

# **GLEN INNES SEVERN COUNCIL**

## **BUSINESS PAPER**



**FOR THE ORDINARY  
COUNCIL MEETING**

**TO BE HELD ON  
THURSDAY,  
21 DECEMBER 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, 21 December 2023 at 9:00 AM**

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Bernard Smith  
**General Manager**

# Council

**Meeting Date:** 4<sup>th</sup> 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 Ngarabal 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 - 23 NOVEMBER 2023 TO BE CONFIRMED**

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

## **6 MAYORAL MINUTE(S)**

## 7 REPORTS TO COUNCIL

**REPORT TITLE:** 7.1 RESOLUTION TRACKING REPORT

**ECM INDEXES:**

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

Customer Index: **NIL**

Property Index: **NIL**

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

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### 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 7 Council Resolutions currently outstanding at Friday, 15 December 2023.

There were 10 Council Resolutions outstanding in the report that went to the Thursday, 23 November 2023 Ordinary Council Meeting.

A further 12 actions were assigned after the 23 November 2023 Ordinary Council Meeting.

Therefore, 15 outstanding actions have now been completed since the last Ordinary Council Meeting (workings:  $10 + 12 = 22 - 7 = 15$ ).

The 7 outstanding resolutions are broken up as follows:

<u>YEARS</u>	<u>OUTSTANDING ACTIONS</u>		
2020	1	(1	Nov 2023)
2021	0	(0	Nov 2023)
2022	3	(5	Nov 2023)
2023	3	(4	Nov 2023)
<b>TOTAL</b>	<b><u>7</u></b>	<b>(10</b>	<b>Nov 2023)</b>

The outstanding resolutions relate to the following Directorates:

<u>DIRECTORATE</u>	<u>OUTSTANDING ACTIONS</u>		
General Manager	0	(0	Nov 2023)
Corporate and Community Services	0	(2	Nov 2023)
Place and Growth	2	(2	Nov 2023)
Infrastructure Services	5	(6	Nov 2023)
<b>TOTAL</b>	<b><u>7</u></b>	<b>(10</b>	<b>Nov 2023)</b>

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 Friday, 15 December 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 Report as at 15.12.23

**REPORT TITLE: 7.2 HOUSING**

**ECM INDEXES:**

Subject Index: **ECONOMIC DEVELOPMENT: Planning**

Customer Index: **NIL**

Property Index: **NIL**

**AUTHOR: Bernard Smith - General Manager**

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**PURPOSE**

The purpose of this report is to discuss the issue of the provision of suitable housing in Glen Innes and identify actions.

**RECOMMENDATION**

***THAT Council:***

- 1. Notes the need for an adequate supply of diverse housing in Glen Innes.***
- 2. Endorses further investigation of the options outlined in the report.***
- 3. Reviews its own regulatory requirements to ensure the provision of new housing is not unnecessarily hindered.***

**REPORT**

**(a) Background**

This report briefly outlines the current barriers to the provision of a range of housing opportunities in Glen Innes, the impact of that on the community and Council, and canvasses opportunities to try to address the situation.

**(b) Discussion**

The issue of available, suitable, and affordable housing across Australia is well documented and commented upon. The housing issues in the regions and in locations such as Glen Innes and surrounds are much different in nature to those encountered in larger urban areas.

Housing needs in Glen Innes can fall loosely into the following categories:

- Available rental accommodation for lower income renters,
- Short and long-term rental availability of an adequate standard for professionals, families etc.,
- Availability of better-quality existing housing stock for purchase, and
- Availability of suitable vacant land and new subdivision style land for new dwellings.

Traditionally, Local Government has acted as the regulator, and at times a facilitator via regulatory mechanisms, when it comes to the provision of housing, however more recently a number of councils have seen the need to become more interventionist in ensuring housing of a suitable standard and diversity is available given the fact that some of the drivers of the delivery of new housing stock by the private sector are no longer present.

The provision of suitable housing in a location such as Glen Innes is vital from an economic and social perspective.

An economy such as that of Glen Innes requires a range of skills, professions and socio-economic backgrounds and inevitably with that comes a demand for a range of housing types.

If Glen Innes is to attract the diverse workforce needed for the local economy to function and grow, it must be able to provide a choice of housing in terms of diversity and quality.

Council itself also has an interest in the issue given it regularly employs people who need to move to the region, and with them come an expectation in terms of housing availability.

Of course, what is not known is the extent to which potential applicants have not applied at all because of the absence of suitable housing.

Council also has needs in terms of being able to provide housing for staff on short term engagements.

It is not uncommon for councils to own a number of houses for staffing needs and in fact historically that was the case in Glen Innes.

Whilst there is little Council can do in terms of the range and quality of current housing stock, the focus for Council needs to be around the generation of new housing stock.

Overarching considerations include:

- Just because zoned land is available, it does not mean it will be developed,
- The provision of smaller housing types can free up housing stock suitable for families,
- The lack of diverse housing options can constrain economic growth, and
- A key issue is the provision of suitable housing for key workers e.g. health, police, education, government.

It is hard to determine how many people are living in housing which does not suit their needs but are doing so because they have no other choice.

**(c) Options**

Conventional housing strategies tend to rely on regulatory style solutions which can often have little effect, e.g. zoning, development charges, development controls.

Council has recently applied to the Regional Housing Strategic Planning Fund.

The scope of the submitted project is to identify strategic opportunities in Glen Innes where development is prevented due to lack of infrastructure, particularly where the first developer would normally be required to construct infrastructure that would ultimately serve multiple properties. Having identified these opportunities, detailed investigation and design would be undertaken to provide for shovel ready construction.

Noting that the two key drivers for Council are the provision of diverse housing opportunities for the community and ensuring housing availability for staff, it is suggested that the following multipronged approach be further investigated in detail.

1. Purchase of housing stock

The purchase of existing housing would give Council flexibility when new staff are faced with the need to find accommodation. It could be used for periods of up to 12 months and if not needed could potentially be placed on the open market for rental for short periods. Ideally it may include say a two- bedroom house/unit and a larger house suitable for a family.

2. Purchase of house and land with subdivision potential

A variation of this would be the purchase of a house on a larger lot e.g., 4,000sqm, with the lot then being subdivided to provide additional lots. This not only provides housing for Council purposes but also actively creates blocks. Council could use this as a case study for other landholders on large blocks in terms of how to go about subdividing an existing large block

3. Further detailed investigation of Council land

Council owns parcels of land which are potentially highly suitable for development from a locational perspective noting they all have some current regulatory constraints. These should be seriously investigated.

4. Monitoring of existing approved subdivisions

There are two approved subdivisions which would provide reasonable quality new housing in a contemporary setting. One of the approvals is very old and officers have fielded questions regarding a review of the approval.

Ideally the proponents would proceed, and Council would be no more than the approval body, however, there has been little movement.



Many of the current streets in Glen Innes have gravel shoulders, no kerb and channel, no street trees and little drainage. It will be important to ensure that new subdivisions are constructed to contemporary standards e.g., kerb and channel, drainage etc.

Whilst there are many existing vacant blocks in the urban area with infill potential, in many instances they are settings and streetscapes where people may not be willing to make a large investment and build a new home.

Ultimately the Council needs to facilitate what the market wants, from the single household elderly downsizer to the single or young couple professional who may move on in five years, to the large family. All have different needs and desires and there is no one size fits all.

Engaging with the local real estate industry to better understand demand is an important part of dealing with the issue.

### **IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Council needs to carefully consider the financial impact of investing in housing on its Long Term Financial Plan.

**(b) Governance/Policy**

Nil.

**(c) Legislative/Statutory**

Nil.

**(d) Risk**

Council will need to carefully consider the financial and regulatory risks.

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

The provision of a range of appropriate housing stock is vital to the ongoing economic success of Glen Innes and surrounds.

**(h) Asset Management**

Nil.

## **CONSULTATION**

### **(a) External**

Nil.

### **(b) Internal**

Manex.

## **LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN**

ED 2.1.1: Deliver the key actions and initiatives from the Economic Development Strategy 2020-2040 and Action Plan 2020-2025 relating to ED 2.1 Support Agricultural Diversification and Resilience.

## **CONCLUSION**

The availability of appropriate housing is crucial to Glen Innes and surrounds achieving its potential in the future. The reasons for the current situation are complex and the solutions are not easy, however Council has a responsibility on behalf of the community to undertake reasonable actions which it is capable of delivering

## **ATTACHMENTS**

There are no annexures to this report.

**REPORT TITLE: 7.3 TEMPORARY AMENDMENT TO THE GENERAL MANAGER'S INSTRUMENT OF DELEGATION**

**ECM INDEXES:**

Subject Index: **PERSONNEL: Delegation of Functions**

Customer Index: **INTERNAL DEPT: General Manager's Office**

Property Index: **NIL**

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

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**PURPOSE**

The purpose of this report is to request Council to authorise a temporary and limited amendment to the Instrument of Delegation to the General Manager (General Manager's Delegation), permitting the General Manager to approve a tender above his delegated limit of \$250,000, for the purpose of letting the contract for the construction of the Centennial Parklands Amenities and Outdoor Area.

**RECOMMENDATION**

*That Council authorises the General Manager to let the contract for the construction of the Centennial Parklands Amenities and Outdoor Area in accordance with the adopted budget, subject to the contract conditions meeting all due diligence, planning approvals and land management requirements.*

**REPORT**

**(a) Background**

Council was awarded \$1,341,616 (excluding GST), through the Federal Government's Black Summer Bushfire Recovery Grant for the **Centennial Parklands Amenities and Outdoor Area project (the Project)**. The scope of this project includes new amenities, outdoor seating area and a playground, with a completion deadline of 31 March 2024.

The General Manager's Instrument of Delegation (**Annexure A**) has placed a limit of \$250,000 on the General Manager in accepting tenders.

**(b) Discussion**

Tenders for the Project close on 19 December 2023, meaning Council would not be able to approve the tender until the next Ordinary Council Meeting on 22 February 2022. Noting the completion deadline, permission is sought for the General Manager to let the contract, subject to conditions, so that construction may begin as soon as possible.

**(c) Options**

Waiting until the 22 February 2022 Ordinary Meeting of Council to let the contract or, holding an extraordinary meeting in the new year, will create significant pressures on meeting the project deadline.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Enabling the General Manager to let a contract, subject to the conditions, will not adversely affect Council financially. As time is of the essence, any further delays may have financial implications if Council does not meet the project deadline.

**(b) Governance/Policy**

Instrument of Delegation to the General Manager (Annexure A). The limit for the General Manager to accept tenders is \$250,000, which was endorsed by Council previously on a recommendation made after consultation across 13 similar sized NSW councils. The Delegation will be reviewed in November 2024, although Council may wish to review it sooner.

**(c) Legislative/Statutory**

The provisions of section 55 of the ***Local Government Act 1993 (the Act)*** have been met by Council inviting tenders in accordance with the Act and the *Local Government (General) Regulation 2021*.

Section 377 of the Act does not restrict Council from delegating to the General Manager the function of accepting tenders to any value amount, except for the acceptance of tenders to provide services currently provided by members of staff of Council.

**(d) Risk**

By authorising the General Manager to let the contract, the risk of not meeting the project deadline is mitigated significantly in comparison to the alternatives presented under Options.

**(e) Social**

The Project, when completed, will have significant social utility.

**(f) Environmental**

Consideration will be given to any environmental factors in letting the contract.

**(g) Economic**

The project will assist the town's economic profile through providing much needed amenities at the Australian Standing Stones, a tourist drawcard and site of the Australian Celtic Festival.

**(h) Asset Management**

The assets will be maintained by Council.

**CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

General Manager and Director Place and Growth.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN**

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

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

**CONCLUSION**

Reasons have been provided within this report, noting time is of the essence, regarding the project and the acceptance of a tender. Therefore, a recommendation is put that Council authorises the General Manager to let the contract for Centennial Parklands Amenities and Outdoor Area project.

**ATTACHMENTS**

Annexure A Instrument of Delegation - General Manager

**REPORT TITLE: 7.4 HALF-YEARLY REPORT - 2023/2024 OPERATIONAL PLAN**

**ECM INDEXES:**

Subject Index: **CORPORATE MANAGEMENT: Integrated Planning and Reporting**

Customer Index: **NIL**

Property Index: **NIL**

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

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**PURPOSE**

The purpose of this report is to inform Council of the progress made towards completing the principal activities in the Delivery Program (2022-2025) as measured through the progress made on actions in the Operational Plan 2023/2024 for the period 1 July 2023 until 30 November 2023. A detailed progress report (the Report) is attached (**Annexure A**).

**RECOMMENDATION**

*That Council notes the information contained in this report.*

**REPORT**

**(a) Background**

The ***Integrated Planning and Reporting Guidelines for Local Government in NSW 2021 (the Guidelines)*** require the General Manager to provide progress reports to Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

The last report provided to Council was at the 23 November 2023 Ordinary Meeting of Council for the period 1 July 2022 to 30 June 2023 in the form of the Annual Report.

The Delivery Program 2022 – 2025 was endorsed by Council on 1 June 2022, with the Operational Plan 2022/2023 Annual Report being the second report provided to Council on progress made towards achieving the Delivery Program 2021 – 2025 principal activities.

**(b) Discussion**

This Half-Yearly Report provides Council and the Community with information measuring Council's performance.

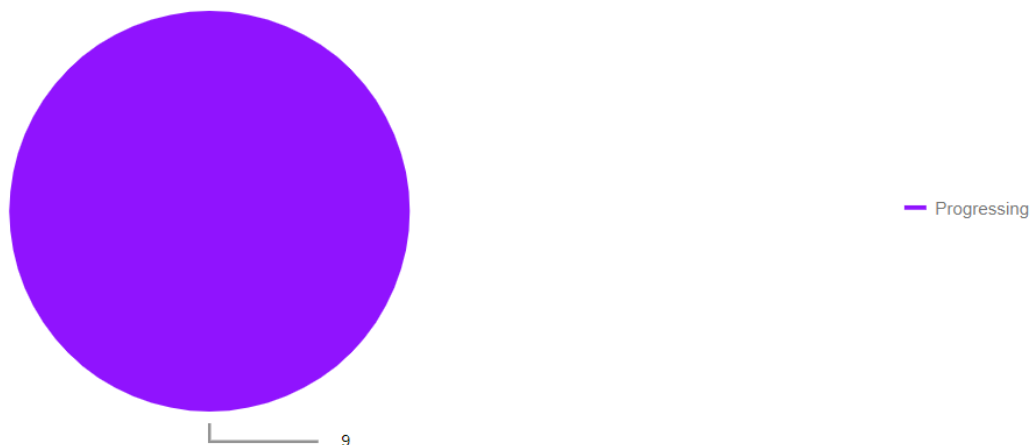
The Delivery Program is a statement of what Council aims to achieve during the term of Council. It is created with the sole purpose of delivering the strategic objectives and goals in Council’s Community Strategic Plan 2022 – 2032; therefore, the Report should be read with these goals and objectives in mind.

The report is segregated into four areas, covering each directorate and the General Manager’s Office. The following charts provide a synopsis of progress made in each area towards completing this year’s operational targets, broken down into the status of progressing, completed, not due to start, not progressing, or not updated.

Actions listed as *not due to start* are actions that are required to be completed at certain periods of the year, such as creating an operational plan, annual report or insurance renewal.

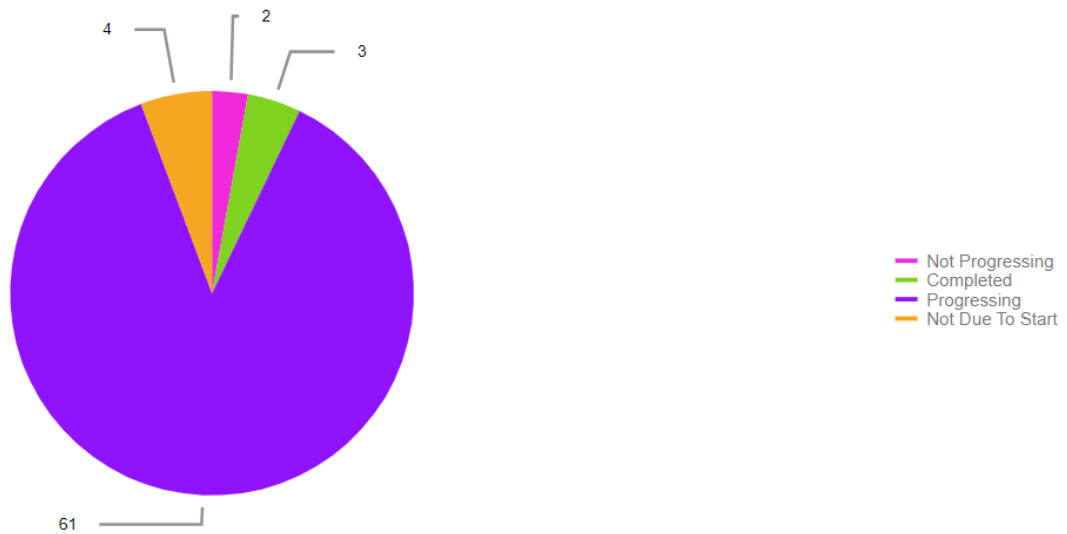
For actions that are progressing, the report provides a percentage to allow Council to understand how much progress has been made.

**1. General Manager’s Office**



All actions are progressing in the General Manager’s Office with between a 10 – 80% completion status.

## 2. Corporate and Community Services directorate



Of the two actions 'Not Progressing', commentary has been provided as follows:

### CS 1.2.2.2 – Develop an Aged and Disability Strategy

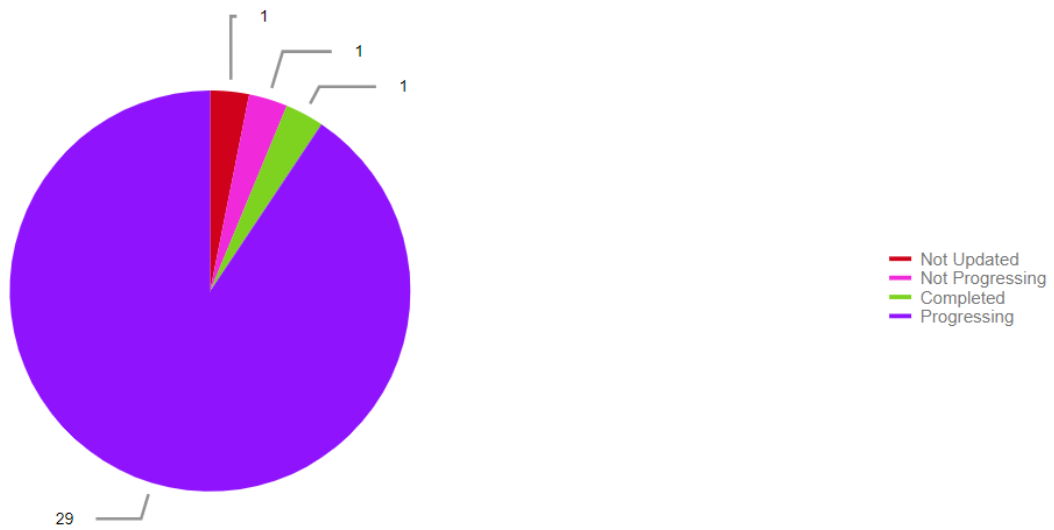
*The recent change in management has highlighted challenges in the Aged and Disability Strategy, encompassing operational requirements. This provides an opportunity for positive action, with further investigations needed to assess the project's viability and ensure its successful completion. It is not anticipated that this strategy will be implemented before April 2024.*

### CS 1.1.2.1 – Review Gentle Exercise Programs delivered through Life Choices – Support Services to ensure they meet current demands

*The review process has not yet commenced; however, this action is currently in the preparatory stages for initiation.*



### 3. Infrastructure Services directorate

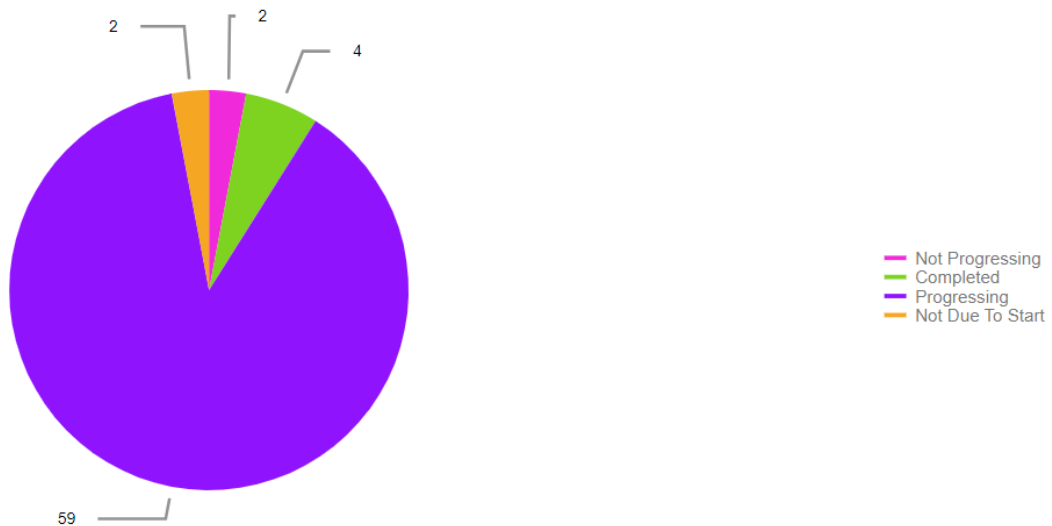


Of the one action ‘Not Progressing’, commentary has been provided as follows:

**IM 3.2.1** - Create an Asset Management Plan for all Council buildings.

*This action has not yet commenced due to the vacant Technical Services Coordinator Position not being filled.*

### 4. The Place and Growth directorate



Of the two actions 'Not Progressing', commentary has been provided as follows:

**ED 2.1.1.2** - Deliver the Agri-Innovation Action Plan 2023/2024 actions.

*Due to insufficient resources and no budget this project is currently not progressing.*

**IM 3.2.16.1** Develop and implement a Recreation and Open Space Strategic Plan including maintenance.

*A scope of works is to be developed for an expression of interest to carry out the strategic plan development process.*

### **Completed Actions**

A total of eight actions have been completed with a few highlights listed below:

**ED 2.1.1.1** - Develop a business case for a Glen Innes Equine Centre utilising funding sourced from the Regional NSW Business Case and Strategy Development Fund Round 1.

This action supports the strategic goal of supporting *agricultural diversification and resilience*, under the community's strategic objective for a *prosperous local economy*.

**ED 2.2.3.1** - Provide event support to the Minerama Committee of Council in delivering a successful event and leverage growth opportunities.

This event supports the strategic goal of *supporting the growth of the visitor economy*, under the community's strategic objective for a *prosperous local economy*.

**STC 5.8.11** - Conduct penetration testing and / or security auditing of Council's ICT systems.

This action supports the strategic goal of *Information Technology Systems are integrated, resilient and support customer service and efficiency*, under the community's strategic objective of Council being *recognised for Local Leadership*.

### **(c) Options**

Nil.

## **IMPLICATIONS TO BE ADDRESSED**

### **(a) Financial**

Officers are reminded not to include actions/projects in the Operational Plan that do not have an approved budget. The Operational Plan includes a budget so that actions can be matched with the necessary resourcing to accomplish them.

### **(b) Governance/Policy**

The report provides information regarding progress achieved in reviewing, revising and improving elements of the governance and policy framework.

### **(c) Legislative/Statutory**

#### ***Local Government Act 1993***

Section 406 Integrated planning and reporting guidelines

#### ***Local Government (General) Regulation 2021***

196A Integrated planning and reporting guidelines—the Act, s 406

#### ***Integrated Planning and Reporting Guidelines for Local Government in NSW 2021***

4.9 The general manager must ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

### **(d) Risk**

Ensuring progress reports are provided to Council mitigates the risk of non-compliance with legislation. Further, it provides Manex and Councillors an opportunity to see how Council is tracking towards achieving the DP principal activities. This provides an opportunity to change course if needed or drive improvements to ensure objectives are being realised.

### **(e) Social**

Transparency is a key value of Council and providing the community with an opportunity to see how Council is progressing towards the delivery of the Community Strategic Plan is vital to delivering on this value.

Further, the report provides information regarding progress achieved in providing the community with an attractive quality of life.

### **(f) Environmental**

The Report provides information regarding progress achieved in providing an appealing sense of place.

**(g) Economic**

The Report provides information regarding progress achieved in providing a prosperous local economy.

**(h) Asset Management**

The Report provides information regarding progress achieved in providing fit for purpose public infrastructure.

**CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

Manex, managers and their teams were consulted in compiling the Report.

**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**

Council has undertaken many activities towards completion of the Delivery Program (2022-2025). The report for the period 1 July 2023 to 30 November 2023 has been reviewed by Manex and is provided to Council for its information and review.

**ATTACHMENTS**

Annexure A Half-Yearly Report - Operational Plan 2023/2024

**REPORT TITLE: 7.5 CODE OF CONDUCT DATA - ANNUAL COMPLAINTS STATISTICS**

**ECM INDEXES:**

Subject Index: **CORPORATE MANAGEMENT: Code of Conduct Complaints**

Customer Index: **NIL**

Property Index: **NIL**

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

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**PURPOSE**

The purpose of this report is to provide Council with statistics on Code of Conduct complaints made about Councillors and the General Manager for the 12-month period from 1 September 2022 until 31 August 2023 (the reporting period), as required by the ***Procedures for the Administration of the Code of Conduct (the Procedures)***.

**RECOMMENDATION**

***That Council notes the information contained in this report.***

**REPORT**

**(a) Background**

The Procedures, which all NSW councils must comply with, require Council's Complaints Coordinator to provide a report to Council, setting out the statistics for Code of Conduct complaints made about Councillors and the General Manager for the 12-month period ending 31 August.

This report is to be made within three (3) months of the end of September each year, with a similar report to be made to the **Office of Local Government (OLG)**. The report to the OLG was submitted on 17 November 2023.

**(b) Discussion**

The following table sets out Council's responses to Part 11 of the Procedures:

<b>Statistic(s) Required</b>	<b>Response</b>
The total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period).	Nil.
The number of code of conduct complaints referred to a conduct reviewer during the reporting period.	Nil.
The number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints.	Nil.
The number of code of conduct complaints investigated by a conduct reviewer during the reporting period.	Nil.
Without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period.	Not applicable.
The number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews.	Nil.
The total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.	Nil.

**(c) Options**

Nil.

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

For the 12-month period from 1 September 2022 until 31 August 2023, no Code of Conduct complaints about councillors or the General Manager were received. Accordingly, the cost of dealing with complaints was nil.

**(b) Governance/Policy**

*Procedures for the Administration of the Code of Conduct – section 11.1-2.*

**(c) Legislative/Statutory**

Council has a legal requirement under the *Local Government Act 1993* to comply with its obligations in respect of Code of Conduct complaints and associated mandatory reporting requirements provided for in section 11.1 of the Procedures.

**(d) Risk**

Nil.

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

Nil.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN**

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**

Part 11 of the Procedures requires Council to report on its statistics for Code of Conduct complaints made about Councillors and the General Manager for the 12-month period ending 31 August 2023.

Council did not receive any Code of Conduct complaints during the reporting period. This information has also been provided to the OLG, which has fulfilled Council's reporting requirements.

### ATTACHMENTS

There are no annexures to this report.



**REPORT TITLE: 7.6 DRAFT DATA BREACH POLICY**

**ECM INDEXES:**

Subject Index: **CORPORATE MANAGEMENT: Policy**

Customer Index: **NIL**

Property Index: **NIL**

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

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**PURPOSE**

The purpose of this report is to present Council with the draft Data Breach Policy (**Annexure A**) for its review and adoption.

**RECOMMENDATION**

*That Council adopts the draft Data Breach Policy.*

**REPORT**

**(a) Background**

The draft Data Breach Policy has recently been prepared in accordance with section 59ZD of the **Privacy and Personal Information Protection Act 1998 (PIPP Act)**. The amendments to the PPIP Act, from the Privacy and Personal Information Protection Amendments Bill 2022, commenced on 28 November 2023. The document has been reviewed by Council's Management Executive Team (Manex) and is now recommended for Council's review and adoption.

**(b) Discussion**

In accordance with the PPIP Act, Council must prepare and publish a data breach policy, which must be publicly available.

The draft policy covers how Council will deal with and assess a data breach to ensure that it meets its obligations under the new **Mandatory Notification of Data Breach (MNDB)** scheme. It provides guidance for responding to a breach of information held by Council, the requirement to assess the breach and the criteria that requires Council to report the breach to the **NSW Information and Privacy Commission (IPC)** and any affected person/s.

The PPIP Act sets out the obligations imposed on Council in reporting eligible data breaches and the draft policy aims to capture the broad obligation, without repeating the statute.

The draft policy defines an eligible data breach as any unauthorised access or disclosure of personal information that would likely result in serious harm to the individual to whom the information relates. The MNDB scheme is bringing NSW privacy legislation more into line with the Commonwealth *Privacy Act 1988*, which provides for a mandatory data breach notification scheme to the Office of the Australian Information Commissioner.

Further, the Policy provides a procedure and a table of considerations relating to various factors such as type of personal information disclosed, the circumstances of the data breach and the nature of the possible harm.

Council's Privacy Contact Officer, the Manager Governance, Risk and Corporate Planning, will be responsible for overseeing compliance with the Policy and the PPIP Act.

**(c) Options**

The requirements to prepare and publish a data breach policy is a legislative requirement imposed on public sector agencies in NSW. It is therefore not an option to not have a policy of this type.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Administering the MNDB scheme will be carried out by the Privacy Contact Officer. It is not foreseen that this will require additional resourcing.

**(b) Governance/Policy**

Once adopted by Council, the draft Data Breach Policy will become policy of Council.

**(c) Legislative/Statutory**

*Privacy and Personal Information Protection Act 1998* – amendments arising from the Privacy and Personal Information Protection Amendment Bill 2002, commencing 28 November 2022.

**(d) Risk**

Compliance with the policy and the *PIPP Act* will be managed through Reliansys – Compliance, and there will be ongoing training and awareness of the requirements to report all data breaches, whether accidental or intentional, to the Privacy Contact Officer.

**(e) Social**

The MNDB scheme will benefit those who may be subject to serious harm arising from their personal information being disclosed. Early notification will assist them in taking measures to protect themselves from further harm that may arise because of the breach.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

The IPC's Guide to Preparing a Data Breach Policy was consulted. Examples of other data breach policies, such as those of the City of Sydney and Wollongong City Council, were also consulted in drafting Council's policy. Further information was obtained from the IPC's website and from industry webinars regarding the amendments to the *PPIP Act*.

**(b) Internal**

Manex.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN**

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

**CONCLUSION**

A draft Data Breach Policy has been prepared to include requirements from amendments made to the *PPIP Act*. The draft policy is a mandatory requirement and it is now presented to Council for its review and adoption.

**ATTACHMENTS**

Annexure A Draft Data Breach Policy

**REPORT TITLE: 7.7 REVISED COMMUNITY COMMITTEES OF COUNCIL MANUAL**

**ECM INDEXES:**

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

Customer Index: **NIL**

Property Index: **NIL**

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

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**PURPOSE**

The purpose of this report is to present Council with the revised **Community Committees of Council Manual (Annexure A)** for review and adoption.

**RECOMMENDATION**

*That Council adopts the revised Community Committees of Council Manual.*

**REPORT**

**(a) Background**

The Manual for Community Committees of Council (**the Manual**) was last adopted by Council on Thursday, 17 December 2021, and was due for review in December 2023.

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

**(b) Discussion**

On 1 July 2023 the Manager of Governance, Risk and Corporate Planning was assigned responsibility of overseeing Community Committees of Council and the Manual. Subsequently, the Manual has been reviewed. Amendments are substantial and have been included in red font, with elements to be deleted shown in red font with strikethrough.

Whilst detailing all the amendments will unnecessarily burden this report in length, some key amendments include:

- The review period has been changed to once in a term of Council,
- Statutory information has been updated and includes provisions under section 378 of the *Local Government Act 1993* which permits the General Manager the power to sub-delegate functions delegated to the General Manager by Council (except the power of delegation) to any person or body, such as a Community Committee of Council,

- Revised general constitution and general terms of reference for committees,
- Revised information on conflicts of interest with substantial repetition of the Code of Conduct removed,
- The inclusion of a standard *meeting practice*. This also removes the unreasonable burden previously imposed on Committees to abide by the Model Code of Meeting Practice, which was created out of the *Local Government (General) Regulation 2021* for Council and committees of Council made up completely of Councillors,
- Unnecessary repetition in the Manual has been recommended for deletion,
- Inclusion of an additional sub-section [17 (2)(e)] whereby a committee may be dissolved, relating to failure to form a quorum at three consecutive meetings, and
- Information added on the obligations of Committee members regarding the *Public Interest Disclosures Act 2022*.

The formatting of the Manual has been changed including an extensive table of contents. The format adopted is like that used in NSW legislation, i.e., chapters, parts, sections, sub-sections etc.

The table of contents provides depth to three levels, allowing the user of the Manual to search for relevant areas, which is how the Manual is intended to be used. It is not intended to require reading from cover to cover.

Not all parts are relevant to all committee members, and nor are all parts relevant all the time; especially the appendices that have specific application only in certain circumstances such as when planning an activity or requesting expenditure.

If / when adopted by Council, training will be organised for all committee members on the revised manual.

### **(c) Options**

Nil.

## **IMPLICATIONS TO BE ADDRESSED**

### **(a) Financial**

Whilst the Manual deals with the financial management of Committees in chapter 5, the revision of the Manual does not contain new financial implications.

### **(b) Governance/Policy**

Once adopted by Council, the revised Manual will become policy of Council. A training and awareness program will be developed to assist Committees to understand and conform with the Manual.

**(c) Legislative/Statutory**

**Local Government Act 1993 (the Act)**

Section 355 provides for how Council may execute its functions. Subsection (c) states that:

*A function of a council may be ... exercised partly or jointly by the council and another person or persons.*

Sections 377 and 378 of the Act make provision for how functions may be delegated. Except for some exclusions set out in section 377, Council, via resolution, may delegate to the General Manger or any other person or body (not including another employee of council) any of the functions of Council under the Act (or any other Act).

Section 378 (2) allows the General Manager to sub-delegate a function delegated to the General Manager by Council to any person or body (including another employee of Council).

**(d) Risk**

The Manual, generally, provides guidance and prescriptions that mitigate risk and specifically provides risk management assessment tools as appendices. It also clearly provides warnings to committees of the severe risk implications of acting outside their terms of reference.

**(e) Social**

The various Community Committees of Council, and the volunteers who are members, play an important role in providing a valuable contribution to the local community.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Some Community Committees of Council manage Council assets on behalf of Council.

**CONSULTATION**

**(a) External**

- Office of Local Government (Governance Department); and
- LGNSW Local Government Governance Network.

**(b) Internal**

Governance Administration Officer and Manex.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN**

This report links to Council's Delivery Program Community Service Principal Activity CS 1.5.2: Support Volunteer Week and proactively encourage volunteering within the community.

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 Community Committees of Council Manual has been revised to include changes that have occurred since the current Manual was adopted in November 2021. Changes are substantial and the revised Manual is now presented to Council for its review and adoption.

**ATTACHMENTS**

Annexure A Draft Community Committees of Council Manual

**REPORT TITLE: 7.8 PRIMARY DISCLOSURE BY COUNCILLORS AND DESIGNATED PERSONS - MANAGER OF COMMUNITY SERVICES**

**ECM INDEXES:**

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

Customer Index: **NIL**

Property Index: **NIL**

**AUTHOR: Simone Murray - Governance Administration Officer**

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**PURPOSE**

The purpose of this report is to table the Primary Disclosure of Interest Return prepared by Designated Person – Manager of Community Services.

**RECOMMENDATION**

*That Council notes the tabled Primary Disclosure of Interest Return by Designated Person – Manager of Community Services.*

**REPORT**

**(a) Background**

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

It is a requirement to lodge a Primary Disclosure of Interests Return (first return) within three months of being elected to Council or becoming a Designated Person.

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

**(b) Discussion**

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



The Primary Disclosure of Interest Return for the Manager of Community Services was provided to the current incumbent on 15 November 2023. It has been completed and returned and is tabled at this Council Meeting in accordance with the Act.

**(c) Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Nil.

**(b) Governance/Policy**

Code of Conduct for Council Staff.

**(c) Legislative/Statutory**

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

***440AAB REGISTER AND TABLING OF RETURNS***

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

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

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

**(d) Risk**

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

**(e) Social**

Nil.

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

Nil.

**LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN**

This report 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**

The Primary Disclosures of Interests Return by the Manager of Community Services has been provided to the General Manager and is tabled at this meeting in accordance with section 440AAB of the Act.

**ATTACHMENTS**

There are no annexures to this report.

**REPORT TITLE: 7.9 CAPITAL WORKS PROGRAM PROGRESS REPORT  
AS AT 30 NOVEMBER 2023**

**ECM INDEXES:**

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

Customer Index: **NIL**

Property Index: **NIL**

**AUTHOR: Ala'a Radaideh - Finance Consultant**

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**PURPOSE**

The purpose of this report is for Council to review the progress of its Capital Works Program for the 2023/2024 Financial Year and the progress of Capital Works Projects carried over from previous financial years or revoked from previous financial years, all of which were adopted in June 2023.

**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**

A new report format has been implemented that should allow for easier maintenance of data integrity, a simplified and more efficient process for updating data, greater accuracy, and a more streamlined review process. Refer to the attached report titled "Capital Projects Details" (**Annexure A**).

Projects have been categorised into relevant areas. This report will be further enhanced by allocating the funding type (grants, internal reserves, general funds) to every project, so that it can be a basis for grants reconciliation and to plan the cash requirements for the capital spend in the current and future years. It is imperative that every project be assigned the funding type and Finance is endeavouring to have this completed as soon as possible.

This report has been prepared with input from the staff who have ownership of the various projects to ensure that there is up-to-date commentary on all the projects. It provides a holistic overview of Council's progress regarding completed projects, works in progress, or expected project commencement dates.

The attached report provides detailed information on all the open Capital Works projects for the 2023/2024 Financial Year and reviews progress on Capital Works projects that were carried over or revoted from previous financial years.

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 of 30 November 2023 will need to be reconciled and verified, with the prior year spend currently reported as carry overs from previous reports. Any difference is currently unknown and will be reported once a full reconciliation of the opening balances brought forward is completed.

#### 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 is now in place to provide a more focused approach to resolving all critical open support tickets.

The second water bill data for financial year 2022/2023 has been sent to Forms Express to generate the water notices, it is expected that this will be completed by week ending Friday, 15 December 2023 and the water bills will be distributed the following week. A decision was made to proceed with processing of the second water bill for financial year 2022/2023 despite the step-up tariff pricing not being resolved yet. It was concluded that the amount that would be generated by the step-up price would be immaterial and manual calculations will be processed to generate bills for excess water charges over 450 kilolitres.

The Acting Director of Corporate and Community Services and the Chief Financial Officer are meeting with Readytech's Customer Experience and Support Manager on Thursday, 14 December 2023, to discuss all outstanding system issues and work towards timely resolutions, 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.

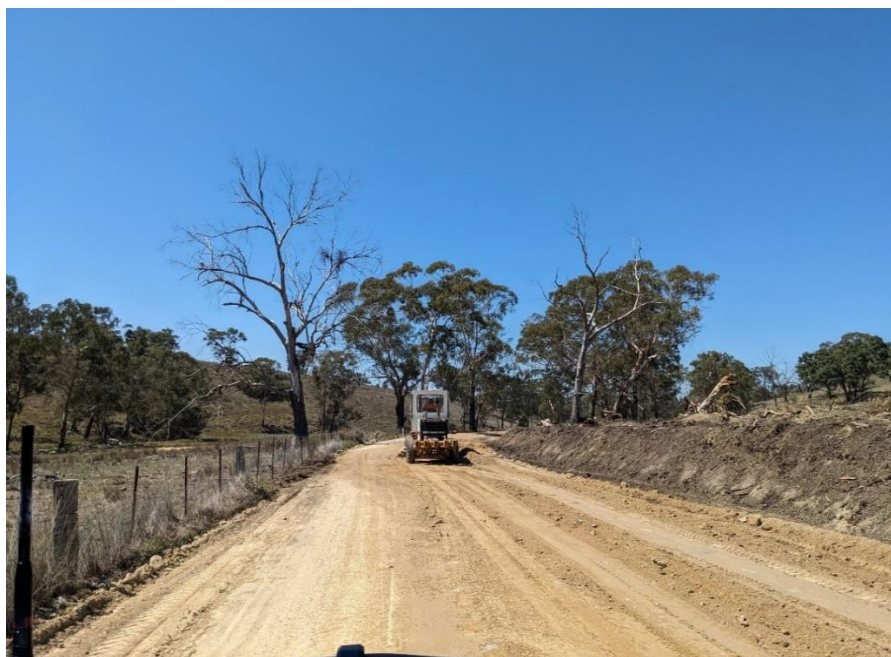
A suite of management reports is being developed, focusing on reports for income and expenses, actual vs budget, capital works in progress, operational and capital grants reconciliation, private works performance and business unit reporting for the quarry and Life Choices-Support Services.

Fixing Local Roads Round 2 – New Bitumen Seals

Ten Mile Road and Tent Hill Road have been gravel re-sheeted and prepped for sealing, with spray sealing contractors booked for the 11 December 2023. Nearly two thousand tonnes of graded sealing aggregates have been produced at Glen Innes Aggregates and stockpiled at the job sites in preparation.



*Image 1: Graded aggregate stockpiles at Tent Hill Road*



*Image 2: Tent Hill Road re-sheeting works*



Construction of Centennial Parklands amenities facilities and outdoor area

Council has engaged Public Works Advisory to project manage the delivery of this project. A tender for construction consultancy services has been awarded to Hill Lockart. The design phase is complete and a selective tender for construction is currently out to market.



*Image 3: Render of the Centennial Parklands project*



*Image 4: Render of the Centennial Parklands Project*

### Glen Innes Outdoor Multi-Purpose Courts (GIOMC)

Construction works are progressing on the outdoor multi-courts, with concreting now complete. The concrete has cured and turfing of the disturbed site is planned to be undertaken prior to end of 2023.



*Image 5: Aerial view of the Outdoor Multi-Purpose Courts*

### Glen Innes Skate Park Redevelopment

The Glen Innes Skate Park concrete redevelopment works have now been completed with the following items remaining outstanding:

- Painting;
- Landscaping; and
- Shelter installation.

The project is anticipated to be fully completed by late December 2023 / early January 2024.



*Image 6: Skate Park Upgrade*

Fixing Local Roads - Regional and Local Roads Repair Program (RLRRP)

Council has completed a variety of heavy patching, pothole repair and gravel re-sheeting works under the RLRRP grant, with works completed on Wellington Vale Road, Rangers Valley Road, Tent Hill Road and in the Glen Innes township.



*Image 7: Completed heavy patch on Wellington Vale Road.*

**(c) Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

The table on the following page provides a summary of the adopted budget, the actual and committed amounts as of 30 November 2023, along with the percentage of the actual and committed expenditure when compared to adopted budgets.



Project Type	Projects Count	Budget	Total Spent	Expenditure %
Aerodome	3	3,303,178.00	105,026.57	3.18%
Bridge	8	6,667,000.00	2,973,418.23	44.60%
Building	1	250,000.00	22,500.00	9.00%
Community Halls	1	131,651.00	105,326.40	80.00%
Drainage	3	2,002,546.00	1,811,819.16	90.48%
Ecnomic Development	3	333,446.00	197,175.12	59.13%
Flood Recovery & Natural Disasters	5	5,943,419.00	238,845.29	4.02%
IT	1	65,000.00	50,000.00	76.92%
Library	1	38,000.00	20,000.00	52.63%
Life Choices	3	37,153.00	11,602.73	31.23%
Open Office	1	785,825.00	578,416.34	73.61%
Open Spaces	2	60,000.00	72,992.71	121.65%
Open Spaces & Recreational	15	6,082,301.00	2,963,242.75	48.72%
Plant	25	2,997,742.00	2,237,808.07	74.65%
Quarry	3	724,225.00	17,118.64	2.36%
Roads	33	24,266,012.00	7,263,565.27	29.93%
Sewer	3	641,749.00	472,821.35	73.68%
Waste	1	145,000.00	227,715.51	157.05%
Water	8	2,728,551.00	1,544,398.16	56.60%
<b>Grand Total</b>	<b>120</b>	<b>57,202,798.00</b>	<b>20,913,792.30</b>	<b>36.56%</b>

### (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. This ratio is crucial in determining the future cash requirements Council will need to ensure that asset renewals are at the required levels and the funding source of asset renewals are thoroughly understood and forecasted. The asset revaluations and depreciation expense also play a pivotal role in ensuring all these factors are allowed for in Council's long term financial plan.

**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     Capital Projects Details

**REPORT TITLE: 7.10 INVESTMENT REPORT - NOVEMBER 2023**

**ECM INDEXES:**

Subject Index: **FINANCIAL MANAGEMENT: Investments**

Customer Index: **NIL**

Property Index: **NIL**

**AUTHOR: Callum Whitburn - Financial Accountant**

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**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 \$20.1M 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. Currently Council has one responsible investment, being a \$1M investment with Westpac's Green Tailored Deposits. Two investments are with institutions that do not fund fossil fuels: \$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:

<b>Bank Reconciliation Statement</b>	
<b>Balance as per General Ledger :</b>	
Ledger Balance as at 30 November 2023	<b>\$6,303,025.78</b>
<b>Balance as per Bank :</b>	
Opening Balance 1 November 2023	\$3,258,087.90
November Movements	\$2,723,657.70
Closing Balance 30 November 2023	\$5,981,745.60
less : Unrepresented Receipts & Payments	-\$305,392.60
less : Timing Differences	\$0.00
<b>Total:</b>	<b>\$6,287,138.20</b>
Variance	\$15,887.58
	
Responsible Accounting Officer	
4 December 2023	

The unrepresented receipts and payments of \$305K and the overall reconciliation variance of \$16K are being investigated and will need to be resolved as part of the bank reconciliation process. This will be completed in consultation with the Open Office support team due to possible system issues that are causing it. A system issue has opened previously closed sessions of the bank reconciliation; hence the unrepresented receipts and payments amount being high, at \$305K.

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

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

## SUMMARY OF INVESTMENTS

Rating (S&P)	Maturity	%	Institution	Bank funds Fossil Fuels	Invested \$	Return \$
A1+/AA-	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		5.00%	Total Investments		20,100,000	877,427
Avg. Headline Rate Return		4.95%	Cash on Hand		5,981,746	
					<b>Total Cash and Investments</b>	<b>26,081,746</b>

\* 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:

<b>Interest received for the year to 30 Nov 2023</b>	<b>\$512,303.37</b>
--	---------------------

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

<b>Investment Movements</b>	
<b>Opening Balance as at 1 November 2023</b>	<b>20,800,000</b>
<b>Less :</b>	
Maturities (1)	700,000
<b>Subtotal</b>	<b>20,100,000</b>
<b>Plus :</b>	
Rollovers (0)	-
New Investments (0)	-
<b>Current Balance as at 30 November 2023</b>	<b>20,100,000</b>

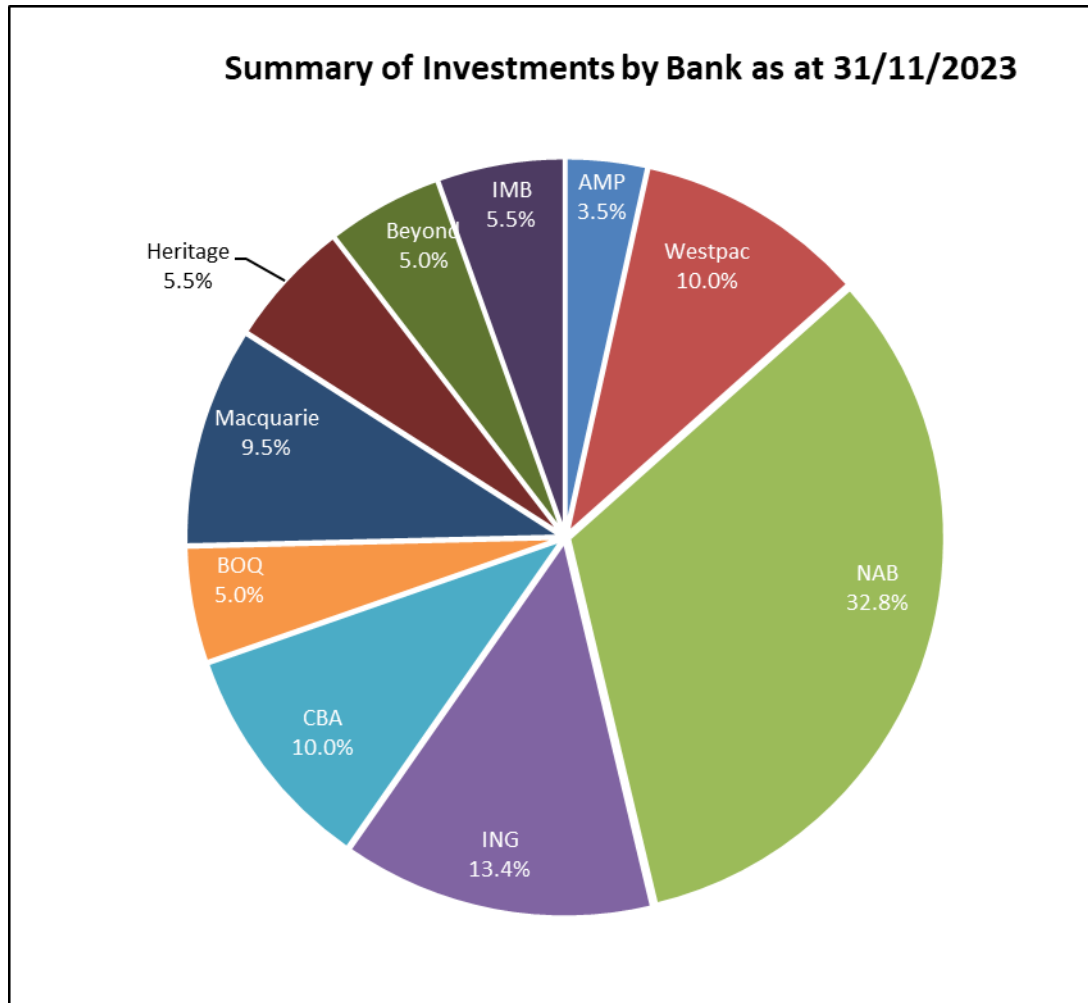
During the reporting month one term deposit matured: \$700K with MyState Bank, which was not reinvested due to the cash on hand balance dropping below the comfort level of \$2.0M during the month.

The cash on hand balance increased from \$2.9M to \$5.9M on 29 November, which again places Council in a position to be able to invest surplus funds, and this is expected to occur in mid-December.

A summary of maturities is set out below:

<b>Period</b>	<b>No. of Term Deposits Maturing</b>	<b>Value</b>
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
Dec-24	0	0
Jan-25	0	0
Feb-25	0	0
<b>Total</b>	<b>19</b>	<b>\$20,100,000</b>

The graph below shows the summary of Investments by bank:



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

**Certification**

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

**(c) Options**

Nil.

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

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

Interest rates are stabilising after a year and a half of trending upwards, and it is expected that the actual average return will now stabilise. The Bloomberg Ausbond Bank Bill Index one-year return rate for the reporting month is 3.74%.

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

<b>Investment Balances</b>	<b>This Year</b>	<b>Last Year</b>
Opening Balance 1 November	20,800,000	17,700,000
Closing Balance 30 November	20,100,000	16,700,000

**(b) Governance/Policy**

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

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

- At the time of investment, no institution at any time shall hold more than 45% of Council's total investments. The maximum will be determined by the long-term rating of the institution - AAA up to 45%; AA up to 35%; A up to 15% and BBB up to five percent;
- At the time of investment, the maximum portfolio limits per rating are - AAA up to 100%; AA up to 100%; A up to 45%; BBB up to 25% and Government up to 100%; and
- Council's Investments can be placed in a mixture of short (0-12 months), short-medium (1-2 years) and medium (2-5 years) term investments whilst ensuring that liquidity and income requirements are met.

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

During October 2023, \$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. A further \$700K was allowed to mature without reinvestment in November 2023 for the same reason. This is a temporary situation until reinvestment can take place 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:

<b>Compliant</b>	<b>Credit Rating</b>	<b>Invested</b>	<b>Invested \$</b>	<b>Policy Limit</b>	<b>Available \$</b>
Yes	AAA	0.00%	-	100%	20,100,000
Yes	AA	52.74%	10,600,000	100%	9,500,000
Yes	A	22.89%	4,600,000	45%	4,445,000
Yes	BBB	24.38%	4,900,000	25%	125,000
Yes	Government	0.00%	-	100%	20,100,000
		<b>100.00%</b>	<b>20,100,000</b>		

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	20,100,000	100%
<b>Total</b>			<b>20,100,000</b>	<b>100%</b>

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: 7.11 CORRESPONDENCE FROM PAUL SCULLY MP**

**ECM INDEXES:**

Subject Index: **LAND USE AND PLANNING: Planning**

Customer Index: **NIL**

Property Index: **NIL**

**AUTHOR: Gayleen Burley - Director of Place and Growth**

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**PURPOSE**

The purpose of this report is to inform Council of the content of the correspondence from the Hon Paul Scully MP (***Annexure A***).

**RECOMMENDATION**

***That Council notes the information in the correspondence.***

**REPORT**

**(a) Background**

The correspondence from the Hon Paul Scully, Minister for Planning and Public Spaces relates to the housing crisis that NSW is currently facing.

**(b) Discussion**

The Hon Paul Scully, Minister for Planning and Public Spaces calls upon councils to assist with the housing crisis. He notes the demand for low and mid-rise multi-dwelling housing options across the state and encourages all councils to review their local planning policies to potentially allow further development to meet this need.

The State Government will be prioritising housing in the upcoming months, with the Department of Planning and Public Spaces creating toolkits and other resources to assist local councils.

It should be noted that Council has already commenced the development of the **Land Use Management Plan (LUMP)** and will subsequently review its **Local Environmental Plan (LEP)**, both of which are anticipated to be completed this financial year.

Council also adopted the Glen Innes Severn Local Government Area Housing Strategy 2022-2041 in late 2022 and has applied for grant funding to assist with the implementation of the actions identified within the Strategy. Council is yet to be advised if the application is successful.

Further, Council is undertaking a review of its own land holdings to determine if any land parcels are appropriate for residential development to assist in easing the housing crisis currently being faced within the Glen Innes Severn Local Government Area and more broadly across New South Wales and Australia. A future report will be provided to the Council regarding the appropriateness of Council land holdings for residential development.

**(c) Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

The LUMP development and subsequent LEP review are budgeted within 2023/24.

**(b) Governance/Policy**

- Glen Innes Local Environmental Plan 2012,
- Glen Innes Severn Council Local Strategic Planning Statement: A Strategic Land Use Vision to 2040, and
- Glen Innes Severn Local Government Area Housing Strategy 2022-2041.

**(c) Legislative/Statutory**

- Glen Innes Local Environmental Plan 2012, and
- Glen Innes Severn Council Local Strategic Planning Statement: A Strategic Land Use Vision to 2040.

**(d) Risk**

Nil.

**(e) Social**

Councils help shape and deliver housing policy objectives through their land use planning and community service responsibilities. Councils prepare land use management plans and local housing strategies in consultation with communities, to detail how and where housing will be provided in local areas.

**(f) Environmental**

Nil.

**(g) Economic**

Economic growth is achieved (in part) through the application of up-to-date and relevant land use and development systems which enable productivity, sustainability, and liveability within the local government area.

**(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 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**

The Hon Paul Scully MP would like councils to assist with the housing crisis by reviewing their local policies to potentially allow more multi-unit dwellings to be built.

**ATTACHMENTS**

Annexure A Correspondence from the Hon Paul Scully MP

## **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

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### 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

- Arts North West – newsletter;
- Council Magazine;
- Inside Local Government – newsletters;
- Local Government NSW – newsletters;
- Member for Northern Tablelands, The Hon. Adam Marshall – media alerts and weekly reports;
- Office of Local Government – newsletter;
- Uralla Shire Council – appointment of General Manager; and
- Weekly Councillor updates from the General Manager.

### Press Releases

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

### Publications

- LG Focus – November 2023.

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



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

**ECM INDEXES:**

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

Customer Index: **NIL**

Property Index: **NIL**

**AUTHOR: Jeff Carroll - Records Supervisor**

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**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 Aboriginal Consultative Committee - 23/10/23  
Annexure B Australia Day Committee - 1/11/23  
Annexure C Community Access Committee - 6/11/23  
Annexure D Glencoe Hall Committee - 4/11/23  
Annexure E Library Committee - 27/10/23

**REPORT TITLE: 9.3 MINUTES OF OTHER ORGANISATIONS FOR INFORMATION**

**ECM INDEXES:**

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

Customer Index: **NIL**

Property Index: **NIL**

**AUTHOR: Jeff Carroll - Records Supervisor**

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**PURPOSE**

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

Country Mayors Association	24/11/23
Country Mayors Association AGM	24/11/23

**RECOMMENDATION**

*That Council notes the information contained in this report.*

**ATTACHMENTS**

Annexure A Country Mayors Association - 24/11/23  
Annexure B Country Mayors Association AGM - 24/11/23

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

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### 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 November 2023:

<b>Name of Committee</b>	<b>Councillor Delegate(s)</b>	<b>Date</b>
Australia Day Committee	Cr Parry, Cr Parsons	1.11.23
Glen Innes Community Access Committee	Cr Banham, Cr Sparks	6.11.23
Glen Innes Saleyards Advisory Committee	Cr Banham, Cr Alt	29.11.23
Glencoe Hall Committee	Cr Parry	4.11.23
Roads Consultative Committee	Cr Banham, Cr Arandale, Cr Alt	16.11.23

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

<b>Councillor</b>	<b>Name of Meeting / Function</b>	<b>Date attended</b>	
Cr R Banham (Mayor)	Local Traffic Committee Meeting	1.11.23	
	Meeting with President of RSL	3.11.23	
	Community Access Committee Meeting	6.11.23	
	Tablelands Sector Comprehensive Care Meeting	8.11.23	
	New England Renewable Energy Zone (NE REZ) Meeting	9.11.23	
	Remembrance Day Service	11.11.23	
	RAAF C-27J Careers Tour to Glen Innes Airport	11.11.23	
	LG NSW Annual Conference		12.11.23
			13.11.23
			14.11.23
	Safe In Our Town Meeting	15.11.23	
	Hunter New England Local Health District Annual Public Meeting	15.11.23	
	Deepwater & Districts Community FM Radio Inc AGM	20.11.23	
	Meeting at Elks Rugby Field	22.11.23	
	Pre-Meeting Briefing Session	23.11.23	
	Ordinary Council Meeting	23.11.23	
	Country Mayors	23.11.23	
	Country Mayors AGM	23.11.23	
	Margarita and Taco Festival	25.11.23	
	Site Visit to 5 Heron Street Glen Innes	27.11.23	
St Joseph's School Presentation Ceremony	28.11.23		
Interview with Peter Sanders ABC Tamworth	29.11.23		
Saleyards Committee Meeting	29.11.23		
Councillor Workshop	29.11.23		
Cr T Arandale (Deputy Mayor)	SEATA site visit	30.10.23*	
	LG NSW Annual Conference	12.11.23	
		13.11.23	
		14.11.23	
	New England Weeds Authority Workshop	21.11.23	
	New England Weeds Authority Meeting	21.11.23	
Pre-Meeting Briefing Session	23.11.23		

Item 10.1

## Item 10.1

Councillor	Name of Meeting / Function	Date attended
	Ordinary Council Meeting	23.11.23
	Councillor Workshop	29.11.23
Cr T Alt	LG NSW Annual Conference	12.11.23 13.11.23 14.11.23
	Pre-Meeting Briefing Session	23.11.23
	Ordinary Council Meeting	23.11.23
	Councillor Workshop (online)	29.11.23
Cr L Gresham	Pre-Meeting Briefing Session (online)	23.11.23
	Ordinary Council Meeting (online)	23.11.23
	Councillor Workshop (online)	29.11.23
Cr J Parry	Australia Day Committee Meeting	1.11.23
	Community Access Committee Meeting ( <i>for Cr Sparks</i> )	6.11.23
	Roads Consultative Committee Meeting ( <i>for Cr Alt</i> )	16.11.23
	Margarita & Taco Festival	25.11.23
	Councillor Workshop	29.11.23
Cr A Parsons	Australia Day Committee Meeting	1.11.23
	Glen Innes and District Community Centre Meeting	22.11.23
	Ordinary Council Meeting	23.11.23
	Glen Innes and District Community Centre Inc. Annual General Meeting	27.11.23
	Councillor Workshop	29.11.23
Cr C Sparks	Glen Innes Family Youth and Support Services	14.11.23
	Safe in Our Town Meeting	15.11.23
	Microsoft Teams Meeting: Preparing for El Nino Summer	16.11.23
	Glen Innes Art Gallery Committee Meeting	20.11.23
	Radio 2CB Annual General Meeting	20.11.23
	Glen Innes and District Community Centre Meeting	22.11.23
	Pre-Meeting Briefing Session	23.11.23
	Ordinary Council Meeting	23.11.23
	Glen Innes and District Community Centre Inc. Annual General Meeting	27.11.23
	Healthwise Workshop	29.11.23

Councillor	Name of Meeting / Function	Date attended
	Councillor Workshop	29.11.23

\*not listed last month

**(c) Options**

Nil.

**IMPLICATIONS TO BE ADDRESSED**

**(a) Financial**

Nil.

**(b) Governance/Policy**

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

**Manual for Community Committees of Council**

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

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

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

**(c) Legislative/Statutory**

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

How a council may exercise functions.

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

- (a) by the council by means of the councillors or the employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or
- (b) **by a committee of the council**, or
- (c) partly or jointly by the council and another person or persons, or

- (d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or
- (e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).

**(d) Risk**

Nil.

**(e) Social**

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

**(f) Environmental**

Nil.

**(g) Economic**

Nil.

**(h) Asset Management**

Nil.

**CONSULTATION**

**(a) External**

Nil.

**(b) Internal**

The Governance Administration Officer provided the information regarding the meetings held by Section 355 Community Committees of Council.

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

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

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

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



## **CONCLUSION**

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

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

## **ATTACHMENTS**

There are no annexures to this report.

# 11 MATTERS OF AN URGENT NATURE

## 12 CONFIDENTIAL MATTERS

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

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

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

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

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

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2) of the Act).

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

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

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

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
  - (ii) cause a loss of confidence in the Council or committee.

**RECOMMENDATION**

***That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:***

<b><i>Item</i></b>	<b><i>Report</i></b>	<b><i>Reason</i></b>
<b><i>12.1</i></b>	<b><i>Sale of 23 Bourke Street, Deepwater</i></b>	<b><i>(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</i></b>
<b><i>12.2</i></b>	<b><i>Proposed Sale of 181 Bourke Street, Glen Innes</i></b>	<b><i>(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</i></b>
<b><i>12.3</i></b>	<b><i>General Manager- Performance Review</i></b>	<b><i>(a) personnel matters concerning particular individuals (other than councillors).</i></b>

The following two (2) recommendations will also be put to the Closed Council:

**RECOMMENDATION**

***That Council moves out of Closed Council into Open Council.***

**RECOMMENDATION**

***That the Confidential Closed Council Resolutions be recommended for adoption to the Ordinary Meeting of Council.***