



# Ordinary Council

## LATE REPORTS

### Business Paper

**date of meeting:** Wednesday 18 March 2020

**location:** Wauchope Showground Hall  
93A High Street  
Wauchope

**time:** 5.30pm

**Community Vision**

A sustainable high quality of life for all

**Community Mission**

Building the future together  
People Place Health Education Technology

**Council's Corporate Values**

- ★ Sustainability
- ★ Excellence in Service Delivery
- ★ Consultation and Communication
- ★ Openness and Accountability
- ★ Community Advocacy

**Community Themes**

- ★ Leadership and Governance
- ★ Your Community Life
- ★ Your Business and Industry
- ★ Your Natural and Built Environment

# Ordinary Council Meeting

Wednesday, 18 March 2020

## LATE REPORTS

### Items of Business

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# 3 Your Business and Industry

## What we are trying to achieve

A region that is a successful place that has vibrant, diversified and resilient regional economy that provides opportunities for people to live, learn, work, play and invest.

## What the result will be

We will have:

- A strong economy that fosters a culture supportive of business and ensures economic development of the region
- Townships, villages and business precincts that are vibrant commercial, cultural, tourism, recreational and/or community hubs
- A region that attracts investment to create jobs
- Partnerships that maximise economic return and create an efficient and effective business environment

## How we will get there

- 3.1 Embrace business and a stronger economy
- 3.2 Create vibrant and desirable places
- 3.3 Embrace opportunity and attract investment to support the wealth and growth of the community
- 3.4 Partner for success with key stakeholders in business, industry, government, education and the community

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**Item:** 12.03

**Subject:** PROPOSED POLL ON FLUORIDATION OF COUNCIL'S WATER SUPPLY

**Presented by:** Corporate Performance, Rebecca Olsen

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### Alignment with Delivery Program

4.1.1 Plan, investigate, design and construct water supply assets ensuring health, safety, environmental protection and security of supply for the future growth of the region.

### RECOMMENDATION

**That Council determine whether to conduct a poll in conjunction with the 2020 Local Government elections and the proposed wording of such poll.**

### Executive Summary

At the Ordinary meeting of Council held February 2020, Council resolved:

*That Council request the General Manager to:*

- 1. Report to Council in March 2020 regarding the process, cost and proposed wording to conduct a Poll in conjunction with the September 2020 Local Government Election that provides for the community to indicate whether or not they would like Council to continue to add fluoride (as hydrofluorosilicic acid) to the water supply.*
- 2. Receive any other suggestions from Councillors for possible Poll questions, and include those in the report referred to in 1 above.*

This report addresses these resolutions and also references legislative requirements that must be considered when proposing a poll question regarding fluoridation of the public water supply.

### Discussion

Section 14 of the Local Government Act 1993 provides for Councils to take a poll of electors for its information and guidance on any matter. These polls are usually held in conjunction with Local Government elections as this is the most cost effective manner to conduct a poll however they can be conducted at any time. The results of a poll are non-binding on Council and participation by electors is voluntary.

A poll question must be clear and concise requiring a simply yes or no response by the elector. The validity of the outcome can be questionable where the question may be considered unclear or ambiguous by the electors.

Should Council resolve to conduct a poll, it is proposed that it be conducted in conjunction with the ordinary Local Government election in September 2020. This is

the most cost effective option available for Council as the NSW Electoral Commission resources have already been engaged to conduct this election. The NSW Electoral Commission will perform all administrative functions regarding the conducting of the poll including the count of results in conjunction with the count of the ordinary election. A poll is conducted on a separate ballot paper and is required to be counted separately to the ordinary election ballot papers. As the NSW Electoral Commission works on a cost recovery basis in providing electoral services for councils, an accurate costing of conducting the poll is not available however an indicative price of 10% of the cost of conducting the election has been provided as a guide. In this case, the estimate would be approximately \$66,000 inclusive of GST for a single question poll. This increases at a lower rate for each additional question asked as part of the poll however is still expected to be in the vicinity of \$30,000-\$40,000 per additional poll question.

Council resolved at its December 2019 Ordinary meeting that a report be presented to Council in March 2020 regarding the process, cost and proposed wording to conduct a Poll in conjunction with the 2020 Local Government elections on whether Council should stop adding fluoride to its public water supply. It also resolved that other proposed poll questions should be considered at this time.

Any proposed poll question on stopping the addition of fluoride to the public water supply will be able to gauge the community's opinion on this subject however it is noted that there is an approval process that would need to be followed to enable Council to cease the fluoridation of the public water supply.

With regard to ceasing the addition of fluoride to the public water supply a number of factors need to be considered. Section 6B of the Fluoridation of Public Water Supplies Act 1957 indicates that a water authority cannot cease the fluoridation of the water supply without the Secretary's approval. This Act states:

- (1) A water supply authority to which an approval has been granted or a direction has been given shall not discontinue fluoridating the public water supply concerned, unless the approval or direction is revoked by the Secretary.
- (2) A water supply authority contravening this section is guilty of an offence against this Act.

NSW Health have also issued a Code of Practice for Fluoridation of Public Water Supplies in 2018 that states under clause 4.3.1.1 that "*a water utility shall not permanently cease fluoridating a water supply without the written approval of NSW Health.*"

Following a Councillor workshop to discuss the proposed poll questions, it is proposed that the wording for the poll question on fluoridation of the public water supply be:

*Would you prefer Council to stop adding fluoride (hydrofluorosilicic acid) to the public water supply?*

It is noted that NSW Health made contact with Council to discuss the proposed poll and indicated that there is no historic precedence for such a decision being made by the State i.e. to cease fluoridation, and it is most unlikely that approval would be granted when considering the policy position on fluoride of the State government. Correspondence as received by NSW Health is attached as Attachment 1.



The February 2020 resolution of Council also requested suggestions from Councillors for other poll questions to be included as part of the proposed poll. Councillors were asked to provide suggested poll questions by 4 March 2020 and following discussion at a Councillor workshop it is proposed that the following poll question also be added to the proposed poll:

*Should Council continue to consider all options for a new East-West link road between Ocean Drive and the Oxley Highway?*

It will also be proposed that Council will develop information sheets for the public closer to the election to help provide information to the electors and allow them to make an informed decision when responding to the poll question(s).

### Options

Council may resolve to:

- Conduct a poll on the addition of fluoride using the proposed wording as included in this report
- Conduct a poll on the addition of fluoride using alternate wording to what is included in this report
- Conduct a poll on a different subject to what is mentioned in this report
- Conduct a poll asking a series of questions on the same or different subjects
- Not conduct a poll.

### Community Engagement and Internal Consultation

#### Internal Consultation

1.
  - Councillors
  - General Manager
  - Director Corporate Performance
  - Director Infrastructure
  - Group Manager Infrastructure Operations
  - Group Manager Governance

#### External Consultation

Council has been liaising with the NSW Electoral Commission regarding the requirements for conducting a poll and the Office of Local Government regarding the wording of the poll question.

### Planning and Policy Implications

There are no planning and policy implications in relation to this report.

### Financial and Economic Implications

As mentioned in the body of the report, the cost to conduct a poll question as part of the Local Government election process is approximately 10% of the total cost to conduct the election. In this case, the estimate would be approximately \$66,000 inclusive of GST for a single question poll. This increases at a lower rate for each

additional question asked as part of the poll however is still expected to be in the vicinity of \$30,000-\$40,000 per additional poll question.

Depending on the number of questions (if any) that are resolved to be undertaken, an appropriate budget allocation will need to be incorporated into the 2020-2021 Operational Plan.

**Attachments**

- 1 [🔗](#) Correspondence from NSW Health