

GLEN INNES SEVERN COUNCIL

BUSINESS PAPER



**FOR THE ORDINARY
COUNCIL MEETING**

**TO BE HELD ON
THURSDAY,
26 OCTOBER 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, 26 October 2023 at 9:00 AM

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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 - 21 SEPTEMBER 2023 TO BE CONFIRMED

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

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)

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 eight Council Resolutions currently outstanding at Thursday, 19 October 2023.

There were 13 Council Resolutions outstanding in the report that went to the Thursday, 21 September 2023 Ordinary Council Meeting.

A further 14 outstanding actions were added after the 21 September 2023 Ordinary Council Meeting.

Therefore, 19 outstanding actions have now been completed since the last Ordinary Council Meeting (workings: $13 + 14 = 27 - 8 = 19$).

The eight outstanding resolutions are broken up as follows:

<u>YEARS</u>	<u>OUTSTANDING ACTIONS</u>		
2020	1	(1	Sept 2023)
2021	0	(0	Sept 2023)
2022	5	(5	Sept 2023)
2023	2	(7	Sept 2023)
TOTAL	<u>8</u>	(13	Sept 2023)

The outstanding resolutions relate to the following Directorates:

<u>DIRECTORATE</u>	<u>OUTSTANDING ACTIONS</u>		
General Manager	0	(1	Sept 2023)
Corporate and Community Services	0	(2	Sept 2023)
Place and Growth	3	(3	Sept 2023)
Infrastructure Services	5	(7	Sept 2023)
TOTAL	<u>8</u>	(13	Sept 2023)

It is important 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 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, 14 September 2023.

(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 19.10.23

REPORT TITLE: 7.2 REVISED PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY - SUBMISSIONS

ECM INDEXES:

Subject Index: **CORPORATE MANAGEMENT: Policy**

Customer Index: **INTERNAL DEPT - Councillors**

Property Index: **NIL**

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

PURPOSE

The purpose of this report is to present Council with the submissions received (**Annexure B**) to the draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy (**Annexure A**).

RECOMMENDATION

THAT Council:

- 1. Adopts the revised Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.***
- 2. On adoption of the revised policy, allocates a Capital budget of \$75,000 for the purchase of the Mayoral vehicle, which is to be funded from cash reserves and accounted for via a quarterly budget review adjustment.***

REPORT

(a) Background

The **Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy (the policy)** was last adopted by Council on 22 June 2023.

At the meeting on 22 June 2023, Council resolved the following:

7.06/23 RESOLUTION

That Council adopts the revised Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy, and further, that a report be brought back to Council regarding the provision of a motor vehicle for the Mayor and free usage of the Highlands Hub as a meeting room for Councillors.

In accordance with this resolution, the policy was reviewed by Council's **Management Executive Team (MANEX)** and recommended for Council's review and progression to public exhibition. Council resolved (Resolution 9.08/23) to place the draft policy on public exhibition for a minimum of 28 days, inviting submissions and requesting a further report to be provided to Council if significant submissions were made.

(b) Discussion

A total of five submissions were received. These submissions are included in Annexure B, with submissions numbered for ease of reference. It should be noted that information that may personally identify the persons making the submissions has been redacted in accordance with Council's Privacy Management Plan.

Responses to the submissions are made by reference to the ***Local Government Act 1993 (the Act)*** and the ***Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW October 2009 (the Guidelines)***.

Submission 1

This submission is against the acquisition of a Mayoral vehicle and the main points made for this are:

- (a) Can be used for some private use;
- (b) Can be used for driving to and from the Mayor's residence and the Mayoral office/Council chambers;
- (c) The Mayor should have considered the travel costs prior to running for Council;
- (d) The maximum cost of \$75,000 is too high; and
- (e) Councillors who cannot afford to drive from their place of residence to the chambers should not run for Council.

Submission 1 recommends that:

- I. the Mayor utilises a car from within the general Council carpool to travel on Council business; and
- II. the Mayor claims a per kilometre rate if using his own vehicle on Council business.

Response to Submission 1

Points (a) to (c):

Limited or incidental private use is defined in the policy and corresponds with the Guidelines on this matter. The Guidelines acknowledge that this type of use may occur and state that such use is not subject to a compensatory payment to Council (see s 1.6.4 of the Guidelines).

The Guidelines also state that councils should establish a mechanism for reimbursement by councillors for private use that is not incidental in nature. This is also covered in the policy by way of a logbook and reductions in the Mayoral Allowance to cover private use that is not incidental (see s 252 (2) of the Act).

Point (d):

The question of a limit on the expense of the type of vehicle is a matter for the Council to determine and councillors may consider this when deciding on the adoption of the revised policy.

Point (e):

The Guidelines support the provision of facilities, equipment and services that adequately support mayors and councillors in undertaking their roles. They also state that all members of the community should be encouraged to seek election to Council and that they should not be financially or otherwise disadvantaged in undertaking civic duties (see ss 1.6.11-13 of the Guidelines).

The provision of a vehicle for the Mayor supports the objectives of the Guidelines in this regard, allowing persons who may not be able to afford a car or may otherwise be disadvantaged to represent their community as a councillor and seek the office of Mayor.

Submission recommendation I:

The recommendation made is not in accordance with the Guidelines (see s 2.4.2 of the Guidelines which advises that, generally, a fully serviced and maintained vehicle, including a fuel card, should be provided for the sole use of the Mayor).

Submission recommendation II:

s 6.2 of the Policy already makes provision for this.

Submission 2

This submission is against the provision of a mayoral vehicle with the main points or objections being:

- (a) That previous mayors were content with using a nominally assigned mayoral vehicle from Council to travel on Council business and that the policy should not be changed;
- (b) Travel from the Mayor's residence to Council meetings should not be reimbursed and nor should a Council vehicle be made available for such travel;
- (c) The purchase cost limit of \$75,000 is too high;
- (d) Councillors are at fault for deciding to sell the previous mayoral vehicle; and
- (e) Council business is not defined but should be.

Submission 2 recommends that:

- I. Council removes the provisions from s 10.5-7 in the revised policy;
- II. The Mayor should be provided use of a vehicle from within the pool of vehicles at Council;
- III. If a vehicle is to be provided, it should be of similar cost and quality to the previous vehicle, have no private use allowed, and not be provided solely for the Mayor's use but be available to other staff and councillors;
- IV. Councillors should be able to salary sacrifice towards leasing a vehicle in the same way that staff can; and
- V. Council business needs to be defined and should be restricted to only include regular meetings and other activities organised or arranged through Council.

Response to Submission 2

Point (a) to (b):

The previous report to Council has adequately dealt with this and the policy already includes the payment of legitimate travel expenses, including from the Mayor's residence, in line with the Guidelines (see s 1.6.11 of the Guidelines).

Point (c):

As stated above, the question of a limit on the expense of the type of vehicle is a matter for the Council to determine and councillors may consider this when deciding on the adoption of the revised policy.

Point (d):

The previous 'mayoral vehicle' has not been sold. This car remains within the general carpool. It is not a practical vehicle for use as a Mayoral vehicle, noting the roads the Mayor may travel on for Council business and the distance that may be travelled.

Point (e):

Council business is defined in the policy in the definitions table under *official business*.

Submission recommendations I-II:

Refer to responses to points (a)-(c) and recommendation I of submission 1.

Submission recommendation III:

Cost has been considered in the recommendation to Council. The revised policy requires the reimbursement of costs for private use. The other aspects to this point have been dealt with prior.

Submission recommendation IV:

Councillors are paid a relatively small fee and are not paid a salary. The Guidelines support the provision of facilities and payment of legitimate expenses and do not support taking these from the councillor/mayoral fees.

Submission recommendation V:

The policy defines council business in the definitions table. This definition is from the model policy created by the **Office of Local Government (OLG)**.

Submission 3

This submission implies that the purchase of a Mayoral vehicle will mean a rate increase and that Council should stop the creep of rate increases. A response was provided to this resident explaining that rates are not set by Council but by the Independent Pricing and Regulatory Tribunal.

Submission 4

This submission contains the assertion that the Mayoral vehicle is to be purchased for the Mayor's convenience and personal use, and that the previous mayoral vehicle (an electric vehicle) is suitable and sufficient. This objection has been adequately dealt with in the responses to submissions 1 and 2. The recommendations are not relevant to the revised policy.

Submission 5

This submission appears to be based on hearsay and does not accurately reflect the revised policy position. The Mayoral vehicle may be used for private use but that private use will be charged at the determined per kilometre rate and deducted from the Mayoral allowance (see revised policy at section 10.7).

(c) Options

Option 1

THAT Council:

1. Adopts the revised Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy.
2. On adoption of the revised policy, allocates a Capital budget of \$75,000 for the purchase of the Mayoral vehicle, which is to be funded from cash reserves and accounted for via a quarterly budget review adjustment.

Option 2

That Council decides not to make a provision of a mayoral vehicle but provides for the payment of legitimate expenses to the Mayor, in accordance with the Guidelines.

This option would require Council to consider increasing the budget at s 6.2 in the policy from \$8,000 to \$32,000 to adequately cover the reimbursement of legitimate mayoral travel expenses, including accommodation, food and incidental costs incurred while travelling on official business.

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

Should Council approve the provision of a vehicle for the Mayor, the Operational Plan and Budget for the 2023/2024 Financial Year will require a budget review adjustment to include the following costs.

Mayoral Vehicle Estimated Costs

Item	Cost per annum
Comprehensive Insurance	\$700
Servicing / Maintenance	\$550
Registration / CTP	\$1,125
Fuel (based on 20,000km per year, \$1.90 per litre, 8.5litres/100km)	\$3,230
Depreciation (based on a residual value of \$42,000 and useful life of three years)	\$6,833
Total	\$12,438

The current Mayor lives a considerable distance from Glen Innes and if travel costs are claimed, the cost to Council would exceed the cost of a Council supplied vehicle by almost 100%. Future Mayors may not live this far from town and the cost of the Mayoral vehicle would likely decrease.

Data provided by the Mayor shows that up until the end of September 2023, since being on Council, the Mayor has travelled 62,677 kms, of which only 10% has been for private use (6,268 kms), leaving 56,409 kms covered in performing Mayoral duties (official Council business).

The Local Government (State) Award 2020 provides an allowance of \$0.78 per kilometre for vehicles over 2.5 litres. Based on the reimbursable total kilometres travelled over 21 months, the annual cost to Council using this method would be an estimated \$24,960 (32,000 km).

Council currently has a budget allocation for the purchase of a range of vehicles and plant, this amount allocated may not be fully utilised over the course of the year however at this point in time it is appropriate to make a budget adjustment to provide for the full cost of the purchase.

Cost of Highlands Hub 12 months office room usage

Maximum \$5,000 per year. No submissions were received regarding the provision of Highlands Hub office space for Councillors.

(b) Governance/Policy

Sub-clause 4.6(j) of Part 4 of the Code of Conduct for Councillors states:

You do not have to disclose the following interests for the purposes of this Part: an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the Act,

Therefore, the Mayor is free to participate in the debate and voting of the matters pertaining to this report.

(c) Legislative/Statutory

- *Local Government Act 1993 - s 252-53*
- *Local Government (General) Regulation 2021- s 403*
- *Office of Local Government (OLG) Guidelines for the Payment of Expenses and Provision of Facilities for Mayors and Councillors in NSW, 2009 (see olg.nsw.gov.au for a copy).*

(d) Risk

The policy aims to provide clear direction on expenditure by elected representatives and define what expenses and amounts are acceptable in carrying out official functions, mitigating any risks that may arise if such direction is not available.

The allowable expenditure defined in the policy also provides a means to support all members of the community who may wish to participate in representative democracy at a local level, irrespective of their personal or financial circumstances. This reduces the risk that good representatives may be excluded from the role of councillor on financial grounds.

(e) Social

Transparency, controlled expenditure and the proper utilisation of Council resources all have positive social implications.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

- The Policy uses the OLG Model Policy template.
- Armidale Regional Council's (ARC) Governance manager was consulted on the provision of a Mayoral vehicle at their Council. Council's revised policy incorporates similar wording, in the amendments made to the provision of a mayoral vehicle facility, that is used in ARC policy.

(b) Internal

The General Manager and Manager of Asset Services were consulted on the addition of a Mayoral vehicle and the Director of Place and Growth was consulted regarding the provision of a room at the Highland's Hub for councillor use.

MANEX was also consulted on the policy.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

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.

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.2.3: Deliver a program of Councillor Inductions and continued Professional Development.

CONCLUSION

Council's Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy has been revised to include changes that have occurred since the current Policy was adopted in June 2023.

Several submissions have been received in relation to the revised policy, following public exhibition, the revised Policy is now presented to Council for its review and adoption.

ATTACHMENTS

Annexure A	Draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy
Annexure B	Submissions

REPORT TITLE: 7.3 RESCINDING GATHERING INFORMATION POLICY AND GUIDELINES

ECM INDEXES:

Subject Index: **CORPORATE MANAGEMENT: Policy**

Customer Index: **NIL**

Property Index: **NIL**

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

PURPOSE

The purpose of this report is to present Council with the Gathering Information Policy (**Annexure A**) for rescindment, the Gathering Information Guidelines, Procedures and Best Practice (**Annexure B**) for rescindment, and the Claims Management Policy and Procedures (**Annexure C**) for noting.

RECOMMENDATION

THAT Council:

- 1. Rescinds the Gathering Information Policy;***
- 2. Rescinds the Gathering Information Guidelines, Procedures and Best Practice; and***
- 3. Notes the management document, namely the Claims Management Policy and Procedures.***

REPORT

(a) Background

The Gathering Information Policy and the Gathering Information Guidelines, Procedures and Best Practice were last adopted by Council on 25 June 2020 and are due for review every three years. The documents are now redundant as the **Management Executive Team (MANEX)** has adopted a management document, in accordance with the Corporate Governance Policy Framework, namely the Claims Management Policy and Procedures.

Therefore, the Gathering Information Policy and the Gathering Information Guidelines, Procedures and Best Practice are recommended by MANEX for rescindment.

(b) Discussion

The Corporate Governance Policy Framework describes a management policy as a document that is general in nature, has an application to the staff body and provides guidance for decision making that affects employees. In reviewing the Gathering Information Policy and associated Guidelines/Procedures it was established that these documents were management policies and did not require the endorsement of Council's governing body (Council).

Therefore, the Claims Management Policy and Procedures was adopted by MANEX on 26 September 2023.

The Gathering Information Policy contains the following sentence at *Variation and Review*:

“The term of this policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied by legislation or a new resolution of Council.”

Therefore, the Gathering Information Policy and the Gathering Information Guidelines, Procedures and Best Practice must be rescinded by Council before they may be superseded by the recently adopted management policy and procedures.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Once rescinded by Council, Council employees will be guided by the management document, namely the Claims Management Policy and Procedures.

(c) Legislative/Statutory

- *State Records Act 1998;*
- *Civil Liability Act 2002;*
- *Evidence Act 1995;*
- *Interpretation Act 1987;*
- *Electronic Transactions Act 1999;*
- *Local Government Act 1993;*

- *Privacy and Personal Information Protection Act 1998; and*
- *Model Litigant Policy for Civil Litigation.*

(d) Risk

The Claims Management Policy and Procedures to be read in conjunction with best practice guidance material such as Statewide Mutual's *Best Practice Manual – Gathering Information for Incident Investigation*, JLT *Claims Procedures*, and the NSW Government's *Model Litigant Policy for Civil Litigation*, provide ample mitigation to the risk of poor claims management processes at Council.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

The following documents have been consulted in revising this Policy:

- Statewide Mutual's *Best Practice Manual – Gathering Information for Incident Investigation*;
- JLT *Claims Procedures*; and
- NSW Government's *Model Litigant Policy for Civil Litigation*.

JLT and Statewide Mutual risk managers.

(b) Internal

MANEX.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

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 Gathering Information Policy and the Gathering Information Guidelines, Procedures and Best Practice have been made redundant by the management document, Claims Management Policy and Procedures, and are put to Council for rescindment.

ATTACHMENTS

Annexure A	Gathering Information Policy
Annexure B	Gathering Information Guidelines, Procedures and Best Practice
Annexure C	Claims Management Policy and Procedures

REPORT TITLE: 7.4 ANNUAL DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

ECM INDEXES:

Subject Index: **GOVERNANCE: Disclosures by Councillors and Designated Persons Return Register**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Simone Murray - Governance Administration Officer

PURPOSE

The purpose of this report is to table the Annual Disclosure of Interest Returns prepared by Councillors and Designated Persons for the 2022/2023 Financial Year.

RECOMMENDATION

That Council notes the tabled Disclosure of Interests Returns by Councillors and Designated Persons for the 2022/2023 Financial Year, in accordance with Section 440AAB of the Local Government Act 1993.

REPORT

(a) Background

The purpose of the Disclosure of Interests Returns is to provide Councillors and Designated Persons with the opportunity to disclose any items where there may be a Pecuniary Interest that may influence or affect official decisions made by the person completing the return.

The return is to be completed by each Councillor and each Designated Person and lodged with the General Manager by 30 September each year. Pecuniary Interests that arise later and are not disclosed in the annual return must be disclosed within three months of the Councillor or Designated Person becoming aware of the interest, in accordance with the relevant Council Code of Conduct.

Once completed and lodged, the returns are required to be tabled at an Ordinary Council Meeting in accordance with section 440AAB of the **Local Government Act 1993 (the Act)**.

(b) Discussion

Individuals are responsible for lodging their returns by the due date, and the **Office of Local Government (OLG)** encourages General Managers to remind Councillors and Designated Persons of their obligation in this regard.

Returns were distributed to all Councillors and Designated Persons on 7 July 2023 with a memorandum providing instruction on the completion of the returns and the deadline as set out by the relevant Code of Conduct. Council has procedures in place to record the lodgement of all returns.

All returns have been received by the General Manager and are now tabled at this Council Meeting. One return is missing some information and will be updated to ensure that it meets requirements.

(c) Options

Nil.

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

Nil.

(b) Governance/Policy

Pecuniary Interests are covered by the Code of Conduct for Councillors, Code of Conduct for Council Staff, and Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers.

Governance requirements:

Complaints about breaches of these Code of Conduct requirements are to be referred to the OLG and may result in disciplinary action by the Council, the Chief Executive of OLG or the NSW Civil and Administrative Tribunal.

(c) Legislative/Statutory

General Managers should ensure returns are tabled in accordance with Section 440AAB of the Act which states the following:

440AAB REGISTER AND TABLING OF RETURNS

- (1) *The General Manager must keep a register of returns disclosing interests that are required to be lodged with the General Manager under a code of conduct.*
- (2) *Returns required to be lodged with the General Manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.*

Council must make all returns of interests publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the NSW Information Commissioner.

If any councillor or designated person is concerned that their safety or the safety of their family may be put at risk if information about their home address is disclosed in the return of interests, such person may request that the information be redacted under section 739 of the *Local Government Act 1993*. Such a request should be made to the General Manager in writing.

(d) Risk

Disclosures of Interests Returns aim to promote transparency and mitigate the risk of pecuniary interest conflicts that may arise in carrying out the duties and functions of public office.

(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

This report has no relevance to the Integrated Planning and Reporting Framework. It is a legislative requirement to table returns and making a return is provided in the relevant Code of Conduct.

CONCLUSION

The Annual Disclosures of Interests Returns provided to the General Manager are tabled at this meeting in accordance with section 440AAB of the Act.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.5 REVIEW OF SICK LEAVE POLICY AND CARERS LEAVE POLICY

ECM INDEXES:

Subject Index: **CORPORATE MANAGEMENT – POLICY**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Peter Sayers - Acting Director of Corporate and Community Services

PURPOSE

The purpose of this report is to present Council with the revised Sick Leave Policy (***Annexure A***) and revised Carers Leave Policy (***Annexure B***) for review and adoption.

RECOMMENDATION

That Council adopts the revised Sick Leave Policy and Carers Leave Policy.

REPORT

(a) Background

The Sick Leave Policy and Carers Leave Policy form part of Council's Human Resources Policy Statement Register, which was last reviewed and adopted by Council on 25 November 2021. Both policies have been reviewed by Council's **Management Executive Team (MANEX)** and are now recommended for Council's review and adoption.

(b) Discussion

The Sick Leave Policy has been reviewed to consider privacy concerns raised by staff and to acknowledge the practical reality that it is almost impossible for staff who are absent on sick leave to obtain the medical evidence required under the current policy.

As Council will be aware, there is a critical shortage of doctors in Glen Innes at present, with Council unable to enter into an arrangement to have its own General Practitioner (GP). Many staff are unable to find a doctor in the town and have been forced to travel to nearby centres for medical appointments. Those who do have a local doctor are often unable to make appointments at short notice.

The insistence on medical evidence and / or a statutory declaration, as required by the current policy, is unworkable in the present circumstances and is creating anxiety with staff and unnecessary work.

Accordingly, the Sick Leave Policy has been reviewed to remove unrealistic requirements and to place responsibility on the person applying for the leave and the person approving the leave to ensure that it is taken for legitimate purposes and is in accordance with the **Local Government (State) Award (the Award)**.

The Carers Leave Policy has been reviewed for the same reasons as the Sick Leave Policy (refer above). The main difference between the two policies is that only Directors can approve carers leave applications, whereas sick leave can be approved by managers and supervisors who have the necessary authority.

Irrespective of the changes to these policies, Council reserves the right to monitor leave taken and to investigate any instances in which it is perceived that sick leave or carers leave is being used inappropriately, which is in accordance with the Award.

It should be noted that both policies are of an operational nature and fall within the General Manager's responsibilities under the *Local Government Act 1993*; however, they are also contained within the Human Resources Policy Statement Register, which until now has been adopted by Council.

MANEX is currently reviewing all of Council's policies to determine the need for them and the most appropriate way for each policy to be reviewed and approved. The findings and recommendations from this review will be reported to Council at a future date.

Until the overall policy review is finalised, it is considered expedient to continue to have the reviewed Sick Leave Policy and Carers Leave Policy adopted by Council, which will have an immediate and beneficial effect on Council operations.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Once adopted by Council, the revised Sick Leave Policy and Carers Leave Policy will become policies of Council.

(c) Legislative/Statutory

Council administers sick leave and carers leave in accordance with the Award and relevant legislation.

(d) Risk

Nil.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

MANEX.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.7.1: Implement the Workforce Strategy and Plan.

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.7.3: Deliver a Human Resources function to adopted customer service standards.

CONCLUSION

Council's Sick Leave Policy and Carers Leave Policy have been revised to include changes that have occurred since the current policies were adopted. Changes are significant and the revised policies are now presented to Council for review and adoption.

ATTACHMENTS

Annexure A	Draft Sick Leave Policy
Annexure B	Draft Carers Leave Policy

**REPORT TITLE: 7.6 CAPITAL WORKS PROGRAM PROGRESS REPORT
AS AT 30 SEPTEMBER 2023**

ECM INDEXES:

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

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Fiona O'Brien - Management Accountant

PURPOSE

The purpose of this report is for Council to review the progress of its Capital Works Program for the 2023/2024 Financial Year and to review the progress of the Capital Works Projects that were carried over from the 2020/2021, 2021/2022 and 2022/2023 Financial Years and to review the Capital Works Projects that were adopted as Revotes for the 2021/2022, 2022/2023 and 2023/2024 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 annexures to this report include the Capital Works Program Carried Forward for the 2020/2021 Financial Year (**Annexure A**), Capital Works Program Carried Forward for the 2021/2022 Financial Year (**Annexure B**), Capital Works Program Revotes 2022 (**Annexure C**), Capital Works Program for the 2022/2023 Financial Year (**Annexure D**), Capital Works Program Revotes for the 2022/2023 Financial Year (**Annexure E**), Capital Works Program 2023/2024 Commenced Only (**Annexure F**), and Capital Works Program Revotes 2023/2024 (**Annexure G**).

Together, the annexures provide detailed information on all the projects that were budgeted for and not completed in the 2020/2021, 2021/2022 and 2022/2023 Financial Years, projects that have been revoted into the 2021/2022, 2022/2023 and 2023/2024 Financial Years and projects that were budgeted for in the 2023/24 Financial Year that have commenced.

The capital works in progress balance of \$13.7M carried forward from financial year 2021/2022 is yet to be assigned to projects that were created in the new financial system. The total reported in the capital spend as at 30 September will need to be reconciled and verified for all spend prior to 30 June 2022. The prior year spend currently is being reported as carry overs from previous reports and has not been reconciled with the capital works in progress balance of \$13.7M brought forward. The difference if any is unknown and will be reported once a full reconciliation of the opening balances brought forward is reconciled.

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

New Finance System and Implementation

The Rates, Water and Community Receipting modules are still experiencing technical difficulties. The proposal that was put to the Open Office team to commence a focused hyper care plan is now in place, to resolve all major support tickets that are causing hindrance in the required standard of performance of the Rates and Water modules. A dedicated resource will be in place from mid-October, to provide a more focused approach to resolving all critical open support tickets.

The second water bill for financial year 2022/23 is currently being worked on, with final **user acceptance testing (UAT)** yet to be completed due to system issues. This has been flagged as a priority issue with Open Office, to be urgently resolved.

The Acting Director of Corporate and Community Services and the Chief Financial Officer are still waiting on Open Office for a follow up meeting to be organised with Readytech's general manager, to further highlight the issues and to work towards timely resolutions of major system issues, including training and completion of procedure/process manuals.

Work has begun to prepare for the 2022/2023 year end. Balance sheet reconciliations have been marked as a priority to complete and are posing significant challenges due to system and process setup. A suite of management reports is being developed, focusing on reports for income and expenses actual vs budget, capital works in progress, operational and capital grants reconciliation and business unit reporting for the quarry and Life Choices.

Stormwater Renewals – Glen Innes

250m of concrete drainage channel on a no-fines concrete base has been installed along Grafton Street to improve problematic drainage in-front of the industrial estate. Works are ongoing with the pre-cast link slab driveways crossings.



Image 1: Grafton Street drainage channel.

Yarrow Creek Bridge construction

Yarrow Creek bridge has reached 90% completion with the concrete deck poured. The bridge is expected to open in four weeks after curing of the deck and re-instatement of the road approaches.



Image 2: Yarrow Creek bridge deck pour.

Wattle Vale Quarry intersection upgrade

Works are complete on the Wattle Vale quarry intersection upgrade with the Gwydir Highway, with principal contractor Stabilcorp completing the project within a seven-week program, to a standard that complies with TfNSW specifications. Council now has unrestricted heavy vehicle access to the quarry site.



Image 3: New intersection and turning lanes at Wattle Vale quarry

Projects of Significance from the 2023/2024 Financial Year (Annexure F):

Construction of Centennial Parklands amenities facilities and outdoor area

Council has engaged Public Works Advisory to project manage the delivery of this project. A tender for construction consultancy services has been awarded to Hill Lockart. The design phase is now in progress and anticipated to be completed 10 weeks from the date of award.

Glen Innes Outdoor Multi-Purpose Courts (GIOMC)

Construction works are progressing on the outdoor multi-courts with concreting now complete. The concrete now has a 28-day curing period with the court's surfacing being anticipated to occur from late October.



Glen Innes Skate Park Redevelopment

Convic Pty Ltd has completed detailed design phase. Construction is due to commence later this month.

Additional funded works which include painting and pathway connections will be funded from the project's contingency budget.

COMING SOON!

**Glen Innes Severn Council
Skate Park Redevelopment**

The Glen Innes Severn Council Skate Park Redevelopment project is part of the *Black Summer Bushfire Recovery (BSBR) Youth and Sports Precinct Upgrades and Connectivity* approved grant.

This project will take place in two stages: the **Skate Park upgrade** and **Shared Pathway route** (connecting the Sports Precinct with Taylor Street, up to Glen Innes Public School and St Joseph's School, in Church Street)

This project received grant funding from the Australian Government and is supported by Glen Innes Severn Council

(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:

	REVISED BUDGET	Project Actual + Committed	Expenditure
CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2020/2021	\$ 1,684,065	\$ 1,563,678	93%
CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2021/2022	\$ 9,605,146	\$ 6,412,684	67%
CAPITAL WORKS PROGRAM REVOTES-2022	\$ 1,573,546	\$ 1,270,418	81%
CAPITAL WORKS PROGRAM CARRIED FORWARD 2022/2023	\$ 18,856,711	\$ 5,114,612	27%
CAPITAL WORKS PROGRAM REVOTES-2023	\$ 77,763	\$ 61,603	79%
CAPITAL WORKS PROGRAM 2023-2024 Commenced Only	\$ 7,405,103	\$ 2,028,859	27%
CAPITAL WORKS PROGRAM 2023-2024 Not Started	\$ 13,295,772	\$ -	0%
Additional 2023-2024 Projects as per council resolution	\$ 250,000	\$ 22,500	9%
CAPITAL WORKS PROGRAM REVOTES 2023-2024	\$ 4,023,907	\$ 47,616	1%
TOTALS	56,772,012.86	16,521,970.74	23%

(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. Council faces project management risks in managing timelines and budgets, particularly related to grant funded projects.

Developing a project risk management assessment and plan, using Council's Enterprise Risk Management system, will assist in mitigating risk.

(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 staff who have ownership of the various projects to ensure that the 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. Projects for the 2023-2024 year will be updated into the Capital Report as they are commenced.

ATTACHMENTS

Annexure A	Capital Works Program Carried Forward 2020-2021
Annexure B	Capital Works Program Carried Forward 2021-2022
Annexure C	Capital Works Program Revotes 2022
Annexure D	Capital Works Program Carried Forward 2022-2023
Annexure E	Capital Works Program Revotes 2022-2023
Annexure F	Capital Commenced Only 2023-2024
Annexure G	Capital Works Program Revotes 2023-2024

REPORT TITLE: 7.7 INVESTMENT REPORT - SEPTEMBER 2023

ECM INDEXES:

Subject Index: **FINANCIAL MANAGEMENT: Investments**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Callum Whitburn - Financial Accountant

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 \$22.8M 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 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 of the total Investment portfolio.

Currently Council has one responsible investment, being a \$1M investment with Westpac's Green Tailored Deposits. Three investments are with institutions that do not fund fossil fuels: \$700K with MyState Bank, \$1.1M with IMB Bank and \$1.1M with Heritage Bank.

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 :	
Ledger Balance as at 30 September 2023	\$4,815,964.61
Balance as per Bank :	
Opening Balance 1 September 2023	\$7,195,792.43
September Movements	-\$2,249,809.13
Closing Balance 30 September 2023	\$4,945,983.30
less : Unrepresented Receipts & Payments	-\$3,803.80
less : Timing Differences	\$157,772.59
Total:	\$4,792,014.51
Variance	-\$23,950.10
	
Responsible Accounting Officer	
5 October 2023	

The timing difference of \$157,772.59 comprises BPAY payments received on 29 September 2023 that were processed to the general ledger on 2 October 2023.

The variance of nearly \$24K is being investigated and will need to be resolved as part of the bank reconciliation process, which will be completed in consultation with Open Office's support team, due to possible system issues that are causing it.

The variance highlights the need to ensure that all differences between the general ledger and the bank statement balance are accounted for.

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

SUMMARY OF INVESTMENTS

Rating (S&P)	Maturity	%	Institution	Bank funds Fossil Fuels	Invested \$	Return \$
A1+/AA-	24/10/2023	4.36%	Westpac	Yes	1,000,000	25,563
A1+/AA-	25/10/2023	4.57%	CBA	Yes	1,000,000	46,201
A2/BBB+	08/11/2023	4.85%	My State	No	700,000	17,115
A1+/AA-	11/12/2023	4.28%	Westpac	Yes *	1,000,000	43,035
A1/A	19/12/2023	4.60%	ING	Yes	1,000,000	46,000
A1+/AA-	04/01/2024	4.35%	NAB	Yes	1,000,000	32,536
A1+/AA-	25/01/2024	5.40%	NAB	Yes	2,900,000	78,085
A1+/AA-	06/02/2024	4.82%	Westpac	Yes	1,000,000	44,502
A2/BBB	14/02/2024	4.80%	AMP	Yes	700,000	30,378
A2/BBB	08/03/2024	5.10%	Beyond	Yes	1,000,000	25,011
A2/BBB+	15/03/2024	5.00%	IMB	No	1,100,000	27,425
A1/A+	04/04/2024	4.55%	Macquarie	Yes	900,000	40,950
A2/BBB+	22/05/2024	5.20%	BOQ	Yes	1,000,000	34,192
A1/A	23/05/2024	4.92%	ING	Yes	1,000,000	49,335
A1+/AA-	21/06/2024	5.50%	NAB	Yes	1,000,000	54,849
A1/A+	24/06/2024	4.38%	Macquarie	Yes	1,000,000	87,720
A1/A	22/07/2024	5.20%	ING	Yes	700,000	33,308
A2/BBB	25/07/2024	5.55%	Heritage	No	1,100,000	61,050
A1+/AA-	08/08/2024	5.15%	NAB	Yes	1,000,000	51,500
A1+/AA-	14/08/2024	5.17%	CBA	Yes	1,000,000	51,700
A1+/AA-	06/09/2024	5.15%	NAB	Yes	700,000	35,951
A1+/AA-	10/09/2024	4.99%	CBA	Yes	1,000,000	49,900
Expected Return FY24		4.95%	Total Investments		22,800,000	966,305
Avg. Headline Rate Return		4.90%	Cash on Hand		4,945,983	
			Total Cash and Investments		27,745,983	

* Although this bank funds fossil fuels, this investments is a Green Tailored Deposit.

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

Interest received for the year to 30 Sep 2023	\$274,334.85
--	---------------------

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

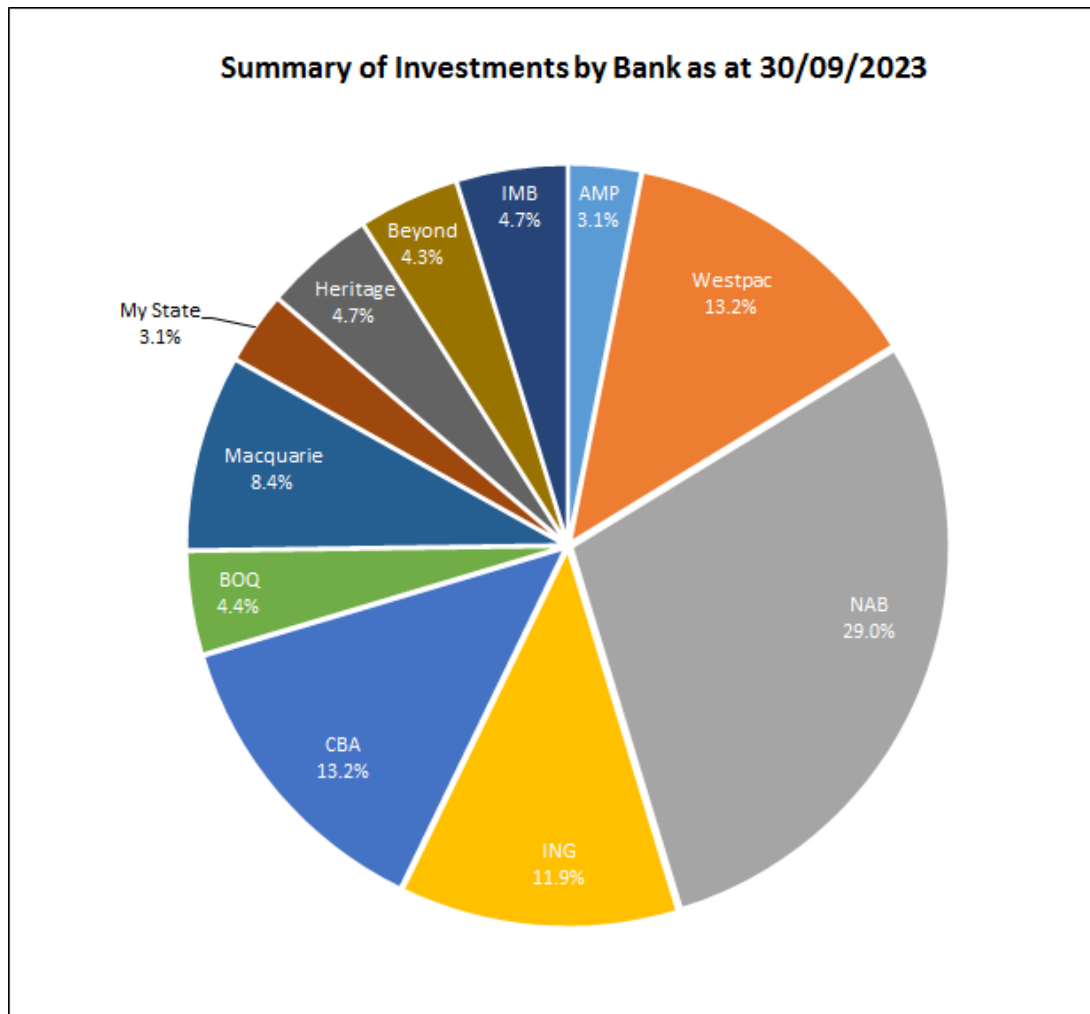
Investment Movements	
Opening Balance as at 1 September 2023	21,700,000
Less :	
Maturities (4)	3,700,000
Subtotal	18,000,000
Plus :	
Rollovers (1)	1,000,000
New Investments (4)	3,800,000
Current Balance as at 30 September 2023	22,800,000

During the reporting month there were four term deposits that matured: \$1M with NAB was reinvested with Beyond, \$700K with Macquarie was reinvested with NAB, \$1M with CBA was rolled over with CBA, and \$1M with CBA was reinvested with BOQ.

A redeemed investment for \$1M in August was reinvested for eight months to fill a maturity gap in May 2024. A summary of maturities is below:

Period	No. of Term Deposits Maturing	Value
Oct-23	2	2,000,000
Nov-23	1	700,000
Dec-23	2	2,000,000
Jan-24	2	3,900,000
Feb-24	2	1,700,000
Mar-24	2	2,100,000
Apr-24	1	900,000
May-24	2	2,000,000
Jun-24	2	2,000,000
Jul-24	2	1,800,000
Aug-24	2	2,000,000
Sep-24	2	1,700,000
Oct-24	0	0
Nov-24	0	0
Total	22	\$22,800,000

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 2022/2023 Financial Year was 4.40%. The current actual average return for the 2023/2024 Financial Year is 4.95%. This is an increase on the actual average return of 0.55%, which reflects the current upward, but stabilising trend in interest rates.

Interest rates are stabilising after a year and a half of trending upwards, and it is expected that the actual average return will now stabilise. The Bloomberg Ausbond Bank Bill Index one-year return rate for the reporting month is 3.55%.

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

Investment Balances	This Year	Last Year
Opening Balance 1 September	21,700,000	17,000,000
Closing Balance 30 September	22,800,000	17,700,000

(b) Governance/Policy

Monthly financial reporting ensures transparency, 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 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;
- 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 of the credit rating categories (AA, A and BBB).

All aggregate rating categories are within 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 the Policy:

Compliant	Credit Rating	Invested	Invested \$	Policy Limit	Available \$
Yes	AAA	0.00%	-	100%	22,800,000
Yes	AA	55.26%	12,600,000	100%	10,200,000
Yes	A	20.18%	4,600,000	45%	5,660,000
Yes	BBB	24.56%	5,600,000	25%	100,000
Yes	Government	0.00%	-	100%	22,800,000
		100.00%	22,800,000		

COUNCIL'S PORTFOLIO COMPLIANCE

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	22,800,000	100%
Total			22,800,000	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 with 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.

Council is currently only investing in fixed term deposits which are all well below the CPI. To gain returns higher than CPI, long term investments are needed that are not fixed term deposits and may pose a higher risk. Given the total cash position and no clear oversight of the restricted and unrestricted cash positions at this stage, it is prudent to continue with the fixed term deposits that are totally risk free. With investments maturing every month, this allows the ability to not reinvest if funds need to be directed to major projects.

A review of the aggregate performance on Council investments, comparative to the CPI, over a significant period (greater than five 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 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 the Policy.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.8 QUARTERLY BORROWINGS REPORT AS AT 30 SEPTEMBER 2023

ECM INDEXES:

Subject Index: **FINANCIAL MANAGEMENT: Loans**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Callum Whitburn - Financial Accountant

PURPOSE

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

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. The summary of borrowings set out below details each of Council's borrowings.

(b) Discussion

The tables on the following page detail the interest rate, loan completion date and balance as at the end of the reporting quarter 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" & RFS Loan	3.95%	12/12/2016	8/12/2036	\$1,549,824.00
2	GIMC Debt at Amalgamation	6.69%	31/10/2002	1/11/2027	\$1,557,511.94
3	Learning Centre	7.35%	19/06/2009	19/06/2025	\$ 84,294.70
11-01	Business Acquisition: Quarry	7.69%	28/07/2011	28/07/2036	\$ 546,000.00
14	LIRS Loan: Accelerated Road Renewal	3.82%*	6/03/2015	28/05/2025	\$ 175,319.35
15	LIRS Loan: Accelerated Bridge Program	3.82%*	6/03/2015	28/02/2025	\$ 701,277.38
16	Glen Innes & Emmaville Swim Centre	4.70%	6/03/2015	28/02/2035	\$1,027,180.01
Total General Fund Liability					\$5,641,407.38

*On each of the two (2) **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	\$1,461,200.00
Total Water Supply Fund Liability					\$1,461,200.00

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	\$ 661,661.96
Total Sewer Fund Liability					\$ 661,661.96

TOTAL LOANS LIABILITY					\$7,764,269.34
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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 \$7,764,269.34 as at the end of the reporting quarter.

(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: 7.9 REVIEW OF WORK HEALTH AND SAFETY POLICY**ECM INDEXES:**Subject Index: **WORK HEALTH AND SAFETY: Policies & Procedures**Customer Index: **NIL**Property Index: **NIL****AUTHOR: Ann Blunt - WHS Co-ordinator****PURPOSE**

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

RECOMMENDATION

That Council adopts the draft Work Health and Safety Policy.

REPORT**(a) Background**

The Work Health and Safety Policy was last adopted by Council on 20 June 2020 and is due for review every three 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

Changes to the Work Health and Safety Policy are relatively minor and include the following:

- Updating the document to the new Council policy format;
- Updating the title for Director of Place and Growth;
- Expanding the roles and responsibilities section;
- Adding a definitions section and policy statement;
- Updating legislation and supporting documents;
- Aligning the policy with StateCover requirements;
- Listing the duty principles under the WHS Act; and
- Removing references to the Corporations Act.

The revised policy has been reviewed by the **Work Health and Safety Consultative Group (WHSCG)** and MANEX and is now presented to Council for adoption.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Once adopted, the draft Work Health and Safety Policy will become policy of Council.

(c) Legislative/Statutory

Council has a legal obligation to comply with the requirements of the *Work Health and Safety Act 2011 (NSW)* and the *Work Health and Safety Regulation 2017 (NSW)*.

(d) Risk

The Work Health and Safety Policy forms part of Council's overall Work Health and Safety Management System, reducing occupational risks across Council's worksites and activities.

(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 SafeWork NSW and StateCover Mutual Limited.

(b) Internal

The WHSCG and MANEX.

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 draft Work Health and Safety Policy has been reviewed to include changes that have occurred since it was last adopted. It is now presented to Council for adoption.

ATTACHMENTS

Annexure A Draft Work Health and Safety Policy

REPORT TITLE: 7.10 WORKPLACE INJURY MANAGEMENT REPORT AS AT 30 SEPTEMBER 2023

ECM INDEXES:

Subject Index: **WORK HEALTH AND SAFETY: General**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Ann Blunt - WHS Co-ordinator

PURPOSE

The purpose of this report is to keep Council informed of significant Workers Compensation figures and trends, on a quarterly basis.

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 2020.

(b) Discussion

The table below covers Workers Compensation figures from 1 July 2020 until 30 September 2023, as follows:

Item	2020/2021	2021/2022	2022/2023	2023/2024
Total Premium Paid	\$226,022.88	\$204,694.45	\$278,977.52	\$355,371.15 (estimate)
Premium as a % of Gross Wages (excluding GST)	1.97%	1.81%	2.22%	2.71% (estimate)
YTD New Claims (Premium Impacting)	5	5	11	2
YTD New Claims (Non-Premium Impacting)	10	5	6	1
YTD Total New Claims	15	10	17	3
YTD Time Lost Due to Injury (LTI Days)	29	387	638	180

Item	2020/2021	2021/2022	2022/2023	2023/2024
Open Premium Impacting Claims (From Previous Years)				4
Open Non-Premium Impacting Claims (From Previous Years)				3
Open Premium Impacting Claims (Current Year)				2
Open Non-Premium Impacting Claims (Current Year)				1
Total Open Claims				10
Closed Claims that are still Impacting on Council's Premium				6
Total Cost of All Premium Impacting Claims (to date)	\$35,352.00	\$60,800.00	\$108,607.00	\$48,669.00
Safety & Wellbeing Incentive (Scheme Performance Rebates)	\$34,953.89	\$34,265.14	\$33,838.58	\$34,124.71 (estimate)

There were three new workers compensation claims during the quarterly reporting period from 1 July 2023 to 30 September 2023. Two claims were of a premium impacting nature, involving some lost time, and one was non-premium impacting.

Four claims were closed from previous years, including two premium impacting claims, one non-premium impacting claim and one hearing claim.

Lost time continues to impact on claims costs, with two workers currently unable to sustain suitable duties and one worker performing suitable duties on reduced hours.

The 2022/2023 workers compensation premium amount has been finalised by StateCover following the submission of Council's wages declaration, resulting in an upwards premium adjustment of \$22,497.57. This takes Council's 2022/2023 premium to \$278,977.52 (excluding GST).

The estimated premium for 2023/2024 currently stands at \$355,371.15 (excluding GST), which exceeds the current budget by \$103,070.15. The increase has occurred due to increased wages costs, the large number of premium impacting claims and lost time injury days, and the inability to find suitable work for injured workers. Further details are provided under Financial Implications.

StateCover has advised that the safety and wellbeing incentive for 2023/2024 will be up to \$34,124.71 (excluding GST). Council has met all qualifying conditions for the incentive, comprising its annual Work Health and Safety (WHS) Self-Audit, wage declaration and annual WHS action plan.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Council has budgeted \$252,301 in its Operational Plan and Budget for the 2023/2024 Financial Year for its Workers Compensation Insurance premium. The estimate from the insurer for this year's premium currently stands at \$355,371.15 excluding GST, which is over the budgeted amount and will require a variation.

The higher premium estimate is based on Council's 2023/2024 wages estimate of \$13,075,452, and its three-year claims history (2020 to 2023). Increases in wages costs reported to StateCover, which are influenced by higher employee numbers and annual wage increases to employees, have pushed Council in a higher premium category.

The higher premium would be mitigated to a certain extent if Council had been able to maintain a favourable claims history over the past three years; however, the inability to find suitable duties for some injured workers has adversely affected lost time figures. Lump sum amounts paid on some claims have also had an adverse effect. Due to the poor claims history, Council is unable to access StateCover discounts to offset premium increases.

(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

Finance team.

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 1 July 2023 to 30 September 2023 saw four claims closed and three new workers compensation claims, resulting in an increase in lost time. This will impact negatively on Council's premium costs in current and 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: 7.11 DEVELOPMENT ASSESSMENT REPORT: JULY 2023 - SEPTEMBER 2023

ECM INDEXES:

Subject Index: **CORPORATE MANAGEMENT: Reporting**

Customer Index: **INTERNAL DEPT: Place and Growth**

Property Index: **NIL**

AUTHOR: Vanessa Holloway - Technical Support Officer

PURPOSE

The purpose of this report is to provide information on the Development Assessments and Building Certification activities assessed by Council from 1 July 2023 to 30 September 2023.

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

This report provides a summary on the Development Assessments and Building Certification activities assessed by Council from 1 July 2023 to 30 September 2023. This includes data on the year-to-date number of **Development Applications (DA)** determined, number of Complying **Development Certificates (CDC)** determined, number of Construction **Certificates (CC)** determined, along with number of DA, CDC and CC lodged, average days taken to approve these applications, comparisons to the previous financial year total and previous quarter, together with commentary on building and development trends for the information of Council.

(b) Discussion

A report of statistical data and updates relating to DA, CDC and CC will be presented to Council each quarter for comparison purposes, showing the quarterly totals, and the year-to-date figures for the current year. This report includes information from 1 July 2023 to 30 September 2023.

The following table provides data on the volume of applications received and determined over the July 2023 – September 2023 quarter relative to the previous year.

Applications Received and Determined	July 2023	Aug 2023	Sep 2023	Total for July-Sep Quarter 2023	Monthly Average for July-Sep Quarter 2023	Total for July-Sep Quarter 2022	Monthly Average for July-Sep Quarter 2022
DA Received	4	13	9	26	8	22	7
DA Determined	5	13	9	27	9	31	10
Average days for Determination	28	66	41		45		52
CDC Received	2	2	2	6	2	2	.6
CDC Determined	0	3	0	3	1	2	.6
Average days for Determination	0	10	0		3		4
CC Received	3	4	3	10	3	17	6
CC Determined	2	5	8	15	5	20	7

Table 1

CDCs require the applicant to adhere to rigorous compliance requirements and thus result in a shorter processing period, but fewer applications. CDC applications have increased slightly from last year.

The number of DAs received by Council has slightly increased compared to the respective quarter last year, with the number DAs determined in this quarter remaining steady in accord to the number of DAs received. For DAs, monthly gross average processing times for the quarter was 45 days, a 14% decrease from last year's correlating quarter which is notable due to the Planning and Regulatory Services department currently operating below normal resourcing levels with staff vacancies in several key roles. The processing times provided do not take into account the number of applications that have been on "stop the clock" while officers are waiting for necessary information to be provided by the applicants.

Applications for CCs this quarter have dropped significantly when compared to last year. Rising building costs, the scarcity of building materials, recent changes to the National energy, sustainability and building requirements, along with a shortage of tradespeople may be a contributing factor to the decline in applications.

Table 2 below provides a summary of the number of DAs determined, the value of the work, type of development and the average determination time **year-to-date (YTD)**, compared to the 2022-2023 Financial Year:

	2023-2024 YTD	2022-2023
Total Number of DAs Determined	27	92
Average Determination Time (days)	45	40
Value of DAs	\$3,403,899	\$14,512,505
Number of Single Dwellings	6	16
Number of Subdivisions	5	12
Number of Multi Unit Dwellings	0	3
Number of Commercial Developments	6	3
Number of Industrial Developments	2	2
Withdrawn	0	2

Table 2

Table 3 below provides statistical information regarding the number of CDCs issued in 2022/2023, compared to the number issued YTD for the current Financial Year:

	2023-2024 YTD	2022-2023
Total Number of CDCs Determined	3	8
Value of CDCs	\$66,600	\$239,035
Number of Single Dwellings	0	1
Withdrawn	1	3

Table 3

Table 4 below lists the DAs and CDCs determined during the July 2023-September 2023 quarter.

Section 4.59 of the *Environmental Planning and Assessment Act 1979* (herein referred to as “the Act”), as amended, precludes a challenge to the validity of consent more than three (3) months after the date of public notification of the consent. Consents are available for public inspection, free of charge, during ordinary office hours at Council’s Church Street office. In accordance with *Section 4.59* of the Act and *Clause 161* of the *Environmental Planning and Assessment Regulation 2021*, the following table lists the determinations issued determined from 1 July 2023 to 30 September 2023 to be publicly notified.

DA/CDC Number	Description	Location
#DA 68/22-23	Demolition of Damaged Portions of Existing Commercial Premises	359 Grey Street, Glen Innes
DA 74/22-23	Consolidation/Boundary Adjustment	526 Rangers Valley Road and Kniepp Road Rangers Valley
DA 76/22-23	Construction of a Shed	94 Yarraford Road, Dundee
DA 1/23-24	Construction of a Farm Building – Machinery Shed	325 Browns Road, Bald Nob
DA 4/23-24	Residential Dwelling	33 Robinson Avenue, Glen Innes
CDC 1/23-24	Erect Shed and Demolish Existing Shed	1 Barff Street, Glen Innes
DA 72/21-22	3 Lot Subdivision – By Consolidation and Boundary Adjustment from 11 lots	254 Morgans Road Emmaville and 270 Deloraine Road Emmaville
#DA 2/23-24	2 Lot Subdivision	27 Oxford Street, Glen Innes
DA 50/22-23	Dwelling, Carport, Shed, Farm stay Cabin and Farm Shed	254 Morgans Road, Emmaville
DA 77/22-23	Alterations and Additions to Existing Community Facility (2CBD Radio Glen Innes)	131 Church Street, Glen Innes
DA 5/23-24	Boundary Adjustment/Consolidation	740 Strathbogie Road, Glen Innes
DA 45/22-23/A	Alterations and Additions to Existing Dwelling	180 Bald Nob Road, Dundee
# DA 3/23-24	Detached Shed with Bathroom	42 Forbes Street, Deepwater
DA 40/22-23/A	Changes to Trading Hours	191 Grey Street, Glen Innes
DA 17/16-17/A	Extension of Operating Hours	375 Furracabad Road, Glen Innes
CDC 3/23-24	Erect Shed	52 Hewitt Road, Glen Innes
DA 6/23-24	Erect Shed including a Bathroom	30 Sunnyview Drive, Shannon Vale
DA 8/23-24	Use of Existing Building as a Dwelling	862 Gulf Road, Emmaville
#DA 7/23-24	Erect Shed	70 Hewitt Road, Glen Innes
DA 74/21-22/A	Boundary Adjustment/Consolidation	39 Strachan Road, Wellington Vale

DA/CDC Number	Description	Location
CDC 4/23-24	Erect Shed	165 Derby Street, Glen Innes
DA 203/2005/A	Change of use of Existing Art Studio/Shed to Self-Storage Unit	21 Carl Baer Circuit, Deepwater
DA 67/22-23	Remove Existing School Identification Sign and Installation of New Digital LED sign	21 Edward Street, Glen Innes
DA 68/22-23/A	Demolition of Damaged Portions of Existing Commercial Premises	359 Grey Street, Glen Innes
DA 9/23-24	Installation of an Automatic Teller Machine and Signage	311 Grey Street, Glen Innes
DA 13/23-24	Change of Use – Attached Garage and Storage Room to Indoor Playroom and Amenities Associated with Existing Centre Based Childcare Facility (Glen Innes Pre-School)	35 Wentworth Street, Glen Innes
DA 14/23-24	Continued Use of Existing Motel Rooms	160 Church Street, Glen Innes
DA 10/23-24	Erect Dwelling and Detached Metal Shed	23 Marshall Way, Emmaville
DA 12/23-24	Erect Dwelling, Detached Shed and Installation of a Rainwater Tank	Polhill Road, Wellingrove
DA 15/23-24	Erect Dwelling	311 Pitlochry Road, Matheson

Table 4

Unrestricted consent may affect the environmental amenity of the area and would not be in the public interest.

The development satisfies the relevant aims, objectives and provisions of both the *Glen Innes Severn LEP 2012* and *Glen Innes Severn DCP 2014*.

The application was required to be notified in accordance with Table 2.1 of the Glen Innes Severn DCP 2014.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Nil.

(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

The information contained in this report has been collected in consultation with input from staff including the Town Planner, Building and Environmental Health Officer and the Technical Services Officer.

Statistics such as the ones contained in this report are discussed internally as the key indicator of system performance.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Environment Heritage Principal Activity
EH 4.9.1: Provide Building Control services to adopted customer service standards.
EH 4.9.4: Provide Town Planning services to adopted customer service standards.

CONCLUSION

Based on the information contained in this report, the data shows that the number of incoming DAs is steadily increasing. DA determination timeframes may in turn, continue to remain high or increase further whilst Council receives more applications than it has the ability to process each month.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.12 GLEN ELGIN SPORTSGROUNDS PLAN OF MANAGEMENT FOR PUBLIC EXHIBITION

ECM INDEXES:

Subject Index: **ASSET MANAGEMENT: Planning**

Customer Index: **NIL**

Property Index: **1072 Glen Elgin Road, GLEN ELGIN - 10760-06000000-000 - GLEN INNES SEVERN COUNCIL**

AUTHOR: Adam Reid - Property Administration Officer

PURPOSE

The purpose of this report is to present Council with the *Draft Glen Elgin Sportsground Plan of Management*, for public exhibition (**Annexure A**).

RECOMMENDATION

THAT Council:

- 1. Approves for the Draft Glen Elgin Sportsground Plan of Management to be placed on public exhibition for 28 days from Thursday, 2 November 2023 until Wednesday, 29 November 2023.***
- 2. Displays the Draft Glen Elgin Sportsground Plan of Management on Council's website, and that it 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 and Emmaville.***
- 3. Conducts a public hearing on a date not earlier than 42 days after the Draft Glen Elgin Sportsground Plan of Management is placed on public display.***

REPORT

(a) Background

Recently, discussions have been held about the future of the Section 355 Committee of Council known as the Glen Elgin Federation Sports Committee, and associated land at 1072 Glen Elgin Road, also known as the **Glen Elgin Sportsground (the Grounds)**. It has been discussed with the committee that the Section 355 committee be disbanded, and the grounds returned to the previous owner who effectively donated the land for the purpose.

The primary reason for this is to remove liability from Council with regard to horse events that may be seen to be run by a committee of Council, when this function is not within the delegations of the committee or covered by Council's insurance policies.

The Grounds were originally purchased by the Severn Shire Council from Beverley Cheers on 11 November 1999 for the nominal price of \$1. Having been used by the group for many years, and due to the pressure arising from the large insurance costs to use as an equestrian sportsground, an arrangement was made for the owner to sell the land to Council as Community Land and install a Section 355 Committee of Council to manage the future use of the Grounds.

The intention behind the sale contract was for the Grounds to continue to be used as a camp draft facility for as long as interest existed. An option to resell the land back to the vendor at a peppercorn price was included in the contract.

The wording of this contract has, however, proven to be problematic as Community Land cannot lawfully be sold.

The land had been incorrectly identified as Operational Land in Council records (but not in the **Local Environment Plan (LEP)** and, as such, a **Plan of Management (PoM)** (Annexure A) has not previously been prepared.

(b) Discussion

In the absence of the option to exercise the resale clause, it is now proposed that the Section 355 committee be wound up and become a new community group, using the grounds under a lease arrangement. It should be noted that the PoM has been drafted to allow for either that proposed option, or for the existing arrangements under a Section 355 committee.

A PoM outlines the categories and purposes that Community Land serves and authorises certain activities on the land in question. In particular, a PoM is required if the land is to be leased. Given the inability to exercise the resale clause in the original contract, and horse sports not being permitted to be run by a Section 355 committee, leasing the site to a new entity is now the most pragmatic pathway to lawfully continue the current use of the site.

Following the acceptance to exhibit by Council, a period of public exhibition of the draft PoM of not less than 28 days is required by the *New South Wales Local Government Act 1993 (LG Act)*, with another period of not less than 42 days after the date on which the draft PoM is placed on public exhibition during which submissions can be made to Council. As this PoM is categorising the Community Land for the first time, a public hearing must also be held after the Council has chosen whether to amend the PoM based on public submissions or adopt it without amendment (if submissions are deemed to not be substantial).

After considering the review from the public hearing provided by the presiding person, the Council may again decide to amend the draft plan or adopt it without amendment.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Nil.

(c) Legislative/Statutory

The issues surrounding the drafting, public display, hearing, and adoption of a PoM comes under the *LG Act*:

- All Community Land managed by Council must have a PoM (Sec 36);
- A PoM must categorise the land and its management must conform with the objectives of the categorisation (Sec 36A-36N);
- Before adoption, public notice of a draft PoM must last a minimum period of 28 days with 42 days after the date on which the draft plan is placed on public exhibition allowed for public submissions (Sec 38);
- As this PoM effects a new categorisation of Community Land under the *LG Act Sec 36(4)*, a public hearing is required to be held after the public exhibition time period and before the final adoption by Council (Sec 40A), this allows an opportunity for the community to hold a public discussion and put forth questions; and
- After community consultation is held and reviewed, Council may adopt the final PoM (Sec 40).

(d) Risk

Without a PoM in place, Council incurs a reputational risk of being non-compliant with legislation.

(e) Social

The Grounds have been a longstanding community site for camp drafting and other events. It is imperative that Council acts with transparency and care to ensure the ongoing use of the Grounds for community benefit.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Below is a table of current land and asset values held within the Glen Elgin Sportsgrounds:

Asset	Replacement Cost	Fair Value	Annual Depreciation
Glen Elgin Sports Ground - Land	Null	\$33,000	Null
Asset	Replacement Cost	Fair Value	Annual Depreciation
Fencing - 50% - 1 barb 5 wire wood star - 2 gate	\$13,210	\$5,282	\$165
Livestock yards	\$36,650	\$29,324	\$305
PVC water tank	\$6,470	\$5,824	\$108
Competition Ring	\$62,900	\$31,450	\$524
Fencing - 50% - 2 barb 4 wire wood star - 1 gate	\$8,400	\$3,361	\$105
Fencing - 100% - 2 barb 3 wire wood star - 1 gate	\$6,600	\$2,641	\$83
Steel 2 level Grandstand x 4	\$7,870	\$787	\$131
Fence - 100% - 1 Cord 4 wood - 1 gate	\$5,460	\$3,004.00	\$68.00
Two Storey Viewing building	\$16,160	\$12,279	\$323
PVC water tank	\$6,470	\$3,559	\$81
Fencing - 100% - 2 barb 3 wire wood - 1 gate	\$6,600	\$4,952	\$83
Holding Yard	\$11,440	\$10,864	\$143
PVC water tank x 2	\$12,940	\$11,648	\$216
Generator and shed	\$7,440	\$744	\$124
Recreation Reserve - Amenities two blocks w/ 5 toilets and shower each - Corrugated Iron cover	\$105,750	\$47,588	\$1,763
Storage shed/Shelter	\$41,270	\$37,145	\$516
Recreation Reserve - Canteen/Storage - General	\$136,850	\$82,110	\$2,737
TOTAL	\$492,480	\$325,562	\$7,474

CONSULTATION

(a) External

Glen Elgin Federation Committee representatives.

(b) Internal

Manager Governance, Risk, and Corporate Planning.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Community Service Principal Activity CS 1.1.1: Provide and maintain suitable sporting fields for community use including the delivery of relevant aspects and review of the Glen Innes Sporting facilities Master Plan.

CONCLUSION

To comply with legislation, Council must continue to develop and review PoM's for all Community Land under its management. As there is no current PoM in place for this land, a site-specific PoM has been prepared for urgent adoption.

ATTACHMENTS

Annexure A DRAFT PoM Glen Elgin Sportsground

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

PURPOSE

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

RECOMMENDATION

That Council notes the information contained in this report.

Correspondence

- AgriFutures – Rural Women’s Award and Acceleration Grants;
- Arts North West – newsletters;
- Council Magazine – Spring 2023;
- Inside Local Government – newsletters;
- Local Government NSW – newsletters;
- Northern Tablelands Local Land Services – Ag Update;
- Member for Northern Tablelands, The Hon. Adam Marshall – weekly reports;
- Office of Local Government – newsletter;
- Rotary Club of Glen Innes - newsletter; and
- Weekly Councillor updates from the General Manager.

Press Releases

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

Publications

- LG Focus – September 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: Committees of Council**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Jeff Carroll - Records Supervisor

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 - 6/09/23
Annexure B	Emmaville War Memorial Hall Committee - 18/04/23
Annexure C	Emmaville War Memorial Hall Committee - 11/05/23
Annexure D	Emmaville War Memorial Hall Committee - 13/09/23
Annexure E	Glen Elgin Federation Sports Committee - 23/08/23
Annexure F	Glen Elgin Federation Sports Committee AGM - 23/08/23
Annexure G	Glen Innes and District Cemetery Trust -17/08/23
Annexure H	Glencoe Hall Committee - 2/09/23
Annexure I	Library Committee - 18/08/23
Annexure J	Stonehenge Reserve Trust - 10/08/23
Annexure K	Stonehenge Reserve Trust AGM - 10/08/23

REPORT TITLE: 9.3 MINUTES OF OTHER ORGANISATIONS FOR INFORMATION

ECM INDEXES:

Subject Index: **CORPORATE MANAGEMENT: Meetings – Other Organisations**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Jeff Carroll - Records Supervisor

PURPOSE

The following minutes have been received from other organisations for the information of Council:

Murray Darling Association Region 11

18/08/23

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)

PURPOSE

The purpose of this report is to list recent meetings held by the Section 355 Community Committees of Council and to list 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: 4,
- Community Committees of Council: 15,
- Delegates of Council: 2,
- County Councils: 1, and
- Community Committees NOT Committees of Council: 11.

Council delegates were assigned at the Ordinary Council Meeting held on Thursday, 21 September 2023. These delegates will remain in place until Saturday, 14 September 2024.

(b) Discussion

In keeping with past practice, Council resolved the following (in part) at the Ordinary Council Meeting held on Thursday, 21 September 2023:

14.09/23 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.

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 September 2023:

Name of Committee	Councillor Delegate(s)	Date
Australia Day Committee	Cr Parry, Cr Parsons	6.9.23
Australian Standing Stones Management Board	Cr Banham, Cr Gresham	2.9.23
Community Access Committee	Cr Banham, Cr Sparks	4.9.23
Emmaville War Memorial	Cr Banham	13.9.23
Glencoe Hall	Cr Parry	2.9.23
Pinkett Recreation Reserve Management Committee	Cr Parry	6.9.23

The following is a list of meetings and functions attended by Councillors during September 2023:

Councillor	Name of Meeting / Function	Date attended
Cr R Banham (Mayor)	Scrutineer (Mayor and Deputy Mayor) for History House ballot	1.9.23
	Community Access Committee Meeting	4.9.23
	National Local Road & Infrastructure Congress (Canberra)	5.9.23 until 8.9.23
	TS Clinical & Quality Meeting	12.9.23
	Emmaville War Memorial Hall Committee Meeting	13.9.23
	GLENRAC Fit Farmers Workshop	14.9.23
	Councillor Workshop	14.9.23
	New England Weeds Authority Meeting	15.9.23
	Meeting with stakeholders regarding Powerhouse and Brickworks	15.9.23
	Australian Standing Stones Management Board Meeting	20.9.23
	Pre-Meeting Briefing Session	21.9.23
	Ordinary Council Meeting	21.9.23
	AEC Group Presentation	21.9.23
	Meeting with Assistant Minister of Trade Senator Tim Ayres	21.9.23
	Glen Innes High School Year 12 Graduation	21.9.23
	Farewell Dinner for Councillor Lara Gresham	22.9.23
	NAIDOC Day Glen Innes Correctional Centre	28.9.23
	National Police Remembrance Day (Inverell)	29.9.23
Cr T Arandale (Deputy Mayor)	White Rock Wind Farm Community Fund Meeting	30.8.23*
	Open Spaces Committee Meeting	30.8.23*
	Scrutineer (Mayor and Deputy Mayor) for History House ballot	1.9.23
	Glen Innes High School Year 12 Medallion Panel	5.9.23
	Councillor Workshop	14.9.23
	Meeting with stakeholders regarding Powerhouse and Brickworks	15.9.23
	Pre-Meeting Briefing Session	21.9.23
	Ordinary Council Meeting	21.9.23

Councillor	Name of Meeting / Function	Date attended
	AEC Group Presentation	21.9.23
Cr T Alt	Councillor Workshop	14.9.23
	Farewell Dinner for Councillor Lara Gresham	22.9.23
Cr L Gresham	Landscaping Community Engagement Workshop	13.9.23
	Councillor Workshop	14.9.23
	Mayoral Meeting (New England County Council)	15.9.23
	New England County Council Special Meeting	19.9.23
	Australian Standing Stones Management Board Meeting	20.9.23
	Pre-Meeting Briefing Session	21.9.23
	Ordinary Council Meeting	21.9.23
	AEC Group Presentation	21.9.23
Cr J Parry	Glencoe Hall Committee Meeting	2.9.23
	Councillor Workshop	14.9.23
	Pre-Meeting Briefing Session	21.9.23
	Ordinary Council Meeting	21.9.23
	AEC Group Presentation	21.9.23
Cr A Parsons	Australia Day Committee Meeting	6.9.23
	Councillor Workshop	14.9.23
	Ordinary Council Meeting	21.9.23
	AEC Group Presentation	21.9.23
Cr C Sparks	Councillor Workshop	14.9.23
	Glen Innes Art Gallery Committee Meeting	18.9.23
	Glen Innes Family Youth and Support AGM	19.9.23
	Safe In Our Town Committee AGM	20.9.23
	Pre-Meeting Briefing Session	21.9.23
	Ordinary Council Meeting	21.9.23
	AEC Group Presentation	21.9.23
	Attract Connect Stay Committee Meeting	21.9.23
	Glen Innes Pottery Club	25.9.23

*not recorded last month

(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 Governance Administration Officer 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, 21 September 2023. These delegates will remain in place until Saturday, 14 September 2024.

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>Staffing Matter</i>	<i>(a) personnel matters concerning particular individuals (other than councillors).</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.