X	X		X
Accounting Standard Compliance						
<b>Governance</b>						
Internal Audit Charter Review			X			
Internal Audit Policy Changes			X			
Internal Audit Resources			X			
Annual Audit Plan				X		
Internal Audit Reports		X	X	X		X
Status of Internal Audit Actions		X	X	X		X
Annual Report						X
External Audit Plan/Engagement Letter						
Reports from External Auditors and Responses		X	X	X		X
<b>Implementation of Strategic Plan (IP&amp;R)</b>						
Report on IP&R	Committee to be aware of IP&R processes and Strategic Plan		X			
Operational Plan	Committee to be aware of Operational Plan adopted by Council		X			
Delivery Program Reports	Delivery Program progress reported to Committee	X	X			X
<b>Service Reviews</b>						
Organisation Structure Reviews	Structure reviews to be reported to Committee					
Service Delivery Reviews	Service Delivery Reviews to be reported to Committee					
Response to AO Performance Reviews						
<b>Collection of Performance Data by Council</b>						
Annual Report						X
Reports to Government/OLG/Water Auth.						
Annual AO Report on Council Performance						X
Performance Improvement Initiatives						
<b>Other Matters</b>						
Review of Performance of Committee				X		
Committee Calendar				X		

## Reports/actions pending

(1181/12)

**Business activity priority** Process management, improvement and innovation

**Goal 6** Continuous improvement through process management and innovative thinking

### Recommendation

That Council receive and note the report.

### Background

Following is a list of pending resolutions with individual comments provided on current position and expected completion date.

Council meeting	Resolution	Status
20/06/18	<p><b>Perradenya – update on shared walking path/cycling track</b></p> <p>RESOLVED [46/18] (Ekins/Cadwallader) that Council:</p> <ol style="list-style-type: none"> <li>1. Receive a further report by December 2018 detailing:               <ol style="list-style-type: none"> <li>a). the estimated cost to construct both options;</li> <li>b). Perradenya community and Caniaba Public School opinion on the options available;</li> <li>c). options available to Rous County Council under DA 98/7.</li> </ol> </li> </ol>	<p>Status update provided at the May 2019 Councillor workshop. A further workshop will be scheduled for September 2019.</p>
20/02/19	<p><b>Confidential report: Development Servicing Plan for Bulk Water Supply 2016 – request for deferred payment arrangement</b></p> <p>RESOLVED [13/19] (Mustow/Cadwallader) that Council:</p> <ol style="list-style-type: none"> <li>1. Receive and note this report;</li> <li>2. Approve the request for deferred payment arrangements as set out in the report;</li> <li>3. <a href="#">Receive a subsequent report on policy options for deferred payment arrangements having regard to the Development Servicing Plan for Bulk Water Supply and the policy positions of the constituent councils; and</a></li> <li>4. Reject any further consideration of similar requests until point 3. is complete and a policy position is determined.</li> </ol>	<p>Scheduled for review before the expiry of the current Development Servicing Plan in 2021.</p>

20/02/19	<p><b>Quarterly Budget Review Statement for quarter ending 31 December 2018</b></p> <p>RESOLVED [4/19] that Council:</p> <p>.....</p> <p>2. Express its concern to the Office of Environment and Heritage (OEH) regarding the change to the approval process with the Voluntary House Raising Program, particularly in relation to community members affected by the 2017 flood event. In addition, that this letter be forwarded to sitting members and forthcoming local State election candidates, seeking their support.</p>	<p>COMPLETED. Correspondence issued to OEH and sitting members of local State election (prior to March 2019 election).</p>
20/02/19	<p><b>Drinking water quality: annual report card</b></p> <p>RESOLVED [6/19] that:</p> <p>.....</p> <p>6. A fluoride performance report incorporating chemical suppliers testing data and dosing plant performance be provided to Council on a quarterly basis.</p>	<p>Fluoride performance report to be included in Council's '2018/19 Annual Report' (due November).</p>

Phillip Rudd  
General Manager



## Confidential matters

### Recommendation

That Council move into Closed Council to consider the following matters and the meeting be closed to members of the public and press based on the grounds detailed below:

<b>1. Report</b>	<b>Financial assistance for pensioners – section 582</b>
<b>Grounds for closure</b>	Section 10A(2)(b) the personal hardship of any resident or ratepayer.
<b>Public interest</b>	Public discussion would not be in the public interest due to disclosure of personal information.
<b>2. Report</b>	<b>Strategic review of Richmond Water Laboratories</b>
<b>Grounds for closure</b>	Section 10A(2)(d) commercial information of a confidential nature that would, if disclosed: (ii). confer a commercial advantage on a competitor of the Council.
<b>Public interest</b>	Public discussion would not be in the public interest due to disclosure of commercial information.

*Section 10A, Local Government Act, 1993:*

A Council may close to the public only so much of its meeting as comprises the receipt or discussion of any of the following:

*Section 10A(2):*

- (a). personnel matters concerning particular individuals (other than councillors),
- (b). the personal hardship of any resident or ratepayer,
- (c). information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d). commercial information of a confidential nature that would, if disclosed:
  - (i). prejudice the commercial position of the person who supplied it, or
  - (ii). confer a commercial advantage on a competitor of the Council, or
  - (iii). reveal a trade secret,
- (e). information that would, if disclosed, prejudice the maintenance of law,
- (f). matters affecting the security of the council, councillors, council staff or council property,
- (g). advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h). information concerning the nature and location of a place or an item of Aboriginal significance on community land.

*Section 10A(4):*

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.