

GLEN INNES SEVERN COUNCIL

BUSINESS PAPER



**FOR THE ORDINARY
COUNCIL MEETING**

**TO BE HELD ON
THURSDAY,
23 FEBRUARY 2023**

PUBLIC FORUMS

- 1 The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council. The duration of public forums will be 15 minutes and they will commence at 8.45am on the day of a set Council meeting.
- 2 Public forums are to be chaired by the mayor or their nominee. Only the names of speakers, the organisation that they are representing and the topic that they are speaking on will be recorded in Council's Meeting minutes.
- 3 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by 12 noon on the Tuesday before the meeting and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4 A person may apply to speak on no more than two (2) items of business on the agenda of the council meeting.
- 5 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 6 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 7 No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the council meeting.
- 8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 9 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 10 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no less than one (1) day before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 11 The general manager or their delegate is to determine the order of speakers at the public forum.
- 12 Each speaker will be allowed a maximum of five (5) minutes to address the council. If there are more than three (3) speakers, the maximum time will be reduced to stay within the duration scheduled for the Public Forum. This time is to be strictly enforced by the chairperson.
- 13 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 14 A councillor (including the chairperson) may, through the chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
- 15 Speakers are under no obligation to answer a question put under clause 4.14. Answers by the speaker, to each question are to be limited to two (2) minutes.

- 16 Speakers at public forums cannot ask questions of the council, councillors, or council staff.
- 17 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to three (3) minutes in response to an address to the council at a public forum after the address and any subsequent questions and answers have been finalised.
- 18 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 19 When addressing the council, speakers at public forums must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- a) The Mayor or Chair will be guided by Section 10A(2)(a) – (i) of the *Local Government Act 1993*, in not allowing members of the public during community consultation sessions to deal with or discuss or disclose any information with regards to the matters mentioned in this section and subsections of the Act.
- b) The opinions expressed by community members are not reflective or representative of the views of Council and hence Council cannot be held responsible or liable for such views.

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

Local Government Act 1993

Section 10A(2) (a) – (i)

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.



GLEN INNES SEVERN COUNCIL

Notice is herewith given of an **ORDINARY MEETING**

That will be held at the Glen Innes Severn Learning Centre,
William Gardner Conference Room, Grey Street, Glen Innes on:
Thursday, 23 February 2023 at 9.00am

ORDER OF BUSINESS

1	ACKNOWLEDGEMENT OF COUNTRY.....	5
2	OPENING WITH PRAYER.....	5
3	APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS.....	5
4	MINUTES OF PREVIOUS ORDINARY MEETING - 15 DECEMBER 2022 AND EXTRAORDINARY MEETING - 20 DECEMBER 2022 TO BE CONFIRMED	5
5	DISCLOSURE OF CONFLICT OF INTERESTS: PECUNIARY AND NON- PECUNIARY INTERESTS	5
6	MAYORAL MINUTE(S).....	5
7	REPORTS TO COUNCIL.....	6
	7.1 Resolution Tracking Report.....	6
	7.2 ALGA National General Assembly 2023	10
	7.3 2024 Local Government Ordinary Elections.....	15
	7.4 Corporate Governance Policy Framework	23
	7.5 Review of the Lobbying of Councillors Policy	28
	7.6 Quarterly Budget Review - December 2022.....	33
	7.7 Capital Works Program Progress Report as at 31 January 2023 ..	39
	7.8 Investments Report as at 31 December 2022	45
	7.9 Investments Report as at 31 January 2023.....	53
	7.10 Borrowings Report as at 31 December 2022	61

7.11	Borrowings Report as at 31 January 2023.....	65
7.12	Life Choices - Support Services Fees and Charges 2022-2023	69
7.13	StateCover Workers Compensation and Safety Performance Report 2021 - 2022	74
7.14	Workplace Injury Management Report as at 31 January 2023.....	84
7.15	Glen Innes Severn Library Quarterly Report - October, November, December 2022	88
7.16	Local Orders Policy No.1 Guidelines for the Keeping of Animals for Domestic Purposes - Policy Revision.....	96
7.17	Regional Events Acceleration Fund Round Two (2) - 0173 - 2023 Australian Celtic Festival - Funding Agreement	104
7.18	Stronger Country Communities Round Five (5) - 0456 - Glen Innes Severn Council Community Infrastructure Program - Funding Agreement.....	110
7.19	Review of Public Gates - Installation Maintenance and Removal Policy	118
8	NOTICE OF MOTIONS/RESCISSION/QUESTIONS WITH NOTICE	122
9	CORRESPONDENCE, MINUTES, PRESS RELEASES	123
9.1	Correspondence and Press Releases.....	123
9.2	Minutes of Council Community Committee Meetings for Information	125
9.3	Minutes of Non-Council Community Committees for Information	126
10	REPORTS FROM DELEGATES.....	127
10.1	Reports from Delegates	127
11	MATTERS OF AN URGENT NATURE.....	136
12	CONFIDENTIAL MATTERS	137
12.1	Glen Innes Skate Park - Tender	138

Bernard Smith
General Manager

Council

Meeting Date: 4th Thursday of the month commencing at 9.00am.

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*
- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan under section 406*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the [Environmental Planning and Assessment Act 1979](#)*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council."*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*
- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*
- *Any matter or function not within the delegable function of Committees*
- *Matters referred from Committees for determination*

Membership: Full Council - 7 Councillors.

Quorum: 4 members

Chairperson: The Mayor

Deputy Chairperson: The Deputy Mayor

The Mayor will read the following statement:

“This Council Meeting is being streamed live, recorded and published in accordance with Council’s Live Streaming of Council Meetings Policy. No other persons are permitted to record the Meeting, unless specifically authorised by Council to do so.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to speak during the meeting will be recorded and their voice, image and comments will form part of the live stream and recording.

All speakers are requested to ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms.

The Chair and/or the General Manager have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments.

Thank you.”

The Mayor will read the following statement of ethical obligations:

“Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the Glen Innes Severn Local Government Area and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.”

1 ACKNOWLEDGEMENT OF COUNTRY

“I acknowledge the Ngoorabul people as the traditional custodians of this land and pay my respect to the Elders past, present and emerging. I also extend that respect to Aboriginal and Torres Strait Islander people here today.”

2 OPENING WITH PRAYER

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

4 MINUTES OF PREVIOUS ORDINARY MEETING - 15 DECEMBER 2022 AND EXTRAORDINARY MEETING - 20 DECEMBER 2022 TO BE CONFIRMED

5 DISCLOSURE OF CONFLICT OF INTERESTS: PECUNIARY AND NON-PECUNIARY INTERESTS

PECUNIARY:

Nature of conflict:

Action to be taken:

NON-PECUNIARY:

a) Significant Non-Pecuniary

Nature of conflict:

Action to be taken:

b) Non-significant Non-Pecuniary

Nature of conflict:

Action to be taken:

6 MAYORAL MINUTE(S)

7 REPORTS TO COUNCIL

REPORT TITLE: 7.1 RESOLUTION TRACKING REPORT

ECM INDEXES:

Subject Index: GOVERNANCE: Ordinary Meetings of Council

Customer Index: NIL

Property Index: NIL

AUTHOR: Debbie Duffell - Executive Assistant (Mayor and General Manager)

APPROVER/S: Bernard Smith - General Manager

PURPOSE

The purpose of this report is to provide Councillors with an update on the outstanding resolutions from previous Ordinary and Extraordinary Council Meetings (**Annexure A**).

RECOMMENDATION

That the information contained within this report be received and noted.

REPORT

(a) Background

Resolutions of Council are resolved at each Ordinary and Extraordinary Council Meeting. It is important that all Council Resolutions are then followed up by staff in a timely and professional manner. The Outstanding Actions Report which is attached to this report (Annexure A) provides a framework to monitor and manage all the Outstanding Council Resolutions.

(b) Discussion

There are now 11 Council Resolutions currently outstanding at Thursday, 16 February 2023.

There were 10 Council Resolutions outstanding in the report that went to the Thursday, 15 December 2022 Ordinary Council Meeting.

A further 12 outstanding actions were added after the December 15, 2022 Ordinary Council Meeting and one (1) action was added after the December 20, 2022 Extraordinary Council Meeting.

Therefore, 12 outstanding actions have now been completed since the last Ordinary Council Meeting (workings: $10 + 13 = 23 - 12 = 11$).

The 11 outstanding resolutions are broken up as follows:

<u>YEARS</u>	<u>OUTSTANDING ACTIONS</u>		
2020	1	(1	Dec 2022)
2021	0	(0	Dec 2022)
2022	10	(8	Nov 2022)
TOTAL	<u>11</u>	(10	Dec 2022)

The outstanding resolutions relate to the following Directorates:

<u>DIRECTORATE</u>	<u>OUTSTANDING ACTIONS</u>		
General Manager	0	(0	Dec 2022)
Corporate and Community Services	4	(5	Dec 2022)
Place and Growth	3	(2	Dec 2022)
Infrastructure Services	4	(3	Dec 2022)
TOTAL	<u>11</u>	(10	Dec 2022)

It is important that Councillors have the confidence that officers are following up on their resolutions from the Council Meetings and actioning them without undue delay, in an accurate and professional manner.

The Interim General Manager follows up all actions and provides guidance and instruction to complete the actions, set due dates and to provide up to date and clear commentary on a monthly basis.

Annexure A provides the most recent comments, from the responsible officers, as at Thursday, 16 February 2023.

Staff will continue to focus and prioritise completing the one (1) remaining outstanding action from the 2020 year.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Council strives for exceptional or best practice governance. One of the ways that Council achieves this is by ensuring that Council resolutions are actioned in a timely, accurate and professional manner.

(c) Legislative/Statutory

The Local Government Act 1993

335 Functions of a General Manager

The general manager of a council has the following functions

b) to implement, without undue delay, lawful decisions of the council

(d) Risk

There is a risk that Council staff may not action Council Resolutions without undue delay, in an accurate and professional manner. This report aims to mitigate this risk by managing accountability and promoting transparency.

(e) Social

An up-to-date Resolution Tracking Report provides confidence to Councillors and the community that Council Resolutions are being followed up in a timely, accurate and professional manner.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

Various responsible officers.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.1.1: Deliver the Integrated Planning and Reporting Framework (IPRF) requirements.

CONCLUSION

It is important that all Council Resolutions are followed up in a timely, accurate and professional manner. This assists in building confidence, with the Councillors and the community, that Council is a transparent, efficient and professionally run organisation.

ATTACHMENTS

Annexure A Outstanding Actions as at 16 February 2023

REPORT TITLE: 7.2 ALGA NATIONAL GENERAL ASSEMBLY 2023

ECM INDEXES:

Subject Index: GOVERNANCE: Conferences

Customer Index: Australian Local Government Association (ALGA)

Property Index: NIL

AUTHOR: Debbie Duffell - Executive Assistant (Mayor and General Manager)

APPROVER/S: Bernard Smith - General Manager

PURPOSE

The purpose of this report is to seek approval for the Mayor, Deputy Mayor and the General Manager to attend the Annual **National General Assembly (NGA)** of Local Government Conference, which is being held in Canberra from Tuesday, 13 June 2023 until Friday, 16 June 2023, and for Council to consider submitting any motions for consideration at the assembly.

RECOMMENDATION

THAT Council:

- 1. Authorises for the Mayor, the Deputy Mayor and the General Manager to attend the National General Assembly of Local Government, which is being held in Canberra from Tuesday, 13 June 2023 until Friday, 16 June 2023.***
- 2. Considers whether it would like to submit any motions to the 2023 National General Assembly in accordance with the requirements listed in Annexure A of this report.***

REPORT

(a) Background

The NGA of Local Government is an opportunity for individual councils to identify matters of national relevance to the sector and to submit motions to seek support at the NGA for those matters to be considered by the **Australian Local Government Association (ALGA)** as national policy, for its advocacy role or for more immediate action by ALGA on behalf of the sector.

It is the premiere Local Government event bringing together Mayors, Councillors and Senior Officers from Councils across Australia to develop Local Government policy ideas, meet with key Federal politicians, and to hear from renowned experts on key issues affecting Local Government in Australia.

(b) Discussion

The NGA provides a platform for Local Government to address national issues and lobby the Federal Government on critical issues facing our sector. The theme for the 2023 NGA is “*Our Communities, Our Future*”. It conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

Invitations are usually extended to the Prime Minister, Leader of the Opposition, and relevant Ministers to address the NGA to give attendees the opportunity to hear directly from them, and it is expected for high level politicians to be attending again this year.

It is usual for a number of crucial policy motions to be debated at the NGA and it is preferable that every Council is represented in these debates to actively contribute to the dialogue, as the sector is strategically positioned within our Federation.

The ALGA Board is calling for motions under the theme of “*Our Communities, Our Future*”.

A notice of motion to this year’s NGA should either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- New program ideas that would help the local government sector to deliver national objectives.

A discussion paper has been developed to assist councils to identify motions that address the theme of the NGA (**Annexure A**).

This year’s call for motions focusses on eight (8) priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;

- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.

Motions should generally be in a form that seeks the NGAs support for a particular action or policy change at the Federal Level which will assist to meet the local community needs.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of your state or territory local government association.
5. Be submitted by a Council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...

Motions are required to be lodged electronically and be received no later than 11.59pm on Friday, 24 March 2023.

Council's involvement in the NGA is important to assist ALGA to maintain the Government's engagement with Local Government and to drive improved outcomes for the Local Government sector at the national level.

(c) Options

Option 1

THAT Council:

- Authorises for the Mayor, the Deputy Mayor and the General Manager to attend the National General Assembly of Local Government, which is being held in Canberra from Tuesday, 13 June 2023 until Friday, 16 June 2023.
- Considers whether it would like to submit any motions to the 2023 National General Assembly in accordance with the requirements listed in Annexure A of this report.

THIS IS THE RECOMMENDED OPTION.

Option 2

Council may prefer to send an alternate Councillor in lieu of the Mayor or Deputy Mayor.

Option 3

Council may prefer not to send any delegates to the Conference.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The costs for a representative to attend the NGA include the registration fees for the NGA and the Regional Development Forum (approximately \$1,200 per person) as well as meals, accommodation and travel expenses (approximately \$2,300 per person).

There is sufficient funding available in the 2022/2023 Operational Plan and Budget for the Mayor, Deputy Mayor and General Manager to attend this conference.

(b) Governance/Policy

The payment of expenses for Councillors to attend the Conference will be in accordance with Council's "Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy", and the payment of expenses for the General Manager will be in accordance with Council's Human Resources Policy Statement Register.

(c) Legislative/Statutory

Nil.

(d) Risk

Nil.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

Nil.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report has no relevance to the Integrated Planning and Reporting Framework, however, some of the policy matters discussed at the Conference may influence Council's future strategic planning.

CONCLUSION

It is recommended that Council authorises for the Mayor, the Deputy Mayor, and the General Manager to attend the Annual National General Assembly of Local Government Conference being held in Canberra from Tuesday, 13 June 2023 until Friday, 16 June 2023 and that Council considers whether it would like to submit any motions in accordance with the criteria listed in the body of this report.

ATTACHMENTS

Annexure A 2023 National General Assembly Call for Motions

REPORT TITLE: 7.3 2024 LOCAL GOVERNMENT ORDINARY ELECTIONS

ECM INDEXES:

Subject Index: GOVERNANCE: Elections

Customer Index: NIL

Property Index: NIL

AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning

**APPROVER/S: Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is for Council to consider appointing the NSW Electoral Commission to conduct its ordinary elections in 2024.

RECOMMENDATION

THAT Council:

- 1. Pursuant to s296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Council;***
- 2. Pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council Polls of Council; and***
- 3. That pursuant to s296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of Council.***

REPORT

(a) Background

S296AA(1)(a) and (b) of the Act respectively, provide an option for Council to either enter an arrangement to contract the Electoral Commissioner to administer Council elections or for Council to engage an electoral services provider.

Council has previously engaged the NSW Electoral Commission in administering the 2012, 2016 and 2021 ordinary elections and were pleased with the efficient and effective service provided.

(b) Discussion

S296AA(1) of the Act requires Council to resolve who it will engage for the administration of the Council elections at least 18 months prior to the ordinary elections scheduled for September 2024.

The cut-off date to resolve to use the NSWEC is **13 March 2023**. If Council fails to resolve to use the NSWEC by 13 March 2023, it will not be able to engage the NSWEC to administer its ordinary election and it will be required to make its own arrangements with another electoral services provider and will be required to publish a notice of its failure on Council's website.

Council is recommended to use the **NSW Electoral Commission (NSWEC)** to administer the 2024 Council elections.

At the 2022 Local Government Professionals NSW Governance Conference, a discussion was held around the running of elections and the two (2) councils there who had not used the NSWEC to administer their elections stated that, whilst initially it appeared to be the cheaper option, it turned out to be more costly and a burden on council staff. Both of those councils stated that they would be utilising the NSWEC to administer their next elections.

The election arrangement with the NSWEC is a standardised contract for all councils. The service schedule and costs schedule of the standardised contract will vary between councils and are made by the NSWEC in consultation with each council.

Where Council resolves to engage the NSWEC to administer its elections, polls and referenda, the election arrangement with the NSWEC will apply to the 2024 ordinary election and every election, poll and referendum including any by-election or countback election until the contract is automatically terminated 18 months before the following ordinary election of councillors.

Where Council has resolved to enter an election arrangement with the NSWEC, the contract with the NSWEC must be finalised no later than 15 months before the next ordinary elections (i.e., **13 June 2023**).

It is recommended that for Council to enter into an agreement for the NSWEC to administer the ordinary elections, Council polls and constitutional referenda for 2024.

What should Council consider if it were not to adopt the recommendation?

In the event of Council resolving to administer elections itself, Council must specify the following information in its resolution:

- Whether the General Manager intends to administer elections personally or to engage an electoral services provider;
- If the General Manager intends to administer elections personally, whether the General Manager has identified any persons to be appointed as the Returning Officer and substitute Returning Officer and, if so, their names;
- If the General Manager intends to engage an electoral services provider, whether the General Manager has identified an electoral services provider and, if so, the name of that provider and to ensure that provider can:
 - provide an appropriate number of pre-poll and polling places;
 - provide adequate staffing levels;
 - use counting software that can undertake counts using the weighted inclusive Gregory method; and
 - cater for the potential need to administer countback elections in the 18 months following the ordinary election.

In considering the use of other electoral services providers, it is important to clarify that they can deliver the elections for Council.

Council needs to be satisfied that if the provider claims to be able to obtain all the electoral material, or hire the necessary venues, or arrange the printing of the ballot papers, or conduct the count, that they can demonstrate their successful completion of these tasks in similar circumstances.

A key consideration will be whether the provider is able to administer the complex counts required under the weighted inclusive Gregory method of preference allocation prescribed under the **Local Government (General) Regulation 2021 (the Regulation)** for council elections using the proportional system.

It is also a requirement that the method proposed to be used by the provider to conduct the count of the ballot papers (whether using data entry or scanning equipment) can comply with the formality, scrutiny and record keeping provisions contained in the Act and Regulation.

(c) **Options**

S296AA(1)(a) and (b) of the Act respectively, provide an option for Council to either enter an arrangement to contract the Electoral Commissioner to administer Council elections or for Council to engage an electoral services provider.

IMPLICATIONS TO BE ADDRESSED

(a) **Financial**

The cost estimate provided by the NSWEC for the 2024 ordinary elections has not yet been received.

The 2021 election total cost was \$71,052.02. This was after the NSWEC applied a COVID/Deferral Discount of \$49,991.49.

Council has set aside \$60,000 in the Operational Plan and Budget for the 2022/2023 Financial year to go towards the costs of the 2024 Elections. Further funds will be set aside in the 2023/2024 and 2024/2025 Budgets to ensure Council has sufficient funds to cover the election costs.

(b) **Governance/Policy**

Council's governance function provides some assistance to the NSWEC in the administration of the general elections.

(c) **Legislative/Statutory**

The ***Local Government Act 1993 (NSW)***

296AA Councils to plan for administration of elections

(1) *At least 18 months before the next ordinary election of councillors for a council, the council must resolve—*

(a) to enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council (as provided by section 296), or

(b) that the elections of the council are to be administered by an electoral services provider engaged by the council.

(2) *A resolution referred to in subsection (1)(b) must include the following information—*

(a) whether the general manager has identified an electoral services provider to be engaged for the next ordinary election of councillors and, if so, the name of that provider,

(b) any other information required by the regulations.

(3) *As soon as practicable after the making of a resolution referred to in subsection (1)(b), the general manager of the council must publish a copy of the resolution on the council's website.*

(4) *If a council fails to comply with subsection (1), the general manager of the council must publish a notice of that failure on the council’s website.*

(5) *Despite the other provisions of this section, a council may make a resolution under subsection (1) on or before 1 October 2019 for the purposes of an arrangement that includes the ordinary election of councillors in 2020.*

296 How elections are to be administered

(1) *Elections for the purposes of this Chapter are to be administered by an electoral services provider engaged by the council concerned, except as provided by this section.*

Note—

Section 18 provides that certain provisions of this Act (relating to the conduct of elections) apply to council polls and constitutional referendums, with such modifications as may be necessary, in the same way as they apply to elections.

(2) *A council can enter into an arrangement (an election arrangement) with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council as provided by this section. If such an arrangement is entered into, the Electoral Commissioner is to administer elections of the council in accordance with the arrangement.*

(3) *An election arrangement for the Electoral Commissioner to administer all elections of a council can be entered into if—*

(a) the council resolves at least 18 months before the next ordinary election of councillors that such an arrangement is to be entered into, and

(b) the arrangement is entered into no later than 15 months before the next ordinary election of councillors.

(4) *An election arrangement for the Electoral Commissioner to administer a particular election of a council (other than an ordinary election of councillors) can be entered into at any time if the council has resolved that an election arrangement for the election is to be entered into.*

(5) *An election arrangement for the Electoral Commissioner to administer an ordinary election of councillors can be entered into less than 15 months before the election if—*

(a) the council has resolved that an election arrangement for the election is to be entered into, and

(b) the Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner.

(6) *An election arrangement for the Electoral Commissioner to administer all elections of a council can be terminated by the council or the Electoral Commissioner at any time after the next ordinary election of councillors (by giving written notice of termination). If the arrangement is not terminated by either party after an ordinary election of councillors, the arrangement is automatically terminated 18 months before the next ordinary election of councillors.*

(7) *The Electoral Commissioner is to administer the first election for an area after its constitution. Expenses incurred by the Electoral Commissioner (including the remuneration of election officials) in connection with such an election are to be met by the council and are recoverable from the council as a debt owed to the Electoral Commissioner.*

(8) *This section does not apply to an election of the mayor or a deputy mayor by councillors.*

296A Elections administered by an electoral services provider

(1) *This section applies to an election administered by an electoral services provider engaged by a council.*

(2) *The electoral services provider is to appoint a returning officer and a substitute returning officer for the election. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*

(3) *The returning officer is to appoint one or more electoral officials.*

(4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*

(5) *A general manager cannot be appointed as a returning officer, substitute returning officer or electoral official for any area.*

(6) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*

(7) *For the purpose of administering an election, the electoral services provider is to—*

(a) appoint the polling places, and

(b) determine the fees payable to the returning officer, substitute returning officer and electoral officials.

(8) *For the purpose of conducting an election, the returning officer is to determine any matter not provided for by this Act or the regulations.*

(9) *Expenses incurred by the returning officer, substitute returning officer and electoral officials in connection with an election are to be met by the council.*

(10) *The returning officer and the substitute returning officer must not vote at any election that they are conducting.*

296B Elections administered by the Electoral Commissioner

(1) *This section applies to an election administered by the Electoral Commissioner.*

(2) *The Electoral Commissioner is to appoint a returning officer and a substitute returning officer for each area. The returning officer is to conduct elections on behalf of, and under the direction of, the Electoral Commissioner. In the absence of the returning officer, the substitute returning officer is to exercise the functions of the returning officer.*

(3) *The returning officer is to appoint one or more electoral officials.*

(4) *An employee of a council for an area cannot be appointed as a returning officer or substitute returning officer for that area. However, an electoral official may be an employee of the council.*

(5) *For the purpose of conducting an election, the returning officer and substitute returning officer for an area are entitled to access to any relevant records of the council for the area.*

(6) *For the purpose of conducting an election, the Electoral Commissioner is to—*

(a) appoint the polling places, and

(b) determine the fees payable to the returning officer, substitute returning officer and electoral officials, and

(c) determine any matter not provided for by this Act or the regulations.

(7) *The Electoral Commissioner, the returning officer and the substitute returning officer must not vote at any election that they are conducting.*

297 Delegation of functions by the Electoral Commissioner

The Electoral Commissioner may delegate to a person any of the Electoral Commissioner's functions under this Act, other than this power of delegation.

(d) Risk

Utilising the NSWEC to administer the general elections is the low-risk option as the NSWEC has the required capacity and experience to administer successful elections. Council's previous experience with the NSWEC in administering its ordinary elections supports this premise.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

NSWEC and the Office of Local Government.

(b) Internal

General Manager.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report has no relevance to the Integrated Planning and Reporting Framework. It is a legislative requirement in relation to the administration of general elections.

CONCLUSION

Council is required under the Act to resolve, at least 18 months before the next ordinary election, to either enter an arrangement with the NSWEC to administer elections of Council or have the elections administered by an electoral service provided engaged by Council.

It is recommended that Council resolves to enter an arrangement with the NSWEC.

ATTACHMENTS

Annexure A Frequently Asked Questions - NSW ordinary elections

REPORT TITLE: 7.4 CORPORATE GOVERNANCE POLICY FRAMEWORK

ECM INDEXES:

Subject Index: CORPORATE MANAGEMENT: Policy

Customer Index: NIL

Property Index: NIL

AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning

APPROVER/S: Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to present the draft Corporate Governance Policy Framework (**Annexure A**) to Council for review and adoption.

RECOMMENDATION

That Council adopts the Corporate Management Policy Framework.

REPORT

(a) Background

In 2021, the **Management Executive Team (MANEX)** requested that the **Manager of Governance, Risk and Corporate Planning (MGRCP)** define the differences between a policy of Council, a management policy, and other Council documents such as guidelines and procedures.

Further, requests were made to permit more flexibility in how different documents may be reviewed and adopted.

The Framework was adopted by Manex as a Management Policy on 14 September 2021.

(b) Discussion

Whilst the Framework is a current management policy of Council and has been in effect since September 2021, it was decided at the MANEX Meeting held on 13 December 2022 that it should be provided to Council for endorsement.

The reasoning behind this is the Framework makes provision for “*amendments required to Council and Management policies that are only administrative in nature (i.e., changing position title, legislative details, or organisation references, or the correcting of typographical errors) can be made without reference to Council or Manex for adoption.*”

The MGRCP will review all changes and determine whether the policy requires submission to Manex or Council for adoption of amendments. All policies that are not required to be submitted to Manex or Council for adoption (after review) will be reported, as relevant, to either Council and/or Manex for noting, generally within the Corporate and Community Services Directorate Report.”

Therefore, it is considered that Council endorses the Framework to allow management to make such administrative changes to Policies without seeking Council endorsement each time.

The Framework is designed to provide clear descriptions of the various corporate documents used at Council, the requirements for adoption, public notice, drafts, amendments, reviews, registers and acknowledgments. It aims to provide efficiencies whereby minor administrative changes can be made without the need for lengthy report writing and submissions to MANEX and/or Council for review and adoption. In other words, it aims for common sense to prevail with the necessary controls in place to avoid misuse.

As stated in the Framework “*Without an overarching guiding framework, it is common for the policy registers of public authorities to grow over time due to the inclusion of documents that would be more appropriately categorised as procedures or guidelines. The intent of this policy is to guide officers regarding appropriate content and categorisation to ensure administrative burden is reduced. The framework will provide the structure for the development of all policies and associated procedure documents, along with other documents and will also reference the principles and key considerations for development of all Council policy, procedure and other documents.*”

In presenting the Framework to Council for review and adoption, some minor amendments have been made to the Framework. These amendments include adding a table of contents, clarifying some sentences and deleting content specifying any policy register software provider.

Key considerations of the Framework are detailed as follows:

- Policies should support legislation, not replicate it;
- The introduction and definition of a Management Policy as something separate from a Council Policy with the main difference being that a Management Policy (other than being adopted by MANEX) is an administrative policy rather than a strategic policy;

- A Standard is to be approved by the General Manager under section 377 of the **Local Government Act 1993 (the Act)**;
- Guidance around the adoption of new policies;
- The inclusion of a section on the alteration of existing policies that will change current practices. This will allow for minor administrative changes to be made without having to go to Council or Manex for review. A control is included in this regard to avoid substantial changes being made without approval, which is to have all such minor administrative changes be vetted by the MGRCP before seeking the General Manager’s signature.
- Amendments to Council policies that change the policy position of Council or constitute significant re-wording will be submitted with an accompanying report for Council to seek adoption of the draft amended Policy as has been the general practice; and
- The alteration of other documents is included and makes provision for Directors, in consultation with the MGRCP, to approve changes to procedures, guidelines and some plans.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Once adopted by Council the Framework will become a Policy of Council and will guide and direct how Policies (and other documents) are created, amended, deleted and authorised.

The Council Resolution to adopt this Framework provides a delegation to the General Manager to make administrative changes as defined in the Framework, including necessary controls, without the need to seek a Council resolution under section 372 of the Act.

(c) Legislative/Statutory

The Act

372 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 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 negated 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 negated 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 negated, as the case may be.

(5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, 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 of the meeting of the council.

(7) The provisions of this section concerning negated motions do not apply to motions of adjournment.

(d) Risk

The Framework aims to mitigate the risk of confusion around what are the requirements for different Council documents in creation, review and deletion; and aims to improve efficiencies in the decision-making process, whilst maintaining appropriate controls.

For example, a Council Policy review that only requires a couple of minor administrative changes, such as a position name change will not need to go through the process of presenting a report to Council seeking Council's endorsement.

(e) Social

Improvement of efficiencies and effectiveness within Council generally has a positive social benefit on the staff, councillors and community.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

The following councils are recognised as having provided guidance and support in the creation of this Policy:

- Wollongong City Council;
- Snowy Valleys Council;
- Clarence Valley Council;
- Liverpool City Council; and
- Sutherland Shire Council.

(b) Internal

This Policy was shared with Managers and other staff involved in reviewing Policies and feedback was requested prior to adoption by MANEX. One submission was returned with feedback that was accepted in the Framework.

CONCLUSION

The draft Corporate Governance Policy Framework (Annexure A) has been reviewed and is now presented to Council for adoption.

ATTACHMENTS

Annexure A Draft Corporate Governance Policy Framework

REPORT TITLE: 7.5 REVIEW OF THE LOBBYING OF COUNCILLORS POLICY

ECM INDEXES:

Subject Index: CORPORATE MANAGEMENT: Policy

Customer Index: NIL

Property Index: NIL

AUTHOR: Dennis McIntyre - Manager of Governance, Risk and Corporate Planning

APPROVER/S: Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to present Council with the revised Lobbying of Councillors Policy (**Annexure A**) for its review and adoption.

RECOMMENDATION

That Council adopts the revised Lobbying of Councillors Policy.

REPORT

(a) Background

The Lobbying of Councillors Policy was last adopted by Council on 28 February 2019 and is due for review every three (3) years. The document has been reviewed by Council's **Management Executive Team (MANEX)** and is now recommended for Council's review and adoption.

(b) Discussion

According to the **Independent Commission Against Corruption NSW (ICAC) Guide to Lobbying local government councillors 2006**, lobbying may be described as "those types of communication between Councillors and the community that include representations to local government councillors by special interest groups, by individuals with a direct interest in a Council decision, and by advocates acting on behalf of others.

Lobbying is common in Local Government. The most common form occurs when a group or individual makes direct contact with a Councillor to influence a Council decision. Councillors may be lobbied over such issues as:

- Development matters;
- The upgrading of local facilities, including playgrounds and sporting amenities; and
- Revenue decisions, including the setting of business, mining, farming or special rates.”

ICAC’s view is that appropriate lobbying of Councillors is normal. In many cases lobbying is part of the democratic process and is an acceptable feature of the relationship between citizens and their elected representatives.

The aim of the Policy is to assist the Mayor and Councillors to manage the conflict of roles that may arise when they receive representations from special interest groups, by individuals with a direct interest in a Council decision or by advocates acting on behalf of others seeking the Councillor to represent their interests in a matter before the Council.

Key areas of the Policy include:

- Identifying examples of inappropriate or unlawful conduct by Councillors that could occur during the lobbying process;
- Providing advice on ways Councillors can help ensure transparency whilst being lobbied;
- Providing advice on how to deal with high profile development matters;
- Providing for an all of Councillor site visit where a controversial development may exist; and
- Providing examples of responses when an interested party seeks to communicate with a Councillor about a matter before, or to be taken before, the Council, indicating the limits to what he or she can do for the person.

Amendments to the Policy in this review are minor and are highlighted in red font in Annexure A.

Office of Local Government (OLG), Circular No 22-22 / 8 August 2022 / A731312 - The development of guidelines and a model policy

In recent investigations, (Operation Dasha, Operation Eclipse and Operation Witney), the ICAC has considered the corruption risks associated with the lobbying of councillors and made corruption prevention recommendations. Among other things, ICAC has recommended:

- That the OLG, in consultation with the local government sector, develop guidelines to enhance transparency around the lobbying of councillors (ICAC has also made recommendations about the content of the guidelines); and

- That the ***Lobbying of Government Officials Act 2011 (the LOGO Act)*** is amended to ensure all provisions apply to local government.

In response to ICAC's recommendations, the OLG is proposing to develop guidelines to enhance transparency around the lobbying of councillors. The guidelines will be issued under section 23A of the ***Local Government Act 1993 (the Act)***.

The OLG is also developing a model policy on lobbying to support councils to implement the guidelines; therefore, when the OLG release the model policy, Council's Policy will be reviewed.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Once adopted by Council, the revised Lobbying of Councillors Policy will become policy of Council. Councillors should use this opportunity to familiarise themselves with the Policy and the amendments.

(c) Legislative/Statutory

Details pertaining to legislation are contained within the Policy under *Legislation and Supporting Documents*.

(d) Risk

Details of risks are provided in the ICAC *Lobbying local government councillors Guide 2006*:

It is in the public interest that lobbying is fair and does not undermine public confidence in impartial decision-making. Lobbying is a two-way process between councillors and lobbyists. Occasionally a lobbyist can try to improperly influence a councillor's decision-making. Councillors should take care that their duty to consider issues fairly and properly is not compromised by participating in lobbying practices that are outside the bounds of appropriate or lawful behaviour.

Examples of inappropriate or unlawful conduct by councillors that could occur during the lobbying process include:

- *accepting undisclosed payments or benefits whilst making a decision that affects the gift giver's interests;*

- *Accepting a political donation in return for the favourable exercise of discretion during decision-making. Ideally, councillors should keep the lobbying and fundraising activities in which they are involved quite separate to avoid even the perception that a political donation could influence their decision-making;*
- *Granting access to a particular individual or group while unreasonably denying similar access requested by another party. ICAC is, however, mindful of the fact that the part-time nature of councillors' work can impose time constraints on their ability to meet all requests for meetings;*
- *Fettering discretion by giving undertakings to an interested party prior to considering all the information relevant to a decision. Councillors are under a particular obligation to give real consideration to all mandated matters when dealing with statutory powers such as section 4.15 of the Environmental Planning and Assessment Act;*
- *Acting in a manner that exceeds the role of a councillor as defined in section 232 of the Local Government Act as a result of being lobbied. An example could be directing council staff over the content of any advice or recommendation on a council matter as a result of being lobbied by a third party;*
- *Disclosing confidential information whilst being lobbied; or*
- *Being unduly influenced by factors that are irrelevant to the merits of the matter under consideration.*

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

The OLG Circular and ICAC Guide.

(b) Internal

Nil.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council’s Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.2: Formalise the Governance Framework and deliver compliance across all governance areas.

CONCLUSION

Council’s Lobbying of Councillor’s Policy has been revised to include changes that have occurred since the current Policy was adopted in 2019. Changes are relatively minor and the revised Policy is now presented to Council for its review and adoption.

ATTACHMENTS

Annexure A Draft Lobbying of Councillors Policy

REPORT TITLE: 7.6 QUARTERLY BUDGET REVIEW - DECEMBER 2022

ECM INDEXES:

Subject Index: FINANCIAL MANAGEMENT: Budgeting

Customer Index: NIL

Property Index: NIL

AUTHOR: Shageer Mohammed - Chief Financial Officer

APPROVER/S: Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to provide Council with a quarterly budget review statement for the period from 1 July 2022 until 31 December 2022 (**Annexure A**) for its review and adoption.

RECOMMENDATION

That Council notes and adopts the information contained in this report with the estimated annual Operational Deficit (excluding Capital Grants and Contributions) of \$626K being the result of the December 2022 Quarterly Budget Review.

REPORT

(a) Background

Section 203 of the **Local Government (General) Regulation 2021 (the Regulation)** states that:

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*

- (2) *A budget review statement must include or be accompanied by:*
- (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
 - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

The Code referred to above, is the **Code of Accounting Practice and Financial Reporting (the Code)**. While earlier versions of the Code had an appendix that listed minimum requirements, these were removed a few years ago as they are of no relevance to the Financial Statements (which is the main purpose of the Code).

In the absence of any instructions in the Code, the Quarterly Budget Review Statement publication issued in 2010 by the then Division of Local Government, NSW Department of Premier and Cabinet, details the minimum requirements and these requirements have been met in the preparation of the **Quarterly Budget Review Statements (QBRs)**.

The quarterly review should act as a barometer of Council's financial health during the year, and it is also a means by which Councillors can ensure that Council remains on track to meet its objectives, targets and outcomes as set out in its Operational Plan and Budget.

(b) Discussion

The original budget adopted by Council indicated that the Net Operating Surplus at the end of the 2022/2023 Financial Year was expected to be \$19.5K (excluding Capital Grants and Contributions of \$11.2M). This was based on budgeted total operating revenue of \$48.186M and budgeted total operating expenditure of \$36.964M, with \$11.2M expected from Capital Grants and Contributions.

The September Quarterly Budget Review lead to an increase to the bottom line from original budget of \$27K, resulting in a projected Net Operating Surplus of \$46K (excluding capital grants and contributions of \$25.7M). The September 2022 Quarterly Budget Review indicated that Council was in a steady position in respect of actual net expenditure when compared to budgeted net expenditure.

The proposed changes outlined in the December Quarterly Budget Review will lead to a decrease to the bottom line from original budget of \$645K, resulting in a projected Net Operating Deficit of \$626K (excluding capital grants and contributions of \$26M).

The December 2022 Quarterly Budget Review does indicate that the Council spend of operational expenses is less than anticipated when compared to the projected total operating expenses, this will be as a result of not yet incurring expenses related to Operational and Capital Grants.

The Operating Performance Ratio demonstrates whether Council is making an operating surplus or deficit. The Operating Performance Ratio (excluding Capital income) is defined as:

Total Continuing Operating Revenue (excluding Capital grants and contributions) – Operating Expenses

Total Continuing Operating Revenue

Council originally budgeted for a positive Operating Ratio (surplus) excluding Capital income of 0.05%. The Operating Performance Ratio is expected to be negative as a result of the current proposed variations and shift to **-1.7%**.

By way of comparison, the Annual Financial Statements reported that this ratio was:

- 1.36% in 2021/2022; (not yet finalised)
- **-4.81%** in 2020/2021;
- **-1.94%** in 2019/2020;
- 0.72% in 2018/2019;
- 7.75% in 2017/2018; and
- 12.84% in 2016/2017.

The major adjustments recommended for the December 2022 quarterly review recognise:

- 1) A decrease in operating result of \$718K.
 - a. A decrease in revenue of \$203k for Recreation and Culture. This was an error in the original budget, where an expense was incorrectly allocated to an income code.
- 2) Major additional expenditure changes included are the increase of fuel costs for Transport and Communication for \$250k and the correction of expenses in Recreation and Culture for wages for \$170k.

Further details of income and expenditure adjustments are included in Annexure A.

Cash and Investment Review

The cash and investment review provides an estimate of the current internal and external restrictions on Council's invested funds. These are not fully determined until the end of the financial year and the completion of the preparation of the Financial Statements for that financial year. The report also includes a reconciliation of Council's cash and investments on hand as at 31 December 2022.

It should be noted that both internally and externally restricted funds must be acquitted for a particular purpose, and therefore are in truth already committed for that purpose. For this reason, the expenditure of these funds is more of a cash flow / working capital issue and will have no effect on the operational surplus or deficit. However, as indicated above, the timing of receipt of income and the expending of this can occur over a number of financial years. This results in a variance in the operational budget between those years; however, the net effect should still be nil over the financial years in which the grant (or reserve) is acquitted.

This report also requires a statement in respect of whether all investments are in accordance with the requirements of Section 625 of the *Local Government Act 1993*, the Regulations and Council's Investments Policy. This statement, in combination with the monthly investment report, ensures that Council is complying with these statutory, regulatory and policy requirements.

Further, a declaration as to the preparation of bank reconciliations is also required. Bank reconciliations occur daily with a full reconciliation performed monthly. The full reconciliation for the December 2022 quarter occurred on Tuesday, 31 January 2023.

Capital Budget Review

The Capital Budget Review format allows Council to analyse any additional Capital expenditure to be incurred in the current Financial Year and the extent to which monies have already been expended. Importantly, the report also indicates how Council is to fund the Capital expenditure for the year.

This review proposes an increase in the Capital Expenditure Budget of \$290K. Details of capital project adjustments are included in Annexure A.

Contracts

The Reporting Framework requires the identification of contracts entered into in the preceding quarter which exceed specified expenditure limits. The limit for reporting contracts in the QBRs is one percent (1%) of revenue from continuing operations, or \$50K, whichever is less.

There were no new contracts entered into Council's contract register for the period of July 2022 to December 2022.

Consultancy and Legal Expenses

The current expenditure to 31 December 2022 on qualifying consultancies and legal fees is identified in the QBRs and this expenditure is budgeted for and given the size and nature of Council's operations, is considered reasonable.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

It is important for Council to note that the adoption of this budget review approves the variations identified in the attached report and that the cumulative effect of the budget variations should be considered when reviewing this budget. The original estimated Operating Surplus for the 2022/2023 Financial Year was \$19.5K excluding Capital Grants and Contributions. After quarterly budget review adjustments, the estimated Operating Deficit for the 2022/2023 Financial Year is \$626K.

(b) Governance/Policy

Nil.

(c) Legislative/Statutory

Section 203 of the Regulation requires all councils in NSW to prepare and submit to Council a budget review statement which has a revised estimate of the income and expenditure for that year, within two (2) months of the end of the quarter.

A certification is required to ensure that all investments are made in accordance with the requirements of Section 625 of the *Local Government Act 1993*, the accompanying Regulations and Council's Investments Policy.

This budget review statement must be prepared in accordance with the new Integrated Planning and Reporting Framework introduced under the *Local Government (General) Amendment (Planning and Reporting) Regulation 2009*, the *Local Government Act 1993* (as amended) and the *Local Government Amendment (Planning and Reporting) Act 2009*.

(d) Risk

The Quarterly Budget Review aims to mitigate financial risk by providing a more accurate indication of Council's operating and capital budgets.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Investment in Capital Works assists in the stimulation of the Local Economy. Additional Capital expenditure has been incorporated into this review and funds required are appropriately provided for the capital works.

(h) Asset Management

Carried forward capital projects from 2019/2020, 2020/2021 and 2021/2022, as well as revotes are included in this report as a separate column.

CONSULTATION

(a) External

Nil.

(b) Internal

This report has been prepared with input from Manex and Managers to ensure that there is up-to-date information regarding income and expenditure.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.3.1: Provide financial and budget compliance reporting to Council and the community.

CONCLUSION

The Original Budget adopted by Council in June 2022 indicated that the Net Operating Surplus at the end of the 2022/2023 Financial Year would be \$19.5K (excluding Capital Grants and Contributions).

The changes approved in the September Quarterly Budget Review lead to a minimal increase to the bottom line from original budget of \$27K, resulting in a projected Net Operating Result of \$46K.

The proposed changes outlined in this December Quarterly Budget Review will lead to a decrease to the bottom line, resulting in a projected Net Operating deficit of \$626K before capital items.

The current review proposes an increase in the Capital Expenditure of \$490K.

ATTACHMENTS

Annexure A December 2022 Quarterly Budget Review

**REPORT TITLE: 7.7 CAPITAL WORKS PROGRAM PROGRESS REPORT
AS AT 31 JANUARY 2023**

ECM INDEXES:

**Subject Index: CORPORATE MANAGEMENT: Budgeting
FINANCIAL MANAGEMENT: Financial Reporting**

Customer Index: NIL

Property Index: NIL

AUTHOR: Amy Watson - Financial Accountant

**APPROVER/S: Shageer Mohammed - Chief Financial Officer
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is for Council to review the progress of its Capital Works Program for the 2022/2023 Financial Year and to review the progress of the Capital Works Projects that were carried over from the 2019/2020, 2020/2021 and the 2021/2022 Financial Years and to review the Capital Works Projects that were adopted as Revotes for the 2021/2022 and 2022/2023 Financial Years.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

Council adopts its Capital Works Program annually as part of the adoption of the Operational Plan and Budget.

(b) Discussion

This report has been prepared with input from the staff who have ownership of the various projects to ensure that there is up-to-date commentary on all the projects.

The report provides a holistic overview of Council’s progress regarding completed projects, works in progress or expected project commencement dates.

The Capital Works Program Carried Forward for the 2019/2020 Financial Year (**Annexure A**), Capital Works Program Carried Forward for the 2020/2021 Financial Year (**Annexure B**), Capital Works Program for the 2021/2022 Financial Year (**Annexure C**), Capital Works Program Revotes 2022 (**Annexure D**), Capital Works Program for the 2022/2023 Financial Year (**Annexure E**), and Capital Works Program Revotes for the 2022/2023 Financial Year (**Annexure F**) provide detailed information on all of the projects that were budgeted for and not completed in the 2019/2020, 2020/2021 and 2021/2022 Financial Years, projects that have been revoted into the 2021/2022 and 2022/2023 Financial Years and projects that were budgeted for in the 2022/2023 Financial Year.

Projects of Significance from the 2019/2020 Financial Year (refer Annexure A):

Glen Innes Indoor Sports Centre

The carpark at the Glen Innes Indoor Sports Centre has been sealed and line marking is completed. The remaining external tar courts have been removed, ready for two (2) new concrete, multi-purpose (basketball / netball) courts to be installed between the stadium and the new outdoor netball courts. The contractor for the external courts has been delayed with a new commencement date to be confirmed.



Image 1: Glen Innes Indoor Sport Centre – Sealed Carpark with Line Marking

Projects of Significance from the 2021/2022 Financial Year (refer Annexure B):

New Finance System and Implementation

Stage 1 of Project Jigsaw has now been fully implemented and system issues arising are now being managed with regular weekly Hypercare meetings. Support tickets are being managed by Open Office in Airtime where open support tickets are discussed with Open Office's support team depending on priority status. Local Gov Consulting is still engaged as the lead project manager for Project Jigsaw.

Plant journals up until December 2022 have been processed.

As the new system has been live for over seven (7) months, the task of building a solid framework to support data integrity, reporting, day-to-day tasks and month end tasks has begun. The work of mapping the 2021/2022 Financial Year end closing balances to the new system has begun.

The Rates, Water and Community Receipting modules are still experiencing technical difficulties. The Aqualus (Smart Meters) data has been successfully extracted and Water billing data is being manipulated to ensure that the water notices can be processed, and the data files then passed onto Forms Express to generate the water usage bills. This is currently a work in progress and needs to be completed as a matter of priority. The Rates module is still unable to produce required reports for Finance and Council, a priority support ticket is open to ensure the required reports can be generated from the system. The Valuer General's valuations file data has been uploaded into the live Rates database which will enable the generation of the Estimated Rate Differentials and Income 2022/2023 reports.

Stage 2 of the project has commenced with initial meetings to discuss and formulate detailed plans and staff members that will be involved for each stream. The modules include Assets, Planning, and integrating the Quarry's i-Whey system. The Asset module will receive a second round of scoping work to fully understand and assess the cost/benefit scenarios and if it will be prudent to implement the Asset module.

Apart from the Rates, Water and Community receipting modules, the system and its overall structure is functioning as required and the reporting, budgeting/forecasting piece of Project Jigsaw now needs to be developed to produce the required and expected reporting.

Projects of Significance from the 2021/2022 Financial Year (refer Annexure C):

Mt Slow gravel re-sheet and 3km Donnelly's re-sheet

In January 2023, two (2) high priority gravel re-sheet projects were completed. These were the Mt Slow loop road off Mt Mitchell Road, and three (3) kilometres of Donnelly Road, Red Range.



Image 5: A completed Mt Slow Road after gravel re-sheeting

Yarrow Creek bridge replacement, Mt Mitchell Road.

Council's internal Bridge team has commenced work on the Yarrow Creek Bridge, with side track installation complete and works underway with construction of the piling platform and old timber bridge demolition.



Image 6: Construction of the side access track across Yarrow Creek at the Mt Mitchell Road bridge site

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED**(a) Financial**

The table below provides a summary of the adopted budget, revised budget and the actual and committed amounts for each respective period along with the percentage of the actual and committed expenditure when compared to the revised budget:

	ADOPTED BUDGET	REVISED BUDGET	Project Actual + Committed	Expenditure %
CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2019/2020	\$ 2,079,254	\$ 6,454,763	\$ 6,467,538	100%
CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2020/2021	\$ 4,364,065	\$ 4,364,065	\$ 3,044,702	70%
CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2021/2022	\$ 11,202,214	\$ 14,794,719	\$ 7,672,151	52%
CAPITAL WORKS PROGRAM REVOTES-2022	\$ 1,298,626	\$ 1,318,626	\$ 357,573	27%
CAPITAL WORKS PROGRAM 2022/2023	\$ 19,534,216	\$ 19,534,216	\$ 2,452,843	13%
CAPITAL WORKS PROGRAM REVOTES-2023	\$ 943,487	\$ 1,473,507	\$ 632,098	43%
TOTALS	\$ 39,421,862	\$ 47,939,896	\$ 20,626,906	43%

(b) Governance/Policy

Maintenance of Council's infrastructure assets is in accordance with Council's Risk Management Policies, Procurement Policy and Asset Management Plans.

(c) Legislative/Statutory

- *Local Government Act 1993*;
- Local Government Code of Accounting Practice and Financial Reporting; and
- Australian Accounting Standards.

(d) Risk

Maintaining Council's assets minimises legal and risk exposure.

(e) Social

Asset maintenance and renewal work is performed to manage public hazards and asset performance. Where feasible, maintenance and renewal activities are scheduled to minimise social impacts.

(f) Environmental

Capital works are designed, and operational staff members have received training, to assess and minimise the environmental impact of work activities.

(g) Economic

Nil.

(h) Asset Management

The extent to which the Capital Works program is completed determines the Infrastructure Asset Renewal ratio, which is a measure of the financial sustainability of Council's assets.

CONSULTATION

(a) External

Nil.

(b) Internal

This report has been prepared with input from various staff who have ownership of the various projects to ensure that this report includes up-to-date commentary.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Infrastructure Management Principal Activity IM 3.2.1: Implement Maintenance infrastructure works according to adopted service levels.

CONCLUSION

Council adopts its Capital Works Program annually as part of its Operational Plan and Budget process. This report provides updated information on the projects within each of the Capital Works Programs, the spend to date as well as updated commentary.

ATTACHMENTS

Annexure A	Capital Works Program Carried Forward for the 2019/2020 Financial Year (Annexure A)
Annexure B	Capital Works Program Carried Forward for the 2020/2021 Financial Year (Annexure B)
Annexure C	Capital Works Program for the 2021/2022 Financial Year (Annexure C)
Annexure D	Capital Works Program Revotes 2022 (Annexure D)
Annexure E	Capital Works Program for the 2022/2023 Financial Year (Annexure E)
Annexure F	Capital Works Program Revotes for the 2022/2023 Financial Year (Annexure F)

REPORT TITLE: 7.8 INVESTMENTS REPORT AS AT 31 DECEMBER 2022

ECM INDEXES:

Subject Index: FINANCIAL MANAGEMENT: Investments

Customer Index: NIL

Property Index: NIL

AUTHOR: Amy Watson - Financial Accountant

**APPROVER/S: Shageer Mohammed - Chief Financial Officer
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is to provide Council with a reconciliation of Financial Investments as at the end of the reporting month.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

This report is required to be prepared monthly and presented to the next available Ordinary Council Meeting in accordance with Section 212 of the **Local Government (General) Regulation 2021 (the Regulation)**.

(b) Discussion

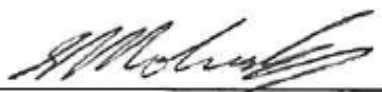
Council has \$18.7 M invested in Term Deposits, equating to 100% of Council's total financial investment portfolio as at the end of the reporting month.

Council selects banks based on rating, return and term of investment. It is expected that future investments will continue to target returns while aiming to select institutions with a high **Standard and Poor's (S&P)** rating. This is done by rolling investments between banks that meet Council's criteria and cash requirements.

If Council has two (2) comparable investment fund options, investment will be made in the fund that does not fund fossil fuels. At present all banks in this category are rated BBB. Council’s Investment Policy limits exposure to an individual financial institution, for the BBB rated category, to five percent (5%) of the total Investment portfolio.

Currently Council has three (3) responsible investments, being three (3) \$1M investments with Westpac’s Green Tailored Deposits. These are identified in the Summary of Investments table set out below.

The Bank Reconciliation Statement shown below details what Council had in its bank account as at the end of the reporting month. This considers unrepresented cheques, unrepresented deposits and unrepresented debits compared to what is stated in the General Ledger:

Bank Reconciliation Statement	
Balance as per General Ledger	
Opening Balance 1 December 2022	\$7,872,299.62
December Movements	-\$ 3,565,762.30
Closing Balance 31 December 2022	\$ 4,306,537.32
Less unprocessed Bank Statement Transactions	\$ -
Total:	\$ 4,306,537.32
Balance as per Statement	
Less Unpresented Cheques	-\$ 425.00
Plus Unpresented Debits	\$ 5,840.98
Less Unpresented Deposits	
Total:	\$ 4,311,953.30
	
Responsible Accounting Officer	
31 January 2023	

The Summary of Investments set out in the following table details each of Council's investments, where each investment is held, maturity dates, interest rates and the rating of each investment as at the end of the reporting month.

SUMMARY OF INVESTMENTS:

Rating (S&P)	Mature	%	Institution	Bank funds Fossil Fuels	Invested \$	Return \$
A3/BBB+	24/01/2023	3.45%	Judobank (2)	Yes	700,000	11,909.59
A1+/AA-	6/03/2023	0.94%	Westpac Banking Corporation (6)	Yes*	1,000,000	9,451.51
A2/BBB	21/03/2023	1.25%	AMP (10)	Yes	700,000	8,750.00
A1+/AA-	24/03/2023	1.24%	Westpac Banking Corporation (1)	Yes*	1,000,000	12,400.00
A1/A+	5/04/2023	1.60%	Macquarie (16)	Yes	900,000	14,400.00
A1/A+	8/04/2023	3.85%	NAB (18)	Yes	1,000,000	12,763.01
A1/A+	23/05/2023	3.15%	ING	Yes	1,000,000	31,500.00
A1+/AA-	24/06/2024	4.38%	Macquarie (16)	Yes	1,000,000	87,720.00
A1+/AA-	24/06/2023	3.60%	NAB (18)	Yes	1,000,000	36,000.00
A3/BBB+	31/07/2023	3.60%	NAB (17)	Yes	1,000,000	36,197.26
A1+/AA-	23/08/2023	3.95%	BOQ (13)	Yes	700,000	27,650.00
A2/BBB+	9/08/2023	3.80%	NAB (14)	Yes	1,000,000	38,000.00
A1+/AA-	15/08/2023	4.10%	CBA (15) - at call	Yes	1,000,000	41,000.00
A1+/AA-	8/09/2023	3.95%	NAB (18)	Yes	1,000,000	39,391.78
A1+/AA-	8/09/2023	4.18%	Macquarie	Yes	700,000	29,179.84
A1/A+	11/09/2023	4.04%	CBA (19)	Yes	1,000,000	40,621.37
A1+/AA-	25/09/2023	4.46%	CBA (12)	Yes	1,000,000	44,844.38
A1+/AA-	25/10/2023	4.57%	CBA (8)	Yes	1,000,000	46,200.82
A1+/AA-	19/12/2023	4.60%	ING	Yes	1,000,000	46,000.00
A1+/AA-	11/12/2023	4.28%	Westpac Banking Corporation (4)	Yes*	1,000,000	43,034.52
Expected Average Return 22/23		3.45%	Total Investments		18,700,000.00	657,014.08
Actual Average Return Received YTD		0.52%	Cash on Hand		4,306,537.32	
Total Cash and Investments					23,006,537.32	

*Although these banks fund fossil fuels, these investments are Green Tailored Deposits.

The table below details the interest received for the current Financial Year as at the end of the reporting month:

Interest received for year to 31 December 2022	\$110,722.05
---	---------------------

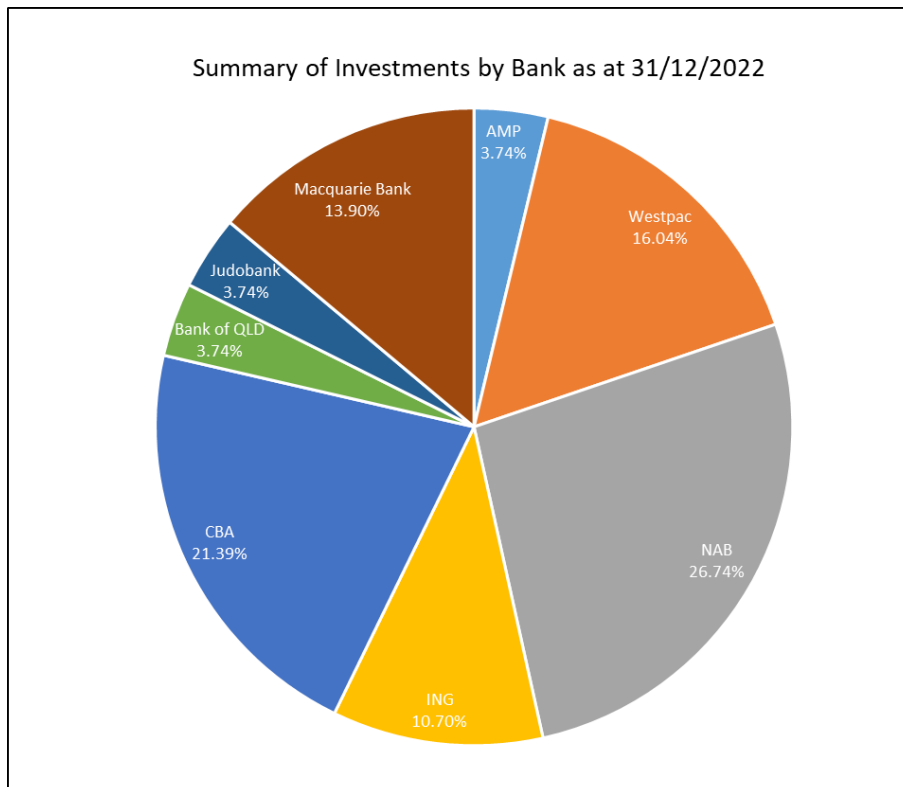
The table below details the monthly movements of investments for the reporting month:

Investment Movements	
Opening Balance as at 1 December 2022 *	17,700,000
Less:	
Maturities (1)	1,000,000
Subtotal	16,700,000
Plus	
Rollovers (1)	1,000,000
New Investments (1)	1,000,000
Current Balance as at 31 December 2022	18,700,000

* The closing balance reported in November Council Report was incorrect by \$1M due to a CBA investment having been rolled, not redeemed.

During the reporting month, there was one (1) \$1M investment that matured with Westpac bank that was rolled over and one (1) new \$1M investment with ING bank.

The graph below shows the summary of Investments by Bank:



The application of restricted funds and trust funds are limited to a particular purpose and must be set aside for that purpose. Therefore, they may not be available to meet certain obligations, and this should be kept in mind when determining the short-term liquidity of Council.

Certification

I, Shageer Mohammed, Chief Financial Officer, do hereby certify that the above investments have been made in accordance with the Regulation (Section 212), the **Local Government Act 1993 (the Act)** (Section 625), and Council's **Investment Policy (the Policy)**.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The actual average return on Council investments for the 2021/2022 Financial Year was 0.52%. The current actual average return for the 2022/2023 Financial Year is 3.45%. This is an increase on the actual average return of 1.36%, which reflects the current upward trend in interest rates.

Interest rates are now trending upwards, and it is expected that the actual average return will increase as investments are made at the new rates. The Bloomberg Ausbond Bank Bill Index one (1) year return rate for the reporting month is 1.52 %.

The following table compares information on investment balances from this year to last year:

Investment Balances	This Year	Last Year
Opening Balance 1 December	17,700,000	18,100,000
Closing Balance 31 December	18,700,000	18,100,000

(b) Governance/Policy

Monthly financial reporting ensures transparency of financial reporting to enable Councillors to make financially sustainable and accountable decisions. The Policy states that short-medium term funds can be invested for up to five (5) years.

Investments are to be considered in conjunction with the following key criteria:

- At the time of investment, no institution at any time shall hold more than 45% of Council's total investments. The maximum will be determined by the long-term rating of the institution - AAA up to 45%; AA up to 35%; A up to 15% and BBB up to five percent (5%);
- At the time of investment, the maximum portfolio limits per rating are - AAA up to 100%; AA up to 100%; A up to 45%; BBB up to 25% and Government up to 100%; and

- Council's Investments can be placed in a mixture of short (0-12 months), short-medium (1-2 years) and medium (2-5 years) term investments whilst ensuring that liquidity and income requirements are met.

The portfolio is split across three (3) of the credit rating categories (AA, A and BBB).

All aggregate rating categories are within the policy limits.

Credit Quality Portfolio Compliance

The following table details the credit rating of each of the categories where Council has money invested. All investments are compliant with Council's Investment Policy:

COUNCILS PORTFOLIO COMPLIANCE

Compliant	Credit Rating	Invested	Invested \$	Policy Limit	Available \$
Yes	AAA	0.00%	-	100%	18,700,000
Yes	AA	64.17%	12,000,000	100%	6,700,000
Yes	A	13.90%	2,600,000	45%	5,815,000
Yes	BBB	21.93%	4,100,000	25%	575,000
Yes	Government	0.00%	-	100%	18,700,000
		100.00%	18,700,000		

A credit rating is an evaluation of the credit risk of a prospective financial institution, predicting its ability to pay back the investment and interest maturity and an implicit forecast of the likelihood of the institution defaulting. The credit ratings are an opinion based on the creditworthiness of the company issuing the security and are assigned by Australian Ratings based on publicly available information at a point in time.

(c) Legislative/Statutory

All investments continue to be made in accordance with the requirements of the Act and the Policy.

Section 625 of the Act states the following:

How may Councils invest?

- (1) *A Council may invest money that is not, for the time being, required by the Council for any other purpose.*
- (2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- (3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*

- (4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.*

Section 212 of the Regulation states the following:

Report on Council's Investments

- (1) *The responsible accounting officer of a council:*
- (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
- (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
- (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
- (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

(d) Risk

The following table provides information on investment types including a risk assessment and the amount and percentage invested compared to the total investment portfolio:

RISK ASSESSMENT OF INVESTMENT PORTFOLIO

Investment Type	Risk Assessment		Amount \$	% of Portfolio
	Capital	Interest		
Term deposits	Low	Low	18,700,000	100%
Total			18,700,000	100%

The Policy defines the principal objective of the investment portfolio as the preservation of capital. There is a risk that the investment portfolio does not perform on par or greater than the **Consumer Price Index (CPI)**. It is possible therefore that Council does not meet the principal objective of the Policy. In addition, consideration must be given to the potential that the investment restrictions provided in the Policy (both legislatively and by Council) may increase this risk.

A review of the aggregate performance on Council investments, comparative to the CPI, over a significant period (greater than five (5) years) may ascertain if the investment strategy has been meeting the Policy's principal objective. This may then advise if changes are required to Council's investment strategy.

(e) Social

Council funds are used to provide services and infrastructure to the community and, as a result, well managed funds maximise the level of financial resources available to support the community.

(f) Environmental

Nil.

(g) Economic

Sound economic management includes maximising Council's return on financial investments.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Council makes investments through Curve Securities and deals directly with the Commonwealth Bank and the Westpac Bank. During the month all three (3) advisors were contacted to gain advice on daily interest rates.

(b) Internal

The Manager of Governance, Risk and Corporate Planning was consulted previously regarding the risk implications section of this report.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.4.2: Ensure Council's Investment and Borrowings Policies and practices meet the requirements of STC 5.4 Responsible custodianship of the community's assets.

CONCLUSION

Funds have been restricted to ensure all areas of Council continue to operate in accordance with both the annual Operational Plan and Budget and the Long-Term Financial Plan. Further, all investments continue to be made in accordance with the requirements of the Act, the Regulation, and Council's Investment Policy.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.9 INVESTMENTS REPORT AS AT 31 JANUARY 2023

ECM INDEXES:

Subject Index: FINANCIAL MANAGEMENT: Investments

Customer Index: NIL

Property Index: NIL

AUTHOR: Amy Watson - Financial Accountant

APPROVER/S: Shageer Mohammed - Chief Financial Officer
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to provide Council with a reconciliation of Financial Investments as at the end of the reporting month.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

This report is required to be prepared monthly and presented to the next available Ordinary Council Meeting in accordance with Section 212 of the **Local Government (General) Regulation 2021 (the Regulation)**.

(b) Discussion

Council has \$18M invested in Term Deposits, equating to 100% of Council's total financial investment portfolio as at the end of the reporting month.

Council selects banks based on rating, return and term of investment. It is expected that future investments will continue to target returns while aiming to select institutions with a high **Standard and Poor's (S&P)** rating. This is done by rolling investments between banks that meet Council's criteria and cash requirements.

If Council has two (2) comparable investment fund options, investment will be made in the fund that does not fund fossil fuels. At present all banks in this category are rated BBB. Council’s Investment Policy limits exposure to an individual financial institution, for the BBB rated category, to five percent (5%) of the total Investment portfolio.

Currently Council has three (3) responsible investments, being three (3) \$1M investments with Westpac’s Green Tailored Deposits. These are identified in the Summary of Investments table set out below.

The Bank Reconciliation Statement shown below details what Council had in its bank account as at the end of the reporting month. This considers unrepresented cheques, unrepresented deposits and unrepresented debits compared to what is stated in the General Ledger:

Bank Reconciliation Statement	
Balance as per General Ledger	
Opening Balance 1 January 2023	\$4,306,537.32
January Movements	\$ 1,236,357.39
Closing Balance 31 January 2023	\$ 5,542,894.71
Less unprocessed Bank Statement Transactions	\$ -
Total:	\$ 5,542,894.71
Balance as per Statement	
	\$ 5,542,894.71
Less Unpresented Cheques	\$ -
Plus Unpresented Debits	\$ -
Less Unpresented Deposits	
Total:	\$ 5,542,894.71
 <hr/> Responsible Accounting Officer 1 February 2023	

The Summary of Investments set out in the following table details each of Council’s investments, where each investment is held, maturity dates, interest rates and the rating of each investment as at the end of the reporting month.

SUMMARY OF INVESTMENTS:

Rating (S&P)	Mature	%	Institution	Bank funds Fossil Fuels	Invested \$	Return \$
A1+/AA-	6/03/2023	0.94%	Westpac Banking Corporation (6)	Yes*	1,000,000	9,451.51
A2/BBB	21/03/2023	1.25%	AMP (10)	Yes	700,000	8,750.00
A1+/AA-	24/03/2023	1.24%	Westpac Banking Corporation (1)	Yes*	1,000,000	12,400.00
A1/A+	5/04/2023	1.60%	Macquarie (16)	Yes	900,000	14,400.00
A1/A+	8/04/2023	3.85%	NAB (18)	Yes	1,000,000	12,763.01
A1/A+	23/05/2023	3.15%	ING	Yes	1,000,000	31,500.00
A1+/AA-	24/06/2024	4.38%	Macquarie (16)	Yes	1,000,000	87,720.00
A1+/AA-	24/06/2023	3.60%	NAB (18)	Yes	1,000,000	36,000.00
A3/BBB+	31/07/2023	3.60%	NAB (17)	Yes	1,000,000	36,197.26
A1+/AA-	23/08/2023	3.95%	BOQ (13)	Yes	700,000	27,650.00
A2/BBB+	9/08/2023	3.80%	NAB (14)	Yes	1,000,000	38,000.00
A1+/AA-	15/08/2023	4.10%	CBA (15)	Yes	1,000,000	41,000.00
A1+/AA-	8/09/2023	3.95%	NAB (18)	Yes	1,000,000	39,391.78
A1+/AA-	8/09/2023	4.18%	Macquarie	Yes	700,000	29,179.84
A1/A+	11/09/2023	4.04%	CBA (19)	Yes	1,000,000	40,621.37
A1+/AA-	25/09/2023	4.46%	CBA (12)	Yes	1,000,000	44,844.38
A1+/AA-	25/10/2023	4.57%	CBA (8)	Yes	1,000,000	46,200.82
A1+/AA-	19/12/2023	4.60%	ING	Yes	1,000,000	46,000.00
A1+/AA-	11/12/2023	4.28%	Westpac Banking Corporation (4)	Yes*	1,000,000	43,034.52
Expected Average Return 22/23		3.45%	Total Investments		18,000,000.00	645,104.49
Actual Average Return Received YTD		0.74%	Cash on Hand		5,542,894.71	
Total Cash and Investments					23,542,894.71	

*Although these banks fund fossil fuels, these investments are Green Tailored Deposits.

The table below details the interest received for the current Financial Year as at the end of the reporting month:

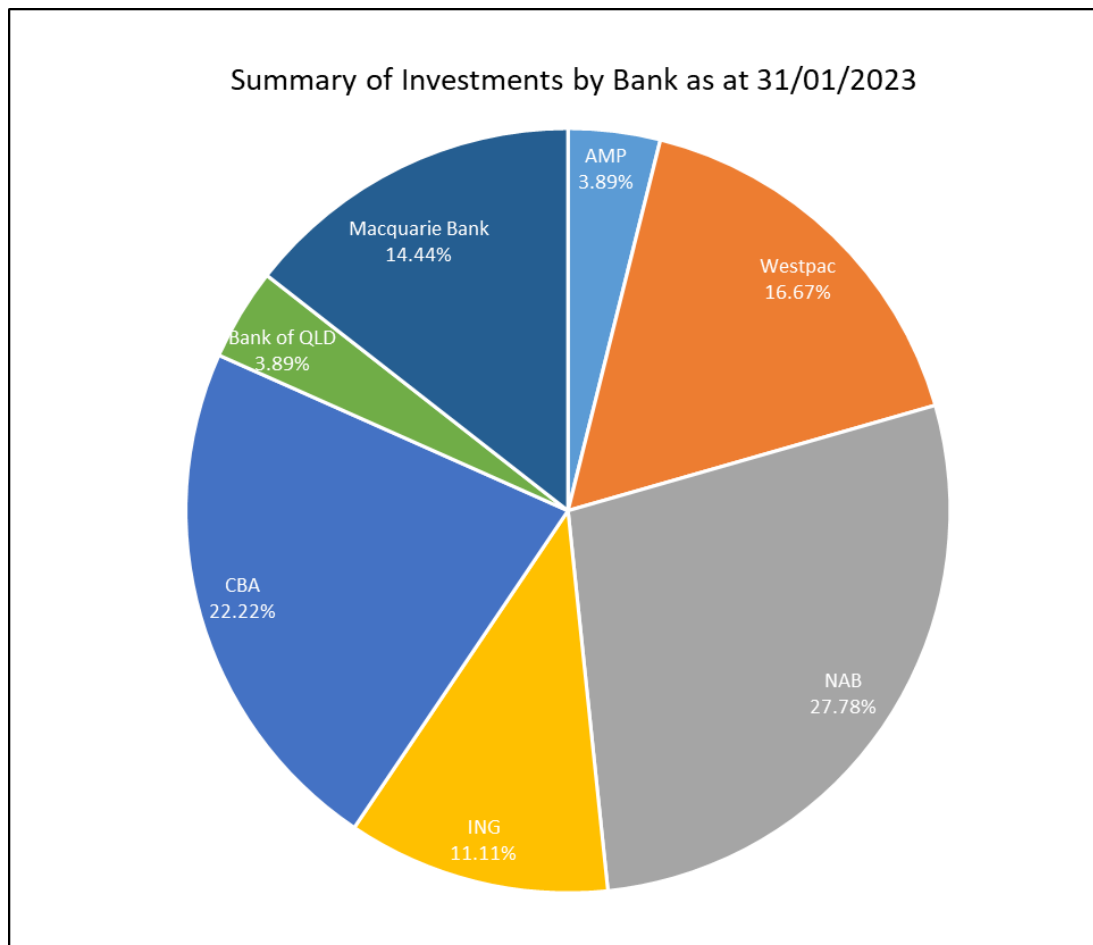
Interest received for year to 31 January 2023	\$122,631.64
--	---------------------

The table below details the monthly movements of investments for the reporting month:

Investment Movements	
Opening Balance as at 1 January 2023	18,700,000
Less:	
Maturities (1)	700,000
Subtotal	18,000,000
Plus	
Rollovers (0)	-
New Investments (0)	-
Current Balance as at 31 January 2023	18,000,000

During the reporting month, there was one (1) \$700K investment that matured with Judo bank that was redeemed.

The graph below shows the summary of Investments by Bank:



The application of restricted funds and trust funds are limited to a particular purpose and must be set aside for that purpose. Therefore, they may not be available to meet certain obligations, and this should be kept in mind when determining the short-term liquidity of Council.

Certification

I, Shageer Mohammed, Chief Financial Officer, do hereby certify that the above investments have been made in accordance with the Regulation (Section 212), the **Local Government Act 1993 (the Act)** (Section 625), and Council's **Investment Policy (the Policy)**.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The actual average return on Council investments for the 2021/2022 Financial Year was 0.55%. The current actual average return for the 2022/2023 Financial Year is 3.45%. This is an increase on the actual average return of 0.74%, which reflects the current upward trend in interest rates.

Interest rates are now trending upwards, and it is expected that the actual average return will increase as investments are made at the new rates. The Bloomberg Ausbond Bank Bill Index one (1) year return rate for the reporting month is 0.96%.

The following table compares information on investment balances from this year to last year:

Investment Balances	This Year	Last Year
Opening Balance 1 January	18,700,000	18,100,000
Closing Balance 31 January	18,000,000	17,800,000

(b) Governance/Policy

Monthly financial reporting ensures transparency of financial reporting to enable Councillors to make financially sustainable and accountable decisions. The Policy states that short-medium term funds can be invested for up to five (5) years.

Investments are to be considered in conjunction with the following key criteria:

- At the time of investment, no institution at any time shall hold more than 45% of Council's total investments. The maximum will be determined by the long-term rating of the institution - AAA up to 45%; AA up to 35%; A up to 15% and BBB up to five percent (5%);
- At the time of investment, the maximum portfolio limits per rating are - AAA up to 100%; AA up to 100%; A up to 45%; BBB up to 25% and Government up to 100%; and

- Council's Investments can be placed in a mixture of short (0-12 months), short-medium (1-2 years) and medium (2-5 years) term investments whilst ensuring that liquidity and income requirements are met.

The portfolio is split across three (3) of the credit rating categories (AA, A and BBB).

All aggregate rating categories are within the policy limits.

Credit Quality Portfolio Compliance

The following table details the credit rating of each of the categories where Council has money invested. All investments are compliant with Council's Investment Policy:

COUNCILS PORTFOLIO COMPLIANCE

Compliant	Credit Rating	Invested	Invested \$	Policy Limit	Available \$
Yes	AAA	0.00%	-	100%	18,000,000
Yes	AA	66.67%	12,000,000	100%	6,000,000
Yes	A	14.44%	1,900,000	45%	6,200,000
Yes	BBB	18.89%	4,100,000	25%	400,000
Yes	Government	0.00%	-	100%	18,000,000
		100.00%	18,000,000		

A credit rating is an evaluation of the credit risk of a prospective financial institution, predicting its ability to pay back the investment and interest maturity and an implicit forecast of the likelihood of the institution defaulting. The credit ratings are an opinion based on the creditworthiness of the company issuing the security and are assigned by Australian Ratings based on publicly available information at a point in time.

(c) Legislative/Statutory

All investments continue to be made in accordance with the requirements of the Act and the Policy.

Section 625 of the Act states the following:

How may Councils invest?

- (1) *A Council may invest money that is not, for the time being, required by the Council for any other purpose.*
- (2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- (3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*

- (4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.*

Section 212 of the Regulation states the following:

Report on Council's Investments

- (1) *The responsible accounting officer of a council:*
- (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
- (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
- (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
- (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

(d) Risk

The following table provides information on investment types including a risk assessment and the amount and percentage invested compared to the total investment portfolio:

RISK ASSESSMENT OF INVESTMENT PORTFOLIO

Investment Type	Risk Assessment		Amount \$	% of Portfolio
	Capital	Interest		
Term deposits	Low	Low	18,000,000	100%
Total			18,000,000	100%

The Policy defines the principal objective of the investment portfolio as the preservation of capital. There is a risk that the investment portfolio does not perform on par or greater than the **Consumer Price Index (CPI)**. It is possible therefore that Council does not meet the principal objective of the Policy. In addition, consideration must be given to the potential that the investment restrictions provided in the Policy (both legislatively and by Council) may increase this risk.

A review of the aggregate performance on Council investments, comparative to the CPI, over a significant period (greater than five (5) years) may ascertain if the investment strategy has been meeting the Policy's principal objective. This may then advise if changes are required to Council's investment strategy.

(e) Social

Council funds are used to provide services and infrastructure to the community and, as a result, well managed funds maximise the level of financial resources available to support the community.

(f) Environmental

Nil.

(g) Economic

Sound economic management includes maximising Council's return on financial investments.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Council makes investments through Curve Securities and deals directly with the Commonwealth Bank and the Westpac Bank. During the month all three (3) advisors were contacted to gain advice on daily interest rates.

(b) Internal

The Manager of Governance, Risk and Corporate Planning was consulted previously regarding the risk implications section of this report.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.4.2: Ensure Council's Investment and Borrowings Policies and practices meet the requirements of STC 5.4 Responsible custodianship of the community's assets.

CONCLUSION

Funds have been restricted to ensure all areas of Council continue to operate in accordance with both the annual Operational Plan and Budget and the Long-Term Financial Plan. Further, all investments continue to be made in accordance with the requirements of the Act, the Regulation, and Council's Investment Policy.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.10 BORROWINGS REPORT AS AT 31 DECEMBER 2022

ECM INDEXES:

Subject Index: FINANCIAL MANAGEMENT: Loans

Customer Index: NIL

Property Index: NIL

AUTHOR: Amy Watson - Financial Accountant

APPROVER/S: Shageer Mohammed - Chief Financial Officer
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to provide Council with a reconciliation of borrowings as at the end of the reporting month.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) **Background**

This report is provided to inform Council of the reconciliation of borrowings on a monthly basis.

(b) Discussion

The following tables detail the interest rates, loan completion dates, and balances as at the end of the reporting month for each of Council's borrowings in each of the respective funds:

General Fund					
Loan No	Purpose	Interest Rate	Loan Start Date	Loan Completion Date	Balance
1	TCORP "Wattle Vale" and RFS Loan	3.95%	12/12/2016	8/12/2036	\$ 1,560,951.48
11-01	Business Acquisition: Quarry	7.69%	28/07/2011	28/07/2036	\$ 577,500.00
3	Learning Centre	7.35%	19/06/2009	19/06/2025	\$ 120,300.65
2	GIMC Debt at Amalgamation	6.69%	31/10/2002	1/11/2027	\$ 1,788,068.67
12	LIRS Loan: Road Renewal	5.32%*	10/12/2012	9/12/2022	\$ 31,992.82
13	LIRS Loan: CBD Revitalisation	5.46%*	27/02/2013	27/02/2023	\$ 57,908.82
14	LIRS Loan: Accelerated Road Renewal	3.82%*	6/03/2015	28/05/2025	\$ 259,301.61
15	LIRS Loan: Accelerated Bridge Program	3.82%*	6/03/2015	28/02/2025	\$ 1,037,206.43
16	Glen Innes and Emmaville Swim Centre: Revitalisation	4.70%	6/03/2015	28/02/2035	\$ 1,076,890.50
Total General Fund Liability					\$ 6,510,120.98

*On each of the four (4) **Local Infrastructure Renewal Scheme (LIRS)** loans, Council pays the interest rates above; Council is then reimbursed either three percent (3%) or four percent (4%), depending on the loan, every six (6) months of interest paid on each loan under the LIRS scheme.

Water Fund					
Loan No	Purpose	Interest Rate	Loan Start Date	Loan Completion Date	Balance
11-02	Land Acquisition: Future Storage	7.69%	28/07/2011	28/07/2036	\$ 1,545,500.00
Total Water Supply Fund Liability					\$ 1,545,500.00

Sewer Fund					
Loan No	Purpose	Interest Rate	Loan Start Date	Loan Completion Date	Balance
10	Sewer Augmentation Loan	6.51%	9/05/2006	11/05/2026	\$ 759,512.54
Total Sewer Fund Liability					\$ 759,512.54

TOTAL LOANS LIABILITY					\$ 8,815,133.52
------------------------------	--	--	--	--	------------------------

Certification

I, Shageer Mohammed, Chief Financial Officer, do hereby certify that the above borrowings have been made in accordance with the requirements of the **Local Government Act 1993 (the Act)** (Chapter 15, Part 12 – sections 621 to 624) and the **Local Government (General) Regulation 2021 (the Regulation)** (Section 230).

(c) **Options**

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) **Financial**

Council has Loan Liabilities totalling \$8,815,133.52 as at the end of the reporting month.

(b) **Governance/Policy**

As Council is responsible for the prudent management of community resources, it is important it adheres to the Capital Expenditure Guidelines, prepared by the Office of Local Government.

(c) **Legislative/Statutory**

All Borrowings continue to be made in accordance with the requirements of the Act.

The Act, Chapter 15, Part 12, states the following:

Section 621 – When and for what may a Council borrow?

A Council may borrow at any time for any purpose allowed under this Act.

Section 622 – What form may a Council borrowing take?

A council may borrow by way of overdraft or loan or by any other means approved by the Minister.

Section 624 – Are there any restrictions on a Council borrowing?

The Minister, may from time to time, impose limitations or restrictions on borrowings by a particular Council or Councils generally despite the other provisions of this Part.

Other legislation and guidelines relevant to Council borrowing:

- The Regulation (Section 229 and Section 230); and
- Minister of Local Government Borrowing Order pursuant to section 624 of the Act (Appendix A11, Code of Accounting Practice) Local Government Circulars and Directives.

(d) **Risk**

Council is reminded that, under section 8A of the Act, it should consider the long term and cumulative effects of its decisions on future generations.

Accordingly, Council must exercise reasonable care and diligence that a prudent person would exercise when borrowing funds. The borrowing of money is not a function that Council can delegate.

It is expected that Councillors would have a full understanding of the terms and conditions of borrowing arrangements before entering any contract. Council is required to abide by the contractual requirements of the loan providers.

(e) Social

Council funds are used to provide services and infrastructure to the community and, as a result, well managed funds maximise the level of financial resources available to support the community.

(f) Environmental

Nil.

(g) Economic

Sound economic management includes maximising Council's available funds by taking out loans to spread the cost of the Capital Works across the period in which the project will be available for the community's use.

This is called "Intergenerational Equity". Each generation pays for the service or project when borrowings are used to fund the project.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

The Manager of Governance, Risk and Corporate Planning was consulted previously regarding the risk implications section contained in this report.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.4.2: Ensure Council's investment and borrowings policies and practices meet the requirements of STC 5.4 Responsible custodianship of the community's assets.

CONCLUSION

Council's loans continue to be made in accordance with the requirements of the Act and the Regulation.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.11 BORROWINGS REPORT AS AT 31 JANUARY 2023

ECM INDEXES:

Subject Index: FINANCIAL MANAGEMENT: Loans

Customer Index: NIL

Property Index: NIL

AUTHOR: Amy Watson - Financial Accountant

**APPROVER/S: Shageer Mohammed - Chief Financial Officer
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

Item 7.11

PURPOSE

The purpose of this report is to provide Council with a reconciliation of borrowings as at the end of the reporting month.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

This report is provided to inform Council of the reconciliation of borrowings on a monthly basis.

(b) Discussion

The following tables detail the interest rates, loan completion dates, and balances as at the end of the reporting month for each of Council's borrowings in each of the respective funds:

General Fund					
Loan No	Purpose	Interest Rate	Loan Start Date	Loan Completion Date	Balance
1	TCORP "Wattle Vale" and RFS Loan	3.95%	12/12/2016	8/12/2036	\$ 1,560,951.48
11-01	Business Acquisition: Quarry	7.69%	28/07/2011	28/07/2036	\$ 567,000.00
3	Learning Centre	7.35%	19/06/2009	19/06/2025	\$ 120,300.65
2	GIMC Debt at Amalgamation	6.69%	31/10/2002	1/11/2027	\$ 1,682,712.07
12	LIRS Loan: Road Renewal	5.32%*	10/12/2012	9/12/2022	\$ 31,992.82
13	LIRS Loan: CBD Revitalisation	5.46%*	27/02/2013	27/02/2023	\$ 57,908.82
14	LIRS Loan: Accelerated Road Renewal	3.82%*	6/03/2015	28/05/2025	\$ 259,301.61
15	LIRS Loan: Accelerated Bridge Program	3.82%*	6/03/2015	28/02/2025	\$ 1,037,206.43
16	Glen Innes and Emmaville Swim Centre: Revitalisation	4.70%	6/03/2015	28/02/2035	\$ 1,076,890.50
Total General Fund Liability					\$ 6,394,264.38

*On each of the four (4) **Local Infrastructure Renewal Scheme (LIRS)** loans, Council pays the interest rates above; Council is then reimbursed either three percent (3%) or four percent (4%), depending on the loan, every six (6) months of interest paid on each loan under the LIRS scheme.

Water Fund					
Loan No	Purpose	Interest Rate	Loan Start Date	Loan Completion Date	Balance
11-02	Land Acquisition: Future Storage	7.69%	28/07/2011	28/07/2036	\$ 1,517,400.00
Total Water Supply Fund Liability					\$ 1,517,400.00

Sewer Fund					
Loan No	Purpose	Interest Rate	Loan Start Date	Loan Completion Date	Balance
10	Sewer Augmentation Loan	6.51%	9/05/2006	11/05/2026	\$ 759,512.54
Total Sewer Fund Liability					\$ 759,512.54

TOTAL LOANS LIABILITY					\$ 8,671,176.92
------------------------------	--	--	--	--	------------------------

Certification

I, Shageer Mohammed, Chief Financial Officer, do hereby certify that the above borrowings have been made in accordance with the requirements of the **Local Government Act 1993 (the Act)** (Chapter 15, Part 12 – sections 621 to 624) and the **Local Government (General) Regulation 2021 (the Regulation)** (Section 230).

(c) **Options**

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) **Financial**

Council has Loan Liabilities totalling \$8,671,176.92 as at the end of the reporting month.

(b) **Governance/Policy**

As Council is responsible for the prudent management of community resources, it is important it adheres to the Capital Expenditure Guidelines, prepared by the Office of Local Government.

(c) **Legislative/Statutory**

All Borrowings continue to be made in accordance with the requirements of the Act.

The Act, Chapter 15, Part 12, states the following:

Section 621 – When and for what may a Council borrow?

A Council may borrow at any time for any purpose allowed under this Act.

Section 622 – What form may a Council borrowing take?

A council may borrow by way of overdraft or loan or by any other means approved by the Minister.

Section 624 – Are there any restrictions on a Council borrowing?

The Minister, may from time to time, impose limitations or restrictions on borrowings by a particular Council or Councils generally despite the other provisions of this Part.

Other legislation and guidelines relevant to Council borrowing:

- The Regulation (Section 229 and Section 230); and
- Minister of Local Government Borrowing Order pursuant to section 624 of the Act (Appendix A11, Code of Accounting Practice) Local Government Circulars and Directives.

(d) **Risk**

Council is reminded that, under section 8A of the Act, it should consider the long term and cumulative effects of its decisions on future generations.

Accordingly, Council must exercise reasonable care and diligence that a prudent person would exercise when borrowing funds. The borrowing of money is not a function that Council can delegate.

It is expected that Councillors would have a full understanding of the terms and conditions of borrowing arrangements before entering any contract. Council is required to abide by the contractual requirements of the loan providers.

(e) Social

Council funds are used to provide services and infrastructure to the community and, as a result, well managed funds maximise the level of financial resources available to support the community.

(f) Environmental

Nil.

(g) Economic

Sound economic management includes maximising Council's available funds by taking out loans to spread the cost of the Capital Works across the period in which the project will be available for the community's use.

This is called "Intergenerational Equity". Each generation pays for the service or project when borrowings are used to fund the project.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

The Manager of Governance, Risk and Corporate Planning was consulted previously regarding the risk implications section contained in this report.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.4.2: Ensure Council's investment and borrowings policies and practices meet the requirements of STC 5.4 Responsible custodianship of the community's assets.

CONCLUSION

Council's loans continue to be made in accordance with the requirements of the Act and the Regulation.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.12 LIFE CHOICES - SUPPORT SERVICES FEES AND CHARGES 2022-2023

ECM INDEXES:

**Subject Index: FINANCIAL MANAGEMENT: Fees and Charges – Financial Management
COMMUNITY SERVICES: Home Care Packages**

Customer Index: NIL

Property Index: NIL

AUTHOR: Anthony Williams - Manager of Community Services

**APPROVER/S: Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is for Council to review and endorse the revised **Life Choices - Support Services (LC-SS) Home Care Package (HCP) Fees** for the remainder of the 2022/2023 Financial Year. The proposed fees, once endorsed, will be placed on public exhibition for 28 days.

RECOMMENDATION

THAT Council:

- 1. Endorses the proposed Life Choices - Support Services Home Care Packages Fees and Charges as necessitated by recent Australian Government aged care industry reforms.***
- 2. Advertises the following proposed Life Choices - Support Services Home Care Packages Fees and Charges for public exhibition from Thursday, 2 March 2023 until 4pm on Wednesday, 29 March 2023 and seeks public submissions on the proposed fees and charges:***

<i>Level</i>	<i>Proposed Care Management Fee</i>	<i>Proposed Package Management Fee</i>
<i>Level 1</i>	<i>\$62.00</i>	<i>\$44.00</i>
<i>Level 2</i>	<i>\$121.00</i>	<i>\$92.00</i>
<i>Level 3</i>	<i>\$184.00</i>	<i>\$202.16</i>
<i>Level 4</i>	<i>\$248.00</i>	<i>\$306.46</i>

3. Displays the proposed fees on Council's website, and that they be made available for viewing at the following locations:

- **Council's Town Hall Office;**
- **Council's Church Street Office; and**
- **The Village Post Offices at Deepwater, Emmaville and Glencoe.**

4. Requests the Manager of Community Services to prepare a further report to Council after the exhibition period in the event of Council receiving any significant submissions regarding specific fees and charges; otherwise, that the proposed LC-SS fees and charges will be adopted by Council.

REPORT

(a) Background

The **Australian Government Department of Health and Aged Care (the Department)** has become aware that one (1) of the top concerns for older Australians in the HCP Program is the high administration and management charges set by some providers.

The Department has taken action to reduce the possibility of HCP recipients receiving excessive charges from service providers for the administration and care delivery from their package. The changes also improve the recipient's ability to compare prices between different providers.

Providers who are charging above the new care and package management caps have been required to reduce these prices effective, 1 January 2023.

(b) Discussion

Home Care Packages provide individual funding to enable community-based supports for older Australians. There are four (4) Levels of HCP ranked from Level 1 to Level 4. Applicants for Home Care assistance are assessed for need by an **Aged Care Assessment Team (ACAT)** and are awarded a package level which is commensurate to their needs.

Home Care Package Amount	Level 1	Level 2	Level 3	Level 4
	\$9,179.75	\$16,147.60	\$35,138.55	\$53,268.10

HCP Service Providers set Package and Care Management Fees for the different levels of HCP's they hold. Historically, LC-SS has set fees and charges that are competitive with other local providers.

From 1 January 2023, providers:

- must not charge more than 20% of the package level for care management;

- must not charge more than 15% of the package level for package management; and
- are no longer permitted to charge an Exit Fee.

The maximum prices for these services from 1 January 2023 are set out in the table below and are charged per fortnight. LC-SS fees were already largely consistent with the new requirement.

Australian Government Department of Health and Aged Care Pricing from 1 January 2023		
Level	Care Management	Package Management
Level 1	\$70.42	\$52.78
Level 2	\$123.90	\$92.96
Level 3	\$269.50	\$202.16
Level 4	\$408.66	\$306.46

There were some changes required to meet the new Government fee caps and these were implemented 1 January 2023. The Level 3 and Level 4 Package Management Fees required reductions and the Exit Fee of \$567 required abolishment.

The changed fees are a mandatory requirement from the Department. The **My Aged Care (MAC)** portal has been changed to reflect the changed fees. This allows consumers to compare prices between providers.

The Department mandated pricing changes have resulted in a combined fortnightly Level 3 and Level 4 Package Management income loss of \$136.38. The financial impact due to the Exit Fee abolition is more difficult to predict as it was only incurred when the package holder changed service providers or no longer required their HCP.

Moving forwards, to maintain the LC-SS budget, it is recommended that Council increase Care Management Fees to compensate for the loss of income due to the required decrease to Package Management Fees. The below tables draw attention to the current fees, the proposed fees and the difference for Care Management and Package Management.

Level	Current Care Management Fee	Proposed Care Management Fee	Difference
Level 1	\$62.00	\$62.00	\$0
Level 2	\$96.00	\$121.00*	\$25.00
Level 3	\$144.00	\$184.00*	\$40.00
Level 4	\$176.00	\$248.00*	\$72.00

*These fees are proposed to be increased to offset the loss incurred by the reduced Package Management Fee.

Level	Current Package Management Fee	Proposed Package Management Fee	Difference
Level 1	\$44.00	\$44.00	\$0
Level 2	\$92.00	\$92.00	\$0
Level 3	\$240.00	\$202.16**	-\$38.84
Level 4	\$403.00	\$306.46**	-\$97.54

**These fees were required to be decreased, as at 1 January 2023, to match the Australian Government Pricing.

The Department has an additional requirement for Service Providers to consult with HCP recipients regarding changes to fees and charges. **The Manager of Community Services (MCS)** has written to all existing HCP recipients regarding the reduction to Level 3 and Level 4 Package Management Fees.

The MCS will prepare an additional letter to HCP recipients following the endorsement of the proposed HCP fees identified within this report.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The mandatory reduction to existing Package Management Fees from 1 January 2023 will impact the overall LC-SS Operational Plan and Budget for the 2022/2023 Financial Year. The proposed increase to Care Management Fees will provide some offset for any loss incurred.

(b) Governance/Policy

Nil.

(c) Legislative/Statutory

The 1 January 2023 changes to Package Management and Exit Fees for HCP's is a mandatory requirement from the Australian Government Department of Health and Aged Care and as such have been implemented.

(d) Risk

Nil.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

The Department has given a directive to Service Providers regarding changed fee regulations.

(b) Internal

LC-SS Financial Officer.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.3.1: Provide financial and budget compliance reporting to Council and the community.

CONCLUSION

The Department has taken action to reduce the possibility of HCP recipients receiving excessive charges from service providers for the administration and care delivery from their package. The Department of Health and Aged Care has mandated changed Package and Care Management Fees for HCP holders.

The changed fees came into effect on 1 January 2023 and have necessitated the immediate abolishment of the HCP Exit Fee and reductions to Level 3 and Level 4 HCP fees. The HCP holders have been advised by letter of the changes and this report provides Council with the opportunity to increase Care Management Fees to offset the reduced income to maintain budget estimates for LC-SS.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.13 STATECOVER WORKERS COMPENSATION AND SAFETY PERFORMANCE REPORT 2021 - 2022

ECM INDEXES:

Subject Index: WORK HEALTH AND SAFETY: General

Customer Index: INTERNAL DEPARTMENT: WHS

Property Index: NIL

AUTHOR: Ann Blunt - WHS Co-ordinator

**APPROVER/S: Peter Sayers - Manager of Administration and Human Resources
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is to inform Council of information received in StateCover Mutual's 2021/ 2022 General Manager's Report. (***Annexure A***).

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

StateCover Mutual prepares an annual report for its member councils, providing comparative data on each council's performance relative to other councils within the StateCover group. The report for 2021/2022 was received by Council on Thursday, 24 November 2022, and presented to the **Management Executive Team (MANEX)** by StateCover on the same day.

The report has also been presented to the **Work Health and Safety Consultative Group (WHSCG)** and is now presented to Council for information.

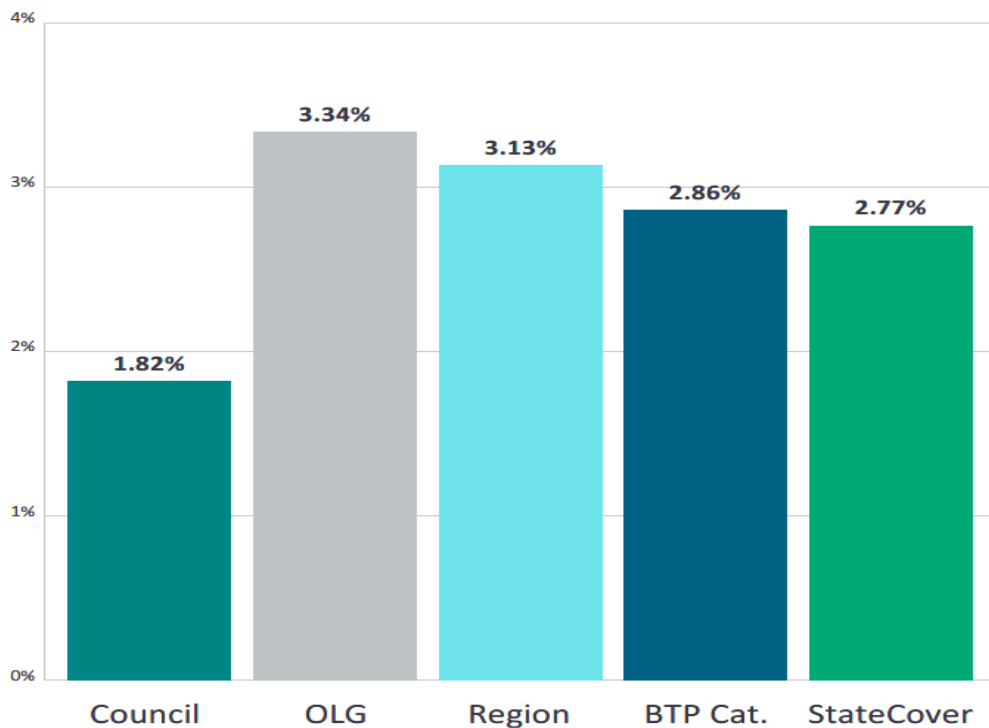
(b) Discussion

The StateCover General Manager’s Report summarises Workers Compensation and **Work Health and Safety (WHS)** information and figures for 2021/2022 and is provided as part of StateCover’s ongoing commitment to keeping councils informed of their performance in the scheme. Information is compared using the following cohorts:

Cohort	Description
OLG	Office of Local Government Group
Region	Cohort of councils in the same geographical location
BTP Cat.	Group determined by Council’s Base Tariff Premium
StateCover	Overall average of all StateCover Members

Premium Rate

Graph one (1) below compares the premium rate, which is a blended measure of the risk profile of the Local Government industry, the broader scheme and each council’s WHS and return to work performance.



Graph 1

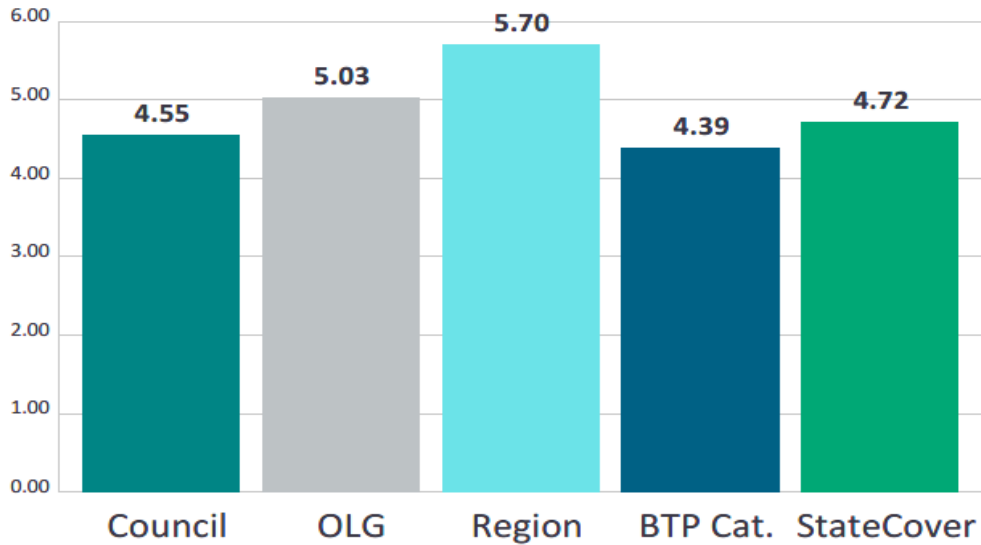
Council’s premium is “experience rated”, with the cost of claims for the past three (3) years directly impacting on the premium payable – the better the experience the lower the premium. Each council can control its premium by providing a safe workplace and, when a worker is injured, proactively assisting them to recover at work.

Not all claims will directly impact on Council’s premium. Those that do not incur any lost time from work are excluded from the experience rated element of the premium.

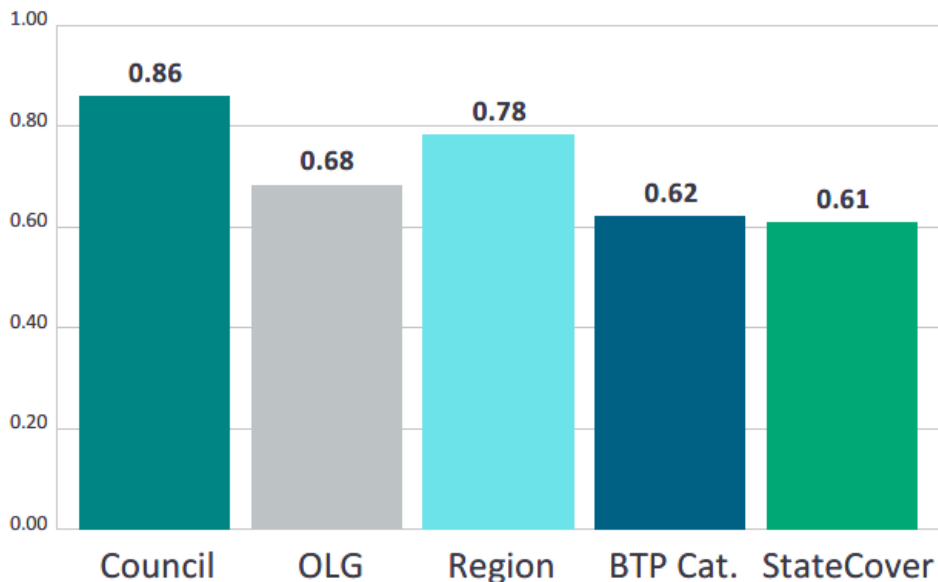
Council’s effective management of WHS and workplace injuries is reflected in the premium rate set out in the graph above and compares very favourably across all cohorts.

Claim Frequency Rate

Graphs two (2) and three (3) below highlight the claim frequency, which is a measure of Council’s WHS performance and should also be considered in conjunction with injury severity and claims cost.



Graph 2 – Employee Numbers



Graph 3 – Gross Wages

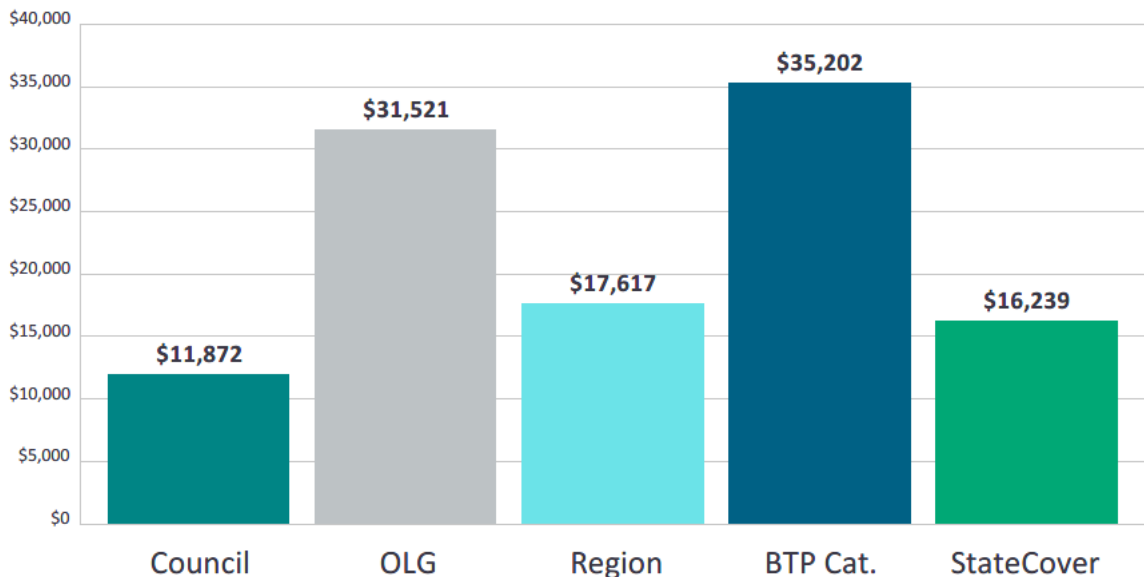
The above graphs show two (2) different methods for monitoring claim frequency, the first using employee numbers (claims per 100 employees) and the second using Council’s gross wages (claims per \$1M in wages), as declared in the annual wages declaration.

Based on the first metric, Council has performed reasonably well and is low overall compared with most of the cohorts. Using the second metric, however, Council is higher than all other cohorts.

It should be noted that the high frequency rate on the second metric will not necessarily impact on Council’s premium and reflects the fact that employees are reporting all injuries, including minor ones, which can be seen as a positive.

Average Claims Cost

Graph four (4) below provides a comparison of Council’s average incurred claims costs over the past three (3) years, along with the average claims costs for other cohorts. Council has performed very well in this area compared with other councils overall.



Graph 4

It should be noted that these costs are on an “incurred” basis, i.e. actual paid plus future estimated cost. The incurred cost is as at Wednesday, 30 June 2022, and does not represent the ultimate expended cost. Claim costs may increase over time as further payments are made, for example, whole person impairment lump sum payouts or common law damages claims.

What is paid on a claim will either directly or indirectly impact on Council’s premium. The most effective way to minimise this impact is to return the injured worker to work, in suitable employment, within the shortest possible time.

Injury Types

Figure one (1) below illustrates the proportion of Council's claims by type of injury over the past year.

Physical injuries accounted for eight (8) claims during 2021/2022, or 80% of total claims. Typically, sprains and strains represent the highest proportion of claims for most councils.

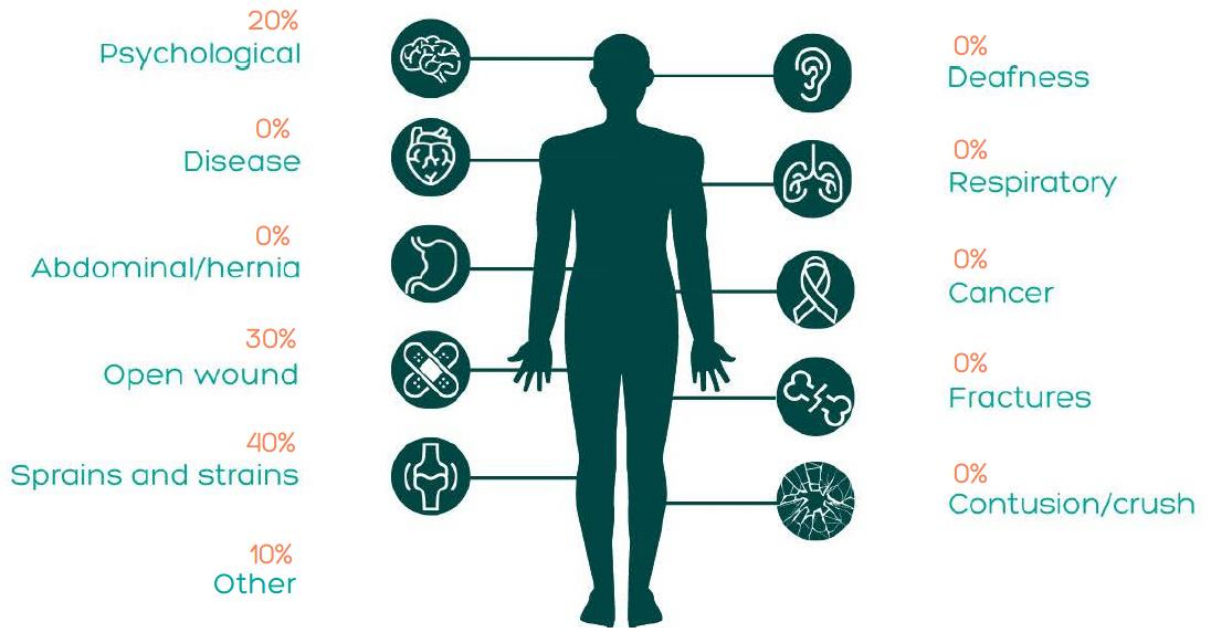


Figure 1

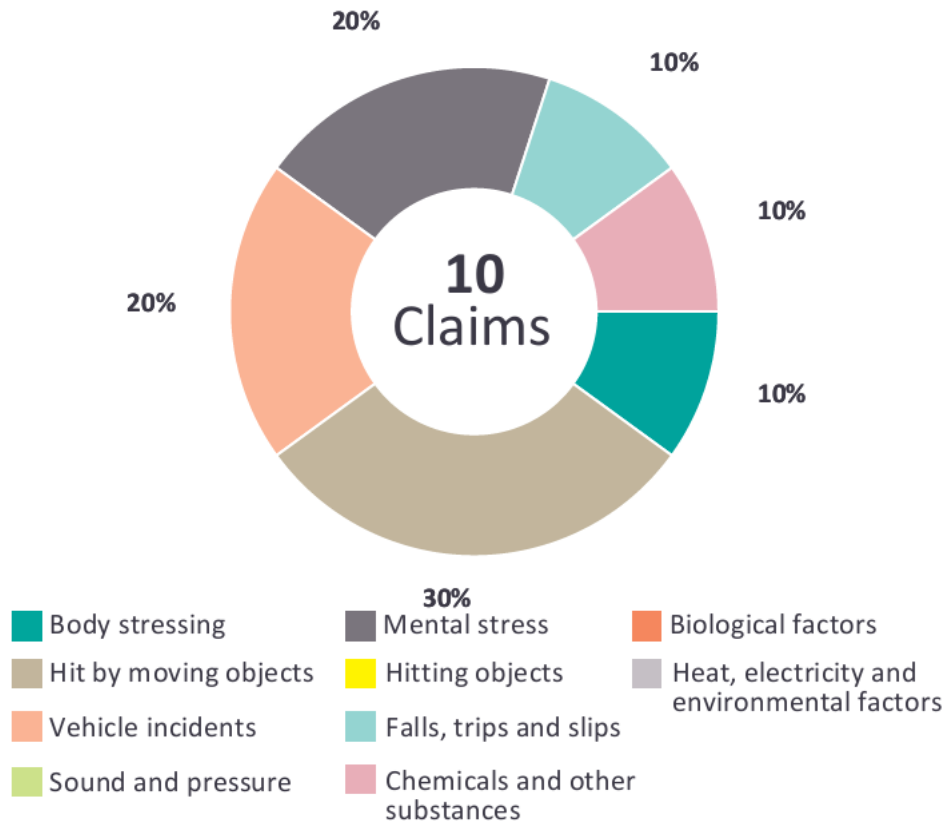
Understanding the type and proportion of injuries assists Council to target its WHS efforts, preventing the recurrence of injuries and improving the overall safety of its workplace.

Psychological injuries are the fastest growing cohort of claims across the Mutual. Psychological injuries accounted for eight percent (8%) of total claims in 2021/2022 and represented 31% of all claims expenses.

During this period Council had two (2) psychological claims, representing 20% of total claims.

Cause of Injury

Graph five (5) below illustrates the proportion of Council’s claims by cause of injury over the past year. Many injury types and their causes relate to historic WHS practices rather than those that are in place today, e.g. industrial deafness.



Graph 5

As noted in Figure one (1) and Graph five (5) above, Council had two (2) psychological claims accounting for 20% of total claims.

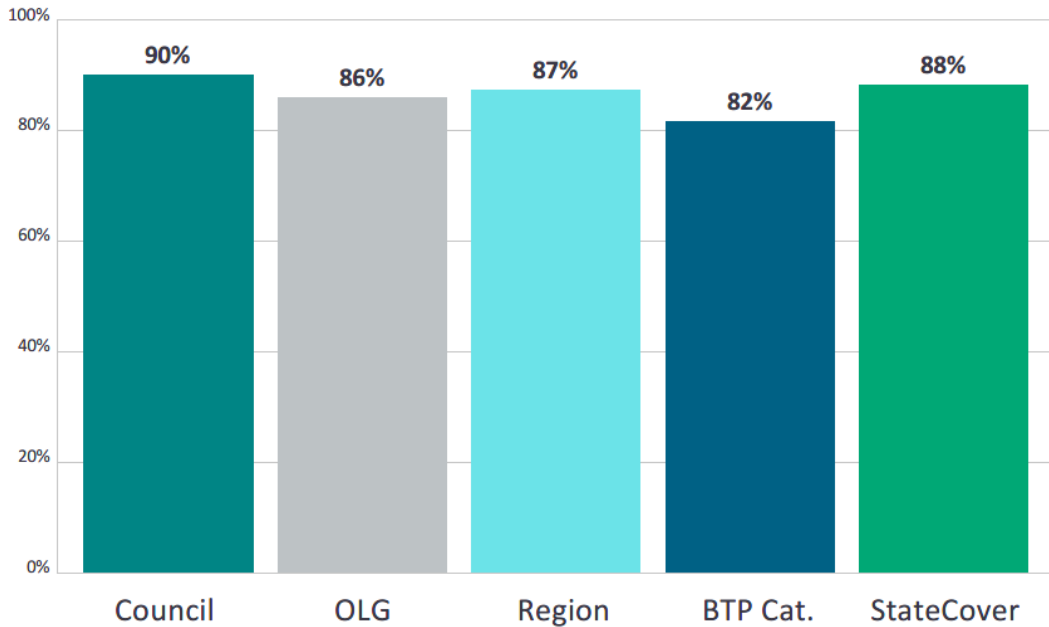
The top three (3) reasons for mental stress claims include:

1. Work related harassment and/or workplace bullying;
2. Work pressure; and
3. Exposure to a traumatic event.

Understanding the cause of injury can assist Council to target its injury prevention efforts to improve the overall safety of its workplace.

Injury Reporting Timeframe

Graph six (6) below shows the percentage of claims reported by Council to StateCover within 48 hours, compared to the various council cohorts.



Graph 6

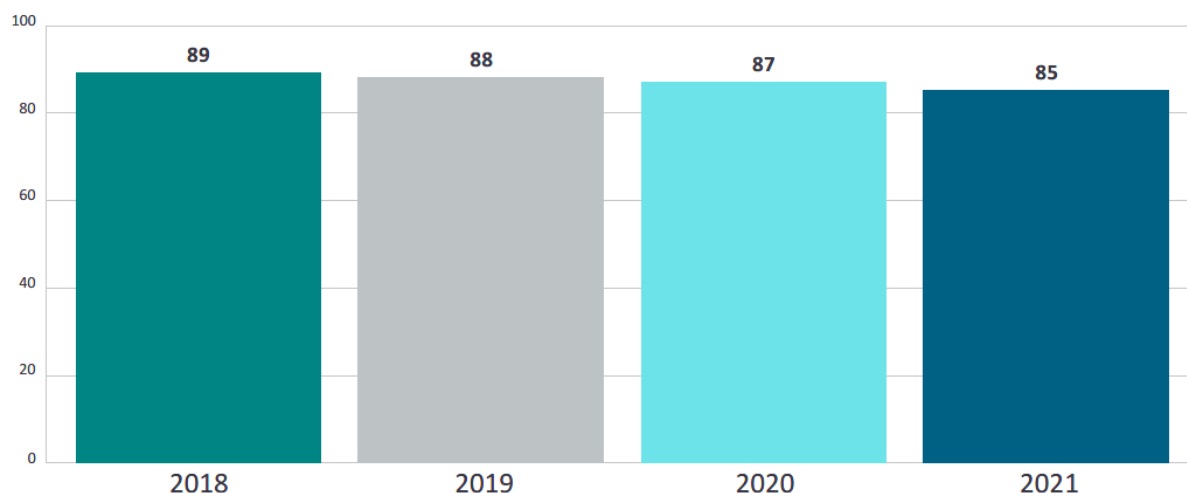
Reporting injuries to StateCover within 48 hours of Council becoming aware of the injury is a legislative requirement. Prompt reporting also allows for early intervention to assist with swift recovery, early return to work and effective claims management.

The achievement of 90% for reporting within the 48 hours is good when compared with other councils and represents only a small three percent (3%) drop from Council's 2020/2021 results.

It would be nice for Council to get back to the 100% it achieved in both 2017/2018 and 2018/2019. To improve reporting timeframes, Council will need to continually encourage an ongoing culture of early reporting by all staff. StateCover has advised it can assist Council to identify opportunities for improvement and recommend appropriate remedial actions.

Work Health and Safety Self Audit Result

Graph seven (7) below shows the overall scores achieved by Council in the annual StateCover WHS Self-Audit, for the years 2018 to 2021. It should be noted that questions in the self-audit can be altered or added by StateCover each year, affecting the overall outcome from year to year.



Graph 7

The annual WHS self-audit tool provided by StateCover assists councils to improve their WHS performance, with responses verified independently by StateCover.

Identified priorities from the 2021 self-audit included:

- WHS planning;
- WHS risk management;
- WHS audits;
- managing the risk of falls; and
- volunteer management.

StateCover has provided advice and guidance on each of these areas via a third party WHS audit / gap analysis and advice and guidance on the management of fall risks faced by the bridge crew.

Council has an ongoing commitment to continuous improvement and a staff culture that is strongly oriented towards workplace safety.

Return to Work Performance

The return-to-work rate measures the proportion of injured workers who have experienced lost time due to their injury and who have resumed work in any capacity within four (4), 13 or 26 weeks of the date the claim was reported.

Council will note that Council's return to work performance is shown as zero percent (0%) in the report, which is clearly incorrect. Unfortunately, at the time of publication of the report, the data for Council's average return to work performance was unavailable and is therefore not shown.

Safety and Wellbeing

Council participated in parts of the StateCover safety and wellbeing program during 2021/2022, including StateCover's Community of Practice, which provided the opportunity to collaborate with other councils in the Mutual and understand best practice for workplace wellbeing and psychological injury prevention strategies.

Council also used the StateCover wellbeing program for the annual influenza vaccinations for staff. Additional programs were offered, which Council participated in during previous years. It is anticipated that Council will continue to use aspects of StateCover's wellbeing program in future years.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

There are no specific financial implications arising from this report, which is for information only; however, there are ongoing budgetary considerations for effective WHS implementation and Workers Compensation costs, which are set out in Council's annual Operational Plan and Budget.

Incentives received from StateCover, as part of their reinvestment of surplus funds within the Mutual, assist councils to manage the cost of workplace risk and include safety and wellbeing incentives and funding.

(b) Governance/Policy

Council's WHS Management Plan and Workplace Injury Management and Recover at Work Policy and Program are essential tools in the effective management of workplace safety and injury claims.

(c) Legislative/Statutory

As far as is practicable, Council has a legislative and statutory obligation to maintain an effective and sustainable return to work program for injured workers, in accordance with the *Workers Compensation Act 1987*.

(d) Risk

As far as is practicable, Council has a legislative and statutory obligation to provide a workplace that is free from risks to health and safety, in accordance with the *Work Health and Safety Act 2011*.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

The information provided in this report has been completed in consultation with StateCover Mutual Limited, Council's workers compensation insurer.

(b) Internal

Nil.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.5: Implement the Work Health and Safety Management Plan.

CONCLUSION

Council has performed well in the latest figures provided in StateCover's *General Managers Report: 2021/2022* compared with averages in the various report cohorts, reflecting Council's ongoing commitment to improving its performance in the critical areas of workplace safety and injury management.

ATTACHMENTS

Annexure A StateCover 2021 2022 General Managers Report

**REPORT TITLE: 7.14 WORKPLACE INJURY MANAGEMENT REPORT AS AT
31 JANUARY 2023**

ECM INDEXES:

Subject Index: WORK HEALTH AND SAFETY: General

Customer Index: NIL

Property Index: NIL

AUTHOR: Ann Blunt - WHS Co-ordinator

**APPROVER/S: Peter Sayers - Manager of Administration and Human
Resources
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is to keep Council informed of significant Workers Compensation figures and trends, monthly.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

Information on Workers Compensation has been provided to Council since 1 July 2019.

(b) Discussion

This report covers Workers Compensation figures from 1 July 2019 until 31 January 2023, as follows:

Item	2019/2020	2020/2021	2021/2022	2022/2023
Total Premium Paid	\$152,383.59	\$226,022.88	\$204,694.45	\$256,479.95 (estimate)
Premium as a % of Gross Wages (excluding GST)	1.43%	1.97%	1.81%	2.22% (estimate)
YTD New Claims (Premium Impacting)	4	5	5	8
YTD New Claims (Non-Premium Impacting)	6	10	5	4
YTD Total New Claims	10	15	10	12
YTD Time Lost Due to Injury (LTI Days)	79	29	387	402
Open Premium Impacting Claims (From Previous Years)				6
Open Non-Premium Impacting Claims (From Previous Years)				1
Open Premium Impacting Claims (Current Year)				8
Open Non-Premium Impacting Claims (Current Year)				3
Total Open Claims				18
Closed Claims that are still Impacting on Council's Premium				11
Total Cost of All Premium Impacting Claims (to date)	\$30,792.00	\$35,352.00	\$60,800.00	\$36,816.00
Safety & Wellbeing Incentive (Scheme Performance Rebates)	\$24,593.67	\$34,953.89	\$34,265.14	\$33,838.58

This report covers the period 26 November 2022 to 31 January 2023. Due to the early deadline for December Business Paper reports, coupled with the Christmas closedown and no Council meeting in January, the usual practice of reporting one (1) month's data was not possible. The updated figures for the months of December 2022 and January 2023 are now presented for information.

There were three (3) new workers compensation claims during the reporting period, one (1) of a non-premium impacting nature and two (2) of a premium impacting nature, resulting in some lost time. One premium impacting claim was closed during the reporting period.

Lost time continues to impact on claims costs, with three (3) workers currently unable to sustain suitable duties and a further two (2) performing suitable duties on reduced hours.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Council budgeted \$280,000 in its adopted Operational Plan and Budget for the 2022/2023 Financial Year, for its Workers Compensation Insurance premium. The estimate from the insurer for this year's premium currently stands at \$256,479.95 ex GST, which is well within the budgeted amount.

(b) Governance/Policy

Nil.

(c) Legislative/Statutory

As far as is practicable, Council has a legislative and statutory obligation to maintain an effective and sustainable return to work program for injured workers, in accordance with the *Workers Compensation Act 1987*.

(d) Risk

As far as is practicable, Council has a legislative and statutory obligation to provide a workplace that is free from risks to health and safety, in accordance with the *Work Health and Safety Act 2011*.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

The information provided in this report has been completed in consultation with StateCover Mutual Limited, Council's workers compensation insurer.

(b) Internal

Nil.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.5: Implement the Work Health and Safety Management Plan.

CONCLUSION

The reporting period 26 November 2022 to 31 January 2023 saw one (1) premium impacting claim closed from a previous reporting year and three (3) new workers compensation claims, resulting in an increase in lost time. This will impact negatively on Council's premium costs in future years.

Council continues to work closely with StateCover and rehabilitation providers to manage workers compensation claims and provide a sustainable recover at work program for injured workers and is continuously monitoring and reviewing its Work Health and Safety framework to reduce workplace hazards and improve outcomes for injured workers.

ATTACHMENTS

There are no annexures to this report.

**REPORT TITLE: 7.15 GLEN INNES SEVERN LIBRARY QUARTERLY
REPORT - OCTOBER, NOVEMBER, DECEMBER 2022**

ECM INDEXES:

**Subject Index: LIBRARY AND PUBLIC INFORMATION ACCESS: General
COMMUNITY SERVICES: Reporting**

Customer Index: NIL

Property Index: NIL

AUTHOR: Kerry Byrne - Manager of Library / Learning Centre

**APPROVER/S: Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is to keep Council up to date on the quarterly statistical data and the community cultural program and activities delivered by the Library and Learning Centre.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

Under the *Library Act 1939*, Council has a responsibility to be well informed about the management and coordination of the Library. Further, the Manager of the Library and Learning Centre has a reporting obligation under the Glen Innes Severn Learning Centre's Principal Agreement and the Glen Innes Severn Library Committee's Agreement with Council, this report is compiled to fulfil these obligations.

(b) Discussion

During October, November and December the Library was busy with school holiday events and activities, the introduction of a new online 'cloudLibrary NewsStand' service, assisting with the coordination of the Art Gallery Gala opening for the Mosman Council Community Grant Project – *Aboriginal Traditional Burn Etching Artwork*, and the State Library of NSW Travelling Exhibition which was on display in the Library.

October 2022**School Holiday Activities**

Tuesday, 4 October Craft Activity – Tie Dye
Out of School Hours (OOSH) Craft Activity – Tie Dye

Thursday, 6 October Glen Innes Movie Morning – Minions The Rise of Gru
Deepwater/Emmaville Movie Day – Light Year

State Library of NSW Travelling Exhibition 'Painting from the Collection'

The 'Painting from the Collection' Travelling Exhibition was on display in the Library from 27 September until 15 October and included a small selection of significant historical paintings reproduced from the State Library of NSW's permanent exhibition. This exhibition was a welcome addition to the school holiday visitors and Library members.

New 'cloudLibrary NewsStand' Service – 5 October 2022

The 'cloudLibrary NewsStand' provides access to over 7,000 magazine titles available through the platform, in approximately 50 languages and more than 40 categories, and with some overseas newspapers. These resources are available for Library members through the Glen Innes Library's app, webpage or via the Internet.

Mosman Council Community Grant Project – Aboriginal Traditional Burn Etching Artwork and Art Gallery Exhibition

The completion of the Aboriginal Traditional Burn Etching Artwork Grant Project was celebrated with an Art Exhibition at the Glen Innes Art Gallery from 17 October until 28 October. A Gala Opening was held on Saturday, 15 October which included a traditional smoking and healing ceremony, a welcome to country and included a talk about the region's involvement in the stolen generation by a local Aboriginal elder.

During this project, traditional Burn Etching Artwork workshops were conducted through Council's project partner, the Glen Innes Family and Youth Services with youth groups and families within the region.

The workshops have been very positive in helping young people to break down cultural barriers while working together to produce traditional Aboriginal artwork such as wooden bangles, earrings, and wooden artwork which were on sale at the Art Gallery Exhibition.

Grandparent’s Storytelling – Wednesday, 26 October 2022

The Grandparent’s Storytelling session is a popular event with families who invite grandparents to participate in storytelling, singing, and a craft activity after the reading. Theme storytelling events are organised during the year and include NAIDOC Week, Senior’s Week, Easter, Christmas, and the changing seasons.

Special Book Displays during October

- Queen Elizabeth’s Reign; and
- Spring – Gardening.

November 2022

BAD Sydney Crime Writer’s Festival - Online LIVE Author Event

Lee and Andrew Child – Thursday, 24 November

Lee and Andrew Child are popular International Crime Writers who produce the Jack Reacher series. This series includes 25 books and movies which are enjoyed by millions of fans and readers around the world. The last four (4) books have been a combined effort as Lee will be retiring at the end of their last book in 2023 and then his brother Andrew will continue to produce the Jack Reacher series and movie productions on his own.

Special Book Displays

- Remembrance Day – 11 November; and
- Lee and Andrew Child’s Collection of Books.

December 2022

Santa Storytelling

On Wednesday, 7 December Santa visited the Library and the Storytelling session, to the delight of all the children and families gathered in the Children’s Room. Each child received an age-appropriate book from Santa and families had the opportunity to have a photograph with Santa.

School Holiday Activities – December / January 2023

Thursday, 22 December	Movie – ‘Santa Clause’
Tuesday, 10 January	Lego Sensory
Thursday, 12 January	Pot Plantings Sessions (Community and OOSH)
Tuesday, 17 January	Science Project – Mixing Potions
Thursday, 19 January	GLENRAC - Bush First Aid (Free Snake Kit)
Thursday, 19 January	Movie for Deepwater and Emmaville – ‘Minions’
Tuesday, 24 January	Lego Show Challenge – Glen Innes Show Entry

Jane Austen’s Day – Thursday, 15 December

Jane Austen fans had the opportunity to celebrate Jane’s 247th birthday with a luncheon, a reading from her collection of letters to her sister and a screening of ‘Sense and Sensibility’ which is a movie based on one of Jane’s books. This was a popular event and included clients from the Roseneath Aged Care Centre.

Red Cross Christmas Tree Display

The Library Team put on their thinking caps and delved deep into their creative side to produce the Library’s Book Angel Wings banner for the Red Cross Christmas Display. Through a Facebook post, visitors to the display were asked to take a photograph in front of the banner and send a copy to the Library for our Facebook Book Angels promotion.

Christmas at the Branch Libraries

The Branch Libraries at Deepwater and Emmaville were decorated for Christmas and the community celebrated Christmas with Library staff at the end of year morning tea on their last opening day in December.

New carpet in the Learning Centre

New carpet was installed in the Learning Centre’s foyer, hallway, Conference Room, and Art Gallery during December. The old carpet is being stored for future use in Council’s facilities.

GLEN INNES ART GALLERY EXHIBITION

The ‘**Style of the Masters**’ Exhibition was on display from 12 September through to 7 October 2022. This exhibition gave exhibitors a chance to study famous masters such as expressionism artists Van Gogh and Edvard Munch to recreate their own masters in any median.

The ‘**Traditional Burn Etching**’ Exhibition was on display from 17 October through to 28 October 2022 and included wood jewellery and wood hanging artwork. A permanent public Burn Etching Artwork will be installed on the southern wall of the Glen Innes Severn Learning Centre as a combined effort of the group.

The ‘**Christmas**’ Exhibition was on display from 7 November through to 25 November 2022 and gave local artist a chance to sell their artwork to the community for unique Christmas presents. The exhibition included drawings, paintings, jewellery, unique cards, wooden bowls, and furniture.

The ‘**Glen Innes High School Art**’ Exhibition for 4 December through to 15 December was cancelled.

LEARNING CENTRE’S CONFERENCE AND MEETING ROOM USAGE

The Learning Centre’s bookings are growing post-COVID with a five percent (5%) increase in this quarter in comparison to the previous same period in 2021. Usage has been predominantly by Council and commercial users.

	October	November	December	Total
Council	17	15	10	42
Art Gallery	2	2	1	5
TAFE/DET	0	0	0	0
Community/Commercial	3	4	4	11
Total	22	21	15	58

LIBRARY QUARTERLY STATISTICS

The Library has been focusing on improving its eResources and has been successful in the introduction of:

- A Library App in January 2022;
- Increased e-Books and e-Audios through the Bolinda and Indyreads online subscriptions;
- A new and improved e-Magazine and e-Newspaper’s subscription; and
- A new e-Language Learning Service.

Some of our users are enjoying the convenience of online services while others are enjoying the social experience of visiting the Library, interacting with staff and using services such as the monthly Book Club, Wrap With Love, Senior Tech Savvy workshops, weekly Storytelling and Lego sessions.

The Library’s statistics are showing an improvement compared to the 2021 overall Quarterly Totals in issues, Branch Library issues, income, memberships, Internet usage, and Home Library Service (HLS) issues, however, Library overall usage is still not back to pre-COVID usage and further strategies will need to be developed to encourage locals back into public spaces and Libraries in 2023.

Quarterly Library Statistics						
ISSUES	October	November	December	Quarterly Totals 2022	Quarterly Totals 2021	% + -
Glen Innes Public	4,799	3,980	4,553	13,332	10,473	27%
Library transfers	562	215	0	777	615	26%
TAFE	132	167	182	481	218	121%
TOTAL	5,493	4,362	4,735	14,590	11,306	29%
Branch Library Issues						
Deepwater	275	434	279	988	569	74%
Emmaville	317	445	537	1,299	944	38%
Glencoe	48	53	24	125	94	33%
TOTAL	640	932	840	2,412	1,607	50%
INCOME						
Internet Printing	\$188.15	\$156.30	\$162.30	\$506.75	\$140.70	260%
Photocopy/Fax	\$73.82	\$53.45	\$10.05	\$137.32	\$61.55	123%
Coffee Machine	\$76.00	\$94.00	\$64.00	\$234.00	\$191.00	23%
Conference Room	\$25.00	\$-	\$1,554.00	\$579.00	\$689.10	129%
Inter Library Loan	\$ -	\$-	\$-	\$-	\$ -	
Other*	\$24.00	\$-	\$ -	\$24.00	\$245.15	-90%
TOTAL	\$386.97	\$303.75	\$1,790.35	\$2,481.07	\$1,327.50	87%
<i>*Other includes Replacement of Books and Donation</i>						
Members				Dec-22	Dec-21	
GISC	3,859	3,879	3,890	3,890	3,640	7%
Others (outside LGA)	102	101	103	103	94	10%
TAFE	183	183	184	184	169	9%
TOTAL	4,144	4,163	4,177	4,177	3,903	7%
People Counter	2,385	2,139	1,893	6,417	7,268	-12%
History Group	0	0	0	0	0	
Internet Usage						
Deepwater	6	10	5	21	53	-60%
Emmaville	24	19	10	53	51	4%
Public	548	640	418	1,606	1,368	17%
WIFI	548	1,783	499	2,830	708	300%
TAFE	14	48	59	121	16	656%
TOTAL	1,140	2,500	991	4,631	2,196	111%

Home Library Service				Dec-22	Dec-21	
Members						
Glen Innes	42	29	28	28	53	-47%
Deepwater	0	7	0	0	0	
Emmaville	6	0	7	7	6	17%
	48	36	35	35	59	-41%
Issues						
Glen Innes	363	404	317	1,084	748	45%
Deepwater	0	0	0	0	0	
Emmaville	141	173	266	580	367	58%
	504	577	583	1,664	1,115	49%
Art Gallery Visitors	146	151	0	297	332	-11%
UNE /TNE Study Centre				Dec-22	Dec-21	
UNE Members	5	5	5	5	26	-81%
TAFE Members	2	2	1	1	2	-50%

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED**(a) Financial**

The delivery of Library services together with the facilities of the Learning Centre, including the William Gardner Conference Room, Art Gallery and the University of New England Study Centre are included in the Operational Plan and Budget for the 2022/2023 Financial Year and total \$415,161.

(b) Governance/Policy

The Library has relevant operational policies in place and this report is produced to inform Council and the Community of the activities at the Library and Learning Centre

(c) Legislative/Statutory

NSW Public Library Services are legislated by the *Library Act 1939* No.40 and Library Regulations. Legislation passed by the New South Wales Government on Thursday, 2 November 1939 aimed to encourage local governments to establish free public libraries for their citizens and includes financial subsidies.

(d) Risk

All risks associated with operating a public service have been noted through Council's Governance, Risk and Corporate Planning Department and are being appropriately managed.

(e) Social

Monthly cultural activities and educational events support and contribute to the cultural well-being, quality of life, literacy, and intellectual growth of the Glen Innes Severn Community.

(f) Environmental

The Library and Learning Centre has 156 solar panels installed on the Learning Centre's roof to reduce its ecological footprint, to limit its consumption of energy and to ensure sustainability of services for the future.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

Nil.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Community Service Principal Activity CS 1.2.1: Deliver Library and Learning Centre Services to enhance the equity of access to information, education, and recreation for all members of the community.

This report also links to Council's Delivery Program Community Service Principal Activity CS 1.2.3: Deliver the Strategic Plan - Deepwater, Emmaville, Glencoe Library Services 2021-2025.

CONCLUSION

The improved quarterly statistics across several reporting areas are encouraging. With the Library team now working at full compacity and services and activities back on track, statistics and usage should improve further in 2023.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.16 LOCAL ORDERS POLICY NO.1 GUIDELINES FOR THE KEEPING OF ANIMALS FOR DOMESTIC PURPOSES - POLICY REVISION

ECM INDEXES:

Subject Index: CORPORATE MANAGEMENT: Policy

Customer Index: Nil

Property Index: Nil

AUTHOR: Kane Duke - Manager of Planning and Regulatory Services

APPROVER/S: Gayleen Burley - Director of Place and Growth
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to present Council with a revised **Draft Local Orders Policy No 1 - Guidelines for the Keeping of Animals for Domestic Purposes (DLOP) - (Annexure A)**, which includes minor changes from the submissions received after being placed on 28-day public exhibition.

RECOMMENDATION

That Council adopts the revised Draft Local Orders Policy No 1 - Guidelines for the Keeping of Animals for Domestic Purposes.

REPORT

(a) Background

The policy was originally formulated in accordance with the Office of Local Government requirements and is consistent with similar policies adopted by other councils in NSW.

The Policy was reviewed in consultation with relevant staff and reviewed by Council's **Management Executive Team (MANEX)** at their meeting on 12 October 2021 and is now presented to Council for endorsement.

The DLOP was presented to Council on the 27 January 2022. The DLOP was placed on exhibition for 28 days in order to seek community submissions.

(b) Discussion

The Policy informs the Glen Innes Severn community of Council's responsibilities and regulatory powers concerning the keeping of animals. The Policy has provided Council's Officers guidance when dealing with both enquiries and complaints regarding the keeping of animals in residential and village areas.

The Policy also informs the community of the reasonable limits (both statutory and advisory), which apply concerning the maximum number of animals and the circumstances under which they may be kept on premises. The Policy applies to the keeping of animals for domestic purposes as companion pets or for hobby interests.

Eleven submissions were received, and the Policy has been altered to incorporate relevant comments (**Annexure B**). The submissions received have been summarised within the table below:

Concerns Raised from Submissions	Concerns considered
People have too many pets and are irresponsible.	Limiting the number of cat and dogs to two (2) may reduce the numbers and encourage more responsible pet owners.
Homing dogs for display/show, request to house additional animals for responsible pet owners.	The Policy allows for special circumstances to be considered on a case-by-case basis for individual pet owners.
Policy does not provide lot size measurements - large allotments on the outskirts of town.	The Policy is relying on land zoning which has a minimum lot size and no maximums and allows for special circumstances to be consider larger blocks if necessary.
Having to remove existing cats and dogs that are over the prescribed maximum numbers.	The Policy allows existing registered animals to remain until the animal passes away or has been relocated to another property.
Ability to home inherited or rehome animals over the proposed numbers.	The policy allows for special circumstances to be considered on a case-by-case basis for individual pet owners.
Responsible people have more than three (3) dogs and love and care for them.	Existing registered dogs over the proposed limit are permitted under this Policy.
Suggested a licence to own more than two (2) cats or two (2) dogs.	The policy allows for permits to be issued to allow additional animals in special circumstances to be issued on a case-by-case basis for individual pet owners.
Consideration to include breeding of animals within Policy.	The Policy is related to domestic and not commercial purposes. The Policy does not relate to breeding of animals.

Item 7.16

Concerns Raised from Submissions	Concerns considered
Provide desexing animal subsidies.	The Policy is not related to breeding of animals or commercial use.
Provide microchipping days.	Council provides an annual free microchipping day to assist with registration.
Recommend case-by-case inspections, education and compliance.	Inspections and education undertaken by Rangers on a complaint basis.
This Policy will not address puppy farms.	The Policy is not designed to consider or address puppy farms. Any noise complaints with additional animal numbers can be addressed with this Policy.
Legislative requirements to be updated.	The Policy has been updated to include legislative changes.
Nominated space required for housing of animals within the Policy.	The owners of the animals are responsible to provide a safe and healthy living environment.
Grazing stock animal concerns.	Not applicable to this Policy – The Policy is related to domestic use only. It is up to property owners to determine suitability of using herd/flock animals on small allotments and keeping the animals alone. Limited number of grazing stock is permitted to allow vegetation control reducing combustible loads.
Suggested companion animal numbers to be increased.	With large numbers of barking dog and cat complaints, it is reasonable to bring in line our Policy with other neighbouring Council policies -restricting the numbers in residential area.
Typographic errors and legislative updates.	These requests have been incorporated into the attached draft Policy.
Cheaper fees for desexed dogs.	The Office of Local Government set fees for Council.
Submissions mentioned by name.	Personal details have not been provided for confidential reasons.
Consideration to accommodate for animal numbers for foster careers.	The policy allows for special circumstances to be considered on a case-by-case basis.
Farm animals grazing up to boundaries around townships.	The Policy only is applicable to village and residential areas.
Existing larger properties that graze larger than number of animals than the Policy allows.	The Policy allows for special circumstances to be considered on a case-by-case basis for individual pet owners.
Council officers' duty to regulate rather than relying on complaints.	This is a consideration beyond the scope of this Policy.

Concerns Raised from Submissions	Concerns considered
Significant social benefits for children to observe birthing and hatching of offspring.	This is a consideration beyond the scope of this Policy.
Many dogs suffer severe welfare issues when left alone for many hours.	This is a consideration beyond the scope of this Policy.
Public health concerns such as Hydatid, toxocariasis and toxoplasma.	Not all medical conditions are listed in this Policy – please seek medical advice regarding these medical conditions if required.
No reference to picking up dog faeces.	The Companion Animal Act covers picking up dog faeces on public land, not park of this Policy.
Policy ignores cats causing a loss of native animals.	This is not a consideration for Council to enforce.
Recommendation to cage all cats and greater control by Council.	Council does not have any regulatory powers to restrict roaming cats.
Birds such as guinea and pea fowl can cause noise problems.	Any noise issue can be dealt with under separate legislation.
Some fencing not considered strong.	An indication of inadequate fencing that Council would request to be addressed would be highlighted from stock escaping from the property.
Hard paved floors would be unrealistic.	This is an existing requirement and hard paved floors allow for cleaning and provides for clean amenities. Property owners would be required to comply if stables and sheds are provided for stock.
No reference to Prevention of Cruelty to Animals Act.	Council does not enforce this Act.
Deer and alpaca are currently in residential zones of Glen Innes.	Council have received complaints about wild deer – Local Land Services have been attempting to set traps to catch these animals.
Pigs have been used as house pets.	Pigs are not permitted in residential zones.
Type of bees have not been specified.	The comments provided in the Policy are general in nature and covers all species of bees.
Appendix 5 not needed for keeping of bees if excluded.	If bees are kept the owners are to refer to the Code of Practice for Beekeeping NSW.
No mention of fencing in Appendix 1.	The Policy requires that animals are to be securely enclosed with adequate fencing to prevent escape.
A curfew for cats is unrealistic.	This advice only for cat owners.

Concerns Raised from Submissions	Concerns considered
Why are requirements for pigs included if none are allowed in this Policy and who enforces distances from houses.	The appendix enforces the legislative requirements required for housing of pigs. The Rangers would enforce the distances from houses if a complaint was received.
NSW Agriculture no longer exists.	NSW Agriculture was involved with creating the Animal Welfare Code of Practice No 4 – Keeping and Trading of Birds.
Property Identification Code not mentioned in Policy.	Council does not enforce this requirement and therefore not included in the Policy.
Biosecurity Act 2015 has no reference in the Policy.	The Council Rangers are not delegated to enforce the Biosecurity Act.
Wildlife a good place to include keeping of wildlife (birds in cages) in residential zones.	Details about bird cages are included in the Policy.

Table 1 – Issues raised from notification submissions

The Policy does not apply to broad scale rural activities or the keeping of animals for breeding, puppy farms or commercial purposes. Where it is intended to keep animals for any commercial purpose, it is necessary that a development application be submitted to Council and planning consent obtained. Consent to the operation of animal establishments may not be allowed where prohibited in residential zones and/or Council considers that the proposal would be detrimental to the amenity of the locality.

The Policy provides direction and advice for domestic purposes only. The Policy does not include property identification code details for livestock, Biosecurity Act details or keeping of native wildlife.

The main changes to the Policy included limiting the number of animals to a maximum of two (2) dogs, two (2) cats and a maximum combination of two (2) sheep or cattle. Four submissions were received requesting to increase the limit of cats and dogs over three (3) and consideration to accommodate inherited animals. For those that currently exceed the maximum numbers registered on the property, these animals will be allowed to be kept on the property until such time as the numbers are naturally passes away or relocates to another property.

The restriction of numbers will bring the DLOP in line with surrounding councils such as Tenterfield Shire, where the policy has been successful in limiting animal complaints. Tenterfield Shire Council's Keeping of Animals Policy also restricts the number of cats and dogs to a maximum of two (2) per species.

A provision is incorporated into the policy to allow higher number of animals and determined in a case-by-case basis. An example may be for a temporary arrangement for a foster career to house an animal while sick and until rehoming can be arranged.

Although a few good points were raised about encouraging reduction of registration fees for desexed animals, the **Office of Local Government (OLG)** regulate fees for registering companion animals. Registration fees set by OLG and collected by Council are not a consideration of this policy.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The administration of the Policy is financed through the wage allocation within the Animal Control provision of the 2022-23 Operational Plan and Budget. The 2022-23 Operational Plan and Budget has a provision of \$126,750 for wages.

Operational expenses are offset with income from fines, microchipping and commission for dog and cat registrations. It is estimated that the income for 2022-23 will be \$40,500.

(b) Governance/Policy

Once adopted by Council, the revised the Local Orders Policy No. 1 Guidelines for the Keeping of Animals for Domestic Purposes will become policy of Council.

(c) Legislative/Statutory

Under the provisions of section 160 of the *Local Government Act 1993*:

- (1) The council must give public notice of a draft local policy after it is prepared.
- (2) The period of public exhibition must be not less than 28 days.
- (3) The public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the council.
- (4) The council must, in accordance with its notice, publicly exhibit the draft local policy together with any other matter which it considers appropriate or necessary to better enable the draft local policy and its implications to be understood.

The policy complies with relevant legislation, regulations and Codes of Practice such as:

- NSW Animal Welfare Code of Practice;
- *Companions Animal Act 1998*; and
- *Companion Animals Regulation 2018*.

(d) Risk

There is a risk that the community will not support the restriction of the keeping of the number of dogs and cats to two (2) respectively.

(e) Social

The Policy:

- Provides guidance for the community in regard to the statutory restrictions and acceptable limits, which apply to the keeping of certain animals for domestic purposes;
- Gives guidance and advice to persons inquiring as to the keeping of animals for domestic purposes;
- Establishes standards, acceptable to the community, for the keeping of animals for domestic purposes; and
- Gives the public notification of the circumstances that Council will consider in determining whether to give an Order under Section 124 of the *Local Government Act 1993*, to prohibit, restrict or in some other way, require things to be done regarding the keeping of animals.

(f) Environmental

Where it is intended to keep animals for any other purpose than domestic use, it is necessary that a Development Application be submitted to Council and planning consent obtained. Consent to the operation of animal establishments may not be allowed where Council considers that the proposal would be detrimental to the environment and the amenity of the locality.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

The draft Policy was placed on public exhibition for 28 days for community consultation.

(b) Internal

The outgoing Director of Development, Planning and Regulatory Services and Rangers have reviewed the existing policy and suggested changes where applicable.

[LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN \(DPOP\)](#)

This report has no relevance to the Integrated Planning and Reporting Framework.

[CONCLUSION](#)

Eleven submissions were received after 28-day public consultation. The submissions have been reviewed and relevant comments added to Council's Draft Local Orders Policy No. 1 Guidelines for the Keeping of Animals for Domestic Purposes.

[ATTACHMENTS](#)

- Annexure A Draft Local Orders Policy No 1 - Guidelines for Keeping Animals For Domestic Purposes
- Annexure B Submissions - Local Orders Policy No 1 - Guidelines for Keeping Animals For Domestic Purposes (*Confidential*)

REPORT TITLE: 7.17 REGIONAL EVENTS ACCELERATION FUND ROUND TWO (2) - 0173 - 2023 AUSTRALIAN CELTIC FESTIVAL - FUNDING AGREEMENT

ECM INDEXES:

Subject Index: GOVERNANCE: Policy - Governance
GRANTS AND SUBSIDIES: Programs – Grants and Subsidies
INFORMATION MANAGEMENT: Legal Documents – PENDING SIGN AND SEAL

Customer Index: NSW Government – Regional NSW

Property Index: NIL

AUTHOR: Richard Quinn - Grants Officer

APPROVER/S: Rhonda Bombell - Tourism and Event Officer
Gayleen Burley - Director of Place and Growth
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to seek Council’s authorisation for the Common Seal of the Glen Innes Severn Council to be affixed to the Funding Deed (***Annexure A***) between the Glen Innes Severn Council and The Crown in right of New South Wales as represented by NSW Government Regional NSW, in relation to its Regional Events Acceleration Fund Round Two (2) grant program.

RECOMMENDATION

THAT Council:

- 1. Authorises for the Common Seal of the Glen Innes Severn Council to be affixed to the Regional Events Acceleration Fund Round Two (2) - 0173 Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.***
- 2. Authorises for the Mayor and the General Manager to execute all documents relating to the Regional Events Acceleration Fund Round Two (2) - 0173 Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.***

REPORT

(a) Background

To provide the opportunity for the 2023 **Australian Celtic Festival (ACF)** to attract a larger audience, expanded market segments and provide accessibility and inclusion infrastructure for people of all abilities, Council submitted a NSW Government Regional Events Acceleration Fund grant application.

The NSW Government stream objectives for this grant application were as follows:

- Stream One (1) - Major Event Enhancement: Supports existing iconic regional events by funding the operational improvements and infrastructure needed to boost event attendance and improve visitor experience; and
- Stream Three (3) - Major Event Accessibility: Supports improvements to infrastructure that will ensure major events are accessible and inclusive to people of all abilities.

It should be noted that eligible applicants could only apply to either Stream One (1) or Two (2) depending on their event type. Stream One (1) applications were best suited to existing events that are seeking to boost attendance and improve visitor experience, whereas Stream Two (2) applications were best suited to attracting and delivering new international or domestic events in regional NSW. As the ACF is an established event, application was made under Stream One (1).

(b) Discussion

Council submitted a Regional Events Acceleration Fund Round Two (2) grant application on 4 October 2022 for Stream One (1) - Major Events Enhancement and Stream Three (3) - Major Events Accessibility and Inclusion for the 2023 ACF. The Application is attached as **Annexure B**.

The application submission is in alignment with ED 2.2.2: Deliver the annual Australian Celtic Festival; the Australian Celtic Festival Strategic Plan 2021-2025; and ED 2.2.2.2. Seek grant funding to enhance the event experience and attract more visitors to the area.

Council was informed that the grant application was approved on 21 December 2022 for a total allocation of \$113,500 excluding GST, pending signing, affixing of the Council Seal and delivery of the Deed Agreement document to NSW Government Regional NSW.

Approved funding allocations and activity details for this grant application are:

Stream One (1) - Major Event Enhancement: Allocation \$63,000

Through Stream One (1) funding, Council will deliver the following outcomes:

- Secure a major Scottish-themed international or domestic headline artists that will be drawcards for growing ACF attendance;

- Engage a renowned sports personality with a Scottish/Celtic heritage to be a drawcard for growing festival attendance including younger demographics, new youth and disadvantaged youth mentoring sports and workshops included and Auslan interpreter for official ceremonies; and
- Unique Scottish-themed and new Celtic sports all-inclusive attractions.

Stream Three (3) - Major Event Accessibility and Inclusion: Allocation \$50,500

Through Stream Three (3) funding and Council co-contributions, the 2023 ACF will implement significant inclusiveness improvements at the festival site to provide a safe and comfortable experience for people with disabilities and their companion animals to attract them to attend.

A required 25% co-contribution to Stream Three (3) will be provided by Council. This amount is \$12,625 and is included in the 2023 ACF budget.

Without this funding allocation, the Stream One (1) and Stream Three (3) outcomes of this approved grant application will not be able to be provided.

(c) Options

Option 1

THAT Council:

1. Authorises for the Common Seal of the Glen Innes Severn Council to be affixed to the Regional Events Acceleration Fund Round Two (2) 0173 Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.
2. Authorises for the Mayor and the General Manager to execute the Regional Events Acceleration Fund Round Two (2) 0173 Deed Agreement Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.

THIS IS THE RECOMMENDED OPTION.

Option 2

That Council does not sign the Funding Deed, meaning that Council would forfeit the opportunity of the monetary grant allocation.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The Regional Event Acceleration Fund Two (2) funding Deed Agreement total allocation is \$131,500 excluding GST.

This total funding allocation comprises of:

- Stream One (1) – Major Event Enhancement \$63,000 excluding GST
- Stream Three (3) – Major Events Accessibility and inclusion \$50,500 excluding GST

The required 25% co-contribution to Stream Three (3) will be provided by Council. This amount is \$12,625 and is included in the 2023 ACF budget.

(b) Governance/Policy

The Deed Agreement is required to be executed under Council's Common Seal and therefore must go before Council with the wording detailed in the recommendation.

The Execution of Documents Matrix provides the specific wording for the resolution regarding the application of the Common Seal of Council.

(c) Legislative/Statutory

Section 400 of the *Local Government (General) Regulation 2021* sets out the requirements for the use of Council's Seal. It states the following:

400 Council Seal:

- (1) The seal of a council must be kept by the mayor or the general manager, as the council determines.
- (2) The seal of a council may be affixed to a document only in the presence of:
 - (a) the mayor and the general manager, or
 - (b) at least one councillor (other than the mayor) and the general manager, or
 - (c) the mayor and at least one other councillor, or
 - (d) at least 2 councillors other than the mayor.
- (3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

(d) Risk

If Council does not approve the signing of the Deed:

- the funding allocation will be withdrawn, and the Stream One (1) Major Event Enhancement and Stream Three (3) Major Events Accessibility and Inclusion activities detailed in the grant application will not be approved for funding; and
- As the NSW Government Member for Northern Tablelands, The Hon. Adam Marshall, MP has already made a public announcement of this approved grant, Glen Innes Severn Council could be the subject of negative reputational implications.

(e) Social

The Stream Three (3) - Major Event Accessibility allocation of this grant will support improvements to infrastructure that will ensure the 2023 Australian Celtic Festival will be accessible and inclusive to people of all abilities and their companion animals.

(f) Environmental

Nil.

(g) Economic

Through Stream One (1) and Stream Three (3) funding allocations under this grant, the 2023 ACF will now be able to engage a major drawcard performer, sporting identity, additional unique new themed attractions, and significant accessibility and inclusion improvements at the festival site. These features will encourage additional market segments to attend the festival, including the younger audience and people with all abilities. A growing festival with increased attendance could provide additional positive economic outcomes for Glen Innes Severn retail, service and hospitality businesses and tourism attractions.

(h) Asset Management

Temporary and purchased Infrastructure will be placed at the site for the duration of the 2023 ACF and removed at the Festival's conclusion by Council and/or suppliers.

CONSULTATION

(a) External

NSW Government Regional NSW.

(b) Internal

Nil.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Economic Development Principal Activity: ED 2.2.2: Deliver the annual Australian Celtic Festival in alignment with the Australian Celtic Festival Strategic Plan 2021-2025.and ED 2.2.2.2. Seek grant funding to enhance the event experience and attract more visitors to the area.

CONCLUSION

A grant application was submitted on 4 October 2022. Notification of the approved application was received by Council on 21 December 2022, with a signed, sealed and delivered Deed Agreement now required to be submitted to The Crown in right of New South Wales, represented by the Regional NSW Office.

NSW Government Regional NSW requires Council to authorise and affix the Common Seal of the Glen Innes Severn Council to the Deed Agreement.

ATTACHMENTS

- Annexure A GISC REAF Round Two 2023 ACF Funding Deed
- Annexure B GISC REAF Round Two 2023 ACF Streams One and Three Submitted Grant Application

REPORT TITLE: 7.18 STRONGER COUNTRY COMMUNITIES ROUND FIVE (5) - 0456 - GLEN INNES SEVERN COUNCIL COMMUNITY INFRASTRUCTURE PROGRAM - FUNDING AGREEMENT

ECM INDEXES:

**Subject Index: GOVERNANCE: Policy - Governance
GRANTS AND SUBSIDIES: Programs – Grants and Subsidies
INFORMATION MANAGEMENT: Legal Documents – PENDING SIGN AND SEAL**

Customer Index: NSW Government Regional NSW

Property Index: NIL

AUTHOR: Richard Quinn - Grants Officer

**APPROVER/S: Rhonda Bombell - Tourism and Event Officer
Gayleen Burley - Director of Place and Growth
Bernard Smith - General Manager**

PURPOSE

The purpose of this report is to seek Council’s authorisation for the Common Seal of the Glen Innes Severn Council to be affixed to the Funding Deed (***Annexure A***) between the Glen Innes Severn Council and The Crown in right of New South Wales as represented by Regional NSW, in relation to its **Stronger Country Communities Round Five (5)** grant program.

RECOMMENDATION

THAT Council:

- 1. Authorises for the Common Seal of the Glen Innes Severn Council to be affixed to the Stronger Country Communities Round Five (5) – 0456 - Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.***
- 2. Authorises for the Mayor and the General Manager to execute all documents relating to the Stronger Country Communities Round Five (5) – 0456 - Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.***

3. *In accordance with the Council Business Paper dated 23 September 2022 Item 7.5 Stronger Countries Communities R5 – Projects, (a) Financial Implications, that the grant funds received for the three (3) identified SCCF grant funded projects are used to offset the 2022/23 budget allocation/expenditure.*
4. *Reallocates part of 2022/23 capital project budgets that are now offset by the Stronger Countries Communities R5 grant as follows:*
 - a. *\$100,000 for Anzac Park inclusive access pathways as a co-contribution to the overall Anzac Park Upgrade project; and*
 - b. *\$50,000 for landscaping and external shade between the newly developed Glen Innes Severn Indoor Sports Stadium and the Netball Courts.*

REPORT

(a) Background

Council was provided the opportunity to apply for up to \$932,710 (excluding GST) of funding for the Stronger Country Communities Round Five (5) stream.

Internal department Expressions of Interest were invited to be presented to the **Management Executive Team (MANEX)** for discussion and decision in relation to inclusion in the Grant Application and September 2022 Council Report.

(b) Discussion

MANEX, at its 13 September 2022 meeting, approved three (3) projects to be included in the **Stronger Country Communities Round Five (SCFF5)** grant application.

Council resolved to endorse the three (3) projects to be included in the SCCF5 grant application at the 23 September 2022 Ordinary Council Meeting:

7.09/22 RESOLUTION

That Council endorses the following projects for submission of funding applications, totalling \$932,710, in the Stronger Country Communities Round Five Fund:

1. Anzac Park Playground Upgrade, \$500,000;
2. Glen Innes Aquatic Centre Upgrade, \$332,710; and
3. Community Services Projects at Children, Youth and Family Services (Covered Outdoor Learning Area and Outdoor Furniture Seating) and at Life Choices – Support Services (Sensory Garden), \$100,000.

It is important to highlight that the Financial Implications section of that report specifically noted that:

The recommended projects are all identified Capital Works Programs and offsetting such expenditure with grant funding is a priority of Council.

The three (3) endorsed projects and activity details were:

1. Anzac Park Playground Upgrade: Allocation \$500,000

In regard to community stakeholder requests, the project will replace and upgrade the existing 30-year-old playground in Anzac Park, Glen Innes.

The project will involve the installation of new equipment, soft-fall and natural under surfacing, fencing and shade protection structures. It will incorporate accessible and inclusive play equipment including a liberty swing and wheelchair carousel. The upgraded playground will be a multi-aged group facility for early childhood to active early teens, parents and will be inclusive for all users.

2. Glen Innes Aquatic Centre Upgrade. Allocation \$332,710

Upgrade to both Glen Innes and Emmaville Aquatic Centres to be more inclusive and accessible, for people of all abilities, youth, Indigenous and senior demographics.

The project includes:

- Replacement of current Glen Innes Aquatic Centre inefficient heating systems with a green energy efficient solar heat pump system;
- Recoating of the two (2) pools at Glen Innes Aquatic Centre;
- The purchase of a pool blanket for Emmaville Aquatic Centre; and
- Increased shelter protection at Emmaville Aquatic Centre.

3. Community Services Projects - Children, Youth and Family Services Sunshade, Outdoor Furniture setting and a Covered Outdoor Learning Area: Allocation \$100,000

To improve community inclusiveness and accessibility and meet Council's **Disability Inclusive Action Plan (DIAP)** DIAP 2022-2025, the following infrastructure projects will be implemented:

- Installation of a **Covered Outdoor Learning Area (COLA)** at Council's Early Childcare and Education Centre that will provide all-weather protection for children and families of our community who attend Playgroups, Parenting Classes, **Out of School Hours (OOSH)** Care, and Vacation Care. Location is 184 West Avenue, Glen Innes; and
- Design and construction of a Sensory Garden for all of the community including people with all abilities. Location is 134 Church Street, Glen Innes.

An application was written by the Grants Officer, in consultation with the Manager of Open Spaces and Recreation and Manager of Community Services and submitted to NSW Government Regional NSW on 23 September 2022. The Application is attached as **Annexure B**.

Council was advised on 22 December 2022 that the grant application had been approved for funding, pending signing, affixing of Council Seal and delivery of the Deed Agreement document to NSW Government Regional NSW. The Draft Deed Agreement is attached as Annexure A.

(c) **Options**

Option 1

THAT Council:

1. Authorises for the Common Seal of the Glen Innes Severn Council to be affixed to the **Stronger Country Communities Round Five (5) – 0456** - Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.
2. Authorises for the Mayor and the General Manager to execute the Stronger Country Communities Round Five (5) – 0456 -Deed Agreement between the Glen Innes Severn Council and The Crown in right of New South Wales, as represented by Regional NSW.
3. In accordance with the Council Business Paper dated 23 September 2022 Item 7.5 Stronger Countries Communities R5 – Projects, (a) Financial Implications, that the grant funds received for the three (3) identified SCCF grant funded projects being Anzac Park Upgrade, Glen Innes Aquatic Centres Upgrade and Community Services Projects - Children, Youth and Family Services Sunshade, Outdoor Furniture setting and a Covered Outdoor Learning Area are used to offset the 2022/23 budget allocation/expenditure.
4. Reallocates part of 2022/23 capital project budgets that are now offset by the Stronger Countries Communities R5 grant as follows:
 - a. \$100,000 for Anzac Park inclusive access pathways as a co-contribution to the overall Anzac Park Upgrade project; and
 - b. \$50,000 for landscaping and external shade between the newly developed Glen Innes Severn Indoor Sports Stadium and the Netball Courts.

THIS IS THE RECOMMENDED OPTION.

Option 2

That Council does not sign the Funding Deed, meaning that Council would forfeit the allocated monetary grant allocation.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The Stronger Country Communities Round Five (5) – 0426 - Deed Agreement total allocation is \$932,710 ex-GST.

Project grant allocations under this grant are:

- Anzac Park Playground Upgrades \$500,000
- Community Services Social Infrastructure \$100,000
- Aquatic Centre Upgrades \$332,710

A milestone instalment one (1) payment of \$746,168 excluding GST, representing 80% of the total funding allocation is payable to Council from The Crown in right of New South Wales, as represented by Regional NSW, upon the affixing of the Common Seal and the Execution of the Deed Agreement by NSW Government.

As mentioned above, the Council Business Paper from Item 7.5 Stronger Countries Communities R5 – Projects, 23 September 2022 specifically states that: *The recommended projects are all identified Capital Works Programs and offsetting such expenditure with grant funding is a priority of Council.*

Therefore, the general fund budget allocations for the abovementioned projects are to be replaced with the Stronger Country Communities Round 5 Grant funds allocations.

However, it is recommended that \$150,000 of the 2023/24 budget allocation be reallocated to fund additional projects not currently identified in the 2023/24 budget as follows:

- \$100,000 Anzac Park Accessible Pathways
- \$50,000 Glen Innes Indoor Stadium Shade and Landscaping

(b) Governance/Policy

The Deed Agreement is required to be executed under Council's Common Seal and therefore must go before Council with the wording detailed in the recommendation.

The Execution of Documents Matrix provides the specific wording for the resolution regarding the application of the Common Seal of Council.

(c) Legislative/Statutory

Section 400 of the *Local Government (General) Regulation 2021* sets out the requirements for the use of Council's Seal. It states the following:

400 Council Seal

- (1) The seal of a council must be kept by the mayor or the general manager, as the council determines.
- (2) **The seal of a council may be affixed to a document only in the presence of:**
 - (a) **the mayor and the general manager**, or
 - (b) at least one councillor (other than the mayor) and the general manager, or
 - (c) the mayor and at least one other councillor, or
 - (d) at least 2 councillors other than the mayor.
- (3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause two (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of subclause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

(d) Risk

If Council does not approve the signing of the Deed:

1. The funding allocation will be withdrawn, and the projects listed in the grant application will not be approved for funding.
2. As the NSW Government Member for Northern Tablelands, The Hon. Adam Marshall MP has already made a public announcement of this approved grant, Glen Innes Severn Council could be the subject of negative reputational implications.

(e) Social

Each of the projects that will be provided funding with this grant stream will provide the community and visitors with positive recreational, exercise, social interaction, developmental, and mental health benefits.

(f) Environmental

The obtaining of funding for the Glen Innes Aquatic Centre will provide renewable energy options for pool heating that aligns with the Glen Innes Severn Council Renewable Energy Plan (dated 26 February 2020).

(g) Economic

Nil.

(h) Asset Management

The infrastructure upgrades provided by this grant funding will require maintenance after the completion of this project. The current Anzac Park Playground, and Glen Innes and Emmaville Aquatic Centres are currently receiving maintenance under the current area maintenance budgets.

CONSULTATION

(a) External

NSW Government Regional NSW

(b) Internal

Manager of Recreation and Open Spaces
Manager of Community Services
Grants Officer
Management Executive (MANEX)

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Community Service Principal Activity CS 1.1.3 : Provide and maintain adequate exercise and playground equipment in the LGA's parks and recreation areas.

This report links to Council's Delivery Program Infrastructure Management Principal Activity IM 3.1.6: Pursue Grant Funding opportunities where viable, considering lifetime costs.

CONCLUSION

Council submitted a Stronger Countries Communities Round 5 grant application on 23 September 2022. Notification of the approved application was received by Council on 22 December 2022, with a signed, sealed and delivered Deed Agreement now required to be submitted to The Crown in right of New South Wales, represented by the Regional NSW Office.

NSW Government Regional NSW requires Council to authorise and affix the Common Seal of the Glen Innes Severn Council to the Deed Agreement so it may be executed.

ATTACHMENTS

Annexure A	Stronger Country Communities Round Five (5) Funding Deed
Annexure B	GISC Stronger Country Communities Round Five (5) Submitted Grant Application

REPORT TITLE: 7.19 REVIEW OF PUBLIC GATES - INSTALLATION
MAINTENANCE AND REMOVAL POLICY

ECM INDEXES:

Subject Index: CORPORATE MANAGEMENT: Policy

Customer Index: NIL

Property Index: NIL

AUTHOR: Anthony Kamphorst - Manager of Infrastructure Delivery

APPROVER/S: Keith Appleby - Director of Infrastructure Services
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to present Council with the revised Public Gates – Installation, Maintenance and Removal Policy (*Annexure A*).

RECOMMENDATION

That Council adopts the revised Public Gates – Installation, Maintenance and Removal Policy.

REPORT

(a) Background

The Public Gates – Installation, Maintenance and Removal Policy was last adopted by Council on 28 March 2019 and is due for review every three (3) years.

(b) Discussion

The new Public Gates – Installation, Maintenance and Removal Policy reflects the existing policy with content largely unchanged.

This Policy sets out Council's position in respect to the installation, maintenance and removal of gates and grids on public roads. The purpose of this policy is to:

- To reduce the risk presented by public gates to road users, Council and landowners and to provide a managed level of public safety for users of the road network, minimising the number of impediments to the free flow of traffic; and
- To support procedures for the issuing of permits, inspection, evaluation, maintenance, and removal of public gates.

The Policy now prescribes that approval for public gates or grids must be applied for with a Road/Footpath Opening/Occupancy for Works within Road Reserve Application Form (*s138 Roads Act – Works and Structures*).

Council will then assess the application, and if a permit is granted then the works must comply with Council's minimum standards based on road classification and location.

Installation and maintenance of public gates and grids, and the road approaches up to 20 metres in either direction, will be the responsibility of the permit holder.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Once adopted by Council, the new Public Gates – Installation, Maintenance and Removal Policy will become policy of Council.

(c) Legislative/Statutory

Section 138 of the *NSW Roads Act 1993* requires that a person must not carry out a work in, on or over a public road otherwise than with the consent of the appropriate Roads Authority. Council is the roads authority for public roads (but not Crown roads) in the Local Government Area.

Sections 128 to 137 of the *NSW Roads Act 1993* cover the issues related to public gates.

Section 128 states that a roads authority may permit the occupier of any land through which an unfenced public road passes to erect a public gate across the road at any place at which the road intersects a boundary fence.

Section 133 of the *NSW Roads Act 1993* requires that a bypass (grid) be installed if Council so requires.

(d) Risk

There is a liability risk to members of the public who perform work in the road reserve if they are not approved to do so by the Roads Authority. There is also a liability risk to road users if a public gate or grid is not installed to the correct standard.

There is a governance risk to Council if it does not have a policy covering the installation and maintenance of public gates and grids.

(e) Social

With the adoption of the updated policy, the community will have responsibility for seeking Council's approval for any new public gates and grids, and the responsibility that they will be maintained to an acceptable standard.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Incorrectly installed or poorly maintained public gates and grids can have detrimental effects to the adjoining sections of road. Adoption of this policy will provide a level of control as to the standard of these assets.

CONSULTATION

(a) External

Council has received numerous customer enquiries regarding the installation of grids on Council controlled roads and the maintenance of existing grids.

(b) Internal

The content of this Policy has been discussed with the Senior Design Officer.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Infrastructure Management Principal Activity IM 3.1.3: Maintain an engineering oversight and customer service delivery function.

This report links to Council’s Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.4.6: Ensure risk management practices are employed across Council including acquiring adequate insurance cover.

CONCLUSION

The revised Public Gates – Installation, Maintenance and Removal Policy is now presented to Council for review and adoption.

ATTACHMENTS

Annexure A Draft Public Gates - Installation Maintenance and Removal Policy

8 NOTICE OF MOTIONS/RESCISSION/QUESTIONS WITH NOTICE

9 CORRESPONDENCE, MINUTES, PRESS RELEASES

REPORT TITLE: 9.1 CORRESPONDENCE AND PRESS RELEASES

ECM INDEXES:

Subject Index: CORPORATE MANAGEMENT: Reporting

Customer Index: NIL

Property Index: NIL

AUTHOR: Jeff Carroll - Records Supervisor

APPROVER/S: Peter Sayers - Manager of Administration and Human Resources
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager

PURPOSE

The purpose of this report is to list the documents and press releases that have been circulated to Councillors throughout December 2022 and January 2023.

RECOMMENDATION

That Council notes the information contained in this report.

Correspondence

- Arts North West – newsletter;
- Audit Office of NSW – Planning and Environment 2022 Financial Report;
- Australia Day Committee – Councillor invitations to 2023 Australia Day celebrations;
- Inside Local Government – newsletters;
- Local Government NSW – newsletters;
- Member for Northern Tablelands, The Hon. Adam Marshall – weekly reports and media alerts;
- Office of Local Government – newsletters and council circulars; and
- Service NSW – Covid check-in update.

Press Releases

- Shadow Minister for Veterans' Affairs, Member for New England, The Hon. Barnaby Joyce;
- Member for Northern Tablelands, The Hon. Adam Marshall; and
- Parliament of NSW.

Publications

- LG Focus – January 2023.

All the above documents and press releases were sent by email to each Councillor for their information as they were received.

REPORT TITLE: 9.2 MINUTES OF COUNCIL COMMUNITY COMMITTEE MEETINGS FOR INFORMATION

ECM INDEXES:

Subject Index: GOVERNANCE: Committee of Council

Customer Index: NIL

Property Index: NIL

AUTHOR: Jeff Carroll - Records Supervisor

**APPROVER/S: Peter Sayers - Manager of Administration and Human Resources
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager**

PURPOSE

The minutes listed as annexures have been received from Committees of Council for the information of Council.

RECOMMENDATION

That Council notes the information contained in this report.

ATTACHMENTS

Annexure A Australia Day Committee - 7/12/22
Annexure B Australia Day Committee - 4/01/23
Annexure C Community Access Committee - 7/11/22
Annexure D Glen Elgin Federation Sports Committee - 30/11/22
Annexure E Library Committee - 21/10/22
Annexure F Minerama Committee - 14/12/22
Annexure G Open Spaces Committee - 19/10/22
Annexure H Open Spaces Committee - 21/12/22
Annexure I Roads Consultative Committee - 17/11/22

REPORT TITLE: 9.3 MINUTES OF NON-COUNCIL COMMUNITY COMMITTEES FOR INFORMATION

ECM INDEXES:

Subject Index: CORPORATE MANAGEMENT: Meetings – Local Community Committees

Customer Index: NIL

Property Index: NIL

AUTHOR: Jeff Carroll - Records Supervisor

APPROVER/S: Peter Sayers - Manager of Administration and Human Resources
Anna Watt - Director of Corporate and Community Services
Bernard Smith - General Manager

PURPOSE

The following minutes have been received from Community Committees for the information of Council:

Glen Innes and District Community Centre Management Committee 28/11/22

RECOMMENDATION

That Council notes the information contained in this report.

ATTACHMENTS

There are no annexures to this report.

10 REPORTS FROM DELEGATES

REPORT TITLE: 10.1 REPORTS FROM DELEGATES

ECM INDEXES:

Subject Index: GOVERNANCE: Committees of Council

Customer Index: INTERNAL DEPT - Councillors

Property Index: NIL

AUTHOR: Debbie Duffell - Executive Assistant (Mayor and General Manager)

APPROVER/S: Bernard Smith - General Manager

PURPOSE

The purpose of this report is to list all the recent meetings held by the Section 355 Community Committees of Council and to list all the meetings and functions that have been attended by Councillors.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

Council currently has the following number of Committees, Groups and Industry Structures on which it is represented:

- Councillor/Staff Committees of Council: six (6);
- Community Committees of Council: 16;
- Groups of Council: two (2);
- Delegates of Council: two (2); and
- Community Committees NOT Committees of Council: 19.

Council delegates were assigned at the Ordinary Council Meeting held on Thursday, 23 September 2022. These delegates will remain in place until Thursday, 28 September 2023.

(b) Discussion

In keeping with past practice, Council resolved the following (in part) at the Ordinary Council Meeting held on Thursday, 23 September 2022:

15.09/22 RESOLUTION

3. All Councillors be required to provide the Executive Assistant to the Mayor and General Manager with all relevant information relating to their attendances at all Committee Meetings during the previous month, in a timely, professional and accurate manner, and that these records of attendance continue to be published for all Councillors under Section 10 “Reports from Delegates” in the following month’s Business Paper.

Councillors are therefore required to provide information to the Executive Assistant (Mayor and General Manager) regarding their attendance at all Council and Committee meetings.

To meet the deadlines in relation to the publication of the Business Paper, Councillors are requested to provide the names and dates of meetings/ functions attended in writing or by email to the Executive Assistant (Mayor and General Manager) by close of business on the first Friday of every month.

It is the sole responsibility of each Councillor to ensure that the information is provided to the Executive Assistant (Mayor and General Manager) in both a timely and accurate manner. This will ensure that Councillors are abiding by Council’s first value, which is Respect.

It is now expected that each Councillor will meet this commitment that they have all agreed to.

A record of these attendances is recorded monthly as a part of this report.

This record provides valuable information to the community on what meetings all Councillors are attending.

The following meetings were held by Section 355 Community Committees of Council during December 2022 and January 2023:

Name of Committee	Councillor Delegate(s)	Date
Australia Day Committee	Cr Parry, Cr Parsons	7/12/22 4/1/23
Library Committee	Cr Banham	9/12/22
Minerama Committee	Cr Parsons, Cr Sparks	12/12/22 and 9/1/23
Emmaville Mining Museum Committee	Cr Banham	15/12/22
Open Spaces Committee	Cr Banham, Cr Arandale, Cr Sparks	21/12/22
Australian Standing Stones Management Board	Cr Banham, Cr Gresham	18/1/23

The following is a list of meetings and functions attended by Councillors during December 2022 and January 2023:

Councillor	Name of Meeting / Function	Date attended
Cr R Banham (Mayor)	IPART Rate Peg Methodology Meeting in Tamworth	1/12/22
	Deepwater Public School Presentation Night	1/12/22
	Audit Risk Improvement Committee (ARIC) Meeting (online)	2/12/22
	Matt Scullion at the Emmaville War Memorial Hall	4/12/22
	Glen Innes Public School Stage 3 Presentations	6/12/22
	Regional Development Australia (RDA) Board Meeting Luncheon	6/12/22
	MSPlus Unveiling of Memorial Seat at Glenwood Gardens	6/12/22
	MSPlus Christmas Party	6/12/22
	NSW Farmers Association Glen Innes Meeting to discuss the Saleyards	6/12/22
	Interagency Working Group	7/12/22
	Red Range Public School Presentation Day	8/12/22
	Catch up with Luke Sloane from Regional Health	8/12/22
	Council Workshop: The Youth Booth	8/12/22
	GLENRAC Committee Meeting	9/12/22
	St Joseph's School Presentation Day	9/12/22
	Emmaville Central School Presentation Day	12/12/22
	Glen Innes High School Presentation Day	13/12/22
	Meeting with The Hon. Barnaby Joyce MP, Member for New England and The Hon. Adam Marshall MP, Member for Northern Tablelands	13/12/22
	Meeting with Better Health for the Bush	14/12/22
	Attract Connect Stay Information and Celebration meeting at the Highlands Hub	14/12/22
	Pre-Meeting Briefing Session	15/12/22
	Ordinary Council Meeting	15/12/22
	Staff Christmas Party	16/12/22
Emmaville Mining Museum Christmas Party	17/12/22	
Extraordinary Council Meeting	20/12/22	
Open Spaces Committee Meeting	21/12/22	

Item 10.1

Councillor	Name of Meeting / Function	Date attended
	The Hon. Adam Marshall MP, Member for Northern Tablelands announcement of contractor for Ambulance and Hospital works (Hutchinson Builders)	10/1/23
	The Hon. Adam Marshall MP, Member for Northern Tablelands new bridge visit to Sunset Road, Dundee	10/1/23
	The Hon. Adam Marshall MP, Member for Northern Tablelands new bridge visit to Coxs Road, Deepwater	10/1/23
	Australian Standing Stones Management Board (ASSMB) Meeting	18/1/23
	ComREZ Executive Zoom Meeting	24/1/23
	Australia Day Celebrations Dinner with the Ambassador, Mr Michael Tomalaris	25/1/23
	Australia Day Village Breakfast at Wellingrove	26/1/23
	Australia Day Official Ceremony at the Services Club	26/1/23
	Australia Day Post Celebration Dinner	26/1/23
	Media events and grant announcements with The Hon. Adam Marshall MP, Member for Northern Tablelands	30/1/23
Cr T Arandale (Deputy Mayor)	IPART Rate Peg Methodology Meeting in Tamworth	1/12/22
	Glen Innes Public School Presentation	6/12/22
	Regional Development Australia (RDA) Board Meeting Luncheon	6/12/22
	Community issues working group	7/12/22
	Catch up with Luke Sloane from Regional Health	8/12/22
	Council Workshop: The Youth Booth	8/12/22
	Library Committee Meeting	9/12/22
	Library Committee AGM	9/12/22
	Saint Joseph's School Presentation Day	9/12/22
	Interagency Meeting	12/12/22
	Glen Innes High School Presentation Day	13/12/22
	Meeting with The Hon. Barnaby Joyce MP, Member for New England and The Hon. Adam Marshall MP, Member for Northern Tablelands	13/12/22
	Primary Health Network (PHN) Meeting	14/12/22

Councillor	Name of Meeting / Function	Date attended
	Attract Connect Stay Information and Celebration meeting at the Highlands Hub	14/12/22
	Pre-Meeting Briefing Session	15/12/22
	Ordinary Council Meeting	15/12/22
	Staff Christmas Party	16/12/22
	Extraordinary Council Meeting	20/12/22
	Meeting with the General Manager and the Mayor	16/1/23
	Meeting with the General Manager	23/1/23
	Meeting with the Director of Place and Growth and the Manager of Recreation and Open Spaces	23/1/23
	Meeting with business owner	25/1/23
	Australia Day Official Ceremony at the Services Club	26/1/23
	Media events and grant announcements with The Hon. Adam Marshall MP, Member for Northern Tablelands	30/1/23
	Meeting with The Hon. Adam Marshall MP, Member for Northern Tablelands and the Mayor	30/1/23
	Cr T Alt	Emmaville 150 Year Dinner
	Council Workshop: The Youth Booth	8/12/22
	Pre-Meeting Briefing Session	15/12/22
	Ordinary Council Meeting	15/12/22
	Staff Christmas Party	16/12/22
	National Servicemen's Christmas Party	19/12/22
	Meeting with the Director of Corporate and Community Services and Backtrack representative	12/1/23
	Meeting with the General Manager	23/1/23
Cr L Gresham	IPART Rate Peg Methodology meeting in Tamworth	1/12/22
	Regional Development Board Luncheon at the Highlands Hub	6/12/22
	NSW Farmers meeting	6/12/22
	Council Workshop: The Youth Booth	8/12/22
	Attract Connect Stay Information and Celebration meeting at the Highlands Hub	14/12/22

Item 10.1

Councillor	Name of Meeting / Function	Date attended
	Pre-Meeting Briefing Session	15/12/22
	Ordinary Council Meeting	15/12/22
	Staff Christmas Party	16/12/22
	Extraordinary Council Meeting	20/12/22
	Meeting with the General Manager	20/1/23
	Australia Day Official Ceremony at the Services Club	26/1/23
Cr J Parry	A Night Out with Us at the Glencoe Hall	3/12/22
	Attract Connect Stay Information and Celebration meeting at the Highlands Hub	14/12/22
	Pre-Meeting Briefing Session	15/12/22
	Ordinary Council Meeting	15/12/22
	Staff Christmas Party	16/12/22
	Extraordinary Council Meeting	20/12/22
	Australia Day Committee Meeting	4/1/23
	Meeting with the Director of Corporate and Community Services and Backtrack representative	12/1/23
	A Night Out with Us at Glen Innes	14/1/23
	Meeting with the General Manager	18/1/23
	Help set up for Australia Day	25/1/23
	Australia Day Celebrations Dinner with the Ambassador, Mr Michael Tomalaris	25/1/23
	Australia Day Village Breakfast at Wellingrove	26/1/23
	Australia Day Official Ceremony at the Services Club	26/1/23
	Australia Day Post Celebration Dinner	26/1/23
Cr A Parsons	Pre-Meeting Briefing Session	15/12/22
	Ordinary Council Meeting	15/12/22
	Extraordinary Council Meeting	20/12/22
	Australia Day Village Breakfast at Wellingrove	26/1/23
	Australia Day Post Celebration Dinner	26/1/23
Cr C Sparks	Wyaliba School Presentation Day	6/12/22
	Council Workshop: The Youth Booth	8/12/22
	Christmas Choir at Roseneath and Glenwood	9/12/22

Councillor	Name of Meeting / Function	Date attended
	Interagency Committee Meeting	12/12/22
	Glen Innes Family Youth Support Services Christmas Dinner	13/12/22
	Attract Connect Stay Information and Celebration meeting at the Highlands Hub	14/12/22
	Pre-Meeting Briefing Session	15/12/22
	Ordinary Council Meeting	15/12/22
	Community Centre Committee Christmas Dinner	15/12/22
	Glen Innes Art Gallery Meeting	19/12/22
	Extraordinary Council Meeting	20/12/22
	Art Gallery furniture moving Volunteer for Art Gallery Committee	3/1/23
	Volunteered at a children's workshop at the Glen Innes Pottery Club	5/1/23
	Volunteered at the Mark Atkins Workshop on making boomerangs and clap sticks at The Youth Booth	16/1/23 17/1/23
	Meeting with the General Manager	19/1/23
	Art Gallery Volunteers Dinner	21/1/23
	Australia Day Village Breakfast at Wellingrove	26/1/23
	Australia Day Official Ceremony at the Services Club	26/1/23
	Art Gallery Opening of exhibition	28/1/23
	Sunrise promotion at the Australian Standing Stones	31/1/23

*This attendance was missed being reported in the December 2022 Business Paper.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Although most Council committees are advisory in nature, input from these committees assists Council in formulating policy.

Manual for Community Committees of Council

Paragraph 2.2.5 of Council's Manual for Community Committees of Council states the following:

Attendance of Committee Members is required at Committee Meetings. Committee Members are required to attend a minimum of three (3) meetings in each financial year. In the instance that members are unable to attend the scheduled meeting, an apology must be submitted to the Secretary prior to the commencement of the meeting.

A person shall cease to be a member of a Community Committee if the member is absent for more than three (3) meetings without leave (i.e. accepted apology). (This does not apply to Councillors or Council staff).

(c) Legislative/Statutory

Section 355 of the *Local Government Act 1993* states the following:

How a council may exercise functions.

A function of a council may, subject to this Chapter be exercised:

- (a) by the council by means of the councillors or the employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) **by a committee of the council**, or
- (c) partly or jointly by the council and another person or persons, or
- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

(d) Risk

Nil.

(e) Social

The record of attendance provides valuable information to the community on what meetings all Councillors are attending.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

The Personal Assistant (Director of Corporate and Community Services) provided the information regarding the meetings held by Section 355 Community Committees of Council.

Individual Councillors provided the information regarding the meetings and functions that they attended.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.2: Formalise the Governance Framework and deliver compliance across all governance areas.

Council achieves many of its strategic objectives contained in the Operational Plan and Delivery Program through its Community Committee structure.

CONCLUSION

Council delegates were assigned at the Ordinary Council Meeting held on Thursday, 23 September 2022. These delegates will remain in place until Thursday, 28 September 2023.

This report lists all the recent meetings held by the Section 355 Community Committees of Council and all of the meetings and functions that have been attended by Councillors.

ATTACHMENTS

There are no annexures to this report.

11 MATTERS OF AN URGENT NATURE

12 CONFIDENTIAL MATTERS

CLOSED COUNCIL **To consider Confidential Reports** (Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council or Committee meeting may be closed to the public are listed in Section 10A(2) of the *Local Government Act 1993* and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that 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.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), 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 section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the Council or committee.

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

<i>Item</i>	<i>Report</i>	<i>Reason</i>
<i>12.1</i>	<i>Glen Innes Skate Park - Tender</i>	<i>(d) (ii) commercial information of a confidential nature that would, if disclosed confer a commercial advantage on a competitor of the Council.</i>

The following two (2) recommendations will also be put to the Closed Council:

RECOMMENDATION

That Council moves out of Closed Council into Open Council.

RECOMMENDATION

That the Confidential Closed Council Resolutions be recommended for adoption to the Ordinary Meeting of Council.