

26 March 2010

Dear Councillor,

In pursuance of the provisions of the Local Government Act, 1993 and the Regulations thereunder, notice is hereby given that a **POLICY REVIEW COMMITTEE MEETING** of Penrith City Council is to be held in the Pasadena Room, Civic Centre, 601 High Street, Penrith on Monday 29 March 2010 at 7:30PM.

Attention is directed to the statement accompanying this notice of the business proposed to be transacted at the meeting.

Yours faithfully

Alan Stoneham
General Manager

BUSINESS

- 1. LEAVE OF ABSENCE**
- 2. APOLOGIES**
- 3. CONFIRMATION OF MINUTES**
Policy Review Committee Meeting - 8 March 2010.
- 4. DECLARATIONS OF INTEREST**
Pecuniary Interest (The Act requires Councillors who declare a pecuniary interest in an item to leave the meeting during discussion of that item)
Non-Pecuniary Conflict of Interest – Significant and Less than Significant (The Code of Conduct requires Councillors who declare a significant non-pecuniary conflict of interest in an item to leave the meeting during discussion of that item)
- 5. ADDRESSING THE MEETING**
- 6. MAYORAL MINUTES**
- 7. NOTICES OF MOTION**
- 8. DELIVERY PROGRAM REPORTS**
- 9. URGENT REPORTS (to be dealt with in the delivery program to which the item relates)**
- 10. CONFIDENTIAL BUSINESS**

POLICY REVIEW COMMITTEE MEETING

MONDAY 29 MARCH 2010

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MEETING CALENDAR

CONFIRMATION OF MINUTES

DELIVERY PROGRAM REPORTS

2010 MEETING CALENDAR

February 2010 - December 2010
(adopted by Council 9/11/09)

| | TIME | FEB | MAR | APRIL | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC |
|-------------------------------|--------|-----|-----|-------|-----|------|------|-----|-----------------|-----|-----|----------------|
| | | Mon | Mon | Mon | Mon | Mon | Mon | Mon | Mon | Mon | Mon | Mon |
| Ordinary Council Meeting | 7.30pm | 1 | | | 3❖ | | 12 | 9# | 6✓ | 11♦ | 8# | 13 (7.00pm) |
| | | 22# | 22 | 19 | 24# | 21* | | | 27^ (7.00pm) | | 29 | |
| Policy Review Committee | 7.30pm | 15 | 8 | | 10 | | | 16 | 13@ | | 15 | |
| | | | 29@ | | | 28 | 19 | 30 | | 18 | | |
| Operational Plan Public Forum | 6.00pm | | | | 31 | | | | | | | |

- ❖ MEETING AT WHICH THE DRAFT OPERATIONAL PLAN FOR 2010/2011 IS ADOPTED FOR EXHIBITION
- * MEETING AT WHICH THE OPERATIONAL PLAN FOR 2010/2011 IS ADOPTED
- # MEETINGS AT WHICH THE OPERATIONAL PLAN QUARTERLY REVIEWS ARE PRESENTED
- @ DELIVERY PROGRAM PROGRESS REPORTS
- ^ ELECTION OF MAYOR/DEPUTY MAYOR
- ✓ MEETING AT WHICH THE 2009/2010 ANNUAL STATEMENTS ARE PRESENTED
- ♦ MEETING AT WHICH ANY COMMENTS ON THE 2009/2010 ANNUAL STATEMENTS ARE PRESENTED

- Extraordinary Meetings are held as required.
- Members of the public are invited to observe meetings of the Council (Ordinary and Policy Review Committee). Should you wish to address Council, please contact the Acting Executive Officer, Glenn Schuil.

**UNCONFIRMED MINUTES
OF THE POLICY REVIEW COMMITTEE MEETING OF PENRITH CITY
COUNCIL HELD IN THE PASSADENA ROOM, PENRITH
ON MONDAY 8 MARCH 2010 AT 7:32PM**

PRESENT

The Deputy Mayor, Councillor Ross Fowler OAM, Councillors Kaylene Allison, Robert Ardill, Greg Davies, Jackie Greenow, Prue Guillaume, Marko Malkoc, Karen McKeown and Kath Presdee.

LEAVE OF ABSENCE

Leave of Absence was previously granted to Councillor Ben Goldfinch for the period 8 March 2010 to 10 March 2010 inclusive.

Leave of Absence was previously granted to Councillor Jim Aitken OAM for the period 8 March 2010 to 10 March 2010 inclusive.

Leave of Absence was previously granted to Councillor Mark Davies for the period 8 March 2010 to 10 March 2010 inclusive.

Leave of Absence was previously granted to Councillor Tanya Davies for the period 8 March 2010 to 10 March 2010 inclusive.

APOLOGIES

1 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Prue Guillaume that apologies be accepted from His Worship the Mayor, Councillor Kevin Crameri OAM and Councillor John Thain.

CONFIRMATION OF MINUTES - Policy Review Committee Meeting - 7 December 2009

2 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Prue Guillaume that the minutes of the Policy Review Committee Meeting of 7 December 2009 be confirmed.

DECLARATIONS OF INTEREST

Nil.

The Deputy Mayor, Councillor Ross Fowler OAM congratulated Councillor Karen McKeown on being re-elected as President of ALGWA, NSW Branch and to Councillor Jackie Greenow, Bev Spearpoint and Helen Cooper on being re-elected to the Executive of ALGWA.

DELIVERY PROGRAM REPORTS

Procedural Motion

3 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Prue Guillaume that Item 3 be considered before any other item of business.

3 Penrith Business Alliance Limited Business Plan

Sustainability and Planning Manager, Paul Grimson, introduced the report and introduced Mr Paul Brennan, Chair of the Penrith Business Alliance Limited who gave a presentation.

4 RESOLVED on the MOTION of Councillor Greg Davies seconded Councillor Robert Ardill

That:

1. The information contained in the report on Penrith Business Alliance Limited Business Plan be received.
2. Council agree to the 2009 – 2010 Penrith Business Alliance Limited Business Plan.
3. Council congratulate the Board and staff for the presentation and the completion of the Business Plan.

A LEADING CITY

1 Rural Overland Flow Policy

Council's Acting Design and Technical Advice Manager, Mr David Yee, gave a presentation to the report.

5 RESOLVED on the MOTION of Councillor Karen McKeown seconded Councillor Robert Ardill

That:

1. The information contained in the report on Rural Overland Flow Policy be received.
2. The Rural Overland Flow Policy be incorporated in a future amendment to Penrith DCP 2008.
3. Council send a letter of thanks to the external representatives of the Penrith Flood Advisory Committee.

2 Waterside Estate - Acoustic Buffer

6 RESOLVED on the MOTION of Councillor Kaylene Allison seconded Councillor Kath Presdee

That:

1. The information contained in the report on Waterside Estate - Acoustic Buffer be received.
2. Council amend the Waterside section of Draft Penrith Development Control Plan 2008 to include acoustic terrace housing as an option for providing the required acoustic buffer to industrial noise.
3. The delivery of housing in the Waterside Estate is to accord with the phasing strategy identified in Acoustic Report Number 2088-24M, dated 11 June 2009, prepared by Day Design Pty Ltd.
4. Stockland Developments, O-I Australia and Crane Metals be advised of Council's decision.

In accordance with Section 375A of the Local Government Act 1993, a DIVISION was then called with the following result:

For

Against

Councillor Kaylene Allison
Councillor Robert Ardill
Councillor Greg Davies
Councillor Ross Fowler OAM
Councillor Jackie Greenow
Councillor Prue Guillaume
Councillor Marko Malkoc
Councillor Karen McKeown
Councillor Kath Presdee

A CITY OF OPPORTUNITIES

A GREEN CITY

4 Swimming Pool Safety Awareness Programme

7 RESOLVED on the MOTION of Councillor Robert Ardill seconded Councillor Marko Malkoc that the information contained in the report on Swimming Pool Safety Awareness Programme be received.

CONFIDENTIAL BUSINESS

The meeting closed to consider Confidential Business, the time being 8:32 pm.

1 Presence of the Public

8 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Greg Davies that the press and public be excluded from the meeting to deal with the following matter:

A Leading City

2 Council Property - Cranebrook Village Shopping Centre

This item has been referred to Committee of the Whole as the report refers to 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 and discussion of the matter in open meeting would be, on balance, contrary to the public interest.

The meeting moved out of confidential session at 9.07 pm and the General Manager reported that after excluding the press and public from the meeting, the Policy Review Committee met in confidential session from 8:32 pm to 9:07 pm to consider a commercial matter.

The General Manager reported that while in confidential session, the Committee resolved the confidential business as follows:

CONFIDENTIAL BUSINESS

2 Council Property - Cranebrook Village Shopping Centre

Director and Chief Financial Officer, Barry Husking introduced the report and invited Mr Paul Allinson from AusPacific Property Group Pty Ltd to give a presentation.

9 RESOLVED on the MOTION of Councillor Marko Malkoc seconded Councillor Kath Presdee

That:

1. The information contained in the report on Council Property - Cranebrook Village Shopping Centre be received.
2. Council agree to the amended proposal in principle as outlined in the report and in the presentation submitted by AusPacific Property Group Pty Ltd.
3. Council agree to the sale of the property in accordance with the terms and conditions outlined in the report.
4. Council to commence the process of reclassification of part of the Neighbourhood Centre and Tamara Child Care Centre land which is also part of the land proposed to be transferred from Council to AusPacific Property

Group Pty Ltd. from “Community” to ”Operational” in accordance with the Community Plans of Management.

5. The Common Seal of the Council of the City of Penrith be placed on the boundary adjustment plans as required.
6. Further detailed information be presented to Council as required, including waste management, a communications plan for the development and accessibility of the development.

There being no further business the Chairperson declared the meeting closed the time being 9.10 pm.

DELIVERY PROGRAM REPORTS

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A LEADING CITY

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1 Proposed Amendments to Infrastructure Restoration Fees

Compiled by: Hans Meijer, City Works Manager

Authorised by: Wayne Mitchell, Group Manager - City Infrastructure

Strategic Objective: *We demonstrate leadership, and plan responsibly for now and the future*

Strategic Direction: *We deliver services for the City and its communities, and maintain our long term financial sustainability*

Executive Summary

The purpose of this report is to inform Council of the proposed amendments to the existing Infrastructure Maintenance Fee currently on page 17 of the Operational Plan 2009-10 Fees and Charges. The report recommends that the information within the report be received and that the proposed fees and charges be endorsed for inclusion in the Draft 2010-11 Fees and Charges.

The proposed new fee structure is below:

| | Proposed Fee Incl. GST | Structure Code |
|--|---------------------------|----------------|
| Infrastructure Inspection and Administration fee | \$180.00 | Reference |

The proposed bond amounts are summarised below:

| | Proposed Bond Amount |
|---|-------------------------|
| Residential Building (excluding Multi-unit housing), construction of swimming pool, operations involving major excavations, demolitions | \$500 |
| Development (including commercial, industrial, subdivision, dual occupancy or equivalent – up to value \$400,000) | \$1,000 |
| Development Application > \$400,000 0.5% of value | Min \$2,000 |

Background

The purpose of this report is to inform Council of the proposed amendments to the existing Infrastructure Maintenance Fee currently on page 17 of the Operational Plan 2009-10 Fees and Charges.

The current fee is a contribution to maintenance for Council's existing infrastructure such as road pavement, footpaths and kerb and guttering that may be damaged during development works. A fee was collected at the Development Application stage but was changed to being receipted prior to issue of an occupation certificate in July 2006. The change in receipting

procedure meant that, for Complying Developments, the Private Certifying Authority was responsible for ensuring the Infrastructure Restoration Fee was paid.

Council's process of receipting the fee and recording whether applicants had paid was recently reviewed due to a decrease in revenue for infrastructure fees which was more significant than other DA fee categories and many developments were not bonded for potential damage to Council assets during development.

Current Fees

The Infrastructure Restoration fee that currently appears on page 17 of the adopted Operational Plan 2009-10 Fees & Charges under Civil Construction & Maintenance is as follows:

| | 2009-10 Fee Incl. GST | Structure Code |
|---|--------------------------|-------------------------|
| Residential Building (excluding Multi-unit housing) | | |
| Value of Application to \$10,000 | No Charge | |
| Value of Development Application \$10,001 - \$150,000 | \$140.00 | Direct Cost Recovery |
| Value of Development Application > \$150,000 | \$ 305.00 | Direct Cost Recovery |
| Commercial, Industrial & Multi-unit housing, Buildings (>\$30,000 value) | \$580.00 | Direct Cost Recovery |

Proposed Fees

It is proposed that Council return to the inspection/administration fee and security bond paid at the time of development application lodgement. This is the current practice for many Councils, including Hurstville and Warringah. It is proposed that the existing infrastructure fees (in the table above) will be removed and new fees inserted as part of the 2010-11 Operational Plan adoption. The non-refundable inspection fees for a similar service at other Councils are as follows:

- Blue Mountains City Council \$180 inspection fee and \$30 bond registration fee
- Warringah Council \$200
- Hurstville City Council \$121 per hour or part thereof
- Campbelltown City Council \$231 for new dwellings, commercial and industrial group, and \$176 for additions/alterations, swimming pools and re-site of buildings.

The new Infrastructure Inspection and Administration fee is proposed as follows:

| | Proposed Fee Incl. GST | Structure Code |
|--|---------------------------|----------------|
| Infrastructure Inspection and Administration fee | \$180.00 | Reference |

The administering of the refundable bond will require a new form to be filled in with the current infrastructure condition including footpath, kerbing, nature strip and road pavement (and photographs to be provided of any existing faults) with payment of an inspection / administration fee and bond. On application, and when Council is satisfied that all works have been completed without damage to Council's infrastructure, or any damage has been rectified, the release of any remaining bond fees will be granted. Where significant damage is done above the bond amount and not rectified by the applicant, Council will undertake the rectification works and recover actual costs as per adopted Fees and Charges Restoration rates from the applicant. The proposed bond amounts are listed below:

| | Proposed Bond Amount |
|---|----------------------|
| Residential Building (excluding Multi-unit housing), construction of swimming pool, operations involving major excavations, demolitions | \$500 |
| Development (including commercial, industrial, subdivision, dual occupancy or equivalent – up to value \$400,000) | \$1,000 |
| Development Application > \$400,000 0.5 % of value | Min \$2,000 |

Costs and Staffing Responsibilities

Based on current trends in building activity, the number of inspections of Council infrastructure to ensure it is not damaged post-construction is approximately 1,200 per annum. In the short term, inspections would be performed by City Works, including the administration of bond refunds and customer enquiries. If workload increases through increased development, consideration of an additional resource may be required. Funding of this resource would be from the income generated from the inspection fees.

The annual budget for the existing fee is \$112,600. Based on 1,140 DAs from 08/09, with the proposed inspection fee of \$180, the annual income would be \$205,200 inclusive of GST. The proposed fee assumes that 10% of damage near developments cannot be conclusively proven, as damage by the developer and repair costs would therefore be borne by Council.

Where damage is identified and the bond retained for the purposes of repairing Council's infrastructure, this amount will benefit Council's general revenue. The existing maintenance fee does not identify specific damage done as a result of development, so any repair work is currently paid for out of City Works annual maintenance budget. Currently, demolition works are exempt from lodging a Development Application. Where possible, this position would inspect Council's infrastructure upon the required notification by the applicant (7 day notice required prior to demolition) and any damage not repaired by the applicant could be pursued under the Roads Act 1993 for cost recovery.

Financial Services Manager's Comment

The Local Government Act 1993 Section 610F (3) allows Councils to propose new fees or amend fees if a new service is provided, or the nature or extent of an existing service is changed. Section 610F (3) also sets out that Council must give public notice (in accordance with section 705) for at least 28 days of the fee proposed for the new or changed service. It is

proposed that this would occur as part of the exhibition of the 2010-11 Fees and Charges, with the new fee structure commencing 1 July 2010.

The proposed change to the fee structure to include the Infrastructure Inspection and Administration fee is considered appropriate as the fee is set similar to other like services. In addition, the amount has been benchmarked against other Councils that perform this service. The bond will allow Council to ensure that any damage not rectified is recovered from the relevant party removing the need for Council to repair the damage from existing maintenance budgets.

Summary

The proposed fee amendments have been created through a benchmarking exercise and will better protect Council's infrastructure by enabling inspection of Council's infrastructure surrounding building sites after completion and ensures any repairs that are to be made will be funded by the party responsible for the damage.

RECOMMENDATION

That:

1. The information contained in the report on Proposed Amendments to Infrastructure Restoration Fees be received.
2. The proposed changes to the Infrastructure Restoration Fees be included in the Draft 2010-11 Fees and Charges for consideration.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

2 Delivery Program 2009-2013 - Progress Report to December 2009

Compiled by: Tanya Jackson, Strategic Planning Co-ordinator
Allegra Zakis, Strategic Planning Co-ordinator
Ken Lim, Management Planning Co-ordinator

Authorised by: Ruth Goldsmith, Group Manager - Leadership

Strategic Objective: *We demonstrate leadership, and plan responsibly for now and the future*

Strategic Direction: *We demonstrate our leadership, and encourage innovation*

Executive Summary

This report outlines Council's progress towards its four-year Delivery Program. The enclosure provides information on progress and achievements in each of Council's programs, and identifies highlights of the six-months from July 2009 to December 2009. The report recommends that the information be received.

Reporting Framework

The new Integrated Planning and Reporting legislation requires that the Strategic Plan must be reviewed every four years, including a report from the outgoing Council on the implementation and effectiveness of the Plan in achieving its objectives over the past four years. Progress reports on the Delivery Program must be provided to Council at least every 6 months, and reports every 3 months on the implementation of the Operational Plan. The framework outlined below has been developed to simplify Council's reporting process, whilst ensuring we comply with the legislation.

| | |
|-------------------------|---|
| Strategic Plan | <ul style="list-style-type: none">▶ Progress against the objectives of the Strategic Plan will be reported in the Annual Report▶ Progress measured by '2031 targets' <i>(these targets will be included in the revised Strategic Plan)</i> |
| Delivery Program | <ul style="list-style-type: none">▶ Progress, activities and highlights for each of Council's 21 programs will be reported in a booklet enclosed with the Business Paper, and challenges will be identified in the report▶ Progress measured by program indicators and milestones <i>(these indicators will be included in the revised Delivery Program)</i> |
| Operational Plan | <ul style="list-style-type: none">▶ Progress and challenges (by exception) for each of Council's 48 services will be reported in the Business Paper▶ Progress measured by service indicators and project milestones <i>(these indicators will be included in the 2010-2011 Operational Plan)</i> |

Delivery Program Progress and Challenges – July to December 2009

Enclosed separately for the information of Councillors is the six monthly Delivery Program Progress Report. The report encompasses all of Council's 21 programs (a program is a group of one or more services), each of which is the responsibility of a Group Manager.

Information is provided on the key achievements of each program, from July 2009 to December 2009, together with key program highlights. A summary of expenditure (budgeted and actual) is also provided for each program. Council's 21 programs are:

- ▶ Children's Services
- ▶ Community Facilities
- ▶ Community Information and Events
- ▶ Community Wellbeing
- ▶ Corporate Finance
- ▶ Corporate Governance
- ▶ Corporate Support
- ▶ Corporate Workforce
- ▶ Development Applications
- ▶ Environmental and Health Management
- ▶ Libraries
- ▶ Major Infrastructure Projects and Design
- ▶ Parks
- ▶ Planning and Advocacy
- ▶ Public Spaces and Community Safety
- ▶ Roads, Footpaths and Buildings
- ▶ Sport and Recreation
- ▶ Strategic Planning
- ▶ Sustainability
- ▶ Traffic, Parking and Drainage
- ▶ Waste Management and Community Protection.

This is the first of the 6 monthly progress reports to be presented in line with the new reporting framework. Completion of the 'program indicators', which are currently being developed, will ensure Council complies with the new Delivery Program reporting requirements. The report provides information, for Council and our communities, on our progress towards implementing the 4 year Delivery Program. The second of the 6 monthly reports, which will cover the year (from July 2009 to June 2010), will also form the basis of Council's Annual Report.

Challenges

The enclosed Delivery Program Progress Report focuses on the highlights and achievements of each of Council's programs. In examining our capacity to move forward with the adopted Delivery Program, the key organisational challenges have been outlined below.

- ▶ Council's capacity to deliver its adopted programs continues to be affected by changing State and Federal government policies and legislative requirements. Changes such as the ongoing variations to planning reforms, and new laws regarding public reporting

and transparency (eg GIPPA - new FOI legislation), impact on Council's resources and planned timeframes for specific projects.

- ▶ As Council's long-term Asset Management Plan becomes more defined, a key challenge will be in ensuring sustainable funding sources to pay for the necessary asset management programs, including the backlog of asset renewal work. This affects all key areas of infrastructure, including buildings, roads, footpaths and the drainage network.
- ▶ Skills shortages, particularly in key professional areas such as engineering and planning, continue to be a challenge.
- ▶ Increased costs of travel, hosting visits and major events are specific challenges in the area of Partnerships and Marketing. The changes to legislation, particularly the planning reforms, provide an ongoing challenge in terms of keeping staff up to date and able to provide accurate responses to enquiries.
- ▶ Libraries are affected by a low revenue base, difficulties with even utilisation of resources and recent cancellation of section 94 funding due to the State Government Section 94 review.
- ▶ The push to increase physical activity in all areas of the community is increasing demand for playing fields, and raising expectations on the quality of playing surface. Climate change, however, and the need to identify alternatives to potable water for irrigation can make meeting these expectations difficult. Increased cost of waste disposal is also an ongoing issue for Council and the community.
- ▶ Community involvement, particularly in the form of volunteer hours for bush care work and emergency services (RFS and SES), is reducing. The implementation of Plans of Management for all areas of open space, and maintaining recreation facilities, are also providing a challenge in identifying sufficient resources and competing for a reduced grant pool.
- ▶ Increasing the utilisation of neighbourhood facilities and keeping up with expectations for the appearance of the public domain are also challenges. Neighbourhood facilities often require refit to meet current needs, as the way these facilities are used has changed over time. The community has increased expectations regarding public domain maintenance and appearance, particularly graffiti removal. Meeting these expectations can be difficult in the current financial environment.

These organisational challenges primarily focus on Council's capacity to balance community expectations with its resourcing and funding capabilities. In some areas, additional legislative requirements from other levels of government have constrained Council's capacity to respond. Funding and resources are key challenges for most local councils, particularly with the impacts of rate pegging, reduced funds available through developer contributions, and limited alternative sources of revenue.

It is inevitable that there will need to be some prioritisation of Council's programs and resources, to ensure that the key projects, identified in Council's Delivery Program, can be achieved. Opportunities for further consideration of Council's financial and resource capacity to respond to community priorities will be provided over the next few months, as we further refine the Strategic Plan 2031, Delivery Program 2009-2013, and prepare Council's draft Operational Plan for 2010-2011.

Plans are also being made for a 'mid-term' workshop involving Councillors and the Corporate Management Team. Amongst other things, this workshop will provide a forum to

canvas potential responses to the above challenges, and other issues that may come forward from the Councillors.

Conclusion

The recent legislation introduces a new strategic planning and reporting framework for Council and our communities. As we are again 'leading the way' there will also be opportunities, over the next few years, to see how other councils approach the new requirements. There is no doubt that we will improve on the reporting framework over the next few years, as we test what works well, and how this complex information can be presented in a way that is easy to read and understand.

This report outlines Council's progress towards its four-year Delivery Program. The enclosure provides information on progress and achievements in each of Council's programs, and identifies highlights of the six-months from July 2009 to December 2009.

RECOMMENDATION

That the information contained in the report on Delivery Program 2009-2013 - Progress Report to December 2009 be received.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

3 Revised Code of Meeting Practice

Compiled by: Stuart Benzie, Administration Officer - Policy & Communication

Authorised by: Glenn Schuil, Acting Executive Officer

| |
|---|
| <p>Strategic Objective: <i>We demonstrate accountability, transparency and ethical conduct</i> Strategic Direction: <i>As a City, we expect responsible and ethical behaviour</i></p> |
|---|

Executive Summary

The Local Government Act 1993 (the Act) provides that Council may adopt a Code of Meeting Practice to set out the manner in which meetings of the Council and Committees of the Council are to be conducted. The Code of Meeting Practice must not be inconsistent with the Act, the Local Government (General) Regulation 2005 (the Regulation) or the Model Code of Conduct. Council's current Code of Meeting Practice was adopted on 5 August 2002.

In August 2009 the Division of Local Government, Department of Premier and Cabinet released a revised Meetings Practice Note as a guide to help Councils run their meetings. In response to the Division's publication, a review of Council's Meeting Code has been undertaken compared to the Practice Note. A relatively small number of proposed amendments have been identified, along with some minor practical changes aimed at improving Council's meeting procedures.

A report on the proposed changes was provided to Councillors at a Councillor briefing on 1 March 2010. The most significant proposed amendment is the result of a Circular issued by the Department of Local Government advising that Councils must not transact business at a meeting unless a Councillor has first been given notice of the business in writing within the period fixed by the Council's Code of Meeting Practice or by Council's resolution. This provision may only be relaxed for urgent business and Mayoral Minutes.

Based on the Division's Practice Note, the Council's current practice of raising matters as Questions Without Notice during a Council meeting does not comply with the Legislation. Being aware that Councillors from time to time have urgent matters to raise at meetings where due notice cannot be given (and to comply with the Division's Practice Note), two new agenda items are proposed. The new agenda items are entitled "Urgent Business" and "Requests for Reports and Memorandums". Other more procedural changes are also proposed to reflect Council's present practices.

The report recommends that Council's revised Code of Meeting Practice (Draft Code of Meeting Practice) be placed on public exhibition for a period of 28 days.

Background

The Division of Local Government, Department of Premier and Cabinet considers the conduct of effective meetings to be an indicator of good governance. Proper meeting procedures contribute to good public decision-making, transparency and accountability. The Council's Code of Meeting Practice aims to support these processes.

The Meetings Practice Note August 2009, published by the Division of Local Government provides a guide for Councils, Councillors and members of the public with regard to the running of meetings. A comparison of Council's current Meeting Code to the Meetings Practice Note has identified a small number of items that require amendment to ensure compliance with the Practice Note. Additionally, a number of procedural items are proposed to better reflect Council's current practices.

A brief summary of the key amendments is provided below. Please refer to the attached "Draft Code of Meeting Practice" to view the proposed amendments in full and in context.

- **Clauses 2.1(4) & (5.8) – Order of Business**
"Questions Without Notice" deleted from the Order of Business.
- **Clauses 2.1(4) & (5.8) – Order of Business**
"Notice of Motion" amended to "Notice of Motion and Questions on Notice".
- **Clauses 2.1(4) & (5.8) – Order of Business**
"Requests for Reports and Memorandums" added to the Order of Business.
- **Clause 11.6(4) – Permission to Address Meetings**
A deadline (12 noon on the day of the meeting) by which a person wishing to address a meeting is to provide Council with the details of their request has been added.
- **Clause 11.6(5) – Permission to Address Meetings**
New sub-clause added regarding the consideration of material provided in an application to address a meeting.
- **Clause 11.6(12) – Permission to Address Meetings**
New sub-clause added regarding requests by tenderers to address Council.
- **Clause 11.6(13) – Permission to Address Meetings**
New sub-clause added regarding permission to address Committee of the Whole.
- **Clause 12.1(1) – Disclosure and Participation in Meetings**
"Committee of the Whole" added to this sub-clause regarding the disclosure of pecuniary interests.
- **Clause 12.3 – Recording of Voting on Planning Matters**
New clause added regarding the recording of voting on planning matters.
- **Clause 15.6 – Briefings and Working Parties**
New clause added regarding the operations of briefings and working parties

Questions Without Notice

The most significant amendment to the revised Meeting Code is the removal of Questions Without Notice from Council's meeting agenda. The Division of Local Government has advised that Councils are in breach of clause 241 of the Regulation by transacting business at a meeting without giving prior notice of that business. Clauses 241 and 243 of the Regulation

provide limited exceptions to this provision for urgent matters and for matters raised by Mayoral (Official) Minute.

Urgent business may still be transacted at a meeting even though due notice has not been given. This can only happen if a motion is passed to have the business transacted at the meeting and the business proposed to be brought forward is ruled by the Chairperson to be of an urgent nature. Despite this, urgent business should only be transacted without due notice if the circumstances truly warrant such action.

In regard to Official Minutes, if the Mayor is the Chairperson, the Chairperson is entitled to put to the meeting without notice (by minute signed by the Chairperson) any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

To provide Councillors with an opportunity to request information or a report on business that is not already before a meeting, an agenda item entitled “Requests for Reports and Memorandums” has been added to the revised Meeting Code. This provision will allow Councillors the opportunity to raise a business item for future meetings, without breaching the requirements of the Act or the Regulation. Alternatively, Councillors have the opportunity to raise a business item for an upcoming meeting by giving notice of that business to Council’s Executive Officer or Public Officer by 12 noon on the Wednesday before the meeting.

Adoption of Revised Code of Meeting Practice

Section 363 of the Act makes provision for the Council to amend its Code of Meeting Practice. Prior to adopting the revised Meeting Code, Council is required to prepare a Draft Code of Meeting Practice for public exhibition (Section 361 of the Act). The exhibition period must not be less than 28 days.

The report recommends that Council’s Draft Code of Meeting Practice be placed on public exhibition for a period of 28 days. At the conclusion of the public consultation period any submissions received will be considered and a further report will be prepared for Council.

RECOMMENDATION

That:

1. The information contained in the report on Revised Code of Meeting Practice be received.
2. The Draft Code of Meeting Practice be placed on Public Exhibition for a period of 28 days.

ATTACHMENTS/APPENDICES

1. Draft Code of Meeting Practice 56 Pages Attachment

4 National Growth Areas Alliance - Status Report

Compiled by: Paul Battersby, Senior Environmental Planner

Authorised by: Craig Butler, Director

Strategic Objective: *We demonstrate leadership, and plan responsibly for now and the future*

Strategic Direction: *We work together to grow Penrith as a Regional City*

Executive Summary

Council is a member of the National Growth Areas Alliance (NGAA), which represents the interests of growth area Councils across Australia. The NGAA aims to provide input to Federal Government policy and to advocate for needed infrastructure and services for member Councils.

The NGAA formed in response to a recognition by growth area Councils that the cost of building socially vibrant, economically viable and environmentally sustainable communities is high and is projected to increase.

Many of these growth area Councils have identified that their capacity to deliver the quantity and quality of facilities and services required by these new communities will become increasingly compromised over time.

This report provides information on NGAA's activities and achievements over the last 12 months and outlines what is proposed for the coming year.

The report recommends that the information be received.

Background

NGAA represents 25 of Australia's fastest growing local government areas (LGAs) and 25% of Australia's metropolitan population. These LGAs currently house about 3.2 million people. Over the next 20 years the population of these LGAs will grow at double the national rate.

While individual circumstances may differ, all 25 NGAA member Councils share the common characteristic of growth and the need to deal with the social, physical and planning challenges that come with it.

The growth area Councils play an integral role in accommodating growth in metropolitan regions across the nation but are not equitably equipped with public transport and social infrastructure and services or employment opportunities.

Growth areas on the fringes of Australian cities are significantly disadvantaged in regard to access to jobs and services. Poor performance compared to metropolitan averages is demonstrated for indicators such as:

- Resident skills
- Local employment opportunities
- Education, health and community services
- Housing diversity
- Housing stress.

NGAA wants to close the gap between growth areas and metropolitan averages. This means:

- Improved access to employment opportunities
- Better personal mobility
- More local community services
- More housing diversity.

To achieve this, NGAA is seeking:

- A National Urban Policy that supports the role of growth areas
- A new deal on coordination and delivery of infrastructure and services
- Funding methodologies that ensure the needs of communities in fast growing areas are met now and in the future.

NGAA Activities

NGAA has had a busy and productive year. Activities over the last 12 months have included:

Administration

- Governance arrangements were established, including election of a Chair (Cr Linton Reynolds, Mayor City of Armadale, WA) and Deputy Chair (Cr Robert Macleod, Mayor City of Palmerston, NT). An Executive, comprising a CEO or their delegate from each State was also established, along with reporting arrangements.
- A Communications Strategy has been prepared and distributed to member Councils. The Strategy identifies the objectives of the organisation and the tools and tactics that can be used to achieve/deliver the desired outcomes. Tools and tactics include targeted research, media releases and 'issue based' events.

Research

- A Community Profile for NGAA Councils as a whole and as individual entities has been prepared and is available on line.
- NGAA commissioned SGS Economics and Planning to undertake a cost benefit analysis of investment in growth areas. A case study analysis of the Campbelltown and Swan LGAs indicated that the benefits of investment stem from improved:
 - Education, health, workforce participation and other community outcomes;
 - Local job opportunities as a result of improved social service provision;
 - Centralisation of jobs in growth areas as development is channelled into strategic centres well serviced by public transport; and
 - Linkages with a wider catchment of jobs and services as access to metropolitan public transit systems is improved

Extrapolating the results to a National level reveals the present value of required investment totals \$50 billion whilst the present value of expected benefits totals \$78 billion. The likely benefits outweigh the required costs by a factor of 1.56 : 1. The required investment will boost GDP by \$18 billion per annum, with tax revenues increased by \$6 billion per annum and generate an additional 230,000 jobs per annum.

At State level the required investment in infrastructure produced the following outcomes:

| Cost Benefit Analysis | NSW | WA | VIC | QLD | SA | NT |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| Present Value of required investment (\$Mil) 2009 - 2031 | 15,068 | 10,468 | 14,127 | 9,443 | 414 | 486 |
| Present Value of benefit (\$Mil) 2009 - 2031 | 22,447 | 16,271 | 23,412 | 14,375 | 615 | 802 |
| Benefit Cost ratio 2009 - 2031 | 1.49 | 1.56 | 1.66 | 1.52 | 1.49 | 1.65 |
| GDP Impact (\$Mil) pa to 2054 | 4,957 | 3,718 | 5,791 | 3,232 | 135 | 199 |
| Jobs created pa to 2054 | 62,945 | 47,220 | 73,542 | 41,047 | 1,717 | 2,530 |

In NSW, the likely benefits outweigh the required costs by a factor of 1.49 : 1. The required investment of \$15 billion in infrastructure will boost GDP by \$5 billion per annum, and generate an additional 63,000 jobs per annum.

Advocacy

- Presentations have been made to the Federal Major Cities Unit and team working on the COAG Taskforce on Cities, to input growth area issues and suggestions into Federal policy development.
- Meetings and regular contact occurred with Ministers, other Members of Parliament, their advisors and department officers.
- Submissions have been made to:
 - the Inquiry into the Impact of the Global Financial Crisis on Regional Australia
 - Infrastructure Australia to inform them of the strategic issues facing growth areas and proposals for responding to the issues
 - Federal 2010-11 Budget

Member Services

- The Executive Officer made a number of visits to member Councils and met with member groups.
- A Members' meeting was held in June at the Australian Local Government Association (ALGA) Congress, which was addressed by the Hon Gary Gray, Parliamentary Secretary for Western and Northern Australia.
- A Members' Summit was held in November. This was addressed by the Hon Maxine McKew, Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government.
- Information on NGAA issues and activities, via bulletins and other means, has been provided to members and a wide range of stakeholders.

NGAA Achievements

NGAA has received recognition in a number of ways:

- NGAA was invited to participate on the Australian Council of Local Government (ACLG) Steering Committee, chaired by The Hon Anthony Albanese, Minister for Infrastructure, Transport, Regional Development and Local Government.
- NGAA was invited by the Australian Centre for Excellence in Local Government (ACELG) to participate in an International Roundtable on Metropolitan Governance.
- Throughout the year much support for NGAA's existence was expressed by a wide range of contacts and there was significant interest in NGAA's work.

The issues and proposals NGAA has been advocating also received recognition in the following ways:

- The Regional and Local Community Infrastructure Program (RLCIP) funding recognised growth areas via a weighting for larger growth municipalities. Strategic projects proposed by growth areas also achieved a good success rate.
- Employment Coordinators have been placed in a significant number of NGAA areas including Western Sydney.
- The Prime Minister's announcement on cities and planning was welcomed by NGAA. It addressed a number of the key issues NGAA had advocated.

NGAA Plans for 2010

The key activities planned for 2010 include:

- Implementation of the Communications Strategy
- Proposed policy, programs and projects designed to address growth area issues and underpinned by NGAA's data and research will be prepared in the lead up to the Federal election. This will be supported by briefings. A program will be provided in due course.
- Development of Indicators to measure how growth areas are faring.
- A Members' meeting to coincide with the ALGA Congress and a Summit later in the year will be organised.

RECOMMENDATION

That:

1. The information contained in the report on National Growth Areas Alliance - Status Report be received.
2. Council write to and brief local Members of Parliament about the outcomes NGAA is seeking and request their support.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

**5 2010 Australian Local Government Association (ALGA)
National General Assembly of Local Government Motions**

Compiled by: Stephen Pearson, Executive Services Officer

Authorised by: Glenn Schuil, Acting Executive Officer

| |
|---|
| <p>Strategic Objective: <i>We demonstrate accountability, transparency and ethical conduct</i> Strategic Direction: <i>As a City, we expect responsible and ethical behaviour</i></p> |
|---|

Executive Summary

This report advises Council of a proposed motion for the Australian Local Government Association (ALGA) National General Assembly to be held in Canberra from 14–17 June 2010, and seeks endorsement from Council to submit the motion, as detailed, to the Assembly.

The proposed motion covers the ‘Preparation of Structure Plans for the Major Cities’.

The report recommends that:

1. The information contained in the report on 2010 Australian Local Government Association (ALGA) National General Assembly of Local Government Motions be received.
2. The Motion detailed in the report on ‘Preparation of Structure Plans for the Major Cities’ be submitted for inclusion in the 2010 Australian Local Government Association National General Assembly Business Paper.

Background

The 2010 National General Assembly of Local Government will be held in Canberra from 14-17 June 2010.

The 2010 National General Assembly, which is sponsored by the Australian Local Government Association (ALGA), will have as its theme, “*Population, Participation and Productivity*”.

Submitting Motions

To enhance the quality of outcomes from this year’s National General Assembly and to ensure that motions are relevant to local government nationally, the ALGA Board is calling for motions on the three core themes of the 2010 Assembly:

- Population
- Productivity
- Participation

To be eligible for inclusion in the National General Assembly Business Papers motions must:

1. fall under one of these themes – population, productivity or participation;
2. be relevant to the work of local government nationally; and
3. complement or build on the policy objectives of state or territory associations.

Motion to Conference

Motions need to be submitted to the ALGA by no later than Friday 9 April 2010.

The following proposed motion, under the theme 'Productivity', has been identified by the Group Manager Leadership, as a possible issue for which a motion could be framed for debate at the Conference.

Motion

That the Commonwealth Government require the preparation of Structure Plans to define the nature of the place to be created and the physical and social infrastructure necessary to underpin capital city planning systems.

Short Title of Motion:

Preparation of Structure Plans for the Major Cities

Theme:

Productivity

Summary of Key Arguments:

Sydney is Australia's premier global city. The State Government's Metropolitan Strategy for Sydney seeks to accommodate an additional 1.1 million people, 640,000 new homes and 500,000 jobs in the Sydney Region over the next 25 years. 60% of Sydney's proposed new dwellings and 40% of the proposed new jobs will be established within Western Sydney.

The majority of that growth is to occur outside the Growth Centres in the surrounding local government areas, yet the integrated planning process undertaken for the Growth Centres has not been replicated outside those Centres. In particular, there is a specific lack of detailed planning to identify and fund the regional infrastructure required to meet planned growth.

A Structure Plan is required for Western Sydney. The Structure Plan would define the nature of the place to be created and the physical and social infrastructure required to meet the objectives of the Government's urban growth strategies. The Structure Plan will provide a formal mechanism to foster cooperation between all levels of government and the development industry for the coordination and timely delivery of infrastructure.

Preparation and implementation of the Structure Plan will require a 'whole of government' approach to the planning and delivery process. In particular, State Government ownership of the Structure Plan is essential in ensuring that infrastructure agencies 'buy in' to the process, are accepting of the outcome and that the necessary infrastructure is included in the State Infrastructure Strategy (SIS) and subsequent State Government budgetary processes.

National Objective:

Australia is one of the world's more urbanised nations, with over three-quarters of the population living in 17 major cities. Australia's population is projected to be 35 million by mid century, with our capital cities becoming home to the majority of this increased population. The Commonwealth Government requires strategic planning of our capital cities. This needs to be supported by detailed structure plans to identify and fund the infrastructure necessary to meet the planned growth of our cities.

RECOMMENDATION

That:

1. The information contained in the report on 2010 Australian Local Government Association (ALGA) National General Assembly of Local Government Motions be received.
2. The Motion detailed in the report on 'Preparation of Structure Plans for the Major Cities' be submitted for inclusion in the 2010 Australian Local Government Association National General Assembly Business Paper.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

6 International Links Program 2010

Compiled by: Colin Dickson, Marketing, Partnerships & Events Co-ordinator

Authorised by: Brian Steffen, Group Manager - Information & Customer Relations

Strategic Objective: *We demonstrate leadership, and plan responsibly for now and the future*

Strategic Direction: *We demonstrate our leadership, and encourage innovation*

Executive Summary

An invitation has been received from the Mayor of Xicheng District, Beijing, People's Republic of China for the Mayor, a nominated Council officer and an interpreter to attend an international sister city community construction seminar in June 2010 in Xicheng with costs being met by the Xicheng District Government.

Following the "Celebrate Penrith City 09" celebrations in November 2009, the Mayor has also received invitations from Penrith's five Asian international partners who visited Penrith last November for a delegation from Penrith to visit their city during October/November 2010.

The report recommends that the Mayor take part in the International Sister Cities Community Construction Seminar in Xicheng District in June and that the Mayor also accept the other invitations during October/November 2010 that will see Penrith participate in a range of reciprocal initiatives occurring at that time that will further enhance the cultural and economic opportunities for both Penrith and each of its international partners.

Background

Penrith City Council became involved in international relations in 1984 and this involvement has continued to expand to what it is today. Penrith currently has six international relationships:

- A Sister City Agreement with Fujieda City, Shizuoka Prefecture in Japan - signed in 1984
- A Friendship Agreement with Hakusan City (formerly Matto City), Ishikawa Prefecture, Japan - signed in 1989 and re-affirmed in 2005
- A Sister City Agreement with Eden District Council, Cumbria, England (Penrith is the major centre in Eden District) - signed in 1989
- A Mutual Co-operation Agreement with Gangseo-gu, Seoul, Republic of Korea - signed in 1994
- A Mutual Co-operation Agreement with Xicheng District of Beijing, People's Republic of China - signed in 1998
- A Friendship Agreement with Kunshan, Jiangsu Province, People's Republic of China - signed in 2003 and re-affirmed in 2005

Over the years, the commitment to these relationships and the friendships that have developed between Penrith and each of its international relations have continued to strengthen. They have been enhanced by a range of cultural, educational and economic exchanges including student exchange programs, staff exchange programs, art/cultural exhibitions, sporting exchanges, workplace training programs, business to business exchange and reciprocal information exchange. Since 2007 eight delegations from our international partners have visited Penrith City.

Current Situation

Invitation to attend International Sister City Community Construction Seminar 22-26 June, 2010, Xicheng District, Beijing, China

The Mayor has received an invitation to attend an international seminar that Xicheng District is organising for 22 -26 June 2010 and will feature participation by cities from across the globe with whom Xicheng District has established relationships. It focuses specifically on building social capital within communities and will also feature a keynote address from the Mayor of each city in attendance. They include:

- Nakano, Tokyo, Japan
- Pasadena, California, USA
- Jung-gu, Seoul, Korea
- Pozuelo de Alarcon, Madrid, Spain
- Westerly Administrative District, Moscow, Russia
- Shibuya, Tokyo, Japan
- New Delhi District, New Delhi, India
- Sao Paulo, Brazil
- plus a special guest city from Germany

The very generous offer of an all expenses paid visit (economy class airfares, accommodation and meals) to this important international conference is a testament to the strength of the relationship between Penrith and Xicheng District. It also demonstrates that Penrith's participation in such relationships presents it with future opportunities as a result of its engagement with cities in other parts of the world.

In particular, participation in this seminar will provide Penrith delegates with the opportunity to learn how other major cities in the world go about building and developing their communities. The knowledge and experiences gained by the Penrith delegates can then be utilised in our own future community development in Penrith City.

Due to the need by the host city to confirm travel arrangements, the Mayor has accepted this generous offer from the Xicheng District Government. The General Manager has nominated Council's Community and Cultural Development Manager, Erich Weller as the Council representative to participate at the seminar.

In accordance with Council's policy on international travel that states that "business class or premium economy (where available) travel may be used for air travel to overseas destinations" it is recommended that the two delegates from Penrith City Council in this instance travel premium economy class due to the duration of the flight and for OH & S reasons. The difference in cost, \$2,098 between economy airfares and premium economy can be covered in Council's international relations budget.

This report is seeking Council's endorsement of this course of action.

Proposed Penrith City delegation - October/November 2010

Council will recall that the highly successful "*Celebrate Penrith City 09*" celebrations held during November 2009 saw five of Penrith's six international partners visit the City, bringing with them in excess of 100 delegates to participate in a four day program to mark several significant milestones for Penrith City that included significant anniversaries with four of the City's six international partners as well as a program of other historical anniversaries and cultural celebrations. The participating cities were:

- Fujieda City, Shizuoka Prefecture in Japan
- Hakusan City (formerly Matto City), Ishikawa Prefecture, Japan
- Gangseo-gu, Seoul, Republic of Korea
- Xicheng District of Beijing, People's Republic of China
- Kunshan, Jiangsu Province, People's Republic of China

Emanating from these visits in November 2009, the Mayor has received invitations to undertake a reciprocal visit to each of the five cities who visited Penrith last November.

The fact that five of Penrith's six international partners chose to visit Penrith during such an important time in Penrith's history last November demonstrates the commitment that these international partners have to our relationship. An integral part of the commitment to continuing and enhancing these international relationships is the need for reciprocal visits to our international partners. A reciprocal visit is therefore timely in that since 2007, Penrith's international partners have visited our city on eight occasions.

It is therefore recommended that a delegation comprising the Mayor, a Councillor nominated by the Council and two Council officers nominated by the General Manager undertake a reciprocal visit to Penrith's international partners in Asia in October/November 2010.

The invitation from Kunshan, China is to attend the 2010 Kunshan Trade and Investment Fair in late October 2010 in their city. This is a keynote event in their annual calendar promoting economic opportunities in their City.

It also provides the Penrith delegation with an opportunity to promote Penrith as an attractive investment option and the Penrith Business Alliance (PBA) has expressed an interest in joining any Council delegation to attend the Kunshan Autumn Trade and Investment Fair. The PBA are particularly keen to leverage off Council's successful relationships with Kunshan and Xicheng Districts, China and Gangseo-gu, Korea and engage in dialogue with these cities about investment opportunities in Penrith. The interest in Gangseo-gu stems mainly from the fact that their national government is planning to invest significantly in green initiatives and the PBA feels that this may present local businesses with a range of opportunities.

The PBA is well positioned to mobilise local business and education interests to participate in this visit and recognise that the presence of the Mayor and his stature in these Asian cities gives local businesses participating the opportunity to take advantage of his presence to facilitate important business related introductions and discussions. There are clear synergies between Council's objectives through its international relationships and the PBA's recently

launched strategic plan and their participation in any Penrith City delegation is most appropriate. Members of any business delegation would travel at their own cost.

With the quantum of development currently occurring around and in the Penrith and St Marys CBDs, the health precinct, the WELL precinct, Penrith Lakes and other greenfield and established business parks, there are many investment opportunities that can be presented to business interests in our international partner cities. Xicheng and Kunshan in China in particular are two of the most progressive, forward thinking cities in the region who are actively pursuing these types of opportunities.

A visit to the 2010 Kunshan Trade and Investment Fair coincides with the reciprocal launch of the “Uniform” exhibition in Fujieda, Japan to which the Mayor has also been invited. This is a major cultural exchange between the two cities curated by the Penrith Performing & Visual Arts Ltd (PPVA). It would in any event be necessary to pay a visit to Fujieda, Japan with whom Penrith has its longest standing relationship to participate in reciprocal 25th anniversary activities associated with the signing of the agreement between the two cities. It would be appropriate for the Council members of the delegation to also visit Hakusan, Japan whilst they are in the region to discuss future economic, social and cultural programs of benefit to both cities.

The Penrith International Friendship Committee has indicated that they would be interested in forming a community delegation to participate in the reciprocal 25th anniversary activities in Fujieda, Japan. Members of this community delegation would travel to Fujieda at their own expense. They may also wish to visit Hakusan.

It is noted that the visit in October/November coincides with the Local Government Association Conference that is being held in Albury between 23 - 27 October, 2010.

The international links budget for 2010-2011 would be substantially directed towards this project and would enable a delegation of up to four Council representatives to participate in the proposed visit in October/November.

Conclusion

If Penrith is to benefit fully from its growing regional city status, it must continue to engage with other countries and cities in our region. Council’s international partners are an obvious entry point to such engagement.

Due to the importance being placed on the seminar being organised by Xicheng District in June, it is felt that Council should take the opportunity to attend, especially considering the generous offer by the Xicheng District Government to meet all expenses for a delegation of three Penrith representatives to visit the seminar.

During November last year, the relationships with cities from China, Japan and Korea were further strengthened and it is timely in this environment to consider a visit to our international partners later this year. The October/November invitations are most appropriate as they take advantage of local opportunities such as the Kunshan Autumn Trade and Investment Promotion Fair and the reciprocal launch of the ‘Uniform’ exhibition in Fujieda.

The visit, particularly the Chinese and Korean legs of the trip, would have a clear economic agenda, particularly with a view to developing a targeted inward investment strategy. The

presence of the PBA and the status of the Mayor accompanying them will ensure local businesses have the opportunity to engage in dialogue about investment opportunities in Penrith.

RECOMMENDATION

That:

1. The information contained in the report on International Links Program 2010 be received.
2. The offer for the Mayor, a nominated Council officer and an interpreter to attend the International Sister City Community Construction Seminar in June 2010 in Xicheng District be accepted and that Council meet the difference of \$2,098 between economy and premium economy airfares.
3. A delegation comprising the Mayor, a Councillor nominated by the Council and two Council officers nominated by the General Manager visit the City's international partners in Asia during October/November 2010 to participate in a range of initiatives occurring at that time.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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A CITY OF OPPORTUNITIES

There were no reports under this Delivery Program when the Business Paper was compiled

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A GREEN CITY

Item

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URGENT

9 Nomination for the Office of Hawkesbury Nepean

67



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A LIVEABLE CITY

| Item | Page |
|---|------|
| 7 City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd - Annual Report and Board of Directors | 31 |



7 City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd - Annual Report and Board of Directors

Compiled by: Erik Henriksen, General Manager - Ripples
Glenn Schuil, Acting Executive Officer

Authorised by: Glenn Schuil, Acting Executive Officer

| |
|--|
| <p>Strategic Objective: <i>Our public spaces encourage safe and healthy communities</i> Strategic Direction: <i>Our neighbourhood, recreation and leisure facilities and programs meet community needs</i></p> |
|--|

Presenters: Councillor Greg Davies - Penrith Regional Indoor Aquatic and Recreation Centre Ltd - Chairperson's Report. - Presentation of the Chairperson's Report
Erik Henriksen - General Manager - "Ripples" City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd - Annual Report and Board of Directors

Executive Summary

The report to the Council details the performance of Penrith Regional Indoor Aquatic and Recreation Centre Ltd for the financial year 1 July 2008 - 30 June 2009.

The reports from both the Chairperson and the General Manager highlight that a number of significant achievements have occurred within the Centre over the last 12 months which has seen the Centre being awarded the Fitness Australia 2009 NSW Medium Fitness Business of the year.

The refurbishment and replacement of gym and fitness equipment has provided a boost to the Centre's Gym and Fitness product, and the comprehensive overhaul of all the grounds has delivered a vastly improved presentation of the facility.

The report recommends that the information be received and the Council agree to underwrite the Company for a further period of 12 months until the presentation of the Penrith Regional Aquatic and Recreation Centre Ltd Annual Report for 2009/2010.

Background

This report to Council follows the fifteenth Annual General Meeting of the Company held on 20 October 2009 for the financial period 1 July 2008 to 30 June 2009.

The Chairperson of the Board, Councillor Greg Davies and the General Manager, Erik Henriksen will be in attendance tonight to make a short presentation. Extracts from the company's most recent annual report are provided below. These give an overview of key aspects of the business during the period July 08 – June 09.

"Chairperson's Report

I am pleased to present the Chairperson's Report for the 15th Annual General Meeting of the City of Penrith Regional Indoor Aquatic and Recreation Centre Limited.

Whilst this report is for the period ending June 2009, as I write it a number of the items that needed addressing at the complex are being completed and board members would be well aware of the new look and feel of Ripples.

I wish to thank the Management and Staff of Ripples and the Board of Directors for the efforts to see the centre restored to a place of pride for the users and the residents of the Penrith LGA.

This year again has been one of change and many challenges. Utilisation figures whilst still needing attention, are trending upwards and income for the centre is looking a bit more optimistic for the future.

Last year I congratulated our General Manager, Erik Henricksen and his staff for the breath of fresh air that has been injected into the operations and facilities and I wish to repeat that message in this report.

The staff have continued to accept the necessity of change and have done so with an ongoing commitment to Ripples and our community.

I also pass on my thanks to both maintenance and office staff of Penrith Council for all their assistance. It is the continuing support of Council, overseen by Erik, that has generated the necessary improvements to the centre and will see the ongoing asset revitalisation in the future.

Operating figures for the Company are detailed elsewhere in the business paper for Directors information.

Last year I welcomed the new members of the Board and today after going through a steep learning curve, I pass on my congratulations for their ongoing input and commitment to Ripples.

It would be remiss of me not to mention the continued support of those board members who are now considered part of the 'furniture'. I refer of course to Alan, Lyn, Ross, John, and Rodney and of course Craig Butler who represents Penrith City Council's General Manager.

Ripples General Manager's Report

I am pleased to present the General Manager's Report for the City of Penrith Regional Indoor Aquatic and Recreational Centre Limited for year ended June 30th 2009.

The year was one of considerable change and I would like to take this opportunity to thank the Board and Management Team along with all the staff who have stepped up to the challenges we faced, accepted the changes and got on with the job of providing "Ripples" services with renewed enthusiasm.

Significant progress has been made in what has been named "the Ripples Revival". The Board and I would like to acknowledge Penrith City Councils commitment through their Building Construction and Maintenance department and asset management program for their continued support in this regard.

A major reform this year saw a change to the organisational structure of the business. Two

departments were merged—Hydrotherapy with Gym/Fitness and Aquatics with Learn to Swim. This has delivered a much more efficient and effective Management Team. It has also provided opportunities to spread a range of responsibilities across other levels of the organisation thus creating a more consistent service delivery as well as putting in place a “succession planning” process which can only enhance future operations.

The structural change recognised the contribution of three of “Ripples” long term employees. The Board of Directors and I congratulate Louise Dawson—Operations Manager, Rhiannon Czajkowski—Health and Fitness Manager and Sally Philp—Aquatics Manager. These three are existing Management Team members and I am confident they will rise to the challenge of their respective roles with the commitment they have each shown in more than 10 years service each with Ripples.

Finally, from a financial perspective our surplus for the year amounted to \$25,781.00 (surplus 2008 \$58,038). Although slightly down on last year we were able to reduce our assistance from Council by \$130K.

In addition the achievements reached over the year would indicate we have obtained far greater “value for money” for the services provided to us from our suppliers and contractors.

Once again I would like to thank the Chairperson Greg Davies and the Board of Directors for their continued support, the Management Team and Staff for their enterprise and enthusiasm and those Council Officers who continue to assist us in providing the community with a better facility.”

Highlights for the Year

A number of the highlights for the year are provided below:

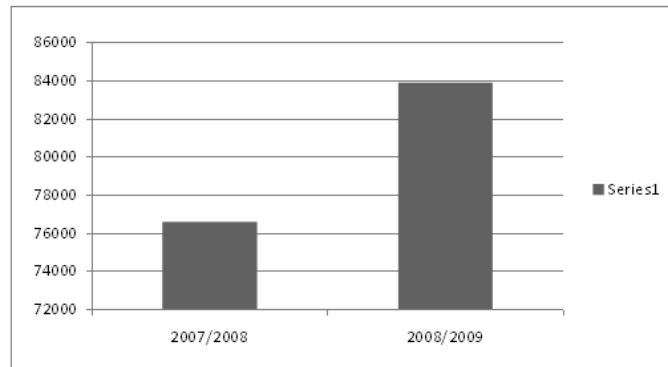
Gym & Fitness

- Introduction of RPM Cycle classes as part of Membership package and an upgrade of the multi purpose room with feature mural and fitout;
- An upgrade was undertaken of the majority of gym and fitness audio equipment;
- The refurbishment and replacement of equipment has provided a much needed ‘boost’ to our gym and fitness product;
- Declining memberships and in turn revenue have been stabilised and indeed is now showing a more positive return;
- Ripples Leisure Centre was named the Fitness Australia 2009 NSW Medium Fitness Business of the year.

The graph below highlights the increase in patronage in both the gym and fitness operations of the Centre.

GYM AND FITNESS

| | |
|-----------|-------|
| 2007/2008 | 76594 |
| 2008/2009 | 83896 |



Buildings and Grounds

The comprehensive overhaul of all grounds has delivered a vastly improved presentation of the facility. The building works has also provided a much better compliance record and has improved the interior décor and functionality.

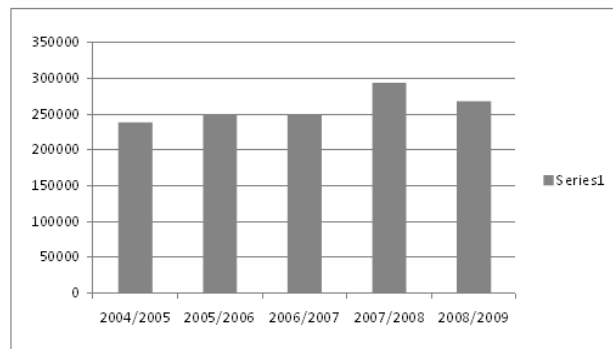
Plant and Pool

- A Backwash Reuse System was installed;
- A Power Factor Correction unit was installed as part of sustainability initiatives;
- A new Ultra Violet Water treatment system was installed;
- The Sauna and Spa area have been completely isolated from the main pool operations, and the surrounds have been revitalised with new flooring and fencing;
- A tender has been let for the installation of a complete new Heat Pump Pool heating system for both indoor and outdoor pools;
- Compliance issues in some areas were of major concern, in particular the chemical storage and dosing compliance. These have been addressed in addition to emergency lighting, access and egress and some air handling issues.

The graphs below indicate a decline in the operating costs for both gas and electricity and repairs and maintenance to the Centre.

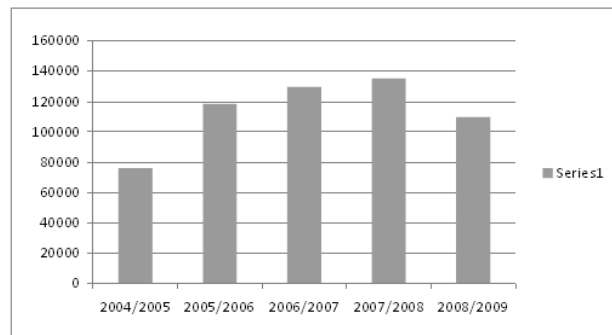
GAS AND ELECTRICITY

| | |
|-----------|--------|
| 2004/2005 | 238578 |
| 2005/2006 | 250224 |
| 2006/2007 | 249081 |
| 2007/2008 | 293448 |
| 2008/2009 | 268108 |



REPAIRS AND MAINTENANCE

| | |
|-----------|--------|
| 2004/2005 | 76133 |
| 2005/2006 | 118389 |
| 2006/2007 | 129598 |
| 2007/2008 | 135238 |
| 2008/2009 | 109680 |



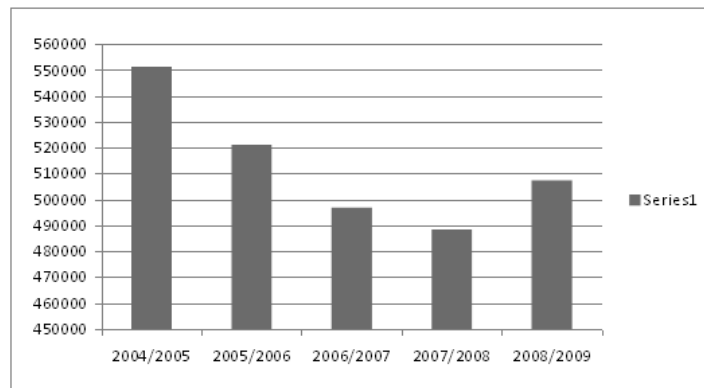
Operations

- Building and grounds maintenance is now picked up in the aquatics area which has provided a more cost effective approach whilst also delivering on the ‘ownership’ aspect sought by management;
- A new organisational structure has been developed by merging two of the Management positions into existing and expanded portfolios. This will reduce the Management Team from 6 to 4 and provide a much more functional and efficient operational approach. This new structure will commence in 09/10 financial year;
- A comprehensive analysis and comparison of “Ripples” fees and charges was undertaken in preparation for the 09/10 budget.

The following graphs provides a trend analysis of the total attendance learn to swim activities and swimming pool attendance.

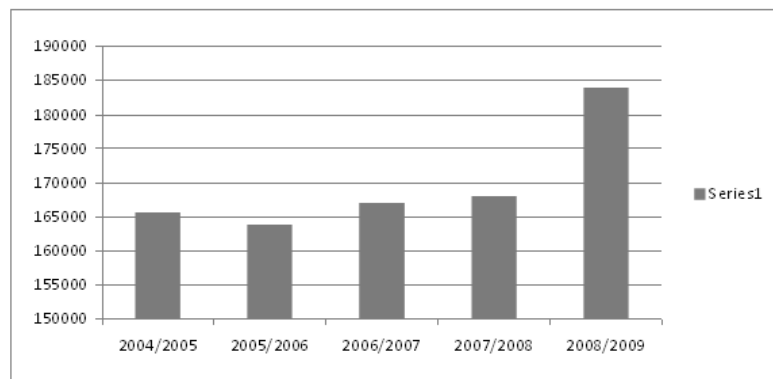
TOTAL ATTENDANCE

| | |
|-----------|--------|
| 2004/2005 | 551524 |
| 2005/2006 | 521427 |
| 2006/2007 | 497071 |
| 2007/2008 | 488684 |
| 2008/2009 | 507604 |



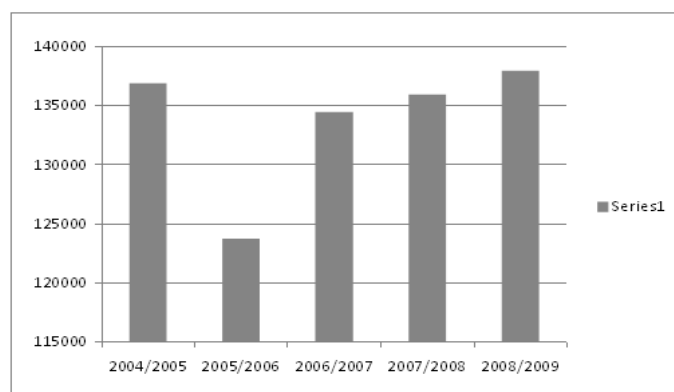
LEARN TO SWIM

| | |
|-----------|--------|
| 2004/2005 | 165603 |
| 2005/2006 | 163860 |
| 2006/2007 | 167055 |
| 2007/2008 | 168019 |
| 2008/2009 | 183951 |



**SWIMMING
POOLS
ATTENDANCE**

| | |
|-----------|--------|
| 2004/2005 | 136897 |
| 2005/2006 | 123741 |
| 2006/2007 | 134473 |
| 2007/2008 | 135963 |
| 2008/2009 | 137956 |



Hydrotherapy

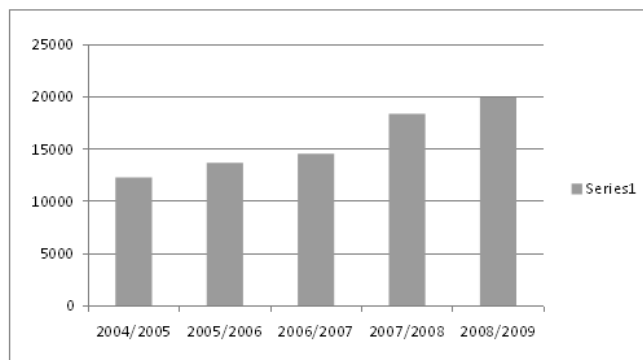
The Hydrotherapy Centre continues to progress despite some recruitment issues. The new management structure has overcome part of the problem, however the Centre operated with only one Exercise Therapist for the majority of the year.

The Hydro. Centre delivered a net profit of \$35k which was ahead of budget and the previous years result.

The graph below indicates a continued increase in the patronage for the Hydrotherapy Centre.

HYDROTHERAPY CENTRE

| | |
|-----------|-------|
| 2004/2005 | 12318 |
| 2005/2006 | 13715 |
| 2006/2007 | 14592 |
| 2007/2008 | 18430 |
| 2008/2009 | 19988 |



The Year Ahead

Some of the key initiatives that are planned for the year are:

- Installation of Heat Pump Pool Heating system
- Replacement of a mechanical air handling system
- Installation of thermal blankets for the outdoor pool and the Hydrotherapy pool
- Refurbish the foyer and front counter of Ripples
- Source funding options for Ripples Roof Replacement
- Construct family BBQ area
- Investigate shade replacement options
- Recruit additional Exercise Therapist—Hydro. Centre
- Complete upgrade of Computer network to include conversion of existing outdated Centaman Advantage Management System to the current Centaman Enterprise version.

Financial Accountant Entities Comment

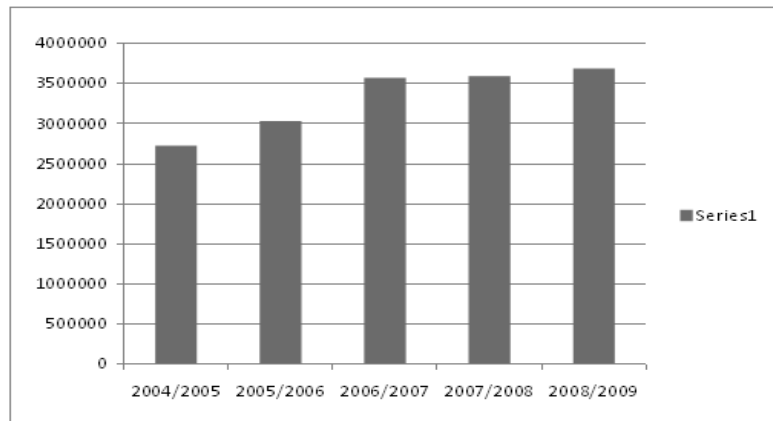
The City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd achieved, during the 2008-09 financial year, a deficit before Council subsidy of \$634,219. Council's subsidy to the company for 2008-09 was \$660,000 providing a surplus for the year of \$25,781. This result is an improvement on the 2007-08 financial year which saw a deficit before Council subsidy of \$732,219. Council's subsidy for 2007-08 was \$790,257 providing a surplus for the year of \$58,038. This improved performance comes on the back of operational revenues of \$3,026,160 up from 2,800,547 in 07-08 (8.06%) and expenses of \$3,660,379 up from \$3,532,766 in 07-08 (3.61%).

During 2008-09 and in preparation for the 2009-10 Budget a comprehensive review was undertaken of the company's fees and charges and a range of new charges and increases has been proposed, this review should position the company for another improved result for 2009-10. The Company's management and Board have undertaken a review of their financial reporting and continue to focus on the task of improving the financial performance of the company in order to minimise the need for a subsidy from Council. The operations of the business are however very dependent upon the "climate" both physical and economic. The 2008-09 result should be seen as a good result as it was achieved during a very tough economic period.

The graphs below show the total revenue and employee benefits expense for the Centre.

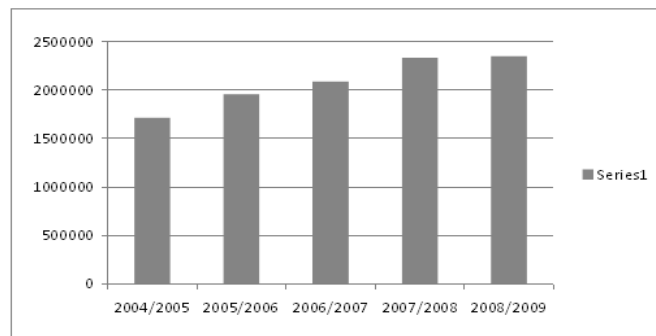
TOTAL REVENUE

| | |
|-----------|---------|
| 2004/2005 | 2726669 |
| 2005/2006 | 3032980 |
| 2006/2007 | 3569812 |
| 2007/2008 | 3590804 |
| 2008/2009 | 3686160 |



EMPLOYEE BENEFITS EXPENSE

| | |
|-----------|---------|
| 2004/2005 | 1714812 |
| 2005/2006 | 1957077 |
| 2006/2007 | 2087735 |
| 2007/2008 | 2330485 |
| 2008/2009 | 2348827 |



Board of Directors

The Articles of Association of the Company provide, in part, that:

1. To provide continuity the members of the Board shall resign on a rotating basis. At the First Annual General Meeting, three (3) Directors (including one (1) Councillor) shall resign. At the Second Annual General Meeting, three (3) members shall resign (including one (1) Councillor). Thereafter, the members of the Board, except the Council officer, shall resign after they have served on the Board for three (3) years after appointment or re-appointment to the Board.
2. All retiring Directors shall be eligible for re-appointment.

Council should note that as per the Articles of Association, Councillor Ross Fowler OAM and Mr Alan Brown retired as Director at the Annual General Meeting held on 20 October 2009 and both Directors sought re-election and were re-elected as Directors at the Annual General Meeting.

Councillor Greg Davies and Mr John Cotte were elected as Chairperson and Deputy Chairperson respectively.

Council's Director, Mr Craig Butler remains on the Board as Council's General Manager's representative and Company Secretary.

RECOMMENDATION

That:

1. The information contained in the report on City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd - Annual Report and Board of Directors be received.
2. Council agree to underwrite the operations of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd until the presentation to the Council of the City of Penrith Regional Indoor Aquatic and Recreation Centre Ltd Annual Report for 2009/2010.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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A VIBRANT CITY

| Item | Page |
|---|-------------|
| 8 Penrith Performing and Visual Arts Ltd - Annual Report and Board of Directors | 43 |



8 Penrith Performing and Visual Arts Ltd - Annual Report and Board of Directors

Compiled by: Glenn Schuil, Acting Executive Officer

Authorised by: Glenn Schuil, Acting Executive Officer

Strategic Objective: *We build on our strengths*

Strategic Direction: *Our cultural facilities meet local needs, and attract regional interest*

Presenters: Mr Peter Anderson AM - Chairperson - Penrith Performing & Visual Arts Ltd - Annual Report
Mr John Kirkman - CEO - Penrith Performing & Visual Arts Ltd - Annual Report
Mr John Reed - Chief Financial Officer - Penrith Performing & Visual Arts Ltd - Annual Report

Executive Summary

The Report to the Council details the performance of the Penrith Performing and Visual Arts Ltd for the financial year 1 July 2008-30 June 2009.

The Report details the significant advancements that have been made by the Q Theatre, the Joan Sutherland Performing Arts Centre, the Penrith Regional Gallery & The Lewers Bequest and the Penrith Conservatorium of Music.

Of note the Report highlights that during the year there were an increased number of performances and tickets sold at the Q Theatre and an increased visitation and venue bookings at the Joan Sutherland Performing Arts Centre and the amount of students who are at the Penrith Conservatorium of Music has also increased.

The report recommends that the information be received and the Council agree to underwrite the operation of the Company for a further period of 12 months until the presentation to Council of the Penrith Performing and Visual Arts Ltd Annual Report for 2009/2010.

Background

Report - 2008/09 Financial Year

Penrith Performing & Visual Arts (PP&VA) aims to develop and deliver cultural programs that enrich, educate, entertain and empower. Each year PP&VA produces and presents cultural and arts education programs for the people of Penrith and western Sydney via:

- Q Theatre Company
- Joan Sutherland Performing Arts Centre
- Penrith Regional Gallery & The Lewers Bequest
- Penrith Conservatorium of Music.

2008/09 was a year of expansion, development and profit for PP&VA, major focus included:

- Achieving a financial surplus
- Continued revitalisation of PP&VA cultural programs
- Refinement of PP&VA financial management and operations

- Audience development and resource building
- Partnerships and strategic planning.

Highlights for 2008/09 include:

- Achieving an end of year profit of \$135,153.
- Continuing partnerships with a range of premier Australian arts organisations/institutions e.g. Australian Ballet, ABC Classic FM, 2MBS FM, Campbelltown Arts Centre, Penrith Panthers and the Museum of Contemporary Art (Sydney).

Three major issues remained of concern throughout 2008/09 i.e.

1. *ArtsNSW funding for the Q Theatre Company.* Annual guaranteed ArtsNSW funding of the \$300,000 for the Q Theatre Company ends in December 2010. PP&VA has continued to develop strategies and programs which will ensure this funding continues.
2. *Thursday night security situation outside the JSPAC.* Thursday night security outside the Joan Sutherland Performing Arts Centre continued to be problematic throughout 2008/09.
3. *Maintenance Works and capital Replacement.* The need to maintain and replace essential capital items across PP&VA continued to impact heavily on the annual budget.

2008/09 Financial Result

The PP&VA 2008/09 financial result improved dramatically on the previous year's performance with PP&VA posting a profit of \$135,153.

In 2008/09 PP&VA financial operations focused on the following core activities:

Improved financial management policies and procedures.

- PP&VA Board and Sub committee financial reporting.
- JSPAC, PRG&TLB and Q Theatre Company audits.
- Accounts, payroll, BAS and superannuation.
- Budget reports for all grant applications and acquittals.
- Overseeing Box Office and Conservatorium financial procedures.

Future PP&VA Challenges

- *Uncertain ArtsNSW funding.* ArtsNSW funding has decreased in dollar value, and increased in competition. This continues to impact on programming and project development initiatives (particularly for the Q and PRG&TLB).
- *Facility maintenance and capital replacement.* The following areas of facility maintenance and capital replacement will need to be addressed i.e.

The replacement of malfunctioning, redundant and incompatible air conditioning systems at JSPAC and PRG&TLB. Amount of subsidy required to maintain PP&VA infrastructure continues to be of concern.

PP&VA Entity Reports to follow i.e.

- Q Theatre Company
- Joan Sutherland Performing Arts Centre
- Penrith Conservatorium of Music
- Penrith Regional Gallery & The Lewers Bequest.

Q THEATRE COMPANY

The *Q Theatre Company* aims to:

- Be a 'flagship' for professional performing arts in Penrith and western Sydney
- Celebrate and present performing arts excellence
- Inform and entertain through outstanding performing arts activity
- Create and present its own work
- Facilitate performing arts education programs.

2008/9 was a year of growth and expansion (including the implementation of key artistic programs such as Q Productions, accessible workshop programs and the Q Youth Company).

2008/09 Q Highlights

2009 highlights include:

- Improved financial position
- Increased Box Office and audiences
- Increased awareness of, and participation in, the Q's programs by the local community
- Recommencing the producing arm of the Q Theatre Company
- Establishing creative partnerships with Stalker Theatre Company and Version 1.0 that will continue to evolve in 2010
- Establishing relationship with Circus Oz
- Implementation of the expanding inclusive workshop program
- The ongoing relationships with the Ensemble Theatre, Bell Shakespeare, Company B and Sydney Theatre Company
- Continued exploration of new avenues of programming outside of Long Paddock and Playing Australia frameworks
- Establishment of the Q Youth Company, Studio Q education and training programs.

2008/09 Performance Program

In 2008/9 the Q Theatre Company provided a geographically and culturally important stage for 22 productions (including 4 self produced productions), 1 work in progress showing, over 502 artists/arts workers, 19 Australian theatre companies and 6 international companies.

The significant increase in the Q's Subscription Program was artistically and commercially successful allowing the presentation of a more diverse range of theatre than in the previous year. The Q Subscription Program continued successful partnerships with leading Australian companies including Bell Shakespeare, Sydney Theatre Company, Company B, HIT Productions and Ensemble Theatre, as well as building a relationship with Circus Oz and The Festival of Sydney.

In 2008/09 the Q expanded its presentation program showcasing 22 productions (including 4 self produced works) and 1 work in development showing from leading Australian companies. This program provided a balance with and between:

- New Australian contemporary work (7)
- New International contemporary work (1)
- Work from the international canon (3)
- Work from the Australian canon (1)
- Historically significant work by iconic writers (2)

- Work for young people aged 0 – 25years (12).

2008/9 Q Education Programs

In 2008/09 the Q Theatre Company continued to expand its education programs, building on the strong foundations established in previous years, to provide vital arts exposure and access for substantial school populations in our vast catchment area.

2008/09 Q Theatre Company Education Programs were considered to be an outstanding success, with the project important in assisting the Q to consolidate its position in a highly competitive market place to gain further competitive edge and profile. In particular, 2008/09 Q Theatre Company Education Programs focused on the following key areas:

1. Production and presentation of community access, education and training programs
2. Production and presentation of skills development and training workshops for regional communities
3. Development and distribution of information and education materials re the above programs
4. Development and management of training and skills development programs for volunteers, interns and school work placements
5. Increased access to arts experiences for a broad cross-section of the community (including socio-economically disadvantaged young people; culturally diverse groups; low income earners; the seniors' community; along with mainstream audiences).

Specific assessment of the 2008/09 Q Theatre Company Education Programs includes:

- *studioQ Acting Courses for Youth and Adults*

The 2008/09 program strengthened with a quality team of 4 core tutors regularly taking weekly classes. The production focus of studioQ has strengthened in 2008/09 through end of term showings and the end of year showcase performance which continue to provide an important opportunity for participants to perform in an industry-based context, and the establishment of the 'q youth company' which has enabled the strongest participants to work with professional theatre practitioners.

- *Schools at the Q Theatre Performance Program for Primary & Secondary Students*

Prior to 2008/09 very few daytime, school term performances for primary students had been offered through the Q Theatre. An ambitious program of 5 production seasons was trialled in 2008/09, to provide high quality theatre experiences for this very large local demographic. Productions were sourced from leading Australian theatre companies specialising in making performances for this age group, including Monkey Baa Theatre for Young People and Patch Theatre Company.

- *FlannoFest: Secondary Schools Theatre Making Project*

FlannoFest was restructured in 2008/09 to provide local drama students and their teachers with a 'real world' experience of creating and performing a new work in the industry. Students and teachers were able to enjoy much more time in the theatre and greater input from experienced theatre practitioners into developing their skills and performances.

- *Kids at the Q School Holiday Entertainment for Families*

2008/09 was the second year of this program, featuring 3 music/theatre productions for children aged 3-12 and their families.

- *Work Placements Program for Creative Arts / Entertainment students*

This program continued to be successful, and is much sought after by local schools. Approximately 20 students undertook week-long placements in 2008/09, with positive feedback received from students, careers teachers and Q staff.

2008/09 Q Audience Development and Marketing

The aim of the 2008/09 Q Audience Development and Marketing Program was to:

- Develop self produced work in collaboration with local artists and leading theatre companies
- Strike a practical and creative balance between its own productions and the work of others
- Present a diverse program that balances popular, accessible work with more challenging work
- Develop new Australian theatre works (with special focus on interdisciplinary works)
- Present productions from leading Australian performing arts companies and producers
- Establish an ongoing relationship with Sydney Festival to ensure the festival reaches Penrith
- Increase access from diverse communities such as people with a disability
- Enrich performance programs via the development and implementation of education programs
- Development and presentation of work for primary school students
- Development and presentation of a school holiday program
- Develop and implement community focused theatre skills development programs
- Nurture and present the work of regional writers and performers.

In 2008/09, 21,918 people attended productions presented and/or produced by the Q, representing a total audience increase of 19% from 2007/08. Overall audience capacity in 2008/09 was 63%, up from approximately 59% in 2007/08. This upward trend highlights the success of offering a diverse mix of new Australian and International work plus new programs such as the 'Primary School Program' and the 'School Holiday Program' in order to attract new audiences, beyond its small, but loyal subscriber base. Capacity for audience development and increased access remains high however, as the company's production arm develops and grows the program will need to be streamlined to cope with the increased work load needed to self produce work.

2008/09 Q Research & Development

Having successfully re-built a strong audience base and re-established a stable operational, programming and administrative structures, the Q Theatre Company was able to re-commence production research and development in 2008/9. During the year research and development began on two major projects – 'Mash Up' and 'The Dream Project'.

Q Youth Company

Throughout 2008/09 the Q offered StudioQ Acting Courses for Youth and Adults. Due to the strength and popularity of this program and the Q established the 'Q Youth Company' in mid 2009. Based on a youth theatre model, the Q Youth Company provides intensive training and performance opportunities for young people in this region who are seriously considering pursuing a career in the performing arts.

Future Q Directions

While the 2008/9 Q Program was the largest the company had produced, it was apparent by the end of the year that we had effectively flooded the market and there was a real need to present a more streamlined, targeted program of work. Hence in 2009/10 the Q's Artistic Program includes a seven show subscription season, three school holiday performances, two primary school productions and one high school production.

Future Challenges for the Q

Future challenges for the Q Theatre Company include:

- Achieve the financial resources to continue develop the company's production arm and ensure the ongoing production of Q theatre performance works
- Uncertain ArtsNSW funding. NB: Annual funding of \$300k from ArtsNSW is set to conclude at the end of 2010. Without ArtsNSW funding the Q Theatre Company will struggle to produce work
- Strong local and regional entertainment competition e.g. Penrith Panthers - Penrith Leagues Club.

2008/09 Q Performance Measures

1. Tickets sold:

- 2005/06 @ **5,775**
- 2006/07 @ **12,142**
- 2007/08 @ **10,444**
- 2008/09 @ **14,835**
- 2009/10 Target @ **17,820**.

2. Subscriptions Tickets Sold:

- 2005/06 @ N/A
- 2006/07 @ N/A
- 2007/08 @ **832**
- 2008/09 @ **850**
- 2009/10 Target @ **878**.

3. Performances:

- 2005/06 @ **135**
- 2006/07 @ **145**
- 2007/08 @ **78**
- 2008/09 @ **112**
- 2009/10 Target @ **115**.

4. Q Education and Public Program participants

- 2005/06 @ **1,860**
- 2006/07 @ **1,940**
- 2007/08 @ **2,440**
- 2008/09 @ **3,416**
- 2009/10 Target @ **4,098**

JOAN SUTHERLAND PERFORMING ARTS CENTRE

For 2008/09 the JSPAC artistic rationale was to engage and develop audiences via a diverse range of music forms and genre by:

- Presenting eminent composers, orchestras and ensembles
- Developing new audiences via programs involving contemporary music and emerging performers
- Developing performance partnerships with key presenters e.g. ABC Classic FM, Sydney Symphony
- Presenting regionally based Indigenous performers
- Presenting regional performers and ensembles (including community based performers).

Specifically:

1. Stupenda Fine Music Series

Focus for the 2008/09 Fine Music Program was the Stupenda Fine Music Series featuring leading Australian and international performers and ensembles i.e.

- Anne Carr-Boyd (26 July).
- 9th Sydney International Piano Competition Winner (23 August).
- Rhapsody: Romantic Brahms (13 September). Performed by Gregory Kinda (piano).
- 2008 Sydney Symphony Fellowship Winners (9 November)
- The Music of Mozart, Beethoven and Haydn (20 February). Sydney Symphony Orchestra.
- ***Sunday Live ABC-Classic FM Live Broadcasts***
 1. *Classical Duo* (1 March)
 2. *Arco String Quartet* (8 March)
 3. *Cor Anglais and Piano* (15 March)
 4. *Leichhardt Espresso Chorus* (22 March).
 5. *Elana Stone Jazz Quartet* (29 March).
- *The music of Haydn, Dvorak, Sculthorpe and Mendelssohn* (8 May)
- *Anne Carr Boy Gala Concert* (31 October)
- *Sydney Symphony Fellows Ensemble 2009* (15 November)

All musicians and performances were of the highest artistic standard. Over the years there has been a steady increase in numbers to the concert program, some events due to their popular appeal attract large audiences, such as the SSO. With these more popular events profit margins have been higher, with the other concerts breaking even.

2. Six Sundays in Winter Concert Series

This program continued to feature, in the main, western Sydney based musicians, composers and ensembles. 2008/09 performances included:

- Cool Jazz (20 July)
- Lorenzo and Friends (3 August)
- Ghost and Angels 17 August 3pm
- *King Curley* (14 June).
- *Sydney Balalaika Orchestra* (28 June).

This program maximized the potential and profile of artists from Western Sydney, and moved across a range of repertoires, styles and practices. This concert program is proving successful as it crosses over from traditional classical music to a more populous appeal.

3. Morning Melodies

Monthly concerts for Seniors i.e.

- *Stephen Fisher-King* 23 July
- *Lucky Starr and Frankie Davidson* 27 August
- *Let's Call The Whole Thing Off* 24 September
- *Oom Pah Pah! Ocktober Fest* 22 October
- *Xmas with the NSW Police Band* 26 November.
- *Legends of Six O' Clock Rock* 28 January
- *Love That Country Music* 25 February
- *The Shamrock Show* 25 March
- *Piano Passion with Bernard Walz* 22 April
- *Memories of Bandstand* 27 May
- *Barry Crocker in Concert* 24 June.

The artistic quality of these performances for Seniors are the best available for daytime performances. The success of these performances is due to the various genres of music and performers who resonate with the target audience. All performances are well received. The program continues to meet the demand for daytime concerts, and is a great social event for Seniors.

4. Community Music Program

In 2008/09 JSPAC committed substantial financial, staff and infrastructure resources to support community based performers and musicians in order to increase audiences, skills development and music appreciation in the region. 2009 programs include:

- *Penrith Symphony Orchestra* 4 concerts
- NSW State Band Championships (22, 23 & 30 August)
- Two Pianos Four Hands (11 October)
- Spring Liaison (17 October). Original music & poetry by local Aboriginal artist, Lee Lucas.
Penrith City Choir, Warrimoo Chorale & Symphony Orchestra (4 December)
- Free Christmas Concert (17 December).

JSPAC offers subsidised rehearsal, performance and storage accommodation to the following community music groups: Penrith Symphony Orchestra, Penrith City Choir, Penrith Valley Concert Band & Lofty Sounds, Penrith Eisteddfod, Acting Factory, Penrith Seniors Choir, and Nepean Handbell Ensemble.

JSPAC Music Education

In 2008/09 JSPAC consolidated its music education programs to complement and expand existing 'in-school' curriculum studies, and 'pre and post-school' community needs. Music education programs continued to link participants with outstanding international and Australian performers and composers including:

1. Workshop program for 1-5 year olds (the fastest growing region for this age group in Australia)

2. K-6 performance program particularly focusing on voice
3. A 7-12 performance and workshop program celebrating the bodies of work of Australia's pre-eminent composer Peter Sculthorpe
4. Public programs for Seniors.

The 2008/09 program featured 3 music/theatre productions for children aged 3-12 and their families. Quality of performances was strong for this particular price range. The 2008/09 program consolidated on its popular reception in 2007/08 when it was launched and continued to demonstrate potential for increased development of this niche program in the years ahead. Over 2,800 patrons attended Kids at the Q in 2008/09, up 30% on attendance in 2007/08 and at 85% of audience capacity across the 12 performances.

JSPAC Marketing and Promotion

Throughout 2008/09, JSPAC worked hard to drive a limited advertising spend further, through relationship building with our local media (across Penrith, Blue Mountains, Hawkesbury and Sydney). For all shows, JSPAC aimed to achieve a balanced, sustained exposure in the media (particularly local media) by spreading out over 3-4 weeks our advertising and editorial placement efforts. NB: JSPAC competes with large organisations across the region that regularly place full-page media advertisements. Thus it is difficult to compete with on a 'toe-to-toe' basis.

The JSPAC marketing strategy has grown extensively within the digital realm. The JSPAC website was given a total overhaul, and continues to grow our e-database so that JSPAC can simply and cost-effectively communicate with an existing patron base of over 5,000 patrons. JSPAC ensures that its marketing strategy covers both traditional and digital means as not only cost effectively as possible, but in order to reach as wide an audience as possible, in addition to communicating with how patrons expect to be reached.

JSPAC has begun advertising events further a field in an attempt to draw in newer audiences, in regions such as Blacktown and Parramatta. JSPAC continues to cross-promote the music program with the Q Theatre program, and via the Penrith Regional Gallery. There has also been a strategy to reach surrounding retirement villages, seniors groups (clubs and associations) with our program to promote group bookings with some success.

The further development of JSPAC databases will ensure that target markets are reached as effectively as possible e.g. niche audiences as determined on a program by program basis for example, Indian or African communities). An area for improvement, to be actioned in 2009/10, is the development of an all-inclusive season program brochure that covers all JSPAC music events, instead of relying on marketing each event on a show by show basis. Via enhanced, aggressive advertising program and a dedicated PR / media manager, JSPAC has been able to increase media coverage within both the local region and, when available, Sydney metropolitan press.

Through a balanced approach, the marketing program was successful in generating new audiences for JSPAC Music Programs. JSPAC will continue to monitor and refine its ability to reach audience through communication mediums that ensure cost efficiency and cut-through effectiveness in an often cluttered entertainment environment.

JSPAC Operations and Facilities Report

In 2008/09 JSPAC operations focused on the following core activities:

- *Audience analysis and Database building.*
By conducting more audience analysis (through box office data collection), we are able to implement direct marketing offers as part of our promotions programs. There has also been a gradual move away from the reliance on printed communications via the ongoing development of our e-database (collection of email addresses) e.g. we have an e-data base of over 2,800 contacts.
- *Digital marketing and promotion initiatives.*
JSPAC initiated a range of digital marketing initiatives including the redevelopment of the JSPAC website, monthly e-newsletter, Google Adword program and a banner link from our internal emails.
- *Website maintenance.*
Ongoing maintenance of the new website enabled effective online cross-promotion for all JSPAC and Q events in addition to the successful integration of the online box office sales system.

In 2008/09 JSPAC facilities operations focused on the following core activities:

- *Air-conditioning maintenance and repairs.*
Maintenance and repair of the JSPAC air-conditioning systems continued to improve. However, problems remain in term of computer programs, system compatibility and the state of the old system.
- *Plumbing maintenance and repairs.*
Plumbing maintenance and repairs continue to be required during peak usage. Problems still exist due to the original layout of the plumbing system under the Borland Foyer.
- *Cleaning.*
Cleaning has improved with the appointment of full time cleaning staff.
- *Security.*
Security incident recording improved with the installation of the CCTV system. However, problems still remain with the slow and inconsistent response time from security providers.

JSPAC Future Challenges for Facilities Operations

- *Venue security.*
Poor external JSPAC security and anti-social (particularly on Thursday nights) will continue to pose image and patron service problems. The effect will be that the JSPAC and Penrith Conservatorium of Music may be unable to operate on Thursday nights due to patron's safety fears.

- *Poor plumbing and sewage systems.*
The plumbing system under the Borland Foyer will continue to block and cause problems during peak usage unless the plumbing has been re-laid.
- *Need to replace RBCH air-conditioning system.*
(Please refer to above entries).

2008/09 JSPAC Performance Measures

1. Visitation:

- 2005/06 @ **145,655**
- 2006/07 @ **182,822**
- 2007/08 @ **188,040**
- 2008/09 @ **195,135**
- 2009/10 @ **200,000**
-

2. Venue Bookings:

- 2005/06 @ **1,162**
- 2006/07 @ **1,448**
- 2007/08 @ **1,890**
- 2008/09 @ **2,024**
- 2009/10 @ **2,150**

3. JSPAC/Q Promotion valuation

Marketing and Free Editorial Promotion Valuation Achieved:

- 2005/06 @ **\$812,380** (promotions budget of \$83,701)
- 2006/07 @ **\$2,056,000** (promotions budget of \$147,537)
- 2007/08 @ **\$2,310,000** (promotions budget of \$155,000)
- 2008/09 @ **\$2,216,000** (promotions budget of \$136,050)
- 2009/10 Target @ **\$2,100,000** (against promotions budget of \$129,050).

4. JSPAC/Q Box Office Revenue

- 2005/06 @ **\$502,550**
- 2006/07 @ **\$491,751**
- 2007/08 @ **\$336,510**
- 2008/09 @ **\$707,226**
- 2009/10 @ **\$700,000**

5. JSPAC Venue Revenue

- 2005/06 @ **\$22,780**
- 2006/07 @ **\$225,725**
- 2007/08 @ **\$287,099**
- 2008/09 @ **\$390,683**
- 2009/10 @ **Target \$410,000**

6. PP&VA Community Subsidy Value

- 2005/06 @ **\$113,157**
- 2006/07 @ **\$190,107**
- 2007/08 @ **\$125,803**
- 2008/09 @ **\$132,540**
- 2009/10 @ **Target \$135,650**

8. PCC Free Rental Value

- 2005/06 @ N/A
- 2006/07 @ N/A
- 2007/08 @ **\$46,860**
- 2008/09 @ **\$43,750**
- 2009/10 @ Target **\$45,900**

PENRITH CONSERVATORIUM of MUSIC (PCoM)

Throughout 2008/09 student numbers and the number of scholarships continue to rise, indicating strong support and satisfaction for the PCoM and the new programs that have been introduced e.g. expanded Early Childhood Music classes. Throughout 2008/09 Penrith Conservatorium of Music focused on a range of strategic development initiatives, including:

- *Extending PCoM teaching programs (particularly Early Childhood music programs).*
Extending the teaching program is an on going process to meet demands of the increased student numbers. Expanding our ECHM program will allow more children to understand the basic levels of music. These classes are an important first step before private tuition for young children.
- *Scholarship Programs*
The Penrith Conservatorium of Music continued to expand with the introduction of a community based program to source funding from local businesses and individuals to assist with the development of students in our region. This program was able to produce 7 additional full scholarships on top of our regular 12 scholarships comprising of full and half values.
- *Digital Music Programs*
Over the coming years the PCoM program will be expanded to meet the needs of increasing student numbers, with an emphasis on school syllabus and complementing traditional music with new technology.

2008/09 PCoM Highlights

- *PCoM Disability and Early Childhood Music (ECHM) programs.*
The ECHM classes throughout the year involved performances from undergraduates from the music department of UWS. ECHM classes combined for an end of year concert, showcasing to their parents and friends how the children have developed musically throughout the year. Music for people with disabilities is highlighted via training and concert programs e.g. the Nepean Handbell Ensemble which also has an outreach program.
- *PCoM student concerts.*
All teachers present one concert per year. These concerts not only showcase the student's ability and enhance their performance technique it is also used as a tool in preparation for their music exams.
- *Increased use of JSPAC as HSC, AMEB, TRINITY and ANZCA exam centre.*
JSPAC continues to be recognised as a major music examination centre by these music organisations.

Future PCoM Challenges

- *Need to increase teaching and performance programs.*
PCoM must expand music genres to cater for a greater variety of music programs such as Jazz, Rock, World music as well as ensembles (such as String, Brass, Wind and Percussion).

- *Need industry standard percussion studio in JSPAC.*
This studio will be necessary in order to compete with other institutions and secondary schools to meet the Centre's standard of quality teaching and facilities. In order to seed development of this program a very basic percussion studio has been set up. NB: The shell of a future studio was included in the recent capital works.

- *Increased regional competition.*
Maintaining the high quality standards offered by the PCoM is critical. Similarly, marketing and promotion will be key to continued development.

2008/09 PCoM Performance Measures

1. Students:

- 2005/06 @ **340**
- 2006/07 @ **400**
- 2007/08 @ **410**
- 2008/09 @ **403**
- 2009/10 @ **410**

2. Teaching Sessions:

- 2005/06 @ **14,663**
- 2006/07 @ **17,251**
- 2007/08 @ **16,800**
- 2008/09 @ **16,523**
- 2009/10 @ **17,346**

PENRITH REGIONAL GALLERY & THE LEWERS BEQUEST

In 2008/09 Penrith Regional Gallery & The Lewers Bequest continued to develop and deliver exhibition, education and public programs of excellence for the people of Penrith and the surrounding region. Of particular success was the continued development of synergies with and between contemporary practice, community engagement, art history and scholarship. Importantly, the Gallery worked hard to honour and consolidate community links and interest via inclusive exhibition programs that balanced populism with scholarship; local and global concerns; community and professional curatorship; emerging and established contemporary artists.

Special highlights of the year included:

- The Gallery's café - *Café at Lewers* - opened for business in April (and operates each weekend), thus enriching the Gallery's visitor experience. Visitor feedback has been excellent.

- *Born to be Wild*, a project that exhibited motorcycles (one from each decade across the 20th century) in juxtaposition with works by major Australian contemporary artists.
- *Marella: The Hidden Mission* was a multi-faceted exhibition, education and public events project that examined the shameful history and practice of the removal of generations of Aboriginal children – the Marella Aboriginal Mission Farm (operating in Western Sydney from 1953 to 1978). Utilising a synergy of art and community engagement (via contemporary Aboriginal art, social history material, film, personal testimony and archives) the *Marella* Project delivered exhibitions, education and public programs.

2008/09 activities focused on the following key result areas i.e.

2008/09 Exhibition and Curatorial Programs

PRG&TLB aims to be a centre of excellence by providing a broad range of visual arts exhibition and educational experiences of a regional, national and international nature. Our mission is to develop and build audiences by delivering cultural and education programs that are diverse, stimulating and relevant to our targeted audiences, community and contemporary environment.

The 2008/09 exhibition project included:

- *Prins (AKA Haro)* (5 July 2008 - 17 August 2008)
- *Operation Art* (5 July - 17 August 2008)
- *Strictly Samoan* (23 August - 2 November 2008)
 1. *Aussie Aiga*. Photographs by Greg Semu
 2. *Ie Toga*. Samoan Ie Toga (fine mats)
 3. *Samoa Ma Samoa*. Photographs chronicling the Samoan independence movement.
- *Sydney Ball: The Colour Paintings* (8 November 2008 – 25 January 2009).
- *Stitched* (8 November 2008 – 25 January).
- *Born to be Wild: The motorcycle in Australia* (31 January – 4 April)
- *Anthony Mannix* (31 January – 4 April)
- *Marella: The Hidden Mission* (11 April – 28 June)

In Living Memory

Jay Balbi: St Marys Pots (April – 28 June)

The Gallery also toured a number of exhibitions to venues in NSW, Victoria and South Australia including *Sydney Ball: The Colour Paintings*. McClelland Gallery & Sculpture Park, Melbourne (22 February 2009 – 26 April 2009).

PRG&TLB Education and Public Programs

The Gallery's Education Program aims to enrich the exhibition program for a diverse range of education audiences; these include school students, youth and family audiences, Seniors groups, disability organisations, tertiary students and the general public. In 2008/09 the program ranged across the following areas i.e.

Schools Programs:

The 2008/09 program

- Provided focus for school students across a range of program areas: art appreciation, art criticism, art making and art history
- Offered study days, curator led exhibition tours, forums and syllabus study packs.
- Assisted teachers in the classroom with syllabus specific education kits and exhibition notes across a range of syllabi including: Visual Arts and English.
- Offered practical art making opportunities linked to the exhibition program
- Offered media specific studio days with contemporary artists.

Seniors Programs:

The 2008/09 Program

- Developed community based projects as part of the exhibition program
- Offered Senior's Gallery tours, morning teas and slide shows.

Youth and Family Programs:

The 2008/09 program included

- School holiday workshop programs and creative arts workshops for the under 5s, infants and primary school children and teenagers
- Family Performance days
- Playgroup mornings which include art making and garden activities.

2008/09 Education Program included:

- Development and publication of education kits for the *Marella: The Hidden Mission* Primary School Education Kit and *Marella: The Hidden Mission* High School Education Kit
- Delivering tailored education excursions including art appreciation art making and site specific activities engaging with the heritage site
- Teacher development and enrichment programs
- Kids and family activities for targeted exhibitions
- Holiday workshop programs
- Presenting disability workshop programs. (In 2009 the Gallery targeted developing initiatives for people with vision impairment and visitors with an intellectual disability).

The 2008/09 PRG&TLB Education Program was considered a success in that it:

- Increased access to arts experiences for a broad cross-section of the community including socio-economically disadvantaged young people; culturally diverse groups; low income earners; the seniors' community; along with the general public.
- Expanded education and audience development programs to enable these groups to have increased awareness and involvement in the Gallery's curatorial programs.
- Expanded training opportunities for arts educators and students.
- Provided valuable professional development opportunities for high school students, TAFE and University students.
- A basis for the development and implementation of ongoing audience development strategies.

PRG&TLB Indigenous Programs

In 2008/09 PRG&TLB Indigenous programs focused on two key elements:

1. *Marella: The Hidden Mission* (see above)
2. *Reel Black Film Program*

Reel Black 2008/09 achieved a significant increase in audience numbers from the inaugural event in 2007, with a total audience of 560 people. The event attracted repeat sponsorship from *National Film & Sound Archive (NFSA)* and presented a unique curated program of films from a wide selection of producers including independent Indigenous film production houses as well as NFSA, *Screen Australia*, *Top End Aboriginal Bush Broadcasting Association* and the *Message Sticks Festival*.

PRG&TLB Disability Programs

The 2008/09 PRG&TLB Disability programs:

- Welcomed visitors with disabilities by providing wheelchair accessible, disabilities parking and helpful visitors' services staff
- Offered art making workshops for visitors with a disability working with contemporary artists e.g. Sensory painting workshop for International Day for People With a Disability
- Offered sensory tours to all exhibitions (including interpretative strategies that use the sense of touch, smell and sound as well as sight)
- Partnership project, exhibition and public information program with Richmond fellowship for Mental health week
- NB: **89** Disability Programs, with **1,743 people** with a disability (and carers) participating.

PRG&TLB Marketing and Promotion

The major focus of 2008/09 PRG&TLB marketing and promotion was the development and implementation of digital strategies to ensure the introduction of new technologies, new paradigms of audience reach, and to divert resources from wasted hard copy and postage to more efficient means of accessing audiences, reflecting consumer's changing habits of managing their social lives. This strategy included:

- Reduction of hard-copy mail outs by 50%
- Reduction of mail out costs by 50%
- Increase of 40% print media advertising (and related editorial).

Throughout the year much was done to raise and cement local and regional awareness. There was a balanced approach to such strategies, using diverse mediums to connect with our community and audiences. Specific strategies were developed for each identified target audience for each PRG&TLB project, including:

- Dedicated advertising campaigns throughout Penrith, Blue Mountains, and Hawkesbury.
- PR / Editorial. Continued development of relationships with the local and metro media. End of year result was editorial to the value of **\$5,300,000** (against promotions budget of \$30,000)

- Direct marketing. Targeted direct mail on project by project basis
- E-newsletters. Ongoing development of PRG&TLB e-databases. (The Gallery now sends on average two e-newsletters per quarter to almost 3,000 recipients).
- Online Advertising. Initiate digital advertising campaigns, with 'pay per click' ads on Google Adwords.
- Outdoor. Local area RTA community banners for selected events.
- Print collateral distribution. Enhanced local and regional material distribution programs
- SMS. Commenced trial SMS programs for mobile phone users, informing of special offers
- Developed strategic partnerships with local businesses e.g. Westfield Plaza Penrith to promote our programs.

PRG&TLB Collection Management and Conservation

The Gallery's Conservation & Collection Program aims to care for and conserve the Gallery's Collection and to facilitate scholarly research and general interest in the same. Major focus for 2008/09 focused on the conservation of outdoor elements of the Collection, structural elements of the Collection as well as the initiation of an overall Collection Area Management Project.

PRG&TLB Garden Conservation

In 2008/09, the continuing focus was the implementation of the Heritage Garden Conservation Management and Maintenance Plan (CMP). Several heritage listed trees had become senescent (ill or dormant) in the Gallery car park, driveway area and Ancher House garden. A particular focus was given to the re-establishment of the tree canopy with youthful vigorous examples of the correct heritage species, to remain true to the CMP and to protect the under canopy from the western sun. The ongoing maintenance of the Lewers House front garden, succulent garden and Ancher House garden consisted of continued re planting and soil/compost replenishment to counter the often extreme climatic conditions.

Strategic Planning and Governance

2008/09 saw the refinement of governance and planning structures specific to Penrith Performing & Visual Arts. This included the establishment of specific community advisory committees to work with the Board, staff and Board subcommittees to review all cultural and educative programs. This proved to be most successful in the case of the visual arts, and led to strong community participation and evaluation in the review and development of Gallery program and operational policies e.g.

- Exhibitions policy
- Collections Policy (Acquisition and Deaccession)
- Education Policy
- Facsimile Policy.

NB: It should be noted that the above policies were ratified and adopted by the PP&VA Board in March 2009.

PRG&TLB Strategic Partnerships

Throughout 2008/09 the Gallery continued its commitment to establishing cross institutional relationships by working with a number of key cultural institutions and organisations e.g.

- Campbelltown Arts Centre
- Casula Powerhouse Arts Centre
- Museum of Contemporary, Sydney
- CarriageWorks, Sydney.

The Gallery also continued to develop strong curatorial, exhibition development and community engagements with two regional cities in Japan – Fujieda and Hakusan, as well as pursuing collegiate relationships with the following regional galleries in Australia:

- Moree Plains Gallery, NSW
- Cowra Regional Gallery, NSW
- McClelland Gallery & Sculpture Park, Vic
- Anne & Gordon Samstag Museum of Art, SA.

PRG&TLB Intern and Volunteer Programs

Throughout 2008/09 interns and volunteers continued to assist with administration, workshop programs, hospitality and workshop programs, with the Gallery continuing to play a valuable role in professional development for our local community (particularly with reference to our ongoing relationships with the education sector and in the wider community).

PRG&TLB Publications

Premised on matching curatorial and publishing excellence the Gallery continued to produce high quality publications for key exhibitions. In 2008/09 catalogues were produced for the following exhibitions:

- *Born to be Wild: The motorcycle in Australia*
- *Anthony Mannix: the beast of the unconscious and other well-known entities*
- *Marella: The Hidden Mission*
- *Marella: The Hidden Mission Primary School Education Kit*
- *Marella: The Hidden Mission High School Education Kit*

PRG&TLB Facility Operations

In 2008/09 PRG&TLB facility operations focused mainly on:

- Building and site maintenance. The facility and property are generally in very good condition, with the major exception of air conditioning, which remains problematic and requires constant maintenance.
- Garden conservation and maintenance. The garden remains in mint heritage condition and form.
- Air conditioning repairs and maintenance. The Gallery's various air conditioning units were at times faulty, and did not operate to required and accepted museum standards. Over the year particular attention was paid to maintenance, monitoring and reporting so that the situation improved dramatically.

In terms of future facility and infrastructure challenges Penrith City Council is aware of the following:

- Unless Gallery maintenance is proactive and completed to schedule the Gallery will again fall into disrepair.
- Current plumbing and drainage systems are inadequate and not suited to the high levels of visitation. Unless they are replaced they will continue to fail.
- Unless Gallery air conditioning systems are replaced and meet industry standards the Gallery will be unable to exhibit works from major Australian galleries.
- Parking remains poor.

Future PRG&TLB Challenges

- *Maintaining high standards of maintenance.*
Unless Gallery maintenance continues to be proactive and completed to schedule the Gallery will again fall into disrepair.
- *Malfunctioning plumbing and drainage systems.*
Current plumbing and drainage systems remain inadequate and not suited to the high levels of visitation. Unless they are replaced they will continue to fail
- *Air conditioning systems.*
Unless Gallery air conditioning systems are replaced and meet industry standards the Gallery will be unable to exhibit works from major Australian galleries. It will also be unable to exhibit its own Collection. The matter has been discussed with the Board and relevant Council officers.
- *Poor parking amenity.*
New plans have been drawn up by Council officers. Completion will greatly assist with visitor amenity

2008/09 PRG&TLB Performance Measures

1. Visitation:

- 2001/02 @ **13,638** visitors
- 2002/03 @ **36,000** visitors
- 2003/04 @ **66,992** visitors
- 2004/05 @ **43,786** visitors (plus 12,360 to travelling exhibitions in Japan)
- 2005/06 @ **30,515** visitors
- 2006/07 @ **30,416** visitors (plus 47,353 to travelling exhibitions)
- 2007/08 @ **30,416** visitors
- 2008/09 @ **33,045** (plus 23,131 travelling exhibitions)
- 2009/10 Target @ **35,000**.

2. Exhibitions:

- 2001/02 @ **12** exhibitions presented
- 2002/03 @ **24** exhibitions presented
- 2003/04 @ **37** exhibitions presented
- 2004/05 @ **33** exhibitions presented (plus 2 travelling exhibitions)
- 2005/06 @ **22** exhibitions presented
- 2006/07 @ **19** exhibitions presented (plus 3 travelling exhibitions).
- 2007/08 @ **17** exhibitions presented
- 2008/09 @ **24** exhibitions presented (plus 4 travelling exhibitions).
- 2009/10 Target @ **24** exhibitions presented (plus 5 travelling exhibitions).

3. Promotion valuation

Marketing and Free Editorial Promotion Valuation Achieved:

- 2001/02 @ **\$800,000** (against promotions budget of \$16,000)
- 2002/03 @ **\$1.6 million** (against promotions budget of \$16,000)
- 2003/04 @ **\$17 million** (against promotions budget of \$49,000)
- 2004/05 @ **\$6,077,721** (against promotions budget of \$16,000)
- 2005/06 @ **\$1,062,957**(against promotions budget of \$53,500)
- 2006/07 @ **\$6,318,538** (against promotions budget of \$58,678)
- 2007/08 @ **\$6,675,000** (against promotions budget of \$58,000)
- 2008/09 @ **\$5,300,000** (against promotions budget of \$30,000)
- 2009/10 Target @ **\$6,000,000** (against promotions budget of \$30,000)

NB: Excludes media for travelling exhibitions.

4. Events/Workshops/Lectures

- 2001/02 @ **160** events/workshops/lectures presented
- 2002/03 @ **300** events/workshops/lectures presented
- 2003/04 @ **473** events/workshops/lectures presented
- 2004/05 @ **660** events/workshops/lectures presented
- 2005/06 @ **410** events/workshops/lectures presented
- 2006/07 @ **191** events/workshops/lectures presented
- 2007/08 @ **244** events/workshops/lectures presented
- 2008/09 @ **102** events/workshops/lectures presented
- 2009/10 Target @ **150** events/workshops/lectures.

5. Education and Public Program participants

- 2001/02 @ **1,777** participants
- 2002/03 @ **6,000** participants
- 2003/04 @ **9,342** participants
- 2004/05 @ **8,223** participants
- 2005/06 @ **6,907** participants
- 2006/07 @ **12,382** participants
- 2007/08 @ **9,305** participants
- 2008/09 @ **7,349** participants
- 2009/10 Target @ **8,000** participants.

6. Venue Revenue

- 2001/02 @ **\$25,000**
- 2002/03 @ **\$28,061**
- 2003/04 @ **N/A**
- 2004/05 @ **N/A**
- 2005/06 @ **N/A**
- 2006/07 @ **\$22,428**
- 2007/08 @ **\$15,303**
- 2008/09 @ **\$24,975**
- 2009/10 Target @ **\$25,000**

NB: Graphs regarding the 2008/09 financial year will be part of the presentation to Council, and are enclosed separately for the information of Councillors.

Financial Accountant – Entities Comment

The Penrith Performing and Visual Arts Ltd achieved, during the 2008-09 financial year, a deficit before Council subsidy of \$1,332,066. Council's subsidy to the company for 2008-09 was \$1,467,218 providing a surplus for the year of \$135,152. This result is an improvement on the 2007-08 financial year which saw a deficit before Council subsidy of \$1,614,171. Council's subsidy for 2007-08 was \$1,421,727 providing a deficit for the year of \$192,444. This improved performance comes on the back of operational revenues of \$1,975,287 up from \$1,473,142 in 07-08 (34.09%) and expenses of \$3,307,353 up from \$3,087,313 in 07-08 (7.16%). Grants recognised in 08-09 were \$638,460 up from \$414,501 in 07-08 (54.03%).

In May 2008 the Company created a new contract position to lead its financial operations. This appointment led to a complete restructure of the financial reporting for both management and the Board and provided a strong financial focus for the organisation. The benefits of this decision are evident in the improved results reported for 2008-09.

Penrith Performing and Visual Arts Ltd – Board of Directors

The Constitution of the above Company provides, in part, that

1. To provide continuity the members of the Board of Directors, except for the General Manager or his/her nominee, shall retire on a rotating basis. At the first Annual General Meeting after 1 July 2006, five (5) directors shall retire (including one (1) Councillor). At the second Annual General Meeting after 1 July 2006 five (5) Directors shall retire (including one (1) Councillor). At the third Annual General Meeting after 1 July 2006 five (5) Directors shall retire. Thereafter the members of the Board of Directors, shall retire after they have served on the Board of Directors for three (3) years after appointment or re-appointment to the Board of Directors.
2. All retiring Directors shall be eligible for re-appointment.

Council should note that, as per the Constitution, Councillor Ross Fowler OAM, Ms Gillian Appleton, Mrs Cathy Jarman, Professor Lynette Sheridan-Burns retired in accordance with the Constitution at the fourth Annual General Meeting of Penrith Performing and Visual Arts Ltd held on 22 October 2009 (Councillor Ross Fowler OAM, Ms Gillian Appleton and Mrs Cathy Jarman nominated for re-election). It was resolved, at the fourth Annual General Meeting of Penrith Performing and Visual Arts Ltd, that Penrith City Council be requested to endorse the appointment of Councillor Ross Fowler OAM, Ms Gillian Appleton and Mrs Cathy Jarman as Directors of Penrith Performing and Visual Arts Ltd.

In addition, Council will recall that Mr Steve Hackett resigned from his position as a Council nominated Director of the Company, and subsequently, Mr Barry Husking was appointed as a member of the Board as the General Manager's representative during 2009. Another change to the membership of the Board occurred during the year when Ms Fiona Steel resigned as a Director.

Council's Director Barry Husking is the General Manager's representative and Company Secretary.

Peter Anderson AM was re-appointed Chairperson and John Mullane was re-appointed as Deputy Chairperson.

RECOMMENDATION

That:

1. The information contained in the report on Penrith Performing and Visual Arts Ltd - Annual Report and Board of Directors be received.
2. Council agree to underwrite the operation of the Penrith Performing and Visual Arts Ltd until the presentation to Council of the Penrith Performing and Visual Arts Ltd Annual Report for 2009/2010.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

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9 Nomination for the Office of Hawkesbury Nepean

Compiled by: Graham Liehr, Environmental Health Manager

Authorised by: Graham Liehr, Environmental Health Manager

| |
|---|
| <p>Strategic Objective: <i>Our natural habitats are healthy</i> Strategic Direction: <i>The City's catchments are healthy</i></p> |
|---|

Executive Summary

The New South Wales Government's Office of the Hawkesbury Nepean has invited the Local Government and Shires Association (LGSA) to nominate a representative for its new Stakeholder Committee. The LGSA has written to all councils within the Hawkesbury Nepean catchment to invite them to suggest a suitable nominee.

The Office of the Hawkesbury Nepean (the Office) is the NSW Government's initiative to improve the health of the Hawkesbury Nepean River system. The Office will act as a single point of access for information and advice on river management strategies for the community.

The Stakeholder Committee will comprise eight positions, representing a cross section of the catchment community, in terms of skill and location. One person on the Committee is reserved for a member with "expertise in Local Government". This position will need to represent, as far as practical, the interests of Local Government throughout the catchment.

The LGSA has recommended the nominee be conversant with the major ecological, social, and economic issue facing the river system, as well as Local Government in this catchment. The LGSA also recommends that the nominee participates in other regional activities, such as the Hawkesbury Nepean CMA'S Local Advisory Group (LGAG) or a Regional Organisation of Councils.

The LGSA will assess the suggestions from Councils and recommend a nominee to the Office.

The purpose of this report is to consider and recommend to Council the endorsement of a Councillor as a suggested nominee for the Stakeholder Committee.

Background

The Office of the Hawkesbury-Nepean is a NSW Government initiative to improve the health of the Hawkesbury-Nepean River System. The establishment of the Office was announced in October 2008 by the former Premier of NSW, the Hon Nathan Rees MP. The Office was officially opened on 27 March 2009.

The Office acts as a single point of information and advice on river management strategies for members of the community. Matters regarding river health, management decisions, waterfront works and weed management are coordinated by the Office.

To achieve this task, the Office works with NSW Government agencies, including the Department of Environment, Climate Change and Water, Sydney Catchment Authority,

Department of Planning, Department of Lands, Sydney Water Corporation and the Department of Industry and Investment NSW; the Hawkesbury-Nepean Catchment Management Authority and the 23 local councils in the catchment, all of which have very significant roles in the management of the Hawkesbury-Nepean River and its catchment, to improve the coordination and implementation of river management.

To provide a legislative framework for the Office, the Hawkesbury-Nepean River Act was passed by Parliament on 3 April 2009. The new Act establishes the Office as a Statutory Corporation and a NSW Government Agency. The Act confers four key functions on the Office in connection with maintaining or improving the health of the Hawkesbury-Nepean river system and the management of in-stream development. These are:

- to coordinate and assist with the implementation of management strategies in relation to the health of the Hawkesbury-Nepean river system, particularly in regard to the management of aquatic weeds
- to act as a single point of public access to information and advice about management strategies in relation to the health of the Hawkesbury-Nepean river system
- to provide opportunities to the public to be involved in the development of management strategies in relation to the health of the Hawkesbury-Nepean river system
- to promote the effective management of in-stream development

The management of aquatic weeds will be a major task for the Office. The Office will coordinate the development of a management strategy for the Hawkesbury-Nepean River catchment building on past work and using best knowledge in consultation with key stakeholders and government agencies.

Since its establishment, a significant task achieved by the Office has been the organisation and convening of a two day “Working Together for a Healthy River” workshop. This important event provided various stakeholder groups with information on current government programs, initiatives and relevant research, and assisted in identifying opportunities for collaborative projects relevant to the management and health of the Hawkesbury-Nepean river system.

The workshop also sought the community’s and stakeholder’s perspective of the problems currently facing the Hawkesbury-Nepean River. The outcomes from the Workshop are being used to help inform the priority management actions required to be undertaken by the Office to improve the health of the river system in the long term.

In a major funding boost to help improve the health of the river system, the Australian Government announced a \$77.4 million funding package in May 2009 for the Hawkesbury-Nepean River Recovery Program (HNRRP). Comprising seven projects, the Program has the objective of improving river health by making more water available for environmental flows and reducing nutrient inputs to the river system. The Program is being oversighted and project managed by the Office in partnership with NSW agencies. In addition to the \$77.4 million in Federal funding, the NSW Government is also providing funding and in-kind contributions, while further funding and in-kind contributions are being provided by local landholders and the Hawkesbury City Council.

The Office is also involved in reviewing and providing advice on a range of metropolitan river health and water planning initiatives such as future environmental flows from Warragamba Dam and working with their partners on a range of projects such as weir

modifications to enhance environmental flow releases and fish passage, a nutrient management strategy for the Lower reaches of the river, a draft water sharing plan for the greater Metropolitan Region Unregulated Rivers Water Sources and a review of the 2006 Metropolitan Water Plan.

Role of Stakeholder Committee

The Terms of Reference for the Stakeholder Committee are to:

- (a) act as a key communication channel between the Office and the community on river management.
- (b) provide advice regarding community engagement programs and information sharing in relation to river management;
- (c) provide opportunities for stakeholder input to river management strategies.

The Office of the Hawkesbury-Nepean will provide secretarial support for all activities of the Stakeholder Committee.

Stakeholder Committee member responsibilities

To fulfil these terms of reference, Stakeholder Committee member's responsibilities include:

- participate in Stakeholder Committee meetings to develop advice to the Director, Office of the Hawkesbury-Nepean;
- participate in events and activities that respond to the terms of reference organised by the Office of the Hawkesbury-Nepean;
- build and maintain strong community networks relevant to maintaining or improving the health of the Hawkesbury-Nepean river system;
- liaise with and report to groups that members have links with;
- seek out community views on issues raised at, or proposed for, Stakeholder Committee meetings; and
- prepare for meetings, read agenda papers, seek out relevant information and contribute to Stakeholder Committee discussions.

A Selection Panel chaired by the Director, Office of the Hawkesbury-Nepean will review the applications and shortlist candidates for consideration by the Minister for Water.

In principle, there are three Stakeholder Committee meetings a year, anticipated to be held during business hours. Eligible members are entitled to be reimbursed for reasonable travel expenses they may incur in attending meetings, and will receive a daily sitting fee related to attendance at meetings.

Skills and Selection Criteria for Stakeholder Committee Members

There will be eight positions on the Stakeholder Committee. The members of the Stakeholder Committee selected will represent a cross-section of the Hawkesbury-Nepean river community, both in terms of their wide range of skills and their geographical location in the catchment. Applicants should demonstrate their suitability for the positions in their application, including addressing the selection criteria, membership categories and skills outlined below.

Membership

The membership of the Stakeholder committee will include:

- 1 member with academic expertise in the field of river / or water management
- 1 member with expertise in the field of environment
- 1 member with expertise in the field of irrigation industries
- 1 member with expertise in local government
- 1 member with expertise in industry
- 1 member with expertise in recreational and tourism issues
- 1 Indigenous member
- 1 member with expertise in oyster fishery or other commercial fisheries

Term

Member's term on the Committee will be for a minimum of 12 months and up to two years.

Selection Criteria

The specific selection criteria include the following:

1. Demonstrated support from relevant stakeholder networks
2. Demonstrated ability to communicate effectively with the community and to form strong links with community and stakeholder organisations
3. Sound understanding of issues affecting the health of the Hawkesbury-Nepean river system
4. Demonstrated capacity in more than one of the following skills: governance, natural resource planning and management, community engagement, business, scientific expertise, social and economic expertise, conflict resolution and leadership
5. Demonstrated personal commitment to the health of the Hawkesbury-Nepean river system and its communities
6. Demonstrated team player
7. Commitment to active involvement in Stakeholder Committee business.

Local Government stakeholder selection process

All twenty three Councils in the catchment have been invited by the LGSA to suggest a suitable nominee. Following receipt of the submissions, the LGSA will nominate a Local Government representative to the Office of the Hawkesbury Nepean.

The closing date for submission of suggested nominees was Friday 26 March, however, the LGSA has been asked for an extension of time. Should the Policy Review Committee decide to recommend the endorsement of a suggested nominee, the LGSA will be advised that the endorsement is subject to confirmation at the Council's Ordinary Meeting to be held on 19 April 2010.

RECOMMENDATION

That:

1. The information contained in the report on Nomination for the Office of Hawkesbury Nepean be received.
2. The endorsement of a Councillor as a suggested nominee for the Stakeholder Committee be considered and recommended to Council.

ATTACHMENTS/APPENDICES

There are no attachments for this report.

ATTACHMENTS



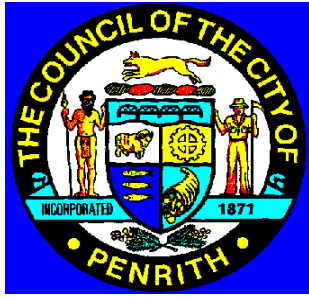
Date of Meeting: Monday 29 March 2010

Delivery Program: A Leading City

Issue: We demonstrate accountability,
transparency and ethical conduct

Report Title: Revised Code of Meeting Practice

Attachments: Draft Code of Meeting Practice



Penrith City Council

DRAFT CODE OF MEETING PRACTICE



PENRITH VALLEY
River Mountains Lakes

Adopted by Council on2010

PENRITH CITY COUNCIL

CODE OF MEETING PRACTICE

The Code of Meeting Practice sets out the manner in which meetings of the Council and Committees of Council are to be convened and conducted.

The Code incorporates the requirements of the Local Government Act, 1993 (as amended) and the Local Government (General) Regulation, 2005 with respect to meetings. Changes, which are made to the Act or Regulation, will automatically be incorporated into this Code and such changes will not be advertised.

This Code has been structured to assist the reader to easily understand what is required in the conduct of meetings and can, if required, be used as a reference document for committees and forums associated with Council.

Where sections of the Act and Regulation make reference to other parts of the Act or Regulation the relevant clause in the Code has been substituted and an italic type has been used.

The other sections of the Code, which have been formulated to meet the conditions which are considered appropriate for Penrith City Council, appear in a bold italic type in the Code. Should the Council wish to amend these sections of the Code it will need to be advertised in accordance with the requirements of the Act and public comment sought.

This Code will come into effect after consideration by Council, of comments from the public exhibition process in response to the exhibited draft. The date of adoption of the Code by the Council, will be the effective date from which the Code will come into effect.

Pages in the Code will be dated so that any changes to the Code either by way of legislative amendment or amendment by the Council can be easily identified.

The formal review date for this Code is 3 May 2012, however the Council may decide to review and adopt an amended Code prior to that date to meet changing circumstances as they arise.

Any review will be carried out in accordance with the provisions of the Local Government Act and the Regulations.

Adopted: Ordinary Meeting 2010 Minute No:

Document No:

Review Date: 3 May 2012

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1.0 COUNCIL MEETINGS

1.1 HOW OFTEN DOES THE COUNCIL MEET?

- (1) The Council is required to meet at least 10 times each year, each time in a different month.

[Section 365]

- (2) The Council will determine its meeting times, dates and locations to suit prevailing conditions and will advertise these details as required under its Code of Meeting Practice.

[Council Policy]

1.2 CALLING OF EXTRAORDINARY MEETINGS

- (1) If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request.

[Section 366]

- (2) The Mayor, in consultation with the General Manager, may call an extraordinary meeting to complete Council business or deal with any item of urgency.

- (3) The Council may resolve to hold extraordinary meetings as and when required.

- (4) Any request submitted in accordance with this clause must clearly nominate the business to be transacted at the meeting.

[Council Policy]

1.3 MINISTER TO CONVENE MEETINGS IN CERTAIN CASES

- (1) Whenever an area is constituted or reconstituted, the Minister is required:

- (a) to convene the first meeting of the Council of the area, and
- (b) to nominate the business to be transacted at the meeting, and
- (c) to give the Councillors notice of the meeting.

- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.

- (3) The Council must transact the business nominated by the Minister for a meeting convened under this clause.

[Clause 234 of Local Government (General) Regulation]

1.4 NOTICE OF MEETINGS

- (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.

- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- (3) A notice under this section and the agenda for, and the business papers relating to the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business paper in that form.
[Section 367]
- (4) The notice period for ordinary and extraordinary meetings of the Council is to be 3 clear days, subject to subclause 2 above.
[Council Policy]

1.5 WHAT IS THE QUORUM FOR A MEETING?

The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office.
[Section 368]

1.6 WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT?

- (1) A meeting of a Council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting; or
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson; or
 - (b) in his or her absence - by the majority of the Councillors present; or
 - (c) failing that, by the General Manager.
- (3) 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.
[Clause 233 of Local Government (General) Regulation]

1.7 WHO PRESIDES AT MEETINGS OF THE COUNCIL?

- (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.
- (2) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.
[Section 369]
- (3) If the Mayor declares an interest, other than a pecuniary interest, in any matter being dealt with at a meeting, the Mayor will vacate the chair immediately prior to that item being considered and the Deputy Mayor will chair the meeting for the consideration of that item.

- (4) If both the Mayor and Deputy Mayor declare an interest, other than a pecuniary interest, in any matter being dealt with at a meeting, the Mayor will vacate the chair immediately prior to that item being considered and a chairperson will be elected to chair the meeting for the consideration of the item in accordance with *clause 1.8 of this Code*.
[Section 451 and Council Policy]
- (5) In cases where, in (3) and (4) above, the interest being declared is a pecuniary interest, the provisions of *Section 12.1 of this Code* shall apply.
[Section 451 and Council Policy]

1.8 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS

- (1) If no chairperson is present at a meeting of a Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

Note: Section 369 (2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and Deputy Mayor are absent. See *clause 1.7(2) of this Code*.

- (2) The election must be conducted:
- (a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election, or
 - (b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 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.
- (4) For the purposes of subclause (3), 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.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.
[Clause 236 of Local Government (General) Regulation]

1.9 CHAIRPERSON TO HAVE PRECEDENCE

When the chairperson rises during a meeting of a Council:

- (a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
- (b) every Councillor present must be silent to enable the chairperson to be heard without interruption.
[Clause 237 of Local Government (General) Regulation]

1.10 PRESENCE (OF COUNCILLORS) AT COUNCIL MEETINGS

A Councillor cannot participate in a meeting of a Council unless personally present at the meeting.

[Clause 235 of Local Government (General) Regulation]



2.0 BUSINESS

2.1 ORDER OF BUSINESS

- (1) At a meeting of a Council (other than an extraordinary meeting), the general order of business is (except as provided by the Regulation) as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the Council.
- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (3) Despite *clause 2.10 of this Code*, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.
[Clause 239 of Local Government (General) Regulation]

- (4) Notwithstanding subclause 1 above the order of business for meetings of the Council (including extraordinary meetings), in accordance with this Code, is to be:

- National Anthem
- Statement of Recognition
- Prayer
- Leave of Absence
- Apologies
- Confirmation of Minutes
- Declarations of Interest
- Addressing Council
- Mayoral Minutes
- Notice of Motion to Rescind a Resolution
- Notice of Motion and Questions on Notice
- Adoption of Reports and Recommendations of Committees
- Delivery Program Reports
- Requests for Reports and Memorandums
- Urgent Business
- Committee of the Whole

[Council Policy]

2.2 OFFICIAL MINUTES (MAYORAL MINUTES)

- (1) If the Mayor is the chairperson at a meeting of a Council, the chairperson is, by minute signed by the chairperson, entitled to 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.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The chairperson (but only if the chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.

[Clause 243 of Local Government (General) Regulation]

2.3 REPORTS OF COMMITTEES

- (1) If in a report of a committee of the Council distinct recommendations are made; the decision of the Council may be made separately on each recommendation.
- (2) The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.
- (3) If a committee of a 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:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of the Council.

[Clause 269 of Local Government (General) Regulation]

- (4) Any report of a Committee of the whole or a committee of the Council, or any portion thereof, may be amended by the Council in any manner it may think fit, or may be referred back to the committee for further consideration.

[Council Policy]

2.4 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING

When a report of a Departmental representative has been presented to a meeting of a Council in accordance with section 433 of the Act, the Council must ensure that the report:

- (a) is laid on the table at that meeting, and
- (b) is subsequently available for the information of Councillors and members of the public at all reasonable times.

[Clause 244 of Local Government (General) Regulation]

2.5 COMMITTEE OF COUNCIL

A Council may resolve itself into a committee to consider any matter before the Council.

[Section 373]

2.6 COMMITTEE OF THE WHOLE

- (1) All the provisions of the Regulation relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) 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 proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) 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.

[Clause 259 of Local Government (General) Regulation]

2.7 AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS

- (1) The General Manager must ensure that the agenda for a meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former meetings of the Council, and
 - (b) if the Mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) subject to subclause (2), any business of which due notice has been given.
- (2) 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) 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.
- (4) The General Manager must ensure that the details of any item of business to which *clause 13.1(2) of this Code* applies are included in a business paper for the meeting.
- (5) Nothing in this clause limits the powers of the chairperson under *clause 2.2 of this Code*.

[Clause 240 of Local Government (General) Regulation]

2.8 AGENDA FOR EXTRAORDINARY MEETINGS

- (1) The General Manager must ensure that the agenda for an extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting.
- (2) Despite subclause (1), business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can only happen if:
 - (a) a motion is passed to have the business transacted at the meeting, and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite *clause 2.10 of this Code*, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.
[Clause 242 of Local Government (General) Regulation]

2.9 GIVING NOTICE OF BUSINESS

- (1) A Council must not transact business at a meeting of the Council:
 - (a) unless a Councillor has given notice of the business in writing within such time before the meeting as is fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the Council, and
 - (b) unless notice of the business has been sent to the Councillors in accordance with *clause 1.4 of this Code* (Section 367 of the Act).
- (2) Subclause (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 as provided by *clause 1.8(1) of this Code*, or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with *clause 2.2 of this Code*, or
 - (d) is a motion for the adoption of recommendations of a committee of the Council.
- (3) Despite subclause (1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to Councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting, and

- (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

- (4) Despite *clause 2.10 of this Code*, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

[Clause 241 of Local Government (General) Regulation]

- (5) If a Councillor wishes to raise business at a meeting of the Council or Committee of the Council and that business is not already before or directly related to a matter already before the Council, a Councillor must give notice of that business to the Executive Officer or Public Officer by 12 noon on the Wednesday before the meeting.

[Council Policy]

2.10 LIMITATION AS TO NUMBER OF SPEECHES

- (1) A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) 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.
- (3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, 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 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite subclauses (1) and (2), 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 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) 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 his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or amendment to be resumed.

[Clause 250 of Local Government (General) Regulation]

2.11 MODE OF ADDRESSING COUNCIL

In accordance with the Council's commitment to the principles of equality, gender neutral terms should be used wherever possible.

- (1) A Councillor is, during ordinary and extraordinary meetings of the Council, to address and refer to other members by their official designations of Mr or Madam Mayor, Mr or Madam Deputy Mayor or Councillor.
- (2) Councillors, other than the Chairperson, are to rise in their place and stand while speaking during an ordinary or extraordinary meeting. This provision will not apply if the Councillor is prevented from standing by any disability.
[Council Policy]



3.0 MOTIONS

3.1 NOTICE OF MOTION

- (1) Notices of motion, for ordinary and extraordinary meetings of the Council, are to be in writing and are to be delivered or posted to the General Manager in order to reach him/her by no later than 4.00 PM on the Tuesday preceding the meeting.
- (2) A Notice of motion must be signed by at least one Councillor.
[Council Policy]

3.2 NOTICE OF MOTION - ABSENCE OF MOVER

In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of a Council:

- (a) any other Councillor may move the motion at the meeting; or
- (b) the chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.
[Clause 245 of Local Government (General) Regulation]

3.3 MOTIONS TO BE SECONDED

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 2.2(2) and 2.10(5) of this Code.
[Clause 246 of Local Government (General) Regulation]

3.4 AMENDMENTS

- (1) At the meeting a Councillor may move an amendment to any motion.
- (2) If an amendment is carried it becomes the motion.
[Council Policy]

3.5 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.
[Clause 247 of Local Government (General) Regulation]

3.6 FORESHADOWED AMENDMENTS

- (1) Notwithstanding *Clause 3.5 of this Code* a Councillor may, when a motion and an amendment have been moved, foreshadow an intention to move a further amendment before the amendment has been voted upon.
- (2) If the amendment is rejected the foreshadowed amendment may be moved and any intention to move a further foreshadowed amendment outlined and so on until the matter is decided.
[Council Policy]

3.7 MOTIONS OF DISSENT

- (1) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) 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 discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite *clause 2.10 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.

[Clause 248 of Local Government (General) Regulation]

3.8 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS

- (1) It is the duty of the chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

[Clause 238 of Local Government (General) Regulation]



4.0 VOTING

4.1 VOTING AT COUNCIL MEETINGS

- (1) A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- (2) 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.
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
- (4) When a division on a motion is demanded, 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 respectively recorded in the Council's minutes.
- (5) Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot.

[Clause 251 of Local Government (General) Regulation]

4.2 WHAT ARE THE VOTING ENTITLEMENTS OF COUNCILLORS?

- (1) Each Councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote.

[Section 370]

Note: Use of the casting vote is usually intended to retain the status quo.



5.0 COUNCIL COMMITTEES

5.1 COUNCIL MAY ESTABLISH COMMITTEES

- (1) A Council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of a committee 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.

[Clause 260 of Local Government (General) Regulation]

5.2 FUNCTIONS OF COMMITTEES

A Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

[Clause 261 of Local Government (General) Regulation]

5.3 NOTICE OF COMMITTEE MEETINGS TO BE GIVEN

- (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

[Clause 262 of Local Government (General) Regulation]

- (3) The notice period for meetings of a committee of the Council is to be 3 clear days.

[Council Policy]

5.4 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES

- (1) The chairperson of each committee of the Council must be:
 - (a) the Mayor, or
 - (b) if the Mayor does not wish to be the chairperson of a committee - a member of the committee elected by the Council, or
 - (c) if the Council does not elect such a member - a member of the committee elected by the committee.
- (2) A 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.

- (3) If neither the chairperson nor the deputy chairperson of a committee of a 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.

- (4) The chairperson is to preside at a meeting of a committee of a 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.

[Clause 267 of Local Government (General) Regulation]

- (5) If the Mayor declares an interest, other than a pecuniary interest, in any matter being dealt with at a meeting of a committee of the Council, the Mayor will vacate the chair immediately prior to that item being considered and the Deputy Mayor will chair the meeting of the committee for the consideration of that item

- (6) If the Mayor and Deputy Mayor declare an interest, other than a pecuniary interest, in any matter being dealt with at a meeting of a committee of the Council, the Mayor will vacate the chair immediately prior to that item being considered and a chairperson will be elected to chair the meeting of the committee for the consideration of the item in accordance with subclause 1(c) above.

[Section 451 and Council Policy]

- (7) In cases where, in (5) and (6) above, the interest being declared is a pecuniary interest, the provisions of *clause 12.1 of this Code* shall apply.

[Section 451 and Council Policy]

5.5 PROCEDURE IN COMMITTEES

- (1) Subject to subclause (3), each committee of a Council may regulate its own procedure.

- (2) Without limiting subclause (1), a committee of a Council may decide that, 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.

- (3) Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

[Clause 265 of Local Government (General) Regulation]

5.6 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS

- (1) A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.

- (2) 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.

[Clause 263 of Local Government (General) Regulation]

5.7 ABSENCE FROM COMMITTEE MEETINGS

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

- (a) has been absent from 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.

- (2) Subclause (1) does not apply if all of the members of the Council are members of the committee.

(NB the expression "year" means the period beginning 1 July and ending the following 30 June.)

[Clause 268 of Local Government (General) Regulation]

5.8 ORDER OF BUSINESS

The order of business for a meeting of a committee of the Council in accordance with this Code is to be:

- Leave of Absence
- Apologies
- Confirmation of Minutes
- Declarations of Interest
- Addressing the Meeting
- Mayoral Minutes
- Notice of Motion and Questions on Notice
- Reports and Recommendations of Working Parties
- Delivery Program Reports
- Requests for Reports and Memorandums
- Urgent Business
- Confidential Business

[Council Policy]



6.0 DECISIONS OF COUNCIL

6.1 WHAT CONSTITUTES A DECISION OF THE COUNCIL?

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.

[Section 371]

6.2 RESCINDING OR ALTERING RESOLUTIONS

- (1) A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under *section 360 of the Act* and, if applicable, the Council's code of meeting practice.
- (2) If 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.
- (3) If a motion has been negatived by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's code of meeting practice.
- (4) 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 negatived by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
- (7) The provisions of this section concerning negatived motions do not apply to motions of adjournment.

[Section 372]

6.3 CERTAIN CIRCUMSTANCES DO NOT INVALIDATE COUNCIL DECISIONS

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 disclose a pecuniary interest at a Council or committee meeting in accordance with section 451; or
- (e) a failure to comply with the code of meeting practice.

[Section 374]



7.0 ADJOURNMENTS

7.1 ADJOURNMENT OF COUNCIL OR COMMITTEE MEETINGS

- (1) The Council or a committee of Council may, at any time, adjourn a meeting to a time, date and place to be fixed, if the Council or a committee of the Council is of the opinion that it is necessary to do so.

7.2 MOTIONS FOR ADJOURNMENT

- (1) No discussion will be permitted by the Chairperson on any motion for adjournment of a meeting of the Council or a committee of the Council.
- (2) If the motion for adjournment is lost, the subject then under consideration, or next on the business paper, is to be discussed.
- (3) No Councillor is to move a motion for adjournment of the Council or a committee of the Council until half an hour has elapsed since the previous motion for adjournment was lost.

[Council Policy]



8.0 QUESTIONS

8.1 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES

- (1) A Councillor:
 - (a) may, through the chairperson, put a question to another Councillor; and
 - (b) may, through the General Manager, put a question to a Council employee.
- (2) However, 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.
- (3) The Councillor must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.
[Clause 249 of Local Government (General) Regulation]
- (5) Where a Councillor raises any question/s at a meeting a written copy of each question is to be tabled at the meeting for inclusion in the Minutes.
[Council Policy]



9.0 KEEPING ORDER AT MEETINGS

9.1 QUESTIONS OF ORDER

The provisions of *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.

[Council Policy]

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

[Clause 255 of Local Government (General) Regulation]

9.2 ACTS OF DISORDER

- (1) A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a committee of a Council:
 - (a) contravenes the Act or any regulation in force under the Act, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.
- (2) The chairperson may require a Councillor:
 - (a) to apologise without reservation for an act of disorder referred to in subclause (1)(a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1)(c) and, where appropriate, to apologise without reservation, or
 - (c) to retract and apologise without reservation for an act of disorder (referred to in subclause (1)(d) or (e)).

- (3) A Councillor may, as provided by *clause 11.2(2)(a) or (b) of this Code*, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.
[Clause 256 of Local Government (General) Regulation]

9.3 HOW DISORDER AT A MEETING MAY BE DEALT WITH

- (1) If disorder occurs at a meeting of a Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- (2) A member of the public may, as provided by *clause 11.2(2)(a) or (b) of this Code*, be expelled from a meeting of the Council for engaging in or having engaged in disorderly conduct at the meeting.
[Clause 257 of Local Government (General) Regulation]

9.4 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION

- (1) If a meeting or part of a meeting of a committee of a Council is closed to the public in accordance with *clause 10.1 of this Code*, any person who is not a Councillor may be expelled from the meeting as provided by *clause 11.2(2)(a) or (b) of this Code*.
- (2) If any such person, after being notified of a resolution or direction expelling him or her 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, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain the person from re-entering that place.
[Clause 271 of Local Government (General) Regulation]
- (3) If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:
- (a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or
 - (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting, 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 from that place and, if necessary, restrain the Councillor or member from re-entering that place.
[Clause 258 of Local Government (General) Regulation]



10.0 CONFIDENTIAL BUSINESS

10.1 WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?

- (1) A Council, or a committee of the Council of which all the members are Councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals,
 - (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:
 - prejudice the commercial position of the person who supplied it, or
 - confer a commercial advantage on a competitor of the Council, or
 - reveal a trade secret.
 - (e) information that would, if disclosed, prejudice the maintenance of the 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.
- (3) A Council, or a committee of the Council of which all the members are Councillors, 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.
- (4) A Council, or a committee of a 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.

[Section 10A]

10.2 FURTHER LIMITATIONS RELATING TO CLOSURE OF PARTS OF MEETINGS TO PUBLIC

- (1) A meeting is not to remain closed during discussion of anything referred to in *clause 10.1(2) of this Code*:
 - (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 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.
- (2) A meeting is not to be closed during the receipt or consideration of information or advice referred to in *clause 10.1(2)(g) of this Code* 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.
- (3) 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 10.1(3) of this Code*), 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 10.1(2) of this Code*).
- (4) 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 or the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause loss of confidence in the Council or committee.
- (5) In deciding whether part of a meeting is to be closed to the public, the Council or committee concerned must have regard to any relevant guidelines issued by the Director-General.

[Section 10B]

10.3 NOTICE OF LIKELIHOOD OR CLOSURE NOT REQUIRED IN URGENT CASES

- (1) Part of a meeting of a Council, or a committee of the Council of which all the members are Councillors, 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 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during discussion of a particular matter that the matter is a matter referred to in *clause 10.1(2) of this Code*, and
- (b) the Council or committee, after considering any representations made under *clause 10.1(4) of this Code*, 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.

[Section 10C]

10.4 GROUNDS FOR CLOSING PART OF MEETING TO BE SPECIFIED

- (1) 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.
- (2) The grounds must specify the following:
 - (a) the relevant provision of *clause 10.1(2) of this Code*,
 - (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 open meeting would be, on balance, contrary to the public interest.

[Section 10D]

10.5 INFORMATION RELATING TO PROCEEDINGS AT CLOSED MEETINGS NOT TO BE DISCLOSED

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained; or
 - (b) in connection with the administration or execution of this Act; or
 - (c) for the purposes of any legal proceedings arising out of this Act or any report of any such proceedings; or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989; or
 - (e) with other lawful excuse.

- (1A) In particular, if part of a meeting of a Council or a committee of a Council is closed to the public in accordance with *clause 10.1(1) of this Code*, a person must not, without the authority of the Council or committee, disclose (otherwise than to the Council or a Councillor of the Council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a Council after it has been presented to the Council; or
 - (b) disclosure made in any of the circumstances referred to in subsection (1)(a)-(e); or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12 of the Act.
- (2) A person acting in the administration or execution of the Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known for the purpose of gaining, either directly or indirectly, an advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of the Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval; or
 - (b) the giving of an order.

[Section 664]

10.6 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC

If a 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 that part of the meeting has concluded.

[Clause 253 of Local Government (General) Regulation]

10.7 DISCLOSURE AND MISUSE OF INFORMATION - PRESCRIBED CIRCUMSTANCES

For the purposes of *clause 10.5 of this Code*, any disclosure made with the intention of enabling the Minister or Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

[Clause 412 of Local Government (General) Regulation]



11.0 ATTENDANCE AT MEETINGS

11.1 PUBLIC NOTICE OF MEETINGS

- (1) A Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors.

[Section 9(1)]
- (2) *Clauses 11.1(2) to 11.1(6)* prescribe the manner in which the requirements outlined in *clause 11.1(1) of this Code* are to be complied with.
- (3) A notice of a meeting of a Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (4) The notice must specify the time and place of the meeting.
- (5) Notice of more than one meeting may be given in the same notice.
- (6) *Clauses 11.1(2) to 11.1(6) of this Code* do not apply to an extraordinary meeting of a Council or committee.

[Clause 232 of Local Government (General) Regulation]

11.2 WHO IS ENTITLED TO ATTEND MEETINGS?

- (1) Except as provided by this Part:
 - (a) everyone is entitled to attend a meeting of the Council and those of its committees of which all the members are Councillors, and
 - (b) a Council must ensure that all meetings of the Council and of such committees are open to the public.
- (2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a committee if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

[Section 10]

11.3 ATTENDANCE OF GENERAL MANAGER AT MEETINGS

- (1) 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 the members are Councillors.
- (2) 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.

- (3) However, 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 the employment of the General Manager.

[Section 376]

11.4 REPRESENTATIONS BY MEMBERS OF THE PUBLIC – CLOSURE OF PART OF MEETING

- (1) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.

- (2) That period is as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

[Clause 252 of Local Government (General) Regulation]

11.5 REQUEST BY MEMBERS OF THE PUBLIC TO MAKE REPRESENTATIONS ABOUT THE CLOSURE OF PART OF A MEETING

- (1) Any member of the public may make representations about the closure of part of a meeting on the following basis:
- (a) in writing to the public officer or executive officer prior to the commencement of the meeting; or
 - (b) verbally when requested by the chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.
- (2) After a motion to close a part of a meeting to the public has been moved and seconded in accordance with *clause 11.4(1) of this Code* the chairperson will:
- (a) where the Council or committee has disagreed with the General Manager's recommendation that an item should be discussed in closed session, announce that public representation on that item will not be required.
 - (b) ask the public officer or executive officer, having regard to (a) above, whether there are any written representations from the public on the proposed closure,
 - (c) ask the public officer to read out any representations received providing that where more than three representations are received, either for and/or against the closure, then three written submissions for

and/or against will be chosen at random and read out.

- (d) having regard to (a) above, call for any verbal representations on the basis of *clause 11.5(4)* below.
- (3) The number of speakers on any one item is to be limited to three in support of any proposal to close a part of a meeting and three in opposition. The speakers will be chosen by the gallery and will be requested by the chairperson to speak in turn for and against the motion starting with a person in favour of the motion.
- (4) That for the purpose of *clause 11.4(2)* above, a period of five minutes per item will be allowed for any member of the public to make representations to a Council meeting as to whether a part of a meeting should be closed to the public. The Council may, where it considers the circumstances warrant, extend the period of time allowed under this Subclause.
- (5) The Council or committee can, if it considers it warranted, then close the meeting under Section 10A(3) of the Act to consider whether part of the meeting should be closed to the public to consider the subject item.
- (6) When the Council or committee has considered its position in accordance with *subclause 5* and returns to the open meeting a decision will then be taken on whether or not to close part of the meeting to consider the subject item and the reasons for the decision.

[Council Policy]

11.6 PERMISSION TO ADDRESS MEETINGS

- (1) It is at the absolute discretion of the Council or the committee to determine whether or not a member of the public who has requested permission to address the meeting of the Council or committee of Council is permitted to do so.
- (2) Any member of the public may make a request to the General Manager, or Public Officer, or Executive Officer either in writing, verbally or other electronic means for permission to address a meeting of the Council or a committee of the Council on the following basis:
 - (a) up to 12 noon on the day of the meeting if the item on which the member of the public wishes to address the Council or committee is on the Agenda as a Delivery Program Report as part of the order of business for the meeting,
 - (b) if the item, the subject of the address, is not to be included on the Agenda of the upcoming meeting, as part of the order of business for the meeting, then the details will be taken and Council advised of the request at the next available Ordinary Meeting. Council will then determine whether the request will be granted and whether a report is required to be presented at the same meeting at which the address will be heard.
- (3) The Council or committee may, notwithstanding *clause 11.4(1)* above, allow a member of the public to address the meeting if it considers that the situation warrants such action.

-
- (4) Any member of the public wishing to address a meeting of the Council or committee of the Council has to provide to the Public Officer, or Executive Officer or nominee, by 12 noon on the day of the meeting, the following:
- a) Name.
 - b) Organisation or group represented (if applicable).
 - c) Details of the issue to be addressed and the item number of the Delivery Program report in the Business Paper.
 - d) A clear statement as to whether the person is for (supports) or against (opposes) the recommendation in the Business Paper.
 - e) The interest of the speaker (e.g. affected person, neighbour, applicant, applicant's spokesperson, interested citizen).
 - f) Written statements of the points to be covered during the address, in sufficient detail so as to inform the Councillors of the substance of the address.
 - g) A written copy of any questions asked by the person addressing the meeting, in order that responses to those questions could be provided in due course.
- (5) Prior to addressing a meeting, the meeting may consider whether the material provided in the application is considered irrelevant, vexatious or frivolous and accordingly refuse an application to address the meeting. The meeting may call on the General Manager or on relevant Council staff, through a request to the General Manager, to provide advice as to whether the material is considered to be irrelevant, vexatious or frivolous.
- (6) The number of speakers on any one item is to be limited to three in support of any proposal and three in opposition except at the discretion of Council.
- (7) Any member of the public granted permission by the meeting of the Council or committee of the Council to address the meeting is required to limit the address to a maximum of 5 minutes. The Council or committee may, at its discretion, grant an extension of time in appropriate circumstances.
- (8) It should be noted that speakers at meetings of the Council or Committee do not have absolute privilege (parliamentary privilege). A speaker who makes any potentially offensive or defamatory remarks about any other person may render themselves open to legal action.

A person addressing Council or Committee will be informed that they do not enjoy any privilege and that permission to speak may be withdrawn should they make inappropriate comments.

Prior to addressing the meeting the person will be required to sign the following statement:

"I (name) understand that the meeting I intend to address on (date) is a public meeting. I also understand that should I say or present any material that is inappropriate, I may be subject to legal action. I also acknowledge that I have been informed to obtain my own legal advice about the appropriateness of the material that I intend to present at the above mentioned meeting."

Should a person fail to sign the above statement then permission to address either the Council or Committee will not be granted.

- (9) A speaker may only address Council or Committee once on any particular item unless there are circumstances that, in the opinion of the Council, have changed substantially since Council's previous consideration.
- (10) A speaker seeking to address the Council or Committee and raise allegations about the Council of handling of a matter by staff must make such allegations in writing to the Mayor, in respect of Council or the General Manager, in respect of staff.

(The purpose of this is not intended to restrict people from raising concerns about the way Council or about the way staff have handled matters but to provide a mechanism whereby any allegations are properly investigated and dealt with appropriately.)

- (11) A request to address Council on a matter that is the subject of Legal proceedings will not be accepted.
- (12) A request by a Tenderer to address Council on a matter regarding a tender will not be accepted. Council may however accept a written submission provided by a Tenderer.
- (13) Once closed to the public no person, unless requested by the Committee, is entitled to address Committee of the Whole other than Council staff and Council advisors, and any information provided by Council staff or Council advisors shall be upon the request of the chairperson of the committee or by the direction of the General Manager.

[Council Policy]

11.7 PRESENTATIONS TO COUNCIL OR COMMITTEE MEETINGS

- (1) On occasions it will be necessary for members of the public to make formal presentations to meetings of the Council or committees of Council to support applications or as a result of studies commissioned by the Council.
- (2) Any reports outlining the need for presentations should give some indication of the period of time which will be needed for the presentation.
- (3) It is at the absolute discretion of the Council or the committee to determine whether or not the presentation proceeds.

[Council Policy]

11.8 SUSPENSION OF STANDING ORDERS

- (1) At every ordinary and extraordinary meeting of the Council it is necessary for a resolution to be passed to the effect that only so much of the standing orders be suspended as would prevent members of the public addressing or making presentations to the meeting.
- (2) If the Council is not prepared to suspend standing orders then the address or presentation to the Council cannot be made.

[Council Policy]

11.9 ACCOMMODATION AT MEETINGS

- (1) Reasonable accommodation will be provided for the public at all Council and committee meetings, which are open to the public.
- (2) Reasonable accommodation and facilities will also be provided to anyone who is employed to report the proceedings of meetings, which are open to the public.

[Council Policy]



12.0 DISCLOSURE OF PECUNIARY INTERESTS AT MEETINGS

12.1 DISCLOSURE AND PARTICIPATION IN MEETINGS

- (1) A Councillor or a member of a Council committee, including committee of the whole, who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.
- (2) The Councillor or member must not be present at, or in sight of, the meeting of the Council or committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or committee, or
 - (b) at any time during which the Council or committee is voting on any question in relation to the matter.
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448 of the Act.

[Section 451 and Council Policy]

12.2 DISCLOSURES TO BE RECORDED

A disclosure made at a meeting of a Council or Council committee must be recorded in the minutes of the meeting.

[Section 453]

12.3 RECORDING OF VOTING ON PLANNING MATTERS

- (1) In this section, *planning decision* means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979*:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, 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.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) 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, and is to include the information required by the regulations.

- (5) This section extends to a meeting that is closed to the public.

[Section 375A]

12.4 GENERAL DISCLOSURE

A general notice given to the General Manager in writing by a Councillor or a member of a Council committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative is:

- (a) a member, or in the employment, of a specified company or other body, or
- (b) a partner, or in the employment, of a specified person,

is, unless and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council committee after the date of the notice.

[Section 454]

12.5 DISCLOSURE BY ADVISER

- (1) A person who, at the request or with the consent of the Council or a Council committee, gives advice on any matter at any meeting of the Council or committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser.

[Section 456]

12.6 CIRCUMSTANCES IN WHICH CLAUSE 12.1 AND 12.5 ARE NOT BREACHED

A person does not breach *clause 12.1 or 12.5 of this Code* if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

[Section 457]

12.7 POWERS OF MINISTER IN RELATION TO MEETINGS

The Minister may, conditionally or unconditionally, allow a Councillor or a member of a Council committee who has a pecuniary interest in a matter with which the Council is concerned to be present at a meeting of the Council or committee to take part in the consideration or discussion of the matter and to vote on the matter if of the opinion:

- (a) that the number of Councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- (b) that it is in the interests of the electors for the area to do so.

[Section 458]



13.0 AVAILABILITY OF CORRESPONDENCE, REPORTS AND RECORDS

13.1 COPY OF BUSINESS PAPER

- (1) A Council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2) In the case of a meeting whose 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:
 - (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (b) the requirements of *subsection (1)* with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

[Section 9(2, 2A, 3, 4 & 5)]
- (6) The decision on how to arrange items of business on the agenda for a part of a meeting that is likely to be closed to the public is made by the General Manager as an administrative action.

[Council Policy]

13.2 PUBLIC ACCESS TO CORRESPONDENCE AND REPORTS

- (1) A Council and a committee of which all members are Councillors 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.
- (2) This section does not apply if the correspondence or reports:
 - (a) relate to a matter that was received or discussed; or
 - (b) were laid on the table at, or submitted to, the meeting,when the meeting was closed to the public.
- (3) This section does not apply if the Council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in *clause 10.1 of this Code*, are to be treated as confidential.

[Section 11]

13.3 URGENT REPORTS

- (1) Circumstances will necessitate the distribution of urgent reports either prior to or at Ordinary, Extraordinary and Committee Meetings. Where the urgent items are distributed:
 - (a) prior to the meeting no additional time will be allowed for Councillors to read the report unless the meeting decides otherwise;
 - (b) at the meeting the chairperson shall determine a period of time, to allow Councillors to read the report, prior to the item being discussed or determined.
- (2) Urgent reports, other than those relating to confidential business, will be available to the public as soon as practicable after they have been printed but in any event will be available on the night of the meeting.

[Council Policy]

13.4 RESTRICTION OF ACCESS TO INFORMATION

- (1) If the General Manager or any other member of the staff of a Council decides that access to a document or other information held by the Council should not be given to the public or a Councillor, the person concerned must provide the Council with written reasons for the restriction.
- (2) The reasons must be publicly available.
- (3) The Council must review any such restriction no later than 3 months after it is imposed.
- (4) The Council must, at the request of any person made after the expiry of a period of 3 months after that review (or of a period of 3 months after the most recent of any subsequent reviews), carry out a further review of the restriction.
- (5) The Council must remove the restriction if, at any time:
 - (a) it finds that there are no grounds for the restriction, or
 - (b) access to the relevant document or other information is obtained under the Freedom of Information Act 1989.
- (6) A review is not required under this section if the restriction concerned has been removed.

[Section 12A]



14 MINUTES

14.1 COUNCIL MINUTES

- (1) The Council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at that subsequent meeting.
[Section 375]
- (3) 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 any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
[Clause 254 of Local Government (General) Regulation]

14.2 COMMITTEES TO KEEP MINUTES

- (1) Each committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, 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 any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the Council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
[Clause 266 of Local Government (General) Regulation]

14.3 DISCUSSION ON ACCURACY OF MINUTES

- (1) A motion or discussion in respect to minutes shall only be in order if it relates to the accuracy of the minutes as a record of the proceedings.
[Council Policy]

14.4 FORM OF MINUTES

- (1) Each sheet of the minute book is to be kept in a loose-leaf form and is to contain, on each sheet:

- (a) a heading setting out the nature of the meeting and the date of the meeting to which the minutes refer;
 - (b) a footer indicating that “This is page number.....of the minutes of themeeting of theCouncil held on
- (2) The sheets of the minute book are to be kept in chronological order.
[Council Policy]

14.5 INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE

- (1) An inspection of the minutes of a Council or committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
- (2) The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.
- (3) Everyone is entitled to inspect the current version of:
 - agendas and business papers for Council and committee meetings (but not including business papers for matters considered when part of a meeting is closed to the public)
 - minutes of Council and committee meetings, but restricted (in the case of any part of a meeting that is closed to the public), to the resolutions and recommendations of the meeting

[Clause 272 of Local Government (General) Regulation & Section 12]
- (4) Minutes of Council or committee of the Council will be made available to the councillors and the public as soon as practicable after the meeting.
- (5) The minutes available to the public take the form of unconfirmed minutes and can be changed when they are submitted for confirmation at a subsequent meeting.

[Council Policy]

14.6 MINUTES IN EVIDENCE

- (1) Every entry in the minutes of the business transacted at a meeting of the Council and purporting to be signed by the person presiding at a subsequent meeting of the Council is, until the contrary is proved, evidence:
 - (a) that the business as recorded in the minutes was transacted at the meeting; and
 - (b) that the meeting was duly convened and held.

(Section 703)



15 MISCELLANEOUS

15.1 TAPE RECORDING OF MEETING OF COUNCIL OR COMMITTEE PROHIBITED WITHOUT PERMISSION

- (1) A person may use a tape recorder to record the proceedings of a meeting of a Council or a committee of a Council only with the authority of the Council or committee.
- (2) A person may, as provided by *clause 11.2(2)(a) or (b) of this Code*, be expelled from a meeting of a Council or a committee of a Council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her 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.
- (4) In this clause, “tape recorder” includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

[Clause 273 of Local Government (General) Regulation]

15.2 WHEN DOES A VACANCY OCCUR IN A CIVIC OFFICE

- (1) A civic office becomes vacant if the holder:
 - (a) dies, or
 - (b) resigns the office by writing addressed to the General Manager, or
 - (c) is disqualified from holding civic office, or
 - (d) is absent (unless the holder is absent because he or she has been suspended from office under section 482 of the Act) without:
 - (i) prior leave of the council, or
 - (ii) leave granted by the council at any of the meetings concerned, or
 - (e) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is dismissed from civic office, or
 - (h) ceases to hold office for any other reason.

- (2) For the purposes of Sub Section, (1) (d), a Councillor applying for a leave of Absence from a meeting of a Council does not need to make the application in person and the Council may grant such leave in the absence of that Councillor.
- (3) If the holder of a civic office attends a council meeting (whether or not an ordinary meeting) despite having been granted leave of absence, the leave of absence is taken to have been rescinded as regards any future council meeting.
- (4) Subsection (3) does not prevent the council from granting further leave of absence in respect of any future council meeting.

[Section 234]

15.3 LIABILITY OF COUNCILLORS, EMPLOYEES AND OTHER PERSONS

- (1) A matter or thing done by the Minister, the Director-General, a Council, a Councillor, a member of a committee of the Council or an employee of the Council or any person acting under the direction of the Minister, the Director-General, the Council or a committee of the Council does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, the Director-General, the Council or a committee of the Council, subject a Councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand.

[Section 731]

15.4 PROCEEDINGS IN CASES NOT PROVIDED FOR

- (1) Where any matter arises at a Council meeting which is not provided for by this Code, resort shall be had to the rules, forms, and usages of the Legislative Assembly of New South Wales in force for the time being, so far as the same are applicable to the proceedings of the Council.

[Council Policy]

15.5 SITE INSPECTIONS

- (1) Site Inspections will be held from time to time as required to consider any item referred to it from an ordinary, extraordinary or committee meeting of the Council.

[Council Policy]

15.6 BRIEFINGS AND WORKING PARTIES

- (1) Council creates working parties that are not committees, which report to Council. Working parties will either set or have Council set its terms of reference. Working parties shall work on projects within their terms of reference and provide reports to Council or a committee for a determination of that body.
- (2) Councillor Briefings are non decision making forums and are not committees of Council, established to provide a mechanism for informing and advising Councillors of matters relevant to Council activities that would not otherwise be achieved effectively using the written word, plans or diagrams.
- (3) Councillor Briefings may involve presentations by Council Officers, City stakeholders, other organisations and individuals at the invitation of the Council or Council Officers through the General Manager.

- (4) Councillor Briefings are purely informational and no recommendations should be made or decisions taken. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to formal Council or committee meetings.
- (5) Council's Code of Conduct does apply to Councillor Briefings and Councillors need to take the appropriate action where conflicts of interest may arise.
- (6) Council's Councillor Briefing Charter sets out the manner in which Councillor Briefings are to be convened and conducted.
- (7) Briefing Papers are confidential and should be treated as such, unless release is required by the law.

[Council Policy]



16 DEFINITIONS

In this Code:

"*amendment*", in relation to an original motion, means a motion moving an amendment to that motion;

"*chairperson*":

- (a) in relation to a meeting of a Council - means the person presiding at the meeting as provided by *clause 1.7 of this Code*; and
- (b) in relation to a meeting of a committee of a Council - means the person presiding at the meeting as provided by *clause 5.5 of this Code*;

"*committee*", in relation to a Council, means a committee established under *clause 5.1 of this Code* or the Council when it has resolved itself into a committee of the whole;

"*Councillor*" includes a member of the governing body of a county Council;

"*day*" means every day of the week including week-ends and public holidays.

"*urgent report*" means a report which is not listed on the agenda for the meeting, and the subject of which is considered by the General Manager of such importance or urgency that it must be submitted to the meeting.

"*record*" means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the minutes of meetings of a Council or of a committee of a Council;

"*the Act*" means the Local Government Act 1993, as amended.

"*the Regulation*" means the Local Government (General) Regulation 2005.

"*year*" means the period beginning 1 July and ending the following 30 June.

"*note*" notes in the text of this Code are explanatory only and do not form part of the Code. They are provided for assistance only.



**PENRITH CITY COUNCIL
CODE OF MEETING PRACTICE**

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