

GLEN INNES SEVERN COUNCIL

BUSINESS PAPER



**FOR THE ORDINARY
COUNCIL MEETING**

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

PUBLIC FORUMS

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

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

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

Local Government Act 1993

Section 10A(2) (a) – (i)

The matters and information are the following:

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



GLEN INNES SEVERN COUNCIL

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

That will be held at the Glen Innes Severn Learning Centre,
William Gardner Conference Room, Grey Street, Glen Innes on:
Thursday, 23 November 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 - 26 OCTOBER 2023 TO BE CONFIRMED

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

PECUNIARY:

Nature of conflict:

Action to be taken:

NON-PECUNIARY:

a) Significant Non-Pecuniary

Nature of conflict:

Action to be taken:

b) Non-significant Non-Pecuniary

Nature of conflict:

Action to be taken:

6 MAYORAL MINUTE(S)

7 REPORTS TO COUNCIL

REPORT TITLE: 7.1 RESOLUTION TRACKING REPORT

ECM INDEXES:

Subject Index: **GOVERNANCE: Ordinary Meetings of Council**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: **Gregory Ford - Executive Assistant (Director Corporate and Community Services)**

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 10 Council Resolutions currently outstanding at Thursday, 16 November 2023.

There were 8 Council Resolutions outstanding in the report that went to the Thursday, 26 October 2023 Ordinary Council Meeting.

A further 6 actions were assigned after the 26 October 2023 Ordinary Council Meeting.

Therefore, 4 outstanding actions have now been completed since the last Ordinary Council Meeting (workings: $8 + 6 = 14 - 10 = 4$).

The 10 outstanding resolutions are broken up as follows:

<u>YEARS</u>	<u>OUTSTANDING ACTIONS</u>		
2020	1	(1	Oct 2023)
2021	0	(0	Oct 2023)
2022	5	(5	Oct 2023)
2023	4	(2	Oct 2023)
TOTAL	<u>10</u>	(8	Oct 2023)

The outstanding resolutions relate to the following Directorates:

<u>DIRECTORATE</u>	<u>OUTSTANDING ACTIONS</u>		
General Manager	0	(0	Oct 2023)
Corporate and Community Services	2	(0	Oct 2023)
Place and Growth	2	(3	Oct 2023)
Infrastructure Services	6	(5	Oct 2023)
TOTAL	<u>10</u>	(8	Oct 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, 16 November 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 16.11.23

REPORT TITLE: 7.2 MAIN NORTH RAILWAY CORRIDOR

ECM INDEXES:

Subject Index: **New England Rail Trail
Planning Traffic and Transport
Planning**

Customer Index: **Trains North Inc**

Property Index: **NIL**

**AUTHORS: Bernard Smith - General Manager
Keith Appleby - Director of Infrastructure Services**

PURPOSE

The purpose of this report is to consider correspondence received from Trains North Inc requesting Council support for the re-introduction of rail services from Armidale to Wallangarra.

RECOMMENDATION

THAT Council:

- 1. Note the prohibitive capital, maintenance and operational costs associated with reintroducing rail services to Wallangarra.***
- 2. Advise Trains North Inc that in the interests of the broader community and noting the importance of gaining maximum benefit from the expenditure of public funds, it cannot support its request.***
- 3. Advocate for maintaining and improving the existing public transport services available for Glen Innes and surrounds and for continued improvements and upgrades to the New England Highway and Gwydir Highway.***

REPORT

(a) Background

The Glen Innes Railway Station opened in 1884 when the line was extended from Armidale. The rail line to Wallangarra was completed in 1888. In 1988, the newly elected Greiner State Government commissioned a report into the State Rail Authority which highlighted the enormous costs associated with operating regional lines with low patronage. The last train to operate north of Tenterfield was on 15 January 1988. The last train to regularly service Glen Innes ceased in November 1988.

When the line was constructed, it was a key transport corridor through to Sydney. By way of context, NSW did not see its first motor vehicle until 10 years later, the New England Highway was not fully sealed until 1951 and the last single lane bridge was replaced in 1967. Hence when the line to Glen Innes opened the only alternative means of travel was the horse.

The decline in passenger travel along the line was largely due to the improvements in the road network generally, and in particular the New England Highway, as well as the flexibility offered by the motor vehicle. The advent of the North Coast line further eroded the need for the Main North line.

Thousands of kilometres of rail lines have been closed across Australia including over 3000 km in New South Wales as the cost of running and maintaining them has become prohibitive due to declining demand. Typically, this has occurred in regional and rural locations where vastly improved road networks have provided greater convenience and flexibility.

(b) Discussion

There has been a sentiment expressed over the years for passenger services to return and any service by definition provides a benefit and would be welcomed by most. Whether it is better roads, more emergency services, or the provision of better health services, the obvious reaction is to want more.

Reality however determines that every public service comes at a cost and is in competition for funding with other public services.

The reality with regard to the reinstatement of rail services is that it is prohibitively expensive and would be poorly utilised. Further to this, there are alternative services and funding the reinstatement would arguably be to the detriment of other more important public services.

Barriers to the reinstatement of the service include,

- The poor state of the line and corridor noting it has not been maintained for nearly 40 years.
- Whilst no updated figures for the reconstruction are available, it could be close to \$1B noting most bridges would need rebuilding, the track and formation would probably need to be rebuilt, and as an example of other construction issues, the New England Highway was deviated at Bluff Rock and now cuts the corridor at a different level.
- The demand would be low and hampered by the need for connectivity particularly at the northern end for it to generate passengers.
- The extremely low population base in the region.
- The inability to generate freight given the nature of freight movements in this part of the New England being interstate or very specific and not suitable for rail.
- The logical emphasis by government and commercial rail freight operators on the future Inland Rail and the current coastal rail which was completed in 1932 and was a faster option.
- The cost of maintenance which could be in the order of \$5-10M per annum

The range of factors which lead quickly to the conclusion that the line will never be reinstated are many and diverse with it being noteworthy that the recent bushfires around led to the complete destruction of bridges around Wallengarra.

Related issues include the operational and financial considerations of the rolling stock and labour tied up in providing 1 service a day, the need to provide connectivity to other public transport, and the cost of tickets required to generate any sort of meaningful income.

Every State Government since the line was closed has shown no interest whatsoever in re-opening the line and this reflects an acknowledgement that compared to when the line was built, it is no longer sustainable, viable, or responsible to pour public funds into a service for which there are viable and better alternatives, a situation which did not exist in 1884.

Accessible public transport is a vital part of servicing a regional and rural community and Council should be placing emphasis on not only sustaining and improving the current bus service to Armidale but also on ensuring the government continues to maintain and improve the New England Highway and the Gwydir Highway.

It is clear and understandable that no government will commit to the funding to reinstate the rail line and it is difficult to advocate for that with any semblance of financial responsibility with regard to public funds.

Council at its meeting on the 23rd March resolved:

That Council progresses the lease arrangements and commences the design process for the construction and ongoing operation of the New England Rail Trail between Glen Innes and Ben Lomond.

Armidale and Glen Innes Severn Council's have attracted almost \$20M in funding for the New England Rail Trail and whilst that project is in its early stages with community consultation yet to occur, a resolution to support Trains North would effectively mean the Rail Trail would not go ahead.

Essentially the decision for Council is to either proceed with the planning and consultation for the Rail Trail or leave the corridor in its current state for the foreseeable future.

- (c) **Options**
Nil

IMPLICATIONS TO BE ADDRESSED

- (a) **Financial**

There are no financial implications for Council however supporting the request would effectively mean losing the funding for the Rail Trail.

- (b) **Governance/Policy**

Nil

(c) Legislative/Statutory

Nil

(d) Risk

Nil

(e) Social

Nil

(f) Environmental

Nil

(g) Economic

The only economic impact of the decision relates to the future positive economic impact should the rail trail proceed. The Rail Trail will have an associated maintenance cost.

(h) Asset Management

Nil

CONSULTATION

(a) External

Nil

(b) Internal

Director Infrastructure Services

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Economic Development Principal Activity ED 2.5.1: Deliver the applicable actions, projects and initiatives from the 2020-2040 Economic Development Strategy and 2020-2025 Action Plan.

CONCLUSION

It is not possible to see any circumstances under which government would fund the enormous capital expenditure required to recommence services. There is no advantage to the community in Council supporting an impossible task. Trains North are to be commended for their advocacy with regard to public transport and it is important to advise them that Council supports them with regard to this.

ATTACHMENTS

Annexure A Trains North Incorporated Letter

REPORT TITLE: 7.3 REVISED CODE OF MEETING PRACTICE

ECM INDEXES:

Subject Index: **GOVERNANCE: 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 revised Code of Meeting Practice (**Annexure A**) for its review and adoption.

RECOMMENDATION

That Council adopts the revised Code of meeting Practice.

REPORT

(a) Background

The **Code of Meeting Practice (the Code)** was last adopted by Council on 24 February 2022 and is due for review within 12 months after a local government general election.

The Code may also be changed to include other amendments that are to the advantage of Council and in the spirit of the Model Code of Meeting Practice. Any amendment to the Code must be by way of a Council Resolution and in accordance with the **Local Government Act 1993 (the Act)**.

The document has been reviewed by Council's **Management Executive Team (Manex)** and is now recommended for Council's review and adoption.

(b) Discussion

At the 21 September 2023 Ordinary Meeting of Council, a resolution was passed (22.09/23) to amend the Code of Meeting Practice to include provisions from the Model Code of Meeting Practice, allowing Councillors, under special circumstances, to attend Council meetings via audio-visual link.

Subsequently, a draft Code was prepared and placed on public exhibition, inviting submissions, in accordance with section 361 of the Act. Submissions are to be accepted until Tuesday, 21 November 2023. No submissions have been received at the time this report was prepared and if any submissions are received after the business paper has been finalised, these submissions will be tabled at the meeting.

If any submissions are received these are to be considered by Council and Council may decide to amend provisions in the Code that are not mandatory provisions, or it may adopt the draft Code. If any proposed amendments are considered substantial, the amended draft may be publicly exhibited again in accordance with section 361 of the Act. If no submissions are received, Council may simply adopt the draft Code.

The proposed amendments to the Code have been taken from the Model Code of Conduct and are non-mandatory provisions. The draft amendments are inserted from clause 5.18 – 5.29 under the heading, *Attendance by Councillors at meetings by audio-visual link*.

The amendments make provisions for councillors, under certain circumstances, to attend meetings via audio-visual link, and include the processes that must be undertaken to allow such attendance and the requirements of the attendee under such circumstances.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

Once adopted by Council, the revised Code of Meeting Practice will become policy of Council and allow attendance at Council Meetings by councillors, via audio-visual link.

(c) Legislative/Statutory

Local Government Act 1993 - sections 360-64.

(d) Risk

The Code of Meeting Practice and the Code of Conduct for Councillors make adequate provisions in managing risks that might arise from Councillors attending meetings via audio-visual link.

Councillors who attend a Council meeting via audio-visual link must be mindful of confidentiality and ensure that, in the case of parts of the meeting closed to members of the public, no one is in sight of the screen or can hear any discussion.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

General Manager and Executive Assistant to the Mayor and General Manager.

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.

CONCLUSION

Council's Code of Meeting Practice has been revised to include changes that have occurred since the current Code was adopted in February 2022. Changes are substantial, meaning the Code has been placed on public exhibition in accordance with the Act, and the revised Code is now presented to Council for its review and adoption.

ATTACHMENTS

Annexure A Draft Code of Meeting Practice

REPORT TITLE: 7.4 ATTENDANCE AT COUNCIL MEETINGS BY AUDIO-VISUAL LINK - CR GRESHAM

ECM INDEXES:

Subject Index: **GOVERNANCE: Councillors**

Customer Index: **NIL**

Property Index: **NIL**

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

PURPOSE

The purpose of this report is to provide Council with a request, from Councillor Gresham to attend the following Ordinary Meetings of Council by audio-visual link, in accordance with the Code of Meeting Practice:

- 23 November 2023;
- 21 December 2023;
- 22 February 2024; and
- 28 March 2024.

RECOMMENDATION

That Council approves Councillor Gresham’s attendance via audio-visual link, in accordance with Council’s Code of Meeting Practice, at the following Ordinary Meetings of Council, on the grounds that she cannot attend these meetings in person due to being out of Australia:

- *23 November 2023;*
- *21 December 2023;*
- *22 February 2024; and*
- *28 March 2024.*

REPORT

(a) Background

At the 21 September 2023 Ordinary Meeting of Council, a resolution was passed (22.09/23) to amend the Code of Meeting Practice to include provisions from the Model Code of Meeting Practice, allowing Councillors, under special circumstances, to attend Council meetings via audio-visual link.

Subsequently a draft Code of Meeting Practice was prepared and placed on public exhibition, inviting submissions, in accordance with section 361 of the *Local Government Act*. The revised Code has been provided to Council for adoption prior to dealing with this report.

If the revised Code of Meeting Practice is not adopted by Council, this report will have no relevance. The report has been prepared on the assumption that the revised Code of Meeting Practice will be adopted by Council, enabling Cr Gresham's request to attend the listed meetings by audio-visual link to be approved under the revised Code.

(b) Discussion

Clause 5.18 – 5.29 of the Code of Meeting Practice makes provisions for attendance by Councillors at meetings by audio-visual link. In accordance with these provisions, Cr Gresham has made a request, in writing, to the General Manager.

The request has specified the meeting dates and the reason for the request. Cr Gresham has requested to attend this meeting and the following three Ordinary Meetings of Council via audio-visual link due to family reasons.

In accordance with clause 5.22, Cr Gresham is attending this meeting via audio-visual link and may participate in the meeting until Council determines whether to approve the request. Cr Gresham is to be considered present at the meeting and may participate in the decision relating to this report. If Council does not approve Cr Gresham's request, her link to the meeting will be terminated.

If the request is approved, Cr Gresham must give her full attention to the business of the meeting, be properly dressed, and ensure no items are in sight of the meeting that are inconsistent with the maintenance of order at the meeting or may bring Council into disrepute. She must also ensure that her camera is always on, unless otherwise indicated by the Code of Meeting Practice.

Further, the Code of Meeting Practice and Code of Conduct for Councillors, including the declaration of conflicts of interest, applies equally to all councillors whether attending in person or via audio-visual link.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

- Code of Meeting Practice
- Code of Conduct for Councillors

(c) Legislative/Statutory

- *Local Government Act 1993* – section 360

(d) Risk

The Code of Meeting Practice and the Code of Conduct for Councillors make adequate provisions for managing any risks associated with Councillors attending meetings via audio-visual link.

Councillors who attend a Council meeting via audio-visual link must be mindful of confidentiality and ensure that, in the case of parts of the meeting closed to members of the public, no one is in sight of the screen nor can hear any discussion.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

General Manager and Executive Assistant (to the Mayor and General Manager).

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.

CONCLUSION

Cr Gresham has made a request in accordance with the revised Code of Meeting Practice, to attend four Council meetings via audio-visual link. This report is put to Council seeking approval for the request.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.5 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT

ECM INDEXES:

Subject Index: **RISK MANAGEMENT – Audit, Risk and Improvement Committee (ARIC)**
GOVERNANCE – Committees of Council

Customer Index: **Audit, Risk and Improvement Committee (ARIC)**

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 **Audit, Risk and Improvement Committee (ARIC)** Annual Report 2022-2023 (**Annexure A**).

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

The requirement for each Council to have an ARIC is prescribed in section 428A (1) of the **Local Government Act 1993 (the Act)**.

The NSW **Office of Local Government (OLG)** has been working with key stakeholders and industry experts to develop the regulatory framework that will support the operation of ARICs, and the establishment of a risk management and internal audit function in each council. The OLG released draft **Risk Management and Internal Audit for Local Councils in NSW Guidelines (the Guidelines)** in August 2021.

The OLG is yet to finalise the Guidelines, however correspondence received through a Circular to Councils (Circular No 22-41 / 19 December 2022 / A843647) indicates that the draft Guidelines are approved but awaiting the amendments to the **Local Government (General) Regulation 2021 (the Regulation)**, which will give statutory force to elements of the Guidelines.

(b) Discussion

The ARIC Terms of Reference require quarterly and annual reporting and assurance from the ARIC to Council's governing body.

Further, the Guidelines require that Council's ARIC must provide an annual assessment to the governing body of Council. This will ensure that the governing body of Council is fully informed of the ARIC's work and its opinion on how council is performing.

The annual assessment must include:

- a summary and assessment of the work the ARIC performed to discharge its responsibilities during the preceding year;
- an overview and assessment of the work of the internal audit function;
- progress against key performance indicators;
- advice on the appropriateness of the ARIC's terms of reference;
- an independent assessment and advice on the matters considered by the ARIC during the year that, in the ARIC's opinion, and based on the level of risk facing the council, the governing body should be informed of; and
- other views or opinions on the council that the ARIC wishes to share.

The ARIC Annual Report contains the annual assessment and is presented to Council for their information. Consideration will be given in 2024 to the benefits of the Council, the General Manager and ARIC meeting annually to consider the ARIC Annual Report.

The report covers a summary and assessment of ARIC activities, details of its independent members and the non-voting councillor member, an overview and assessment of Council's internal audit function, advice from the ARIC on key challenges faced by Council, and the General Manager's Internal Audit and Risk Management Attestation Statement.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

- Draft *Risk Management and Internal Audit for Local Councils in NSW Guidelines*;
- ARIC Terms of Reference; and
- Internal Audit Charter.

(c) Legislative/Statutory

Section 428A of the Act.

(d) Risk

The ARIC is required to keep risk management of Council functions under review.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

The ARIC and the Management Executive Team have reviewed the Annual Report and provided input.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.3.7: Provide an Audit Risk and Improvement Committee in line with the Office of Local Government Risk Management Framework and Internal Audit Guidelines and ensure it has sufficiently resourced secretariat support to function optimally.

CONCLUSION

The ARIC Annual Report (2022-2023) has been reviewed by the ARIC and the Management Executive Team and is now presented to Council in accordance with the Guidelines.

ATTACHMENTS

Annexure A ARIC Annual Report 2022-2023

**REPORT TITLE: 7.6 AUDIT, RISK AND IMPROVEMENT COMMITTEE -
REPORT AND MINUTES**

ECM INDEXES:

Subject Index: **RISK MANAGEMENT – Audit, Risk and Improvement
Committee (ARIC)
GOVERNANCE – Committees of Council**

Customer Index: **Audit, Risk and Improvement Committee (ARIC)**

Property Index: **NIL**

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

PURPOSE

The purpose of this report is to provide Council with the minutes of the **Audit, Risk and Improvement Committee (ARIC)** meeting held on Tuesday, 5 September 2023 (*Annexure A*).

RECOMMENDATION

That Council notes the information contained in this report.

REPORT

(a) Background

The requirement for each Council to have an ARIC is prescribed in section 428A (1) of the **Local Government Act 1993 (the Act)**.

The NSW **Office of Local Government (OLG)** has been working with key stakeholders and industry experts to develop the regulatory framework that will support the operation of ARICs, and the establishment of a risk management and internal audit function in each council. The OLG released draft **Risk Management and Internal Audit for Local Councils in NSW Guidelines (the Guidelines)** in August 2021.

The OLG is yet to finalise the Guidelines, however correspondence received through a Circular to Councils (Circular No 22-41 / 19 December 2022 / A843647) indicates that the draft Guidelines are approved but awaiting the amendments to the **Local Government (General) Regulation 2021 (the Regulation)**, which will give statutory force to elements of the Guidelines.

The Guidelines provide that the governing body and General Manager must be advised, at a minimum, of:

- any formal resolutions of the ARIC;
- the ARIC’s assessment of any audits conducted, including any breaches or lack of controls that require an immediate response from the council;
- progress on the implementation of corrective actions;
- opportunities for longer-term improvement; and
- any key opinions or ‘take-outs’ from the ARIC’s meeting.

Further, the OLG has created model terms of reference for ARICs, a model internal audit charter and a model risk management policy for use by councils.

Council must comply with the Guidelines from 1 July 2024.

(b) Discussion

The last ordinary meeting of the ARIC was held on Tuesday, 5 September 2023. The minutes of that meeting are provided for Council’s review.

Some key take-aways from the meeting included:

- The recommendation that a start should be made on the Long-Term Financial Plan by preparing all preliminary data;
- An action for training workshops to be held for staff on the new Procurement Policy;
- Deferring the Internal Audit of Waste Management until some staff are hired in that area who may assist the audit; and
- Establishing an Internal Audit Manual to guide audit processes.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil.

(b) Governance/Policy

- The Guidelines;
- ARIC Terms of Reference; and
- Internal Audit Charter.

(c) Legislative/Statutory

The Act states the following:

428A Audit, Risk and Improvement Committee

(1) A council must appoint an Audit, Risk and Improvement Committee.

(2) The Committee must keep under review the following aspects of the council's operations—

(a) compliance,

(b) risk management,

(c) fraud control,

(d) financial management,

(e) governance,

(f) implementation of the strategic plan, delivery program and strategies,

(g) service reviews,

(h) collection of performance measurement data by the council,

(i) any other matters prescribed by the regulations.

(3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.

(d) Risk

The ARIC is required to keep risk management of Council functions under review.

(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 links to Council’s Delivery Program Council Sustainability, Transparency and Communication Principal Activity STC 5.3.7: Provide an Audit Risk and Improvement Committee in line with the Office of Local Government Risk Management Framework and Internal Audit Guidelines and ensure it has sufficiently resourced secretariat support to function optimally.

CONCLUSION

A quarterly report to Council for information is provided, along with the minutes from the 5 September 2023 ARIC Meeting.

ATTACHMENTS

Annexure A 5 September 2023 ARIC Minutes

REPORT TITLE: 7.7 ANNUAL REPORT (2022/2023)

ECM INDEXES:

Subject Index: **CORPORATE MANAGEMENT: Reporting
INFORMATION MANAGEMENT: Publications**

Customer Index: **NIL**

Property Index: **NIL**

AUTHORS: **Dennis McIntyre - Manager of Governance, Risk and
Corporate Planning
Simone Murray - Governance Administration Officer**

PURPOSE

The purpose of this report is for Council to receive and endorse the Glen Innes Severn Council Annual Report for the 2022/2023 Financial Year (**Annexure A** - distributed under separate cover with this Business Paper).

RECOMMENDATION

That Council endorses the Glen Innes Severn Council Annual Report for the 2022/2023 Financial Year, for display on Council's website by Thursday, 30 November 2023, and notification to the Minister for Local Government.

REPORT

(a) Background

In accordance with section 428 of the **Local Government Act 1993 (the Act)**, Council must prepare an annual report within five months of the end of the financial year.

(b) Discussion

The Glen Innes Severn Council Annual Report for the 2022/2023 Financial Year has been prepared in accordance with the requirements set out in the **Integrated Planning and Reporting Guidelines (the Guidelines)**. It includes the following:

- Message from the Mayor;
- General Manager's overview;
- Information about Council and councillors;
- Governing Principles;

- Integrated Planning and Reporting, including the annual review of performance;
- Highlights of the year;
- Environment, planning and economic development;
- Statutory reporting;
- Access and equity activities to meet residents' needs;
- Major contracts awarded; and
- Human resource activities.

The 2022/2023 Annual Report must include Council's Audited Financial Statements for the 2022/2023 Financial Year; however, due to the ongoing implementational issues with the new finance system, Council has been granted an extension until 22 December 2023 to lodge its Financial Statements.

A further extension will likely be sought to lodge the Financial Statements by no later than 28 February 2024. Accordingly, this information will be presented to Council and published on the Glen Innes Severn Council website once it is available.

As a result of the Financial Statements not being available at the time of preparing the Annual Report, the following items, usually included in the Annual Report, will be presented to Council once the Financial Statements are available:

- Summary of the key financial results for the 2022/2023 Financial Year;
- Competitive neutrality implementation progress;
- Category 1 Business activities competitive neutrality statement;
- Payment of expenses to the Mayor and councillors; and
- Condition of Public Works.

The Annual Report also includes Appendices containing additional reports as follows:

- Appendix A – Report on the Operational Plan Performance 2022/2023;
- Appendix B - Government Information (Public Access) Report 2022/2023;
- Appendix C - Audit of Open Access Information; and
- Appendix D - Delegates to Committees 2022/2023.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

As mentioned, Council has been granted an extension to lodge its 2022/2023 Annual Financial Statements by 22 December 2023, with a further extension likely to be sought to lodge the Financial Statements no later than 28 February 2024. The financial information will be presented to Council and published on the Glen Innes Severn Council website once it is available.

(b) Governance/Policy

Once adopted by Council, the Annual Report will be able to be accessed through Council's Website at www.gisc.nsw.gov.au.

Further, a link to the report will be provided to the **Office of Local Government (OLG)** by 30 November 2023.

(c) Legislative/Statutory

- *Local Government Act 1993* – section 428.
- *Local Government (General) Regulation 2021* – section 217, *additional information for inclusion in annual report*.

(d) Risk

The risk exists that an Annual Report of Council may contain inaccuracies which may be misleading for the community. To mitigate this risk, each element of the Annual Report is sought from relevant stakeholders with the required expertise in their field. Council also uses various operational and reporting software to assist with legislative and statutory compliance.

(e) Social

The Annual Report includes information pertinent to community members and may assist their understanding of how Council has been performing.

(f) Environmental

The Annual Report contains information pertaining to the *Environment Planning and Assessment Act 1979*, including particulars of any environmental upgrade agreement entered into by Council and projects undertaken to preserve, protect, restore and enhance the environment.

(g) Economic

The Annual Report reports on economic development measures undertaken by Council.

(h) Asset Management

The Annual Report reports on various matters pertaining to asset management including major works carried out.

CONSULTATION

(a) External

The OLG was consulted regarding an extension to submit the Audited Financial Statements.

(b) Internal

To compile the Annual Report, an extensive consultation process began in August 2023 with each directorate. Many council staff have contributed content for this report before being reviewed by the **Management Executive Team (Manex)**.

Council's Governance Administration Officer played a significant role in coordinating the information contained within the report and its presentation.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

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

CONCLUSION

The Glen Innes Severn Council Annual Report for the 2022/2023 Financial Year has been prepared and is presented to Council for endorsement. Following endorsement, it will be posted on Council's website and the Minister for Local Government will be advised.

ATTACHMENTS

Annexure A Glen Innes Severn Council 2022-2023 Annual Report (*under separate cover*)

**REPORT TITLE: 7.8 GLEN INNES SALEYARDS ADVISORY COMMITTEE -
ENDORSEMENT OF ADDITIONAL MEMBERS**

ECM INDEXES:

Subject Index: **GOVERNANCE: Committees of Council**

Customer Index: **Glen Innes Saleyard Advisory Committee**

Property Index: **NIL**

**AUTHORS: Simone Murray - Governance Administration Officer
Dennis McIntyre - Manager of Governance, Risk and
Corporate Planning**

PURPOSE

The purpose of this report is for Council to consider endorsing recommendations made at the Glen Innes Saleyards Advisory Committee meeting held on Wednesday, 16 August 2023.

RECOMMENDATION

That Council endorses the following additional representatives to the Glen Innes Saleyards Advisory Committee:

- *Carl Hooton and Nash Tome - Elders (alternating agent representatives); and*
- *Angus Vivers (landholder representative).*

REPORT

(a) Background

The Glen Innes Saleyards Advisory Committee includes representation from landholders, transport / carriers and selling agents. The Committee is required to consider matters and make recommendations to Council.

Seven nominations were received at the 2023 **Annual General Meeting (AGM)** of the Glen Innes Saleyards Advisory Committee (noting that Terry te Velde and Barry Newberry are alternating representatives for the same organisation and therefore qualify as a single member).

Council resolved the following at its Ordinary Council Meeting held on Thursday, 25 May 2023:

Moved Cr T Alt

Seconded Cr C Sparks

14.05/23 RESOLUTION

That Council endorses the following six representatives as the newly elected Glen Innes Saleyards Advisory Committee:

- Shad Bailey - Colin Say and Co Pty Ltd (agent representative)
- Tony Corcoran (landholder representative)
- Nick Lehman - Stocktrans (transport representative)
- Lyle Perkins (landholder representative)
- Terry te Velde (alternate Barry Newberry) - Newberry te Velde Cariage Agencies (agent representative)
- Peter Trow (landholder representative)

CARRIED

An additional three nominations were received at the Glen Innes Saleyards Advisory Committee meeting held on Wednesday, 16 August 2023 (**Annexure A**), which now require endorsement by Council (noting again that two of these are alternating representatives for Elders).

(b) Discussion

The minutes of the Glen Innes Saleyards Advisory Committee meeting held on Wednesday, 16 August 2023, include the following recommendations for membership, for consideration by Council:

- Carl Hooton - Elders (alternating agent representative);
- Nash Tome - Elders (alternating agent representative); and
- Angus Vivers (landholder representative).

In accordance with Council's resolution 14.09/23, dated Thursday, 21 September 2023, Council's representatives on this Committee are the Mayor (Councillor Rob Banham) and Councillor Tim Alt. The General Manager, Director of Place and Growth and the Saleyards Manager also attend these meetings as management representatives.

The Manual recommends that members should be residents of the Glen Innes Severn **Local Government Area (LGA)** or work for businesses within the LGA. Noting that the saleyards facility is utilised by residents outside of the LGA, including Angus Vivers, it is considered in keeping with the intent of the Manual that Angus Vivers' nomination be endorsed by Council.

Vale Tony Corcoran

It is with great sadness that Tony Corcoran will no longer be a part of the committee after his recent passing. Tony's valuable contributions from his many years as a selling agent and extensive knowledge as a landholder representative will be greatly missed.

Section 2(d) of the Constitution of the Glen Innes Saleyards Advisory Committee limits membership to three councillors, three landholders, one transport/carrier and one representative from each of the selling agents. With the departure of Tony Corcoran, the addition of Angus Viviers will fill the landholder representative positions.

Council currently provides a minute secretary to assist the committee.

(c) Options

Nil.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

As this is an advisory Committee of Council, the Glen Innes Saleyards Advisory Committee has no financial delegations.

(b) Governance/Policy

A wholly advisory committee is a Council committee that Council has not delegated any functions to. Members of such a committee do not fall under Council's Code of Conduct for Council Committees, Delegates and Advisers, although Council staff members and Councillors will come under the Code of Conduct for Council Staff and Code of Conduct for Councillors, respectively.

The committee has its own constitution therefore the general terms of reference in the Manual for Community Committees of Council do not apply. Although the number of allowable members can exceed 12, the types of members are limited by section 2(d) of the constitution.

(c) Legislative/Statutory

The Glen Innes Saleyards Advisory Committee is a Community Committee of Council under the provisions of Section 355 of the *Local Government Act 1993*. Any authority the Committee may be provided is delegated under ss 377-78 of the Act.

(d) Risk

There is a risk to Council by appointing community members to committees to manage facilities or functions and provide services for Council.

If committee members do not comply with the roles and responsibilities as set out in the Manual, or within the committee’s adopted constitution / terms of reference, there is potential risk that committee members may not be covered by Council’s insurance.

Council aims to mitigate these risks by providing electronic and hard copies of the Manual and associated documents to committee members as well as providing annual training to all committees.

(e) Social

The Glen Innes Saleyards Advisory Committee provides input into the strategic direction of the Saleyards within the Local Government Area; as well as taking into consideration the requirements of all users including buyers, vendors, agents, suppliers, and staff to monitor areas of improvement.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil.

(b) Internal

The Manager of Governance Risk and Corporate Planning was consulted in relation to risk.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council’s Delivery Program Economic Development Principal Activity ED 2.6.1: Deliver the Glen Innes Saleyards Services to a break-even or profitable level.

This report links to Council’s Delivery Program Economic Development Principal Activity ED 2.6.2: If Item ED 2.6.1 is not being delivered, determine the ongoing viability of and strategy for the Glen Innes Saleyards.

This item links to Council’s Delivery Program Community Service Strategy CS 5.1 “Promote partnerships between the community and Council in achieving this objective”.

CONCLUSION

The Glen Innes Saleyards Advisory Committee duly considered the matters brought before it, and the recommendations arising from the meeting require endorsement from Council.

With the three nominations of Carl Hooton, Nash Tome and Angus Vivers, Council’s approval is now sought for the additional memberships.

ATTACHMENTS

Annexure A Glen Innes Saleyards Advisory Committee - Minutes 16/08/2023

REPORT TITLE: 7.9 INVESTMENT REPORT - OCTOBER 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 \$20.8M 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 31 October 2023	\$3,311,941.19
Balance as per Bank :	
Opening Balance 1 October 2023	\$4,945,983.30
October Movements	-\$1,687,895.40
Closing Balance 31 October 2023	\$3,258,087.90
less : Unrepresented Receipts & Payments	-\$35,778.14
less : Timing Differences	\$0.00
Total:	\$3,293,866.04
Variance	\$18,075.15
	
Responsible Accounting Officer	
6 November 2023	

The variance of \$18K 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 \$
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		4.99%	Total Investments		20,800,000	894,542
Avg. Headline Rate Return		4.95%	Cash on Hand		3,258,088	
			Total Cash and Investments		24,058,088	

* Although this bank funds fossil fuels, this investment 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 31 Oct 2023	\$395,269.67
--	---------------------

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

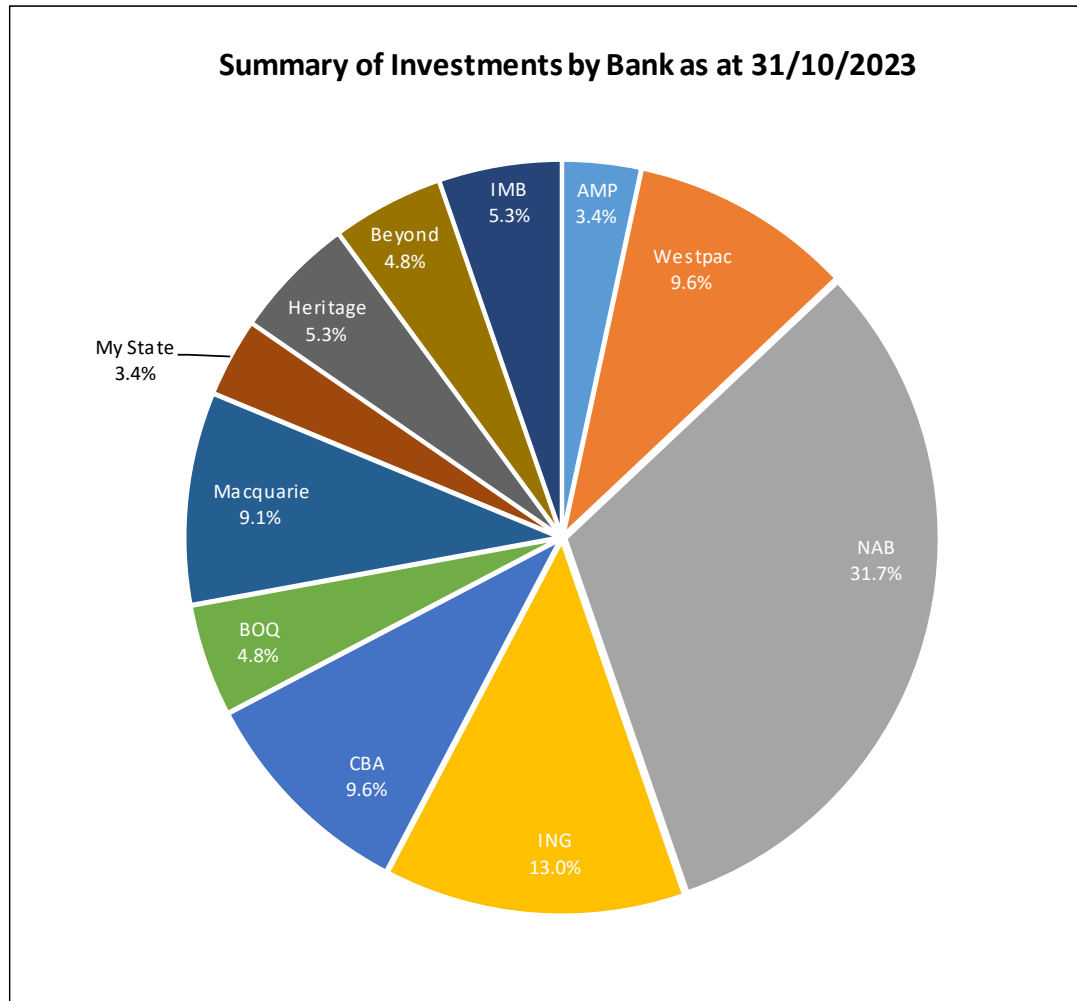
Investment Movements	
Opening Balance as at 1 October 2023	22,800,000
Less :	
Maturities (2)	2,000,000
Subtotal	20,800,000
Plus :	
Rollovers (0)	-
New Investments (0)	-
Current Balance as at 31 October 2023	20,800,000

During the reporting month there were two term deposits that matured: \$1M with Westpac and \$1M with CBA. Neither were reinvested as our cash on hand balance dipped below our comfort level of \$1.5M - \$2.0M during the month.

A summary of maturities is below:

Period	No. of Term Deposits Maturing	Value
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	20	\$20,800,000

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 4.99%. This is an increase on the actual average return of 0.59%, 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 3.63%.

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

Investment Balances	This Year	Last Year
Opening Balance 1 October	22,800,000	17,700,000
Closing Balance 31 October	20,800,000	17,704,400

(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 were within policy limits for most of the month until \$2.0M was allowed to mature without reinvestment, meaning term deposits with BBB rated institutions took up a greater overall percentage of investments than they would have if the \$2.0M had been reinvested. This is a temporary situation until reinvestment occurs in the coming weeks.

Credit Quality Portfolio Compliance

The following table details the credit rating of each of the categories where Council has money invested. All investments were compliant with the Policy at time of investment:

Compliant	Credit Rating	Invested	Invested \$	Policy Limit	Available \$
Yes	AAA	0.00%	-	100%	20,800,000
Yes	AA	50.96%	10,600,000	100%	10,200,000
Yes	A	22.12%	4,600,000	45%	4,760,000
Yes	BBB	26.92%	5,600,000	25%	- 400,000
Yes	Government	0.00%	-	100%	20,800,000
		100.00%	20,800,000		

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

(c) Legislative/Statutory

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

Section 625 of the Act states the following:

How may Councils invest?

- (1) *A Council may invest money that is not, for the time being, required by the Council for any other purpose.*
- (2) *Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.*
- (3) *An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.*
- (4) *The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.*

Section 212 of the Regulation states the following:

Report on Council's Investments

- (1) *The responsible accounting officer of a council:*
 - (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
 - (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*

- (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
- (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

(d) Risk

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

RISK ASSESSMENT OF INVESTMENT PORTFOLIO

Investment Type	Risk Assessment		Amount \$	% of Portfolio
	Capital	Interest		
Term Deposits	Low	Low	20,800,000	100%
Total			20,800,000	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 similar to or 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 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: 7.10 CAPITAL WORKS PROGRAM PROGRESS REPORT
AS AT 31 OCTOBER 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, including 2023/2024 projects and projects carried over or revoted from earlier years (2020 onwards).

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 staff who have ownership of the various projects, to ensure that there is up-to-date commentary. It 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**).

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 2023/2024 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 31 October 2023 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 completed.

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

New Finance System 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 2022/2023 is still being worked on, with final user acceptance testing completed. System issues flagged by Open Office are causing delays in completing the final step. 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 is continuing for the 2022/2023 year end. Balance sheet reconciliations have made significant progress and have been marked as a priority to complete. The Rates and Water systems are posing significant challenges due to not being able to be reconciled with the general ledger and this is causing delays with year-end work.

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, private works performance and business unit reporting for the quarry and Life Choices.

Mt Mitchell Road, Yarrow Creek Bridge Replacement

The concrete bridge deck on the Yarrow Creek bridge was poured on 4 October 2023, completing the bridge super-structure works.



Image 1: Yarrow Creek deck pour

Capital Works Program for the 2022/2023 Financial Year (Annexure D)

Ten Mile Road gravel re-sheet

The 10km gravel re-sheet of Ten Mile Road reached 80% completion in October, using a 40mm crushed gravel product from Council's Deepwater gravel pit. The road is planned to be sealed in December under separate funding.



Image 2: Ten Mile Road gravel re-sheet

Pathways linking Indoor Sports Stadium

Works are underway along the Rocky Ponds Creek and Taylor Street shared pathways with 300 lineal metres of path poured in October.



Image 3: Shared pathway construction

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. Concept designs have been developed and now awaiting cost estimates. The detailed design phase is in progress along with the drafting of construction documentation. Construction is anticipated to commence early January 2024.

Glen Innes Outdoor Multi-Purpose Courts (GIOMC)

Construction of the outdoor multipurpose courts is completed with the surface painted, goal posts/hoops installed and line marking in place. Landscaping is yet to be undertaken.



Glen Innes Skate Park Redevelopment

Construction commenced on 30 October 2023 on the Glen Innes Skate Park Redevelopment project. Old equipment has been removed and the first pour commenced on Wednesday, 1 November 2023. The project is on track for completion by 31 December 2023 (subject to material availability and weather).



(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	\$ 1,674,679	99%
CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2021-2022	\$ 9,605,146	\$ 6,440,891	67%
CAPITAL WORKS PROGRAM REVOTES-2022	\$ 1,573,546	\$ 1,370,098	87%
CAPITAL WORKS PROGRAM CARRIED FORWARD 2022-2023	\$ 18,856,711	\$ 5,613,501	30%
CAPITAL WORKS PROGRAM REVOTES 2022-2023	\$ 77,763	\$ 61,603	79%
CAPITAL WORKS PROGRAM 2023-2024 (includes 7169C24 \$1,099,000 Heavey Patching Operational Costs)	\$ 22,049,875	\$ 2,042,892	9%
CAPITAL WORKS PROGRAM REVOTES 2023-2024	\$ 4,023,907	\$ 426,425	11%
TOTALS	57,871,012.86	17,630,087.60	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 relating 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. 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	ANNEXURE A CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2020-2021
Annexure B	ANNEXURE B CAPITAL WORKS PROGRAM CARRIED FORWARD FROM 2021-2022
Annexure C	ANNEXURE C CAPITAL WORKS PROGRAM REVOTES - 2022
Annexure D	ANNEXURE D CAPITAL WORKS PROGRAM CARRIED FORWARD 2022-2023
Annexure E	ANNEXURE E CAPITAL WORKS PROGRAM 2022-2023 REVOTES
Annexure F	ANNEXURE F CAPITAL WORKS PROGRAM 2023-2024
Annexure G	ANNEXURE G CAPITAL WORKS PROGRAM REVOTES 2023-2024

**REPORT TITLE: 7.11 REVIEW OF WORK HEALTH AND SAFETY
MANAGEMENT PLAN**

ECM INDEXES:

Subject Index: **WORK HEALTH AND SAFETY (WHS): Policies and
Procedures
CORPORATE MANAGEMENT: Policy**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Ann Blunt - WHS Co-ordinator

PURPOSE

The purpose of this report is to present Council with the reviewed Work Health and Safety Management Plan, for adoption (***Annexure A***).

RECOMMENDATION

That the Council adopts the draft Work Health and Safety Management Plan.

REPORT

(a) Background

The current **Work Health and Safety Management Plan (WHSMP)** was last reviewed in February 2020 and is due for review every three years. It forms part of Council's **Work Health and Safety Management System (WHSMS)**.

(b) Discussion

The WHSMP provides an overarching view of Council's WHSMS, bringing various systems and procedures together into a single reference document. It sets operational and strategic directions for the effective implementation of **Work Health and Safety (WHS)** over a three-year period.

The WHSMP has been updated in line with the various source documents that Council has available for the improvement of its WHSMS. Such sources include the annual StateCover WHS self-audit, which was the primary source of information, the StateCover WHS Management System Audit and Gap Analysis carried out in 2022, and Council's Officers of Due Diligence Framework.

Amendments to the WHSMP include:

- Updating the document to the new Council policy format;
- Updating references to incident reporting software from SafeHold to BeSafe;
- Removing references to the StateCover Safety Culture Survey, which has been discontinued;
- Including information from the WHS Management System Audit and Gap Analysis in 2022;
- Updating the list of Council policies and reference documents;
- Bringing the naming of WHSMP elements into line with the current StateCover elements in the self-audit;
- Adding the self-audit gradings to each element of the WHSMP;
- Listing relevant policies and procedural documents with each element, in line with the requirements of the self-audit;
- Adding budget considerations for some elements, where training or specific funding is required for the element (such as health monitoring);
- Adding the element 'Psychosocial risks – General' in line with the self-audit;
- Adding the element 'Hazardous work – work near overhead powerlines and underground services' in line with the self-audit;
- Adding an explanation of the changes to the qualification process for the annual StateCover WHS incentive payment;
- Aligning the action plan with the 2022 self-audit scores; and
- Prioritising self-audit elements with a score in the range of 25 – 36% through to 50 – 55% for completion within the life of the WHSMP.

The draft WHSMP has been reviewed by the Work Health and Safety Consultative Group and Council's Management Executive Team and is now presented to Council for adoption. It will provide the structure necessary for Council to achieve a high standard of safety performance over the next three (3) years, assisting it to meet its obligations under relevant WHS legislation.

(c) Options

Nil.

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

Provision has been made in Council's 2023/2024 budget for costs associated with the implementation of the WHSMP, as outlined in the following table:

Item	Budget Amount
WHS Chemwatch	\$3,000
WHS Drug and Alcohol Administration	\$6,000
WHS Environmental Monitoring	\$15,000
WHS Health Checks	\$10,000
WHS Immunisations	\$15,000
WHS Mature Age Workforce	\$10,000
WHS Safety Hub Online Training	\$2,200
WHS Corporate Training	\$69,595
StateCover safety and wellbeing incentive payment (TBC)	\$30,000
TOTAL	\$160,795

(b) Governance/Policy

Once adopted, the WHSMP will effectively 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 WHSMP is an important component of Council's WHSMS, assisting Council to minimise risks and provide a safe workplace.

(e) Social

Nil.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

SafeWork NSW, StateCover Mutual Limited.

(b) Internal

Management Executive Team, WHS Consultative Group, Council work teams.

CONCLUSION

The review of the WHSMP has been carried out in line with relevant legislation and in consultation with affected staff. Its implementation will ensure that Council's WHSMS is delivered in a structured fashion, contributing to safety outcomes, and assisting Council to meet its WHS legislative obligations. It is now presented to Council for adoption.

ATTACHMENTS

Annexure A DRAFT Work Health and Safety Management Plan 2023

REPORT TITLE: 7.12 QUARTERLY BUDGET REVIEW - SEPTEMBER 2023

ECM INDEXES:

Subject Index: **FINANCIAL MANAGEMENT: Budgeting**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Gregory Ford - Executive Assistant (Director Corporate and Community Services)

PURPOSE

This report is to be added as a late Item.

RECOMMENDATION

That Council accepts the Quarterly Budget Review – September 2023 as a late agenda item.

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.13 AMENDED 2023/24 BUILDING CERTIFICATE FEES AND CHARGES AND WORDING OF LOCAL APPROVALS (OSSM) - BUILDING INFORMATION CERTIFICATES AND S.68 LOCAL APPROVAL INSPECTIONS ON LAND OUTSIDE OF MAINS SERVICING AREAS

ECM INDEXES:

Subject Index: **FINANCIAL MANAGEMENT: Planning, Budgeting
CORPORATE MANAGEMENT: Planning**

Customer Index: **NIL**

Property Index: **NIL**

AUTHOR: Emily Leach - Building and Environmental Health Officer

PURPOSE

The purpose of this report is to present to Council, for consideration and endorsement,

- the revised fees and charges for the lodgement of Building Information Certificates for the remainder of 2023/2024 in order to ensure that calculated fees for a Building Information Certificate are charged appropriately; and
- Revise the wording in the 2023/24 GISC Schedule of Fees and Charges for Local Approvals relating to On-site Sewerage Management (**OSSM**) to clarify the application of fees and charges and align with the NSW Plumbing and Drainage legislation.

RECOMMENDATION

THAT Council:

1. ***Endorses for public exhibition for at least 28 days, in accordance with the provisions of Section 610F of the Local Government Act 1993, the revised 2023/24 Fees and Charges and associated wording in specific reference to:***
 - ***an application for a Building Information Certificate; and***
 - ***Plumbing and Drainage works undertaken on land outside of the Council Mains Service areas.***
2. ***Displays the proposed fees on Council's website, and that they be made available for viewing at the following locations:***
 - ***Council's Town Hall Office;***
 - ***Council's Church Street Office; and***
 - ***The Village Post Offices at Deepwater, Emmaville and Glencoe.***

3. *In the absence of any significant submissions being received during the public exhibition period, adopts the amended fees associated with building information certificates and the wording of local approvals (OSSM).*
4. *Requests a further report to be prepared should significant submissions be received.*

REPORT

(a) Background

Council adopted the 2023/24 GISC Schedule of Fees and Charges at the June 2023 Council meeting.

Upon recent application of the **Building Information Certificates (BIC)** and **On-site Sewerage Management (OSSM)** fees and charges, Council staff have identified the need to amend and clarify these charges.

(b) Discussion

Building Information Certificates – Fees and Charges

A **Building Information Certificate (BIC)** is issued by the Local Council for the whole or part of a building. The certificate is a confirmation from Council that Council will not issue an order, or take proceedings for an order or injunction, for the repair, demolition, alteration, addition or rebuilding of the building. The certificate is issued for a specified period, being a period of seven (7) years and only covers such matters which exist or occur at the time of issue of the certificate. In order to apply for a certificate, an application must be lodged with Council.

At the time of drafting the 2023/24 Fees and Charges, Council officers were aware that legislated changes associated with the lodgement of a BIC were removed from the ***Environmental Planning and Assessment Regulation 2000 (EPA Reg 2000)*** during its revision in 2021, but on the advice of the Department of Planning was advised that this was an oversight and to continue to charge the same fees as those imposed under the repealed EPA Reg 2000.

To date, this advice has not been forthcoming, instead the amended ***Environmental Planning and Assessment Regulation 2021 (EPA Reg 2021)*** advises that the repealed Clause 260 of the *EPA Reg 2000* has been moved to the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. However, BIC's are not mentioned in this regulation.

It is to be noted, that the EPA Reg 2021 notes that the fee for a BIC lodged on the NSW Planning Portal (the **Portal**) is 0.4 fee units. This referenced fee is the NSW Planning Portal administration fee paid to them directly and not a Council fee or charge for undertaking the BIC assessment. There are only a small number of Council's in NSW that are registered to accept BIC's via the Portal, of which Glen Innes Severn Council is not one. As such there is no prescribed fee for Council to charge under the EPA Reg 2021.

As the BIC Fees are no longer regulated, a comprehensive listing of Council fees and charges applicable to BICs is required.

Lindsay Taylor Lawyers released an “in-focus” blog that addressed this topic. In this blog, posted on May 25, 2022 by Megan Hawley and James King, they noted;

“Implications for Councils

Despite there being no express power under the EPA Act or regulations for Council to charge a fee for dealing with BIC applications, Councils are able to charge an approved fee for services they provide under s608 of the Local Government Act 1993 (LG Act).

Councils may charge fees for a range of services under s608, including a service in connection with the exercise of the council’s regulatory functions – such as issuing a certificate.

If the amount of a fee for a service is determined under another Act, a council may not determine a fee which is inconsistent or in addition to the amount determined under another Act (see s610 LG Act). However, that does not apply to this situation because there is no amount specified for the service of issuing a BIC under any other Act.

Because the charging of a fee for issuing a BIC is not prohibited under the EPA Act, a council is able to charge an approved fee under the LG Act for that service. Councils, however, must ensure that they comply with the requirements of Part 10 of the LG Act before they do so.”

The above interpretation enables Council’s in NSW to impose a charge for a BIC and request additional fees for service provided by Council under the Local Government Act 1993 (**LG Act 1993**), mainly the issuing of approvals.

The following BIC Fees are proposed:

1. In the case of a Class 1 building (together with any Class 10 buildings on the site) or a Class 10 building - \$250.00 for each dwelling contained on the property or any other non-exempt building on the allotment.

2. In the case of any other class of building:

Floor area of building or part	Fee
Not exceeding 200m2	\$250
Exceeding 200m2 but not exceeding 2000m2	\$250 plus an additional \$0.50/m2 for each square
Exceeding 2000m2	\$1165 plus an additional \$0.075/m2 for each m2 over 2000m2

3. In any case where the application relates to a part of building and that part consists of an external wall only or does not otherwise have a floor area - \$250.00.
4. In the case of an application which relates to unauthorised / non-complying building work – a fee which is equivalent to Council’s fees for a development application and construction certificate or a complying development certificate (as applicable) for the building work. Please provide Council with details of the value of the work carried out without the required consent/certificate and contact Council to obtain details of the specific fee for development which is unauthorised or non-compliant with a development consent, complying development certificate or construction certificate.
5. If a fee specified in a Regulation differs from or exceeds the above-mentioned fees, the fee specified in the applicable Regulation applies.

On-Site Sewerage Management – Fees and Charges

Further to the adopted 2023/24 GISC Schedule of Fees and Charges it has been noted that the current wording under the Local Approvals section, specifically relating to an Approval to install, construct or alter an On-site Sewerage System, does not make reference to the requirement for additional inspections under the Plumbing and Drainage Act 2011 and Plumbing and Drainage Regulation 2017, for inspections relating to water supply, internal plumbing rough-in’s and external drainage to an OSSM. These additional fees are to be charged prior to works commencing when a certified plumber lodges with Council the NSW Fair Trading Notice of Works. This is deemed a more equitable and standardised approach in that the fees will be charged when the inspection is undertaken rather than Council charging all fees at the time of lodgement of a Local Approval.

The following additional wording is proposed:

Name	Year 22/23 Fee (incl. GST)	Year 23/24 Fee (incl. GST)	Increase %	GST	Pricing Principle
Cont...					
Approval to install, construct or alter and on-site sewage management system (Includes 2x Inspections)*	227.00	350.00	54.19%	N	D
<i>* Additional inspection fees for Plumbing and Drainage works may be applicable check with approving Council Officer prior to charging.</i>					
Cont...					

(c) Options

NIL

IMPLICATIONS TO BE ADDRESSED

(a) Financial

There will be an increase to Council's revenue with the additional cost associated with the lodgement of a BIC for illegal works undertaken.

With regards to the inspection fees for Plumbing and Drainage works this should not increase Council's revenue but should ensure that appropriate fees are imposed for inspections of works as and when required.

(b) Governance/Policy

Subject to Council's endorsement of the proposed changes, Council's Operational Plan Schedule of Fees & Charges 2023/2024 will need to be updated to reflect the new pricing structure for BIC's and inspections for Plumbing and Drainage.

(c) Legislative/Statutory

Council's in NSW are able to impose a charge for a BIC and request additional fees for service provided by Council under the Local Government Act 1993 (LG Act 1993), mainly the issuing of approvals.

Glen Innes Severn Council as the 'Plumbing Regulator' under NSW Plumbing and Drainage legislation is responsible for the approval and inspection of all plumbing and drainage works in Council's Local Government Area.

(d) Risk

If the BIC fees and charges are too low, then there is a risk that Glen Innes Severn becomes a desirable location for illegal works due to minimal monetary repercussions. This also is an unfair pathway for those doing illegal building works to receive a monetary benefit verses those who comply with the legislated pathway in relation to obtaining the necessary building approval prior to undertaking works.

(e) Social

The increase of BIC fees will encourage people intending to undertake building works to obtain the necessary legislative approvals prior to commencing work.

(f) Environmental

Nil.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Nil. However, desk top research of 'like' Council's fees and charges has been undertaken.

(b) Internal

The Director of Place and Growth, DPR Consultant and General Manger.

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.

CONCLUSION

The revised proposed fees and charges for the lodgement of BIC's for the remainder of 2023/2024 are imperative to ensure fees and charges are aligned with the cost of providing services and ensure that the appropriate legislative approvals are obtained prior to undertaking building works.

The additional wording associated with an OSSM approval will clarify the application of the fees and charges applicable for proposed work and ensure Council is imposing charges for the services provided to our Local Government Area.

ATTACHMENTS

Annexure A Extract of 2023/24 Fees & Charges - BIC and OSSM

REPORT TITLE: 7.14 REVIEW OF LOCAL APPROVALS POLICY

ECM INDEXES:

Subject Index: **CORPORATE MANAGEMENT: Policy
LAWS AND ENFORCEMENT: Local Laws**

Customer Index: **Nil**

Property Index: **Nil**

AUTHOR: Gayleen Burley - Director of Place and Growth

PURPOSE

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

RECOMMENDATION

That Council:

- 1. Approves the public exhibition of the revised Local Approvals Policy for 28 days from Thursday, 30 November 2023, until Wednesday, 28 December 2023.***
- 2. Displays the revised Local Approvals Policy on Council’s website and for viewing at the following locations:***
 - Council’s Town Hall Office;***
 - Council’s Church Street Office; and***
 - The Post Offices at Deepwater, Emmaville and Glencoe.***
- 3. In the absence of any significant submissions being received during the public exhibition period, adopts the revised Local Approvals Policy.***
- 4. Requests a further report to be prepared should significant submissions be received.***

REPORT

(a) Background

A Local Approvals Policy controls activities under Section 68 of the Local Government Act. Section 68 identifies works that are exempt, specifies which

works require approval through an activity application and outlines criteria for consideration in the approval of activity applications.

The Local Approvals Policy was last adopted by Council on 23 March 2017 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

Any LAP developed by a Council must consist of three (3) parts. These are:

- Part 1 - Exemptions [from requiring approval];
- Part 2 - Criteria for consideration; and
- Part 3 - Other matters (relating to approvals).

The revised Policy will remain fundamentally unchanged from the three (3) part layout, with all relevant information consolidated for quick reference. The following amendments to the policy are;

- The introduction of a Section 68 table that identifies at a glance whether there are any exemptions under NSW Legislation, the Policy and/or other Council Requirements, and in which annexure this information can be located;
- The continued separation of Legislative and Policy Exemptions, however these have been brought together in one location in the relevant activity annexure to centralise information;
- The introduction of wording to the Policy Exemptions in Annexure E with regards to A-Frame signage. This wording will require that any A-Frame displayed outside a business must display information pertinent to the business being operated who is displaying the sign;
- The removal of the Council Requirements pertaining to Public Seating in Annexure E. Council will be the sole entity that can install these types of structures on Council Land to ensure that any article is installed and maintained adequately and within Council requirements;
- Other amendments were undertaken with regard to punctuation, simplification of wording and the addition of Legislative documents and Council Policy referrals.

The Draft LAP must be placed on public exhibition for a period of not less than 28 days. Notice of the exhibition of a Draft LAP must be placed in a local newspaper that is circulated at least once weekly in the Council's area. The notice must be published at least twice; the first time no more than seven (7) days before the start of the public exhibition period and the second time at least 14 days before the period for submissions closes.

At the completion of the submissions process, and prior to final adoption of the Policy, Council must obtain the Departmental Chief Executive's consent to the adoption of that part dealing with Local Exemptions as required by Section 162 of the *Local Government Act 1993*.

Due to the extent of the formatting changes into the new Policy template framework and the reorganisation of the information contained within the policy the current Policy has been attached for reference.

(c) Options

Not applicable.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The LAP defines what activities are exempt from approval where no fee is required, and those activities needing approval where an application and payment of a fee is required. Council's Operational Plan outlines the fees and charges applicable under Section 68 of the *Local Government Act 1993*.

(b) Governance/Policy

Once adopted by Council, the revised LAP will become a policy of Council. The adoption of an LAP is viewed as a key policy under the Office of Local Government's ("OLG") Promoting Better Practice Guidelines.

(c) Legislative/Statutory

Under the provisions of Section 165 (4) of the *Local Government Act 1993* a local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election.

Under the provisions of Section 162 of the *Local Government Act 1993*, "a council has no power to adopt that part of a draft Local Approvals Policy that specifies circumstances in which (if the policy were to be adopted) a person would be exempt from the necessity to obtain a particular approval of the council, unless the council has received the Departmental Chief Executive's consent to the adoption of that part."

The Policy has been developed in accordance with the OLG's Practice Note No.14 - Local Approval Policies and the Model Local Approval Policy developed by the OLG as well as direct advice and recommendations from this office.

(d) Risk

Nil.

(e) Social

The layout refinement of the Policy document, and the clarification of criteria relating to locally exempt activities, are designed to encourage greater use of Community Land which will assist in facilitating the well-being of the community.

(f) Environmental

The continuation of exemptions (subject to criteria) for the use of standpipes for truck washing, water carting, and dump points for the disposal of septage wastewater are designed to encourage the continued use of these facilities.

It is anticipated the resulting orderly disposal of wastewater will continue to improve the local environment through a reduction in the unauthorised disposal of this material.

(g) Economic

Nil.

(h) Asset Management

Nil.

CONSULTATION

(a) External

Following exhibition and the final adoption of the revised policy Council must obtain the Departmental Chief Executive's consent to the adoption of that part dealing with Local Exemptions as required by Section 162 of the *Local Government Act 1993*.

(b) Internal

Consultation was undertaken with Regulatory Staff and Council's Infrastructure Department. There was no requirement to undertake any further changes or additions than what have been included in the Draft LAP.

Council's LAP has been revised to include changes that have occurred since the current Policy was adopted in 2017. Most changes are relatively minor in nature, except for the additional wording to the A-Frame exemptions and the removal of the Public Seating criteria completely, the revised Policy is now presented to MANEX for its review.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Environment Heritage Principal Activity EH 4.9.3: Provide Regulatory and Public Health Safety services to adopted customer service standards.

CONCLUSION

Council's Local Approvals Policy has been revised to include changes that have occurred since the current Policy was adopted in 2017. Changes are relatively minor, and the revised Policy is now presented to Council for its review and adoption.

ATTACHMENTS

Annexure A 2023 Draft Local Approvals Policy
Annexure B 2017 Local Approvals Policy

**REPORT TITLE: 7.15 GLEN INNES EQUINE & LIVESTOCK CENTRE
BUSINESS CASE**

ECM INDEXES:

Subject Index: **GOVERNANCE: Policy - Governance
GRANTS AND SUBSIDIES: Programs – Grants and
Subsidies**

Customer Index: **NSW Government – Department of Regional NSW**

Property Index: **36 Lang Street, Glen Innes**

AUTHOR: Gayleen Burley - Director of Place and Growth

PURPOSE

The purpose of this report is to present to Council the completed Glen Innes Equine and Livestock Centre Business Case and associated plans that were developed by AEC Group Pty Ltd from funding obtained from the NSW Business Case and Strategy Development Fund.

RECOMMENDATION

THAT Council:

- 1. Notes the attached Glen Innes Equine Livestock Business Case and associated plans.***
- 2. Acknowledge that for the project to proceed, further detailed business planning and design development is required to:***
 - a. Develop revenue enhancement and cost mitigation strategies to make the project sustainable.***
 - b. Address the site-specific challenges of the proposed site, being Cnr Lang and Dumaresq Street, Glen Innes in relation to:***
 - i. 'off-site' car parking and it's functional interaction to the facility, and***
 - ii. The relationship between ELIC and potential impacts to the Glen Innes Jockey Club and Glen Innes Saleyards; and***
 - iii. Ensuring the functional requirements of key users can be provided for.***

REPORT

(a) Background

Council submitted a Regional NSW Business Case and Strategy Development Fund grant application on 24 August 2022 for a feasibility study in regard to the establishment of a proposed Equine and Livestock Indoor Centre.

Council was informed that the Regional NSW Business Case and Strategy Development Fund – Equine and Livestock Indoor Centre grant application was approved on 28 February 2023 for a total allocation of \$106,250 excluding GST, with Council resolving to execute the funding deed at the 25 May 2023 Council meeting.

The project concept is to investigate the feasibility of developing a regional equine and livestock precinct in Glen Innes. Council owns land adjoining the existing Council-owned Saleyards and the Glen Innes Jockey Club that could accommodate an equine and livestock indoor centre. The indoor centre concept would be to cater for large events for equine disciplines, with ideally national-standard arena facilities. The facility could also provide the potential to host other events including cattle and sheep sales, major trade shows and rodeos.

Council went to open market with a Request for Quotation (RFQ) on the 29 May 2023 to engage a suitably qualified and experienced consultant to develop a business case for the establishment and operation of a Glen Innes Equine and Livestock Indoor Centre (ELIC). AEC Group were the successful RFQ respondent and were formally engaged by Council in early July 2023 to deliver the project by 30 September 2023.

In developing the ELIC Business Case, AEC Group instigated a detailed five-staged project methodology as follows:

AEC Project Methodology:



Stage 1: Project Start-Up	Stage 3: Project Analysis	Stage 4: Implementation Plan	Stage 5: Reporting & Presentation
Inception Meeting	Conceptual Plans and Cost Estimation	Project Program and Milestones	Draft Business Case
Internal Team Meeting	Development of Base Case and Project Case Scenarios	Project Governance	Presentation to Council
Project/ Stakeholder Engagement Planning	Economic Appraisal	Key Risks	Final Business Case
Stage 2: Case for Change	Financial Appraisal	Legal, Regulatory and Approvals Pathway	Project Management & Quality Assurance
Strategy Review and Project Alignment	Funding Arrangements	Project, Risk and Asset Management Planning	Project Management & Quality Assurance
Site Inspection/ Review	Financial Health Assessment	Benefits Realisation Plan	Fortnightly Updates
Stakeholder Engagement			Monthly Meetings
Market Supply Assessment			
Market Demand Assessment			
Confirm Project Rationale (Service needs)			
Internal Stakeholder Engagement will occur throughout the project			

(b) Discussion

The ELIC Business Case (attached) outlines the service needs, assesses the appropriate scale and type of facility for Glen Innes and the broader region, and evaluates the financial and economic implications of the proposed development.

The ELIC aims to address the key service needs and gaps in the Glen Innes and the broader New England region by providing a multifaceted range of benefits. These are best categorised into the following five key objectives:

- **Development of Events Tourism:** Boost local businesses and tourism by hosting large-scale events that leverage the region’s agricultural activity
- **Enhanced Awareness and Presence of the Regional Agricultural Sector:** Promote and support the local and regional agriculture (equine and livestock) sector through showcases, education and research.
- **Broad Economic Activation:** Stimulate economic activity across various sectors, thereby benefiting local businesses and the Council.
- **Civic Pride and Participation:** Foster community engagement and inclusivity, leading to a sense of belonging and reduced social issues.
- **Improved Health and Recreational Activity:** Promote physical health and social interactions within the community.

The decision to proceed with the Equine and Livestock Indoor Centre (ELIC) as the preferred solution was identified on the basis of a number of considerations. These included strong anecdotal demand from key stakeholder groups and support from local industry groups expressed before and during the development of 3 the business case, a noticeable recent uptick in participation in equine sports, and a stark shortage of suitable venues in New South Wales for equine and livestock events.

Item 7.15

Other alternatives were also considered – these ranged from doing nothing (ruled out due to demonstrated service needs), to the development of a more basic, open facility (while cheaper, an open facility will not meet the requirements for hosting large-scale events), an ambitious 'do-more' option (comparable to or exceeding the scale of AELEC in Tamworth, was dismissed to avoid direct competition and in recognition of AELEC's current success and expressed support for the proposed Glen Innes facility) and lastly, a 'do-later' approach (deemed unacceptable due to the immediate and pressing needs of potential users).

Locations were also considered (including the Showgrounds and a site nearby the Showgrounds), but the final locational decision was identified as preferred due to a confluence of several influencing factors, including land-use zoning alignment, lower risk of land use conflicts, clearer path to overcome land access/ tenure issues and the spatial/ functional requirements of the facility.



Figure 1: Master Plan for Glen Innes ELIC,
Cnr Land & Dumaresq St, Glen Innes
Source: Struxi Design

The project case sees the construction of a state-of-the-art equestrian and livestock facility at the intersection of Lang Street and Dumaresq Street in Glen Innes, New South Wales. The design adheres to Equestrian Australia's Preferred Facility Standards guidelines (Equestrian Australia, 2019) and includes a fully roofed and enclosed arena.

Key features of the facility are as follows:

Facility	Details
Main Area	<ul style="list-style-type: none"> Indoor sand area (80m x 40m). Ground floor foyer on south. Rough riding chutes Seating for approximately 1,000 spectators, including: Tiered seating (900 spectators) and VIP area seating (100 spectators)
Concourse area	<ul style="list-style-type: none"> Trade sites (sponsor banners). Mezzanine level for various uses (including bar, café, ticket box, management office (air conditioned), judges' box, as well as sound and lighting).
Stadium undercrofts	<ul style="list-style-type: none"> Holding stock (primary purpose) Office/meeting rooms Other purposes as necessary
Outdoor areas and considerations:	<ul style="list-style-type: none"> 2x outdoor arenas (for warm up and/or outside events (jumping, dressage, rodeo etc.), floodlit for safety and night events. 68x stables with roof (3m x 3m for each stable including wash bay for each), stabling up to 400 horses. 30x cattle yards (no roof) Amenities. Fully fenced.
Carpark:	<ul style="list-style-type: none"> Camp sites/parking for trailers (2 hectares) with power and water. Dump point for caravans. Drive through truck wash facility
Other transport considerations:	<ul style="list-style-type: none"> Internal access road. Pedestrian link.



Figure 2: Render of the Glen Innes ELIC

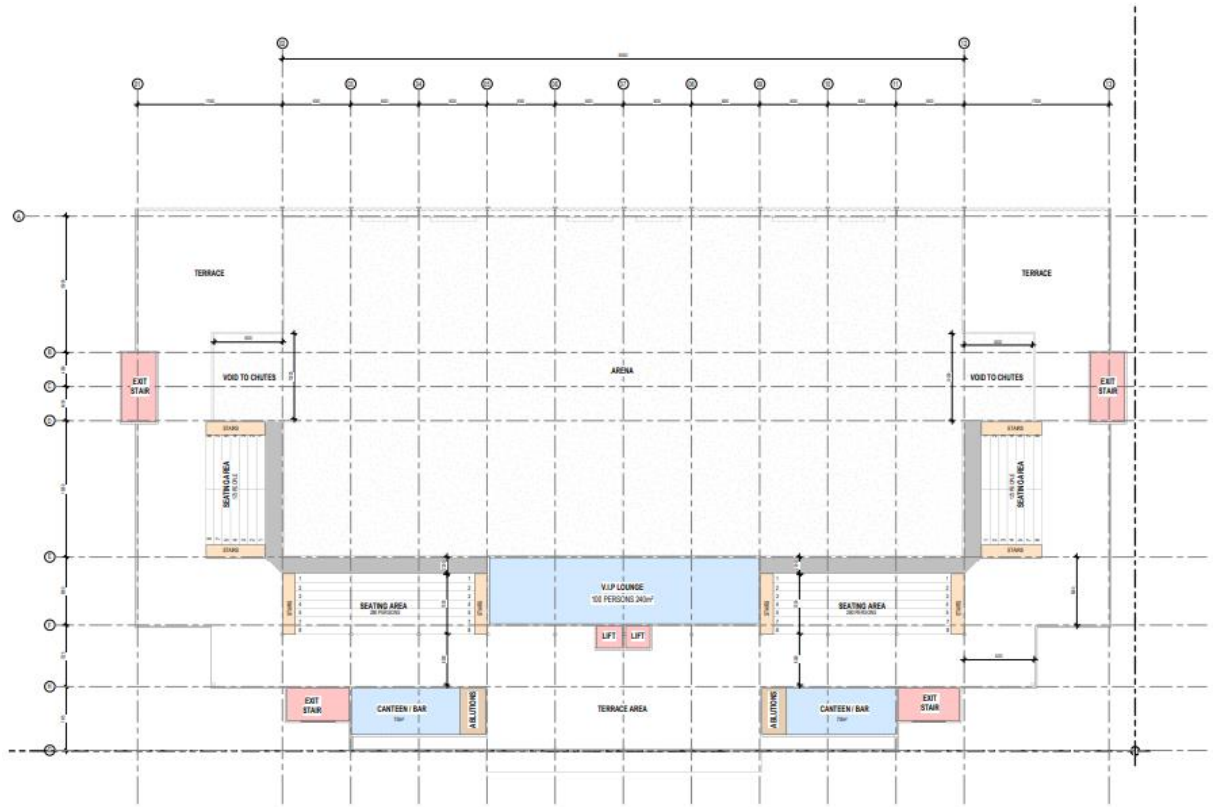


Figure 3: Glen Innes ELIC Building Floor Plan

- (c) Options
Nil.

IMPLICATIONS TO BE ADDRESSED

- (a) Financial

Whilst the project demonstrates strong strategic alignment with National, State, Regional and Local Government Plans, a healthy economic and social output, the financial assessment for the Glen Innes Equine and Livestock Indoor Centre presented a mixed outlook over a 20-year assessment period.

Key points and considerations in interpreting the financial appraisal include:

Financial Area	Details
<p>Project Profitability: (considering operating surplus/deficit, earnings before interest, taxation, depreciation, and amortisation (EBITDA) and earnings before interest and taxation (EBIT))</p>	<ul style="list-style-type: none"> • Initial Profitability: Positive EBITDA for the first 5 years, averaging \$107,000/year. • Long-term Profitability: Average negative EBITDA of \$312,000/year in the latter 15 years of the 20-year period. • Subsidisation Requirements: A projected average annual operating subsidy of \$207,000 is needed from the Council to sustain the facility as a community service. • Operating Surplus/Deficit: An average annual operating deficit of \$1.9 million over the 20-year period, largely attributed to considerable depreciation costs, which Council may choose to not fund and seek replacement through further grant funding
<p>Project Cashflows:</p>	<ul style="list-style-type: none"> • With initial capital expenditures covered by grants, the facility still faces declining cash balances in the latter part of the assessment period.

Financial Area	Details
	<ul style="list-style-type: none"> Revenue from operations increases year-over-year, but it is offset by rising costs, particularly in casual labour, materials, and services. Declining Cash Balances: Cash balances decline notably in the latter part of the assessment period. Closing Cash Balance: While the 10-year period projects a positive closing cash balance of \$0.2 million, this is not sustained over 20 years, where it dips to a negative \$4.6 million by 2044-45.

Additionally, the ELIC Business Case demonstrates that the need for grant funding support is a crucial outcome highlighted by the analysis of the project, as it plays a significant role in financing the construction of the infrastructure, as well as partly funding the equipment purchases required to operate the site. The source for the funding is yet to be determined. The financial analysis has been completed assuming grant funding of 100% for construction costs, and 50% for equipment purchases, will be achieved. A total of \$36.4 million required in grant funding.

It should be further noted that Council's current financial position, would be unable to sustain the project long term based on the following:

- The General Fund, where the ELIC will be reported, produced a deficit in the net operating result prior to grants and contributions provided for capital purposes in all three years.
- Council's Unrestricted Current Ratio, which didn't meet the benchmark of covering current obligations 1.5 times in the two most recent years.
- Council reported a negative unrestricted cash balance of \$7 million in 2021-22, indicating insufficient cash reserves.
- Council's current operating statement does not reflect the ability to service loan repayments for the project.

For the project not to put an increased financial burden on Council, the following is required:

- 100% Grant funding for the capital investment required, as Council has no capacity to support borrowings, or access to cash in the short or medium term, unless there is a sufficient change in Council's ability to generate revenue.
- Grant funding will be required for all future asset renewals as the assets reach the end of their useful life, as Council will not be able to fund the depreciation of the assets relating to the ELIC, (or the assets will need to be disposed of at this point).
- Council to ensure that across all 79 events identified in the demand projections, that an average of \$20,000 of revenue is generated, over the 20-year period, with costs remaining as projected or efficiencies identified to reduce these.
- Successful operations of the ELIC to ensure its success will be vital, from a financial health perspective.

(b) Governance/Policy

Detailed requirements related to Project Governance is outlined in Section 4.2 of the ELIC Business Case.

(c) Legislative/Statutory

The proposed improvements (Equine and Livestock Indoor Centre facility) to the site at Lang Street, Glen Innes will be subject to an application and approval process within the NSW planning and development framework established by the Environmental Planning and Assessment Act 1979 (EP&A Act). This will include assessment against the relevant provisions of the Glen Innes Severn Local Environmental Plan 2012, the Glen Innes Severn Development Control Plan 2014 and any relevant State Environmental Planning Policy (SEPP) among other matters.

In addition to approval for the land use, the building work and plumbing and drainage work required to establish the facility will also be subject to the framework established under the EP&A Act and subordinate and related legislation including the Building Professionals Act 2005, the Plumbing and Drainage Act 2011 and any SEPP relating to building work. This includes any guidelines and standards referenced in these acts and planning policies. In general, the requirements for building work and plumbing and drainage work in NSW are consistent with the national regulations for such work, which include the National Construction Code and the Plumbing Code of Australia, with only minor variations to the applicability of these documents where such is permitted by between the various states of Australia.

The operation, activities and events held at the ELIC will be governed by any conditions of development approval, local, state and federal laws as well as the sport specific laws and policies, such as the Sport Integrity Act 2020, the governance principles established by the Australian Sports Commission and the rules and regulations established by the national governing body for equestrian activities, Equestrian Australia.

(d) Risk

Key Project Risks are outlined in Section 4.3 of the ELIC Business Case.

(e) Social

The ELIC has the potential to provide a range of social benefits to benefit the local community, including:

- Increased accessibility to sporting venues fostering increased participation (Ramchandani, 2012), particularly among younger, less educated, female and Indigenous populations (Wicker, 2013).
- Increased accessibility to community activities reducing petty crime and property damage issues associated with disengaged members of the local community (Levin Goldberg, 2009).
- Enhanced community image, worth and pride, particularly for older residents (Hallman, 2013; Sport and Recreation Victoria, 2020).
- Inducing a way to celebrate local culture and history.
- Providing a community gathering place to facilitate an increased sense of belonging and inclusion.
- Providing opportunities for young people through new industries (Government of Alberta, 2010)

- supporting recreational activity and the improvement of health outcomes for the local community through the following avenues:
 - Increased physical exercise via increased participation in horse riding (Ramchandani, 2012).
 - Increased social interaction between community members through a new central events centre and promotion of a social sport.
 - Increased self-esteem and empowerment of young people to overcome obstacles and learn new skills (UNICEF, 2019), supporting personal wellbeing.
 - Increased knowledge and awareness of mental and physical health within the community (Clearinghouse, 2023 b)

(f) Environmental

Analyses factors such as air quality, water resources, biodiversity, noise levels, and community well-being would be undertaken in parallel with detailed design.

(g) Economic

The cost benefit analysis highlights the development of the Glen Innes Equine and Livestock Indoor Centre is economically desirable, with a Net Present Value of \$32.6 million over a 30-year analysis period at a 5% discount rate and a BCR of 1.56 to 1, meaning that for every dollar invested in the project/ facility, \$1.56 are returned.

(h) Asset Management

Should the proposal be successful, Glen Innes Severn Council as the land and asset owner will be responsible for all maintenance and operation of the assets created.

Council would need to Implement effective asset management practices to ensure the proper maintenance and longevity of facility assets.

CONSULTATION

(a) External

- AEC Group (authors of the ELIC Business Case)
- AEC Group held stakeholder engagement sessions with key stakeholders and member of the Glen Innes Severn community on the 15 September 2023
- Letters of Support for the ELIC project have been received from:
 - Colin Say and Co
 - Equestrian NSW
 - Glen Innes Jockey Club
 - Pony Club NSW
 - Zone 13 Pony Club Assoc of NSW
 - National Cutting Horse Assoc
 - High Country Cutting Horse Assoc

- Site visit on the 14 September 2023 to Australian Livestock Equestrian Centre (ALEC Tamworth) and White Park Equestrian Centre (Scone).
- Additional external consultation as reference within the Glen Innes ELIC Business Case
- Councillor Workshop presentation on the 23 September 2023.

(b) Internal

Internal consultation has with staff as follows:

- General Manager
- Saleyards Manager
- Grants Officer

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Community Service Principal Activity CS 1.7.3: Deliver the key actions and initiatives from the Economic Development Strategy 2020-2040 and Action Plan 2020-2025 relating to CS 1.7 Support for improved medical services.

This report links to Council's Delivery Program Economic Development Principal Activity ED 2.6.4: Deliver the key actions and initiatives from the Economic Development Strategy 2020-2040 and Action Plan 2020-2025 relating to ED 2.6 Optimise Returns from Council Trading Enterprises.

CONCLUSION

Whilst the project demonstrates strong strategic alignment with National, State, Regional and Local Government Plans, and a healthy economic and social output, the financial assessment for the Glen Innes Equine and Livestock Indoor Centre presents a mixed outlook over a 20-year assessment period.

As such, better understanding of the drivers behind the negative annual cash flows and their extent, as well as develop revenue enhancement and cost mitigation strategies to keep the project sustainable is required before any decision could be made as to whether to proceed with the project through to construction.

Additionally, solutions to the site-specific challenges associated with the development on the corner of Lang and Dumaresq Streets, also need to be addressed.

It is therefore recommended that Council seek further grant funding opportunities, if / when they become available, to further progress the detailed planning of the Glen Innes Equine and Livestock Indoor Centre project.

ATTACHMENTS

Annexure A	Glen Innes Equine & Livestock Indoor Centre Business Case
Annexure B	GI ELIC Render 1
Annexure C	GI ELI Render 2
Annexure D	GI ELIC Master Plan

REPORT TITLE: 7.16 DEED OF ASSIGNMENT AND TRANSFER OF GLEN INNES TARTAN

ECM INDEXES:

Subject Index: **Legal Documents – SIGN AND SEAL
Glen Innes District Tartan - Assign and Transfer of Intellectual Property.**

Customer Index: **Bruce, Peter Maxwell**

Property Index: **Nil**

AUTHOR: Rhonda Bombell - Tourism and Event Officer

PURPOSE

The purpose of this report is to formally assign and transfer any and all of Peter Maxwell Bruce’s intellectual property (IP) rights in the Glen Innes Tartan to Council.

RECOMMENDATION

THAT Council:

- 1. Authorises for the Common Seal of the Glen Innes Severn Council to be affixed to the Deed of Assignment and Transfer between the Glen Innes Severn Council and the Peter Maxwell Bruce.***
- 2. Authorises for the Mayor and the General Manager to execute all documents relating to the Deed of Assignment and Transfer between the Glen Innes Severn Council and Peter Maxwell Bruce.***

REPORT

(a) Background

The subject of use of the Glen Innes Tartan was discussed at the Australian Standing Stones Management Board (ASSMB) meeting on Wednesday 19 July 2023. Council was informed that verbal approval of use of Glen Innes Tartan was given to Glen Innes Severn Council in 2016. It was minuted that Council should approach Peter Bruce, designer of the tartan, to seek further authorisation to approve other usage by community. Council recommended that the tartan IP ownership should be looked into and legally transferred. Council engaged Everingham Solomons Solicitors to draw up the legal documents to be discussed and signed by Glen Innes Severn Council and Mr Peter Maxwell Bruce.

(b) Discussion

Peter Maxwell Bruce is the co-designer of the Glen Innes District Tartan, (the other designer was Mr Lex Ritchie (deceased)), as detailed at Schedule 1 (Tartan) (**Annexure A**). Council (and, from time to time, the Australian Standing Stones Management Board) continuously used the Tartan since 1995 for the benefit and promotion of the Glen Innes community and its Celtic heritage with Peter's approval. Council and Mr Bruce wish to clarify the ownership of the intellectual property rights in the Tartan upon these terms:

1. Transfer and Assignment

- (a) Mr Bruce transfers and assigns all of his rights, title and interest (including any copyright and intellectual property rights) in the Tartan to Council absolutely (Transfer) from the date of this Deed. (**Annexure B**)
- (b) Mr Bruce must do all things necessary to give effect to the Transfer including cooperating in the transfer of any registrations.

2. Council Obligations

Council will continue to use the Tartan primarily for the benefit and promotion of the Glen Innes community and its Celtic heritage and associated purposes.

3. No licence

The parties confirm that any licence for the use of intellectual property between Mr Bruce and Council has terminated and Mr Bruce:

- (a) releases Council in respect of any licence;
- (b) confirms that Mr Bruce does not have any claims against Council in respect of any licence;
- (c) agrees to be barred from making claims against Council in respect of any licence; and
- (d) warrants Mr Bruce has not granted any subsisting licence or other rights to use the Tartan to any other person or entity.

4. General

- (a) (**Costs**) Council will be responsible for:
 - (i) its own costs in relation to this Deed;
 - (ii) Mr Bruce's reasonable legal costs associated with the review and execution of this Deed; and

(iii) any costs or fees associated with the assignment of intellectual property of the Tartan including the payment of any stamp duty (if any).

(b) **(Capacity)** Mr Bruce warrants as at the date of this Deed that Mr Bruce is the absolute and beneficial owner of all intellectual property rights in respect of the Tartan and Peter has capacity to transfer all intellectual property rights in respect of the Tartan.

(c) **(Advice)** Everingham Solomons recommends the parties obtain their own independent legal advice.

(d) **(Assurance)** Each party will do all things and execute all documents necessary to give effect to the intention of this Deed.

(e) **(Whole agreement)** This Deed constitutes the entire agreement between the parties and supersedes any prior representations, undertakings or agreements, whether oral or written, between the parties in respect of the matters that are the subject of this Deed.

(f) **(Jurisdiction)** The laws applicable in New South Wales govern this Deed and the parties submit to the non-exclusive jurisdiction of the courts of New South Wales.

(g) **(Severance)** Any clause which is wholly or partially void or unenforceable is to be read down so as to be enforceable, valid and legal. If this is not possible, the clause (or offending part) is to be severed from this Deed without affecting the validity or enforceability of the remainder of this Deed which continues in full force and effect.

(h) **(Counterparts)** This Deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument and this Deed may be exchanged by email.

(i) **(Interpretation)** A reference to a party in this Deed includes that party's legal personal representatives, successors and permitted assigns. Including and similar expressions are not words of limitation.

(c) **Options**
Nil

IMPLICATIONS TO BE ADDRESSED

(a) **Financial**

Council is responsible for its own costs and Peter Bruce's reasonable legal costs associated with the intellectual property and including the payment of any stamp duty (if any).

(b) **Governance/Policy**

Nil

(c) Legislative/Statutory

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

400 Council Seal

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

(d) Risk

A decision to not proceed with the sign and seal of the deed would mean that Council could potentially not have the rights to use the tartan or continue to give permission to use the tartan.

(e) Social

The Glen Innes tartan serves as a symbolic representation of our Celtic heritage and community's identity. Losing the rights to use the tartan or have the tartan being misused in the community could evoke a sense of disconnection impacting on the community's Celtic pride and belonging. With Glen Innes hosting the signature Celtic event, the Australian Celtic Festival

and being home to the National Celtic Monument, the Australian Standing Stones, the Glen Innes tartan carries an important story of Australian Celtic history that needs to be retained.

(f) Environmental

Nil

(g) Economic

The Glen Innes tartan is used for products that are sold as part of the Glen Innes Highlands (GIH) shop brand. The GIH shop located in the Visitor Information Centre assigns local designers to make unique items to sell at the Centre giving locals and Council a revenue stream through Glen Innes Tartan products.

(h) Asset Management

Nil

CONSULTATION

(a) External

1. Everingham Solomons Solicitors.
2. Scottish Register of Tartans
3. Australian Standing Stones Management Board
4. Mr Peter Maxwell Bruce

(b) Internal

1. Director of Place and Growth
2. Records Supervisor
3. Tourism Assistants – Visitor Information Centre

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council's Delivery Program Community Service Principal Activity CS 1.2.5: Deliver the key actions and initiatives from the Economic Development Strategy 2020-2040 and Action Plan 2020-2025 relating to CS 1.2 Encourage Community Connectivity and Cohesion.

This report links to Council's Delivery Program Economic Development Principal Activity ED 2.3.1: Deliver the applicable actions, projects and initiatives from the 2020-2040 Economic Development Strategy and 2020-2025 Action Plan.

CONCLUSION

To protect and transfer the intellectual property rights and to prevent the misuse of the Glen Innes district tartan, Council must sign and seal the Deed of Assignment and Transfer agreement between Council and Mr Peter Maxwell Bruce.

ATTACHMENTS

Annexure A ASSMB - MINUTES - July 2023

Annexure B Deed of Assignment and Transfer of Glen Innes District Tartan

REPORT TITLE: 7.17 SIGN AND SEAL AGREEMENT BETWEEN WILLIAM MCKENZIE, STEPHEN STEWART, AND GLEN INNES SEVERN COUNCIL.

ECM INDEXES:

Subject Index: **Legal Documents - PENDING SIGN AND SEAL
Authorisation - Governance**

Customer Index: **McKenzie, William - Lot 3 Robinson Avenue, GLEN INNES
NSW 2370
Stewart, Stephen James - PO Box 104, GLEN INNES NSW
2370**

Property Index: **24 Robinson Avenue, GLEN INNES - 00448.09120000.000 -
WILLIAM DAVID MCKENZIE**

AUTHOR: Adam Reid - Property Administration Officer

PURPOSE

The purpose of this report is for Council to authorise the agreement between Stephen Stewart, William McKenzie, and Council.

RECOMMENDATION

THAT Council:

- 1. Authorises for the Common Seal of the Glen Innes Severn Council to be affixed to the Deed of Agreement between Stephen James Stewart AND William David McKenzie AND Glen Innes Severn Council.***
- 2. Authorises for the Mayor and the General Manager to execute all documents relating to the Deed of Agreement between Stephen James Stewart AND William David McKenzie AND Glen Innes Severn Council.***

REPORT

(a) Background

Mr Steven Stewart is the owner of the Hilltops subdivision per Development Application 19/12-13/A (DA) **Annexure A**. Mr Stewart requires public road access to the development through widening the road into adjoining land owned by Mr McKenzie.

(b) Discussion

On 25 November 2019 Council issued consent for the amended DA which was granted subject to consent conditions.

Condition 1:

The dedication as public road of a minimum twenty (20) metre wide road reservation over the proposed roadway through the subject land and linking the subdivision to Ritchie Avenue, to be dedicated prior to the issue of the Subdivision Certificate. The twenty (20) metre wide road reservation to be widened to thirty (30) metres in proximity to Ritchie Avenue to provide for Option 3 should land be unavailable for acquisition to enable Option 2 to be implemented. *Reason: To provide for legal access to the subdivision consistent with the Roads Act 1993.*

To be able to complete the development, Stewart and McKenzie have entered into an agreement for the sale and purchase of land **Annexure B**. This agreement includes Council as an interested party by the vestment of the land purchased by Stewart to Council as a road widening as per the above consent condition.



Fig 1. Area of land to be transferred and gazetted as public road.

Council staff have been aware of this option throughout the approval process and support the option as it facilitates a better road design.

(c) Options

Nil

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The financial transaction is entirely between the two other parties, there is no impact to Council.

(b) Governance/Policy

Nil

(c) Legislative/Statutory

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

400 Council Seal

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

(d) Risk

A decision to not sign the agreement would cause a reputational loss.

(e) Social

Nil

(f) Environmental

Nil

(g) Economic

Nil

(h) Asset Management

Council will receive 122m² of gazetted road corridor merged into the existing corridor of Ritchie Avenue. This land will incur no depreciation cost, and being in an urban area is expected to be maintained by the adjoining landholder.

CONSULTATION

(a) External

New England Surveying and Engineering.

(b) Internal

Nil

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

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

CONCLUSION

To facilitate the Hilltops subdivision development Council must sign the agreement between the three parties and receive the land to be gazetted as Public Road.

ATTACHMENTS

- Annexure A Notice of determination
- Annexure B Stewart-McKenzie-GISC Agreement (*Confidential*)

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

- Armidale Regional Council – Election of Mayor and Deputy Mayor;
- Arts North West – newsletter;
- Council Magazine;
- Country Mayors Association – Private Member’s Bill to State Parliament re Rural Fires Act 1997;
- Inside Local Government – newsletters;
- Local Government NSW – newsletters;
- Member for Northern Tablelands, The Hon. Adam Marshall – weekly reports;
- Office of Local Government – newsletter and circular; and
- Weekly Councillor updates from the General Manager.

Press Releases

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

Publications

- LG Focus – October 2023.

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

Item 9.1

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 - 4/10/23
Annexure B	Australian Standing Stones Management Board - 20/09/23
Annexure C	Australian Standing Stones Management Board - 18/10/23
Annexure D	Emmaville Mining Museum Committee - revised - 24/08/23
Annexure E	Emmaville War Memorial Hall Committee - 13/09/23
Annexure F	Open Spaces Committee - 30/08/23
Annexure G	Pinkett Recreation Reserve Management Committee - 06/09/23
Annexure H	Saleyards Advisory Committee - 16/08/23

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: **Gregory Ford - Executive Assistant (Director Corporate and Community Services)**

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 October 2023:

Name of Committee	Councillor Delegate(s)	Date
Aboriginal Consultative Committee	Cr Banham, Cr Sparks,	23.10.23
Australia Day Committee	Cr Parry, Cr Parsons	4.10.23
Australian Standing Stones Management Board	Cr Banham, Cr Arandale	18.10.23
Emmaville War Memorial Hall Committee	Cr Banham	12.10.23
Glen Innes Severn Library Committee	Cr Banham	20.10.23
Open Spaces Committee	Cr Banham, Cr Arandale, Cr Sparks	18.10.23

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

Councillor	Name of Meeting / Function	Date attended
Cr R Banham (Mayor)	Farewell for Director of Corporate and Community Services	4.10.23
	New England Renewable Energy Zone (NEREZ) Mayor's meeting with Andrew Dyer	5.10.23
	Glen Innes Hospital Auxiliary 90 th Birthday Celebrations	7.10.23
	Tablelands Sector Clinical and Quality Care Meeting	10.10.23
	Section Leadership Team (SLT) Rural Fire Service (RFS) Meeting	11.10.23
	Recreation Vehicle Fellowship of Rotarians Welcome to Glen Innes	11.10.23
	Councillor Workshop	12.10.23
	New England Police District Awards Ceremony	17.10.23
	NSW Reconstruction Authority Executive Director of Regional Delivery meeting	18.10.23
	Australian Standing Stones Management Board (ASSMB) Meeting	18.10.23
	Emmaville Local Health Advisory Committee (LHAC) Meeting	19.10.23
	White Rock Wind Farm 2023 Glen Innes Business Awards	20.10.23
	Lions District 201N1 Convention	21.10.23
	Vegetable Creek Hospital Auxiliary Fete	21.10.23
	Opening of Emmaville Reunion Dinner	21.10.23
	Coalition of Renewable Energy Mayors (CoREM) Executive Meeting	24.10.23
	Discussion regarding Emmaville War Memorial Hall Committee	24.10.23
	Pre-meeting Briefing Session	26.10.23
	Ordinary Council Meeting	26.10.23
	Community Access Committee Expo	26.10.23
Glen Innes Severn Library Committee Meeting	27.10.23	
GLENRAC Committee of Management	27.10.23	
Holy Trinity Anglican Church Glen Innes Fete	28.10.23	
SEATA site visit	30.10.23	

Councillor	Name of Meeting / Function	Date attended
Cr T Arandale (Deputy Mayor)	Safe in our town committee	11.10.2023
	Interagency Meeting	11.10.2023
	TSG Training Day	11.10.2023
	Councillor workshop	12.10.2023
	NSWRA meeting	18.10.2023
	Business Awards	20.10.2023
	Aboriginal Consultative committee meeting	23.10.2023
	Pre-meeting Briefing	26.10.2023
	Ordinary Council Meeting	26.10.2023
Cr T Alt	Councillor Workshop	12.10.23
	Glen Innes Truck and Car Show	14.10.23
	White Rock Wind Farm 2023 Glen Innes Business Awards	20.10.23
	Vegetable Creek Hospital Auxiliary Fete	21.10.23
	Pre-meeting Briefing Session	26.10.23
	Ordinary Council Meeting	26.10.23
	Community Access Committee Expo	26.10.23
	SEATA site visit	30.10.23
Cr L Gresham	Councillor Workshop	12.10.23
Cr J Parry	Farewell for Director of Corporate and Community Services	4.10.23
	Councillor Workshop	12.10.23
	Volunteer at Sausage Sizzle for Glencoe Hall Committee – Referendum Voting Day	14.10.23
	White Rock Wind Farm 2023 Glen Innes Business Awards	20.10.23
	Vegetable Creek Hospital Auxiliary Fete	21.10.23
	Pre-meeting Briefing Session	26.10.23
	Ordinary Council Meeting	26.10.23
	Disability Expo Services Club	26.10.23
	SEATA site visit	30.10.23
Cr A Parsons	Glen Innes and District Community Centre Meeting	23.10.23
	Ordinary Council Meeting	26.10.23
Cr C Sparks	Safe In Our Town Committee Meeting	11.10.23
	Interagency Committee Meeting	11.10.23
	Recreation Vehicle Fellowship of Rotarians Welcome to Glen Innes	11.10.23

Councillor	Name of Meeting / Function	Date attended
	Councillor Workshop	12.10.23
	Attract Connect Stay Meeting	17.10.23
	Aboriginal Consultative Committee Meeting	23.10.23
	Glen Innes and District Community Centre Meeting	23.10.23
	Set up at the Services Club for Access Committee Expo	25.10.23
	Pre-meeting Briefing Session	26.10.23
	Ordinary Council Meeting	26.10.23
	Disability Expo Services Club	26.10.23
	Art Gallery Committee setting up and afternoon tea for volunteers	27.10.23
	Safe In Our Town Committee Reclaim the Night walk and sausage sizzle	27.10.23
	SEATA site visit	30.10.23

(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