

BUSINESS PAPER

Ordinary Council Meeting

To be held on

Thursday,

15 August 2024

The bottom of the page is decorated with two thick, curved lines. The upper line is a light brown color and curves from the left side towards the center. The lower line is a dark green color and curves from the bottom center towards the right side.

Statement of Ethical Obligations

Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the *Local Government Act 1993* and their obligation under Council's Code of Conduct to disclose and appropriately manage Conflicts of Interest.

Conflicts of Interest

All Councillors must declare and manage any conflicts of interest they may have in matters being considered at Council meetings in accordance with the Council's Code of Conduct. All declarations of conflicts of interest and how the conflict was managed will be recorded in the minutes of the meeting at which the declaration was made.

Recording of Council Meetings

This Council meeting is being recorded and will be made publicly available on the Council's website and persons attending the meeting should refrain from making any defamatory statements.

Council meetings should be:

Transparent:	Decisions are made in a way that is open and accountable.
Informed:	Decisions are made based on relevant, quality information.
Inclusive:	Decisions respect the diverse needs and interests of the local community.
Principled:	Decisions are informed by the principles prescribed under Chapter 3 of the Act.
Trusted:	The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
Respectful:	Councillors, staff and meeting attendees treat each other with respect.
Effective:	Meetings are well organised, effectively run and skilfully chaired.
Orderly:	Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.



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, 15 August 2024 at 9:00 AM

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Bernard Smith
General Manager

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 OPENING WITH PRAYER**
- 3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**
- 4 MINUTES OF PREVIOUS ORDINARY MEETING - 25 JULY 2024 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 REQUEST TO ATTEND COUNCIL MEETING BY AUDIO-VISUAL LINK - CR C SPARKS

REPORT FROM: General Manager's Office

PURPOSE

The purpose of this report is to provide Council with a request received from Councillor Carol Sparks to attend this meeting (15 August 2024 Ordinary Council Meeting) by audio-visual link, in accordance with Council's Code of Meeting Practice.

RECOMMENDATION

That Council approves for Councillor Carol Sparks to attend the 15 August 2024 Ordinary Council Meeting by audio-visual link on the grounds that she will be on a holiday that was scheduled prior to the change of meeting date and is unable to attend the meeting in person.

REPORT

(a) Background

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

Following this meeting, a draft Code of Meeting Practice was prepared and placed on public exhibition, inviting submissions. No submissions were received and it was subsequently adopted at the Ordinary Council Meeting held on 23 November 2023.

(b) Discussion

Cr Sparks has made a request, in writing, to the General Manager to attend this meeting via audio-visual link as she will be on a holiday that was scheduled prior to the change of meeting date and is unable to attend the meeting in person.

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

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

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

KEY CONSIDERATIONS

(a) Financial/Asset Management

Nil.

(b) Policy/Legislation

Code of Meeting Practice
Code of Conduct for Councillors
Local Government Act 1993 – section 360

(c) Risk

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

(d) Consultation

Manager of Governance.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

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

CONCLUSION

Cr Sparks has made a request in accordance with the Code of Meeting Practice to attend this Council meeting via audio-visual link.

ECM INDEXES

Subject Index: GOVERNANCE: Councillors
Customer Index: Internal Dept: Councillors
Property Index: NIL

ATTACHMENTS

There are no annexures to this report.

REPORT TITLE: 7.2 RESOLUTION TRACKING REPORT

REPORT FROM: General Manager’s Office

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 Council notes the information contained in this report.

REPORT

(a) Background

Council makes Resolutions at each Ordinary and Extraordinary Council Meeting. These Resolutions are then actioned to appropriate staff members to follow up in a timely and professional manner. The Outstanding Actions Report (Annexure A) provides a framework to monitor and manage all outstanding Council Resolutions.

(b) Discussion

The table below provides details the progress on Council Resolutions:

Outstanding Actions reported at the July 2024 Council Meeting	22
New actions assigned following July 2024 Council Meeting	+12
Actions completed since the previous report	-13
Outstanding Actions as of Thursday, 8 August 2024	21

Annexure A provides the most recent comments, from the responsible officers, as of Thursday, 8 August 2024.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Nil.

(b) Policy/Legislation

*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*

(c) 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.

(d) Consultation

Various responsible officers within Council.

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

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.

ECM INDEXES

Subject Index: GOVERNANCE: Ordinary Meetings of Council
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

Annexure A Outstanding Actions Report as at 8.8.24

REPORT TITLE: 7.3 PRESENTATION OF AUDITOR'S REPORTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

REPORT FROM: Corporate and Community Services

PURPOSE

The purpose of this report is to present to Council the Auditor's Report for the year ended 30 June 2023 and to consider changes to the draft Financial Statements adopted by the Council at its meeting held on 24 April 2024. The updated draft Financial Statements are attached as *Annexures A and B*.

RECOMMENDATION

THAT Council receives and notes:

1. *The Auditor's Report for the year ended 30 June 2023, which will be tabled at the meeting.*
2. *The revised 2022/23 Financial Statements.*
3. *The changes to the operating result and financial position as reported in the revised Year End 2022/23 Financial Statements.*

REPORT

(a) Background

1. The Annual Financial Statements are required to contain certificates to be signed in accordance with a resolution of Council, that they have been prepared in accordance with the provisions of the *Local Government Act 1993* and the Regulations thereunder.

Council authorised the signing of the Year End 2023 certificates at the Ordinary Council Meeting held on Wednesday, 24 April 2024 (Resolution Number 4.04/24).

2. The Financial Statements and certificates referred to in item one were then referred to Council's Auditor for auditing.
3. As soon as practical after receiving the Auditor's Report, Council must forward a copy of the audited Financial Statements to the **Office of Local Government (OLG)**.
4. A public notice must then be provided of Council's intention to present its audited Annual Financial Statements.
5. Anyone can make written submissions to Council regarding its audited Financial Statements or Auditor's Reports for a period of seven days after the reports have been presented to Council.

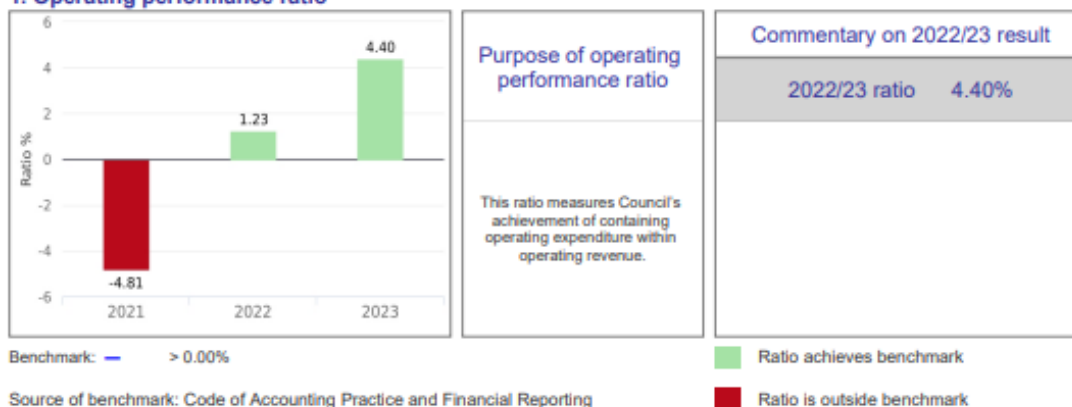
(b) Discussion

A summary of the changes to the Year End 2023 draft Financial Statements referred to audit follows:

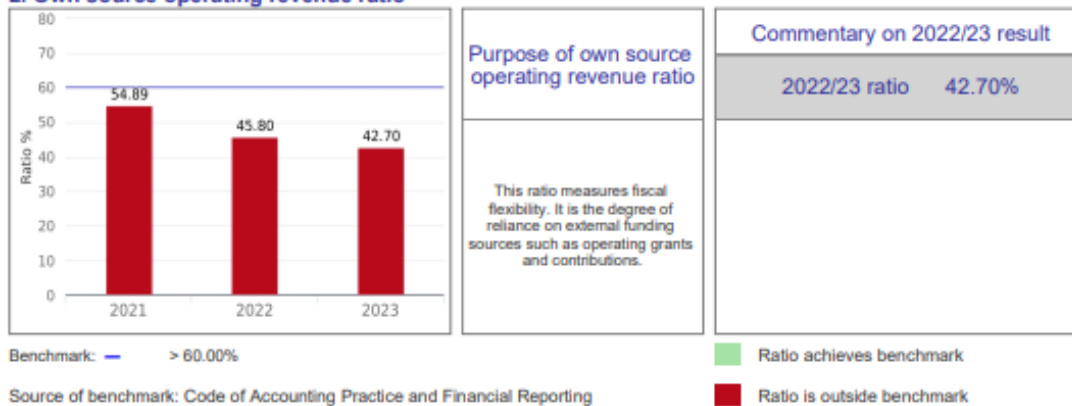
Net operating result for the year attributable to Council (DRAFT)	12.282M
ADD: amortisation of leased quarry plant duplicated	.052M
ADD: rates and annual charges pensioner subsidies received	.221M
LESS: correct fair value gain of investment property	(.008)M
Net operating result for the year attributable to Council (AUDITED)	12.547M

Council’s financial performance is also detailed in the following graphs and ratios:

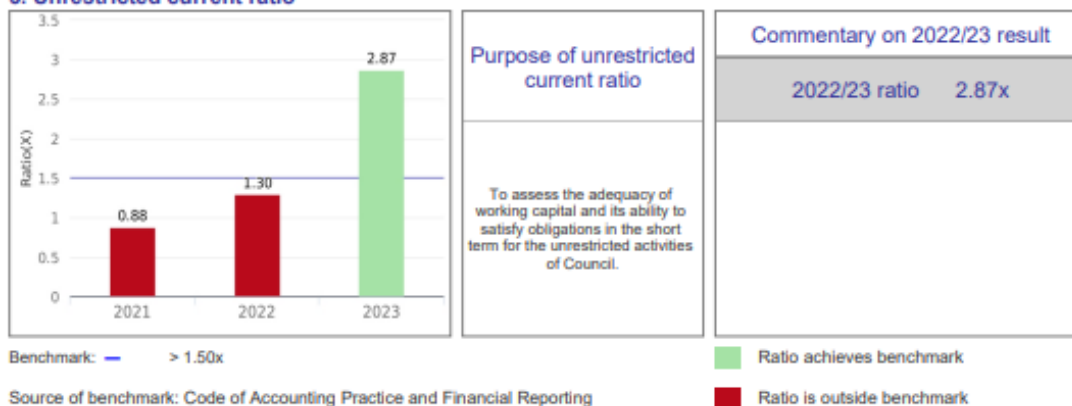
1. Operating performance ratio



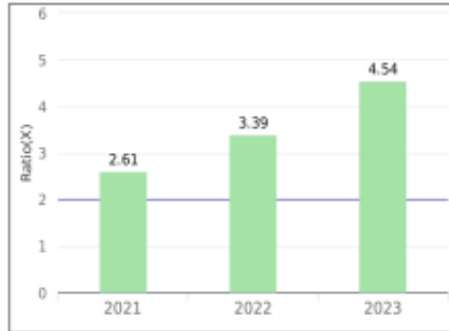
2. Own source operating revenue ratio



3. Unrestricted current ratio



4. Debt service cover ratio



Purpose of debt service cover ratio

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments

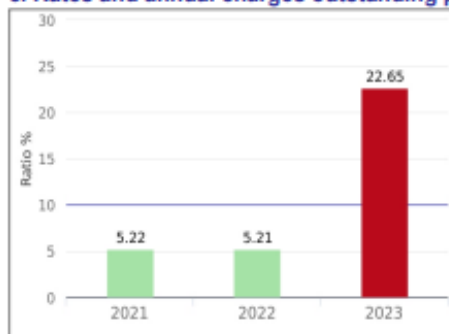
Commentary on 2022/23 result	
2022/23 ratio	4.54x

Benchmark: — > 2.00x

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark
Ratio is outside benchmark

5. Rates and annual charges outstanding percentage



Purpose of rates and annual charges outstanding percentage

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.

Commentary on 2022/23 result	
2022/23 ratio	22.65%

Benchmark: — < 10.00%

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark
Ratio is outside benchmark

6. Cash expense cover ratio



Purpose of cash expense cover ratio

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Commentary on 2022/23 result	
2022/23 ratio	12.16 months

Benchmark: — > 3.00months

Source of benchmark: Code of Accounting Practice and Financial Reporting

Ratio achieves benchmark
Ratio is outside benchmark

Council is yet to receive its Final Management Letter as part of the final phase of the Audit and as expected, the draft engagement closing report from the Audit Office is a “Disclaimer of Opinion” for the General Purpose Financial Statements, the Special Purpose Financial Statements and Special Schedule Permissible Income for General Rates.

The 2022/23 audit identified that system issues were a major contributor for the Audit Office to form an opinion of “Disclaimer of opinion”. This will be tabled in detail in the final engagement closing report.

KEY CONSIDERATIONS

(a) Financial/Asset Management

The preparation of the 2023/24 Financial Statements have significantly improved and the draft Statements are to be tabled at the Council meeting on Thursday, 15 August 2024.

Significant steps have been taken to ensure prudent financial management of Council's finances which include:

- Monthly balance sheet reconciliations,
- Monthly capital works in progress report,
- General ledger is fully reconciled with full asset register,
- A full working grants register to track contract assets and liabilities on a monthly basis,
- A financial sustainability review leading to the implementation of a robust long term financial plan,
- Further enhancements to monthly reporting to the Management Executive Team and Council,
- Microsoft Power BI implementation for management reporting, and
- Focused meetings with ReadyTech to resolve critical systems issues.

(b) Policy/Legislation

Section 418 of the *Local Government Act 1993* (Public notice to be given of presentation of financial reports) requires all councils in NSW to give public notice of the presentation of Annual Financial Reports.

Section 419 of the *Local Government Act 1993* (Presentation of council's financial reports) requires the following:

- (1) A council must present its audited financial reports, together with the auditor's reports, at a meeting of the council held on the date fixed for the meeting.
- (2) The council's auditor may attend the meeting at which the financial reports are presented.
- (3) A council's auditor who carries out the functions of the auditor under an appointment by the Auditor-General must attend the meeting at which the financial reports are presented if the council gives not less than 7 days notice in writing that it requires the auditor to do so.

Section 420 of the *Local Government Act 1993* (Submission of financial reports and auditor’s reports) requires the following:

- (1) Any person may make submissions to the council with respect to the council’s audited financial reports or with respect to the auditor’s reports.
- (2) A submission must be in writing and must be lodged with the council within 7 days after the date on which those reports are presented to the public.
- (3) The council must ensure that copies of all submissions received by it are referred to the auditor.
- (4) The council may take such action as it considers appropriate with respect to any such submission, including the giving of notice to the Departmental Chief Executive of any matter that appears to require amendment of the council’s financial reports.

(c) Risk

Current risk factors that are still active and pose a significant risk in the current environment include:

- Critical system issues that are interrupting business operations (work arounds have been implemented to mitigate risk until these issues have been fully resolved),
- Auditors report very tight timeframes and high workload pushing audit availability outside of compliance timeframes.

(d) Consultation

The Chair of Council’s **Audit, Risk and Improvement Committee (ARIC)** is kept up to date on progress in preparing Annual Financial Statements by the Audit Office of NSW, its audit service provider (Forsyth’s) and the Director Corporate and Community Services.

The Mayor and Councillors are provided briefings on progress.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

The Annual Financial Statements form part of Council’s Annual Report which is a requirement of the Integrated Planning and Reporting Framework.

CONCLUSION

Council’s Financial Statements and Key Performance Indicators for the year ended 30 June 2022 reveal that Council’s financial position continues to be satisfactory. This is highlighted by the various ratios detailed in the body of this report.

Council will need to continue to focus on increasing operating revenue and/or decreasing operating expenses. In addition, Council needs to continue searching for additional untied revenue sources to fund its future asset renewals.

ECM INDEXES

Subject Index: FINANCIAL MANAGEMENT: Financial Reporting, Audit
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

Annexure A General Purpose Financial Statements (GPFS) 2022/2023
Annexure B Special Purpose Financial Statements (SPFS) 2022/2023

REPORT TITLE: 7.4 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS FOR 2023/2024

REPORT FROM: Corporate and Community Services

PURPOSE

The purpose of this report is to table and receive the Draft General Purpose and Special Purpose Financial Statements for 2023/24.

RECOMMENDATION

THAT Council:

- 1. Notes the report and attached Draft General Purpose Financial Statements 2023/24.***
- 2. Notes that the Draft Special Purpose Financial Statements 2023/24 will be tabled at the meeting.***
- 3. Notes that Note C1-1 - Cash is overstated and that this is immaterial. Management is taking steps to have the reporting of cash rectified.***
- 4. Endorses the Draft Financial Statements for the year ended 30 June 2024.***

REPORT

(a) Background

In accordance with Section 416 (1) of the ***Local Government Act 1993 (the Act)***, a Council's Financial Statements for a year must be prepared and audited within four months of the end of the reporting period concerned.

The statutory process that must be followed is that:

1. A statement as required under section 413 (2)(c) of the Act, must be made by resolution and signed by the Mayor, Deputy Mayor, the General Manager and the Chief Financial Officer.
2. The Financial Statements must then be referred to the Council's Auditor for audit and once audited the statements must be included in Council's Annual Report.
3. Copies of the Audited Financial Statements must be lodged with the Office of Local Government by 31 October.
4. As soon as practicable after Council receives a copy of the Auditor's report, the Statements must be placed on public exhibition and notice given of a meeting at which Council proposes to present its Audited Financial Statements, together with the Auditor's report.

(b) Discussion

The Draft General Purpose Financial Statements for the year ended 30 June 2024 is distributed with this report (**Annexure A**). The Draft Special Purpose Financial Statements for the year ended 30 June 2024 will be tabled at the meeting.

In accordance with the provisions of Section 409(1) of the Act, all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

The net operating surplus for the year of \$18.238M (\$12.547M in 2022-2023) is an improvement on the previous year of \$5.691M.

Actual vs budget variances affecting the net operating result are as follows:

- Total depreciation increased by **\$962k** from original budget. This is due to increases to fixed assets cost base as a result of revaluations, indexations and capitalisations,
- Total disposals of renewed assets not budgeted for was **\$961k**. Renewed assets that carry a residual value are disposed as part of the renewal process. \$696k comprised of renewed road assets,
- Materials and services increased by **\$639k**, when compared to the original budget. When compared to the March 2024 quarterly budget review, the Materials and services decreased by **\$276k**,
- Interest income yielded an extra **\$545k**, an increase on the original budget due to higher interest rates on cash investments.

Council received \$22.764M (\$11.978 in 2022/23) in capital grant funding, an increase of \$10.786M over the previous year), resulting in a deficit before capital items of **\$4.526M** (surplus of 569k in 2022/23), a decline of \$5.095M over the comparative period.

The Statement of Financial Position as at 30 June 2024 and its supporting notes, in particular Note C1-3, shows only contract liabilities that have been finalised. All other external restrictions are yet to be calculated and will be tabled at the meeting.

Internal eliminations have been completed for Quarry sales only (\$3.721M) and this needs to be taken into consideration when comparing notes B2-2 & B3-2 in the Income statement and when comparing actual vs original budget.

KEY CONSIDERATIONS**(a) Financial/Asset Management**

Council has recently completed a Financial Sustainability Review to inform its draft Long Term Financial Plan to go to Council in October 2024.

(b) Policy/Legislation

Council has notified the NSW Office of Local Government that the Audit of the 2023/24 Financial Statements is scheduled by the allocated Auditor for October 2024. Council will seek an extension for the submission of the 2023/24 Audited Financial Statements.

(c) Risk

Risk mitigation remains a priority for Council working closely with its system provider to finalise fixes to the financial system.

(d) Consultation

Councillors have been fully briefed.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

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

CONCLUSION

That Council receives and endorses the Draft General Purpose and Special Purpose Financial Statements for 2023/24.

ECM INDEXES

Subject Index: FINANCIAL MANAGEMENT: Financial Reporting, Audit
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

Annexure A Draft General Purpose Financial Statements (GPFS) 2023/2024

REPORT TITLE: 7.5 EXHIBITION OF DRAFT COMMUNITY PARTICIPATION PLAN AND AMENDED GLEN INNES SEVERN DEVELOPMENT CONTROL PLAN 2014

REPORT FROM: Place and Growth

PURPOSE

The purpose of this report is to seek approval to place the revised draft **Community Participation Plan (CPP) (Annexure A)** and amended **Glen Innes Severn Development Control Plan 2014 (GISDCP14) (Annexure B)** on public exhibition, inviting the community to review and make submissions to improve the final document.

RECOMMENDATION

THAT:

- 1. Council places on exhibition the revised draft Community Participation Plan and the subsequently amended Glen Innes Severn Development Control Plan 2014, as outlined in the report, for 28 days from Thursday 22 August 2024 until Wednesday 18 September 2024.**
- 2. Council displays the revised draft Community Participation Plan and the amended Glen Innes Severn Development Control Plan 2014 on Council's website, and makes them available for viewing at the following locations:**
 - Council's Town Hall Office,**
 - Council's Church Street Office, and**
 - The Village Post Offices at Deepwater, Emmaville and Glencoe.**
- 3. A further report to Council be prepared after the exhibition period in the event of Council receiving any substantial submissions regarding the revised draft Community Participation Plan and the amended Glen Innes Severn Development Control Plan 2014; otherwise, that the revised draft Community Participation Plan and amended Glen Innes Severn Development Control Plan 2014 be adopted by Council.**

REPORT

(a) Background

In March 2018, changes to the *Environmental Planning and Assessment Act 1979* (the Act) set out new requirements for Councils to prepare a Community Participation Plan (CPP). All Planning Authorities, including Councils, were required to have a Community Participation Plan.

At the February 2020 meeting Council adopted its first CPP (Council Resolution 22.02/20).

Prior to the introduction of the CPPs, Council outlined the notification process for Development Applications in the Development Control Plans and the notification process for the Strategic Planning processes were detailed in the Act.

(b) Discussion

The CPP seeks to enhance the opportunities for all community members to participate in planning decisions under the Act to achieve better planning outcomes at an appropriate level relative to the project.

This draft CPP aims to provide a single document that clearly states how the community can participate in planning matters. The document combines Council's existing community engagement approach and the minimum public exhibition timeframes of the legislation for planning functions.

The document also promotes transparency in decision making, rights of access to information, inclusivity and opportunities for community participation in planning matters.

The draft CPP (prepared under Section 2.23(2) of the Act) contains all of the relevant information and necessary guidance to the community on minimum public exhibition timeframes and circumstances whereby advertising and/or notification may occur in relation to strategic planning matters and development applications. The draft CPP is contained in Attachment 1.

Importantly, the CPP also outlines where Council will not undertake any advertising and/or notification process in relation to minor and routine Development Applications.

Currently, the GISDCP14 also provides information on the advertising and notification processes in relation to development applications.

To streamline processes in and around community participation in relation to planning matters, it is proposed to delete the community participation requirements from GISDCP14 as a consequence of adopting the CPP. Accordingly, Chapter 2 – Notification Procedures is proposed to be deleted from GISDCP14 as detailed in Annexure B.

KEY CONSIDERATIONS

(a) Financial/Asset Management

Council will incur some advertising costs associated with placing the documents on public exhibition. These costs are included in the operational budget of the Directorate of Place and Growth.

(b) Policy/Legislation

The draft CPP and the subsequently amended GISDCP14 must be exhibited for a minimum of 28 days, after which time Council will reconsider the drafts and submissions if any are received. The final CPP will be submitted to the Department of Planning, Industry and Environment for loading on the NSW Planning Portal.

Division 2.6 Community Participation of the Act requires all planning authorities, including Council, to have CPP. Schedule 1 of the Act also stipulates the mandatory requirements for community participation by planning authorities with respect to the exercising of relevant planning functions, which has been used as the basis of this CPP.

(c) Risk

There are not considered to be any significant risks with placing these draft documents on public exhibition.

Retaining the current situation with the two unamended documents increases the risk of the community being confused about Council notification and exhibition requirements relating to planning documents and applications, which could lead to appeals or a loss of trust in Council.

(d) Consultation

External

The draft CPP must be exhibited for a minimum of 28 days, after which time the draft CPP will be reconsidered by Council if any substantial submissions are received.

The final CPP is submitted to the Department of Planning, Industry and Environment for loading on the NSW Planning Portal.

Amendments to the GISDCP14 are also required to be publicly exhibited for a period of 28 days. This will run concurrently with the exhibition of the draft CPP.

Internal

Preparation of the CPP has involved consulting with relevant staff within Council.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council’s Delivery Program Environment Heritage Principal Activity EH 4.1.4: Implement the Community Participation Plan and review as necessary.

CONCLUSION

The revised draft CPP and amended DCP are being amended to clearly state how the community can participate in planning matters. The draft CPP document combines Council’s existing community engagement approach and the minimum public exhibition timeframes and in what instances exhibition and notification will not occur. The amendment to GISDCP14 removes the chapter on notification procedures. It is proposed that the draft CPP and amended GISDCP14 be placed on public exhibition to enable community feedback before their adoption by Council.

ECM INDEXES

Subject Index: DEVELOPMENT AND BUILDING CONTROLS: Guidelines
 CORPORATE MANAGEMENT: Policy
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

Annexure A Draft Community Participation Plan 2024
Annexure B Amended Development Control Plan 2014

REPORT TITLE: 7.6 PUBLIC ART ADVISORY GROUP

REPORT FROM: Place and Growth

PURPOSE

The purpose of this report is for Council to endorse the delegates of the newly elected **Public Art Advisory Group (PAAG)**, which will assist Council with:

- the selection of project/s to be delivered in 2024/2025 (via an Expression of Interest process),
- identifying suitable locations for public art within the Glen Innes Severn Local Government Area, and
- align annual public art projects with the Public Art Policy and Public Art Guidelines, subject to funding.

RECOMMENDATION

THAT:

1. ***Council endorses the following groups, and representatives of those groups, to form the Public Art Advisory Group:***
 - *Arts North West – Lauren Mackley and Mia Roman,*
 - *Glen Innes Aboriginal Land Council – Adele Chapman Burgess,*
 - *Glen Innes Business Chamber – Jamie Lee Garner,*
 - *Open Spaces Committee – Richard Moon and Raelene Watson.*
2. ***Council places on exhibition the revised draft Public Art Policy and draft Public Art Guidelines, for 28 days from Thursday, 22 August 2024 until Wednesday, 18 September 2024.***
3. ***Council displays the draft Public Art Policy and draft Public Art Guidelines on Council’s website, and makes them available for viewing at the following locations:***
 - *Council’s Town Hall Office,*
 - *Council’s Church Street Office, and*
 - *The Village Post Offices of Deepwater, Emmaville and Glencoe.*
4. ***A further report to Council be prepared after the exhibition period in the event of Council receiving any substantial submissions regarding the draft Public Art Policy and draft Public Art Guidelines; otherwise, that the draft Public Art Policy and draft Public Art Guidelines be adopted by Council.***

REPORT

(a) Background

Since 2009, Glen Innes Severn Council has had an established framework for determining, procuring/commissioning, installing and maintaining public art within the Local Government Area. The Public Art Framework has consisted of three key features:

- *Public Art Policy* - outlines the aims, objectives, scope and principles for public art,
- *Public Art Guidelines* – sets the direction for assessing and implementing public art,
- **Public Arts Reference Group (PARG)** to be re-named *Public Art Advisory Group (PAAG)* – voluntary consultative group by which Council will seek independent advice, specialist knowledge and recommendations to guide Council's commissioning, acquisition and management of public art project/s subject to funding annually.

The Framework is critical to achieving Glen Innes Severn's vision in creating public art that reflects the community's collective identity and aspirations, ultimately demonstrating Council's commitment to fostering creativity, cultural enrichment and pride.

The PARG/PAAG is vital for the development and implementation of public art initiatives, with members selected from various fields such as art, cultural studies, urban planning, and community engagement. The group offers valuable insights into selecting projects that resonate with the community's identity and values, ensuring efficient allocation of resources. The PARG/PAAG fosters community involvement and ownership by engaging representatives from different demographics, promoting social cohesion and empowering residents to shape their cultural landscape.

The most recent review of the Public Arts Policy and Guidelines was in 2018 and re-established the PARG, which comprised of the following members:

- One representative from Business in Glen,
- A community Aboriginal representative as nominated by Council's Aboriginal Consultative Committee,
- Caroline Downer, Arts North West,
- An independent artist outside of the Glen Innes Severn Local Government Area as nominated by Arts North West,
- Three representatives from Council's Open Spaces Committee,
- Two Councillors, and
- Council staff representatives as required.

The PARG were requested to assist Council with assessing **Expressions of Interest (EOI)** for the placement of public art in the Meade and Church Street roundabout in 2019.

(b) Discussion

As significant time has passed since the last public art installation in 2019, Council has undertaken a review of the 2018 Public Art Policy (**Annexure A**) and Guidelines (**Annexure B**) with the revised draft documents now being presented to Council for endorsement to be placed on 28-day public exhibition.

Consistent with the revision of the 2018 Public Art Policy and Guidelines, Council has also reviewed the membership of the PARG and called for new and existing representatives to create an updated PAAG membership to assist with community consultation on a selection of project/s to be delivered in 2024/25.

Council undertook an EOI process to the following groups to call for new and existing members to join a revitalised PAAG from the existing PARG. The representatives elected from those groups are:

- Arts North West – Lauren Mackley and Mia Roman,
- Glen Innes Aboriginal Lands Council – Adele Chapman Burgess,
- Glen Innes Business Chamber – Jamie Lee Garner, and
- Open Spaces Committee – Richard Moon and Raelene Watson.

Council and Councillor representation on the PAAG will be in accordance with the annual Council resolution for assigning Delegates to Community Committees of Council and other Community Committees.

Terms of Reference for the group have also been drafted and are attached as **Annexure C**.

KEY CONSIDERATIONS

(a) Financial/Asset Management

The 2024/25 Public Art projects will be funded from the **Works in Progress (WIP)** 2023/24 Budget being carried forward to 2024/25. The remaining WIP budget allocation of \$99,892 will be expended during 2024/25.

In determining public art projects, Council will consider whole-of-life costs, including annual depreciation, associated with the creation and maintenance of public art installations. These costs will be factored into Council’s operational budget allocations to ensure sustainable funding for ongoing upkeep and preservation of public art. Any changes to Council’s operating costs resulting from public art installations, such as increased expenditure on maintenance or additional staffing requirements, must be carefully evaluated to gauge their long-term financial viability.

Additionally, the disposal of existing public art assets or acquisition of new ones should be approached with consideration for their impact on Council's asset portfolio. By incorporating thorough asset management assessments into the preparation process, Council can make an informed decision that balances the cultural, social, sustainability and financial aspects of public art initiatives effectively.

(b) Policy/Legislation

All members of the PAAG are required to abide by the Community Committees of Council Manual and its Terms of Reference.

The PAAG is a wholly advisory community committee of Council and does not exercise any of Council's functions. It is purely a community engagement exercise; therefore, is not constituted under section 355 of the *Local Government Act 1993*.

(c) Risk

Risks associated with the commissioning, installation and maintenance of public art will be mitigated through the adherence of the following policies / procedures / practices:

- Establishment of the PAAG to represent community views,
- Public Art Policy and Guidelines,
- Legal contracts for the commissioning of Art, ownership, maintenance and asset disposal,
- Asset Management,
- Project Management, and
- Insurances.

(d) Consultation

External:

- Arts North West,
- Glen Innes Business Chamber,
- Glen Innes Aboriginal Land Council, and
- Glen Innes Art Gallery.

Internal:

- Manager of Governance,
- Manager of Recreation and Open Spaces,
- Team Leader Parks,
- Executive Assistant (Mayor and General Manager),
- Director of Place and Growth, and
- Manager of Growth and Development.

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN

This report links to Council’s Delivery Program Community Service Principal Activity CS 1.3.1: Promote Public Art in the LGA and encourage participation by local artists.

This report links to Council’s Delivery Program Economic Development Principal Activity ED 2.2.1: Deliver the actions and tasks from the Destination Management Summary and Action Plan 2021-2025.

This report links to Council’s Delivery Program Infrastructure Management Principal Activity IM 3.2.16: Develop and implement a plan for Open Spaces and Parks and Gardens assets maintenance.

CONCLUSION

The revised Public Art Framework (Policy, Guidelines and PAAG) represents a significant step towards fostering cultural vibrancy, social cohesion, and economic vitality within the Glen Innes Severn Council Local Government Area. By harnessing diverse perspectives and expertise, the PAAG will assist Council with guiding the selection, placement, and management of public art installations in a manner that reflects the values, aspirations, and identities of residents and Council.

Through thoughtful planning, assessing value for budgetary outlay and collaboration, public art can be a powerful tool for sparking dialogue, promoting inclusivity, and enhancing the overall quality of life for community members. Ultimately, by embracing the creative potential of public art and embracing the collaborative efforts of a dedicated advisory group, Council can cultivate a more vibrant, resilient, and connected community when budget opportunities for Public Art are identified.

ECM INDEXES

Subject Index: GOVERNANCE: Public Art Advisory Group
Customer Index: Public Art Advisory Group
Property Index: NIL

ATTACHMENTS

Annexure A Draft Public Art Policy
Annexure B Draft Public Art Guidelines
Annexure C PAAG Terms of Reference

8 NOTICE OF MOTIONS/RESCISSION/QUESTIONS WITH NOTICE

9 CORRESPONDENCE, MINUTES, PRESS RELEASES

REPORT TITLE: 9.1 CORRESPONDENCE AND PRESS RELEASES

REPORT FROM: Corporate and Community Services

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,
- Local Government NSW – newsletters,
- TAFE NSW – Student Showcase and Careers Day, and
- Weekly Councillor updates from the General Manager.

Press Releases

- Friends of the New England Rail Trail, and
- Member for Northern Tablelands, Mr Brendan Moylan MP.

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

ECM INDEXES

Subject Index: CORPORATE MANAGEMENT: Reporting
Customer Index: NIL
Property Index: NIL

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

REPORT FROM: Corporate and Community Services

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.

ECM INDEXES

Subject Index: GOVERNANCE: Committees of Council
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

Annexure A Community Access Committee - 1/07/24
Annexure B Emmaville Mining Museum Committee - 20/06/24
Annexure C Library Committee - 18/06/24
Annexure D Stonehenge Reserve Trust - 17/07/24

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

REPORT FROM: Corporate and Community Services

PURPOSE

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

Glen Innes and District Community Centre Management Committee	12/06/24
Glen Innes and District Community Centre Management Committee	17/07/24
Sapphire Wind Farm Community Consultative Committee	20/06/24

RECOMMENDATION

That Council notes the information contained in this report.

ECM INDEXES

Subject Index: CORPORATE MANAGEMENT – Meetings – Local Community Committees
Customer Index: NIL
Property Index: NIL

ATTACHMENTS

There are no annexures to this report.

10 REPORTS FROM DELEGATES

REPORT TITLE: 10.1 REPORTS FROM DELEGATES

REPORT FROM: General Manager’s Office

PURPOSE

The purpose of this report is to list recent meetings held by the Section 355 Community Committees of Council and the meetings and functions 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.

The following meetings were held by Community Committees of Council during July 2024:

Name of Committee	Councillor Delegate(s)	Date
Australian Standing Stones Management Board	Mayor, Cr Arandale	17.7.2024
Glen Innes Community Access Committee	Mayor, Cr Sparks	1.7.2024
Glen Elgin Federation Sports Committee	Cr Arandale	20.7.2024
Pinkett Recreation Reserve Management Committee	Cr Parry	28.7.2024
Stonehenge Reserve Trust Committee	Cr Parry	17.7.2024

The following is a list of meetings and functions attended by Councillors during July 2024:

Councillor	Name of Meeting / Function	Date attended
Cr R Banham (Mayor)	Australian Local Government Association National General Assembly 2024 (Canberra) including a meeting with The Hon. Tim Ayers, a meeting with The Hon. Barnaby Joyce, and a meeting of the Australian Council of Local Government	2.7.24 to 5.7.24
	Meeting with John Rayner and New England Weeds Authority Mayors and General Managers	8.7.24
	Meeting with Minister Jenny Aitchison and Anna Zycki (NSW Transport)	9.7.24
	NAIDOC Celebrations	10.7.24
	Glen Innes TAFE Campus Student Showcase	11.7.24
	Councillor Workshop	11.7.24
	Local Government Hit Out and Dinner	13.7.24
	Community Enabling Infrastructure (CEI) Stream Webinar	17.7.24
	Australian Standing Stones Management Board Meeting	17.7.24
	Tartan Dinner	19.7.24
	New England North West Draft Disaster Adaptation Plan Guidelines via Zoom	22.7.24
	Pre-Meeting Briefing Session	25.7.24
	Ordinary Council Meeting	25.7.24
GLENRAC Men's Night Out	26.7.24	

Item 10.1

Councillor	Name of Meeting / Function	Date attended
	Deepwater Railway Historical Society	29.7.24
	Moore Park Livestock Bull Sale	29.7.24
Cr T Arandale (Deputy Mayor)	Australian Local Government Association National General Assembly 2024 (Canberra)	2.7.24 to 5.7.24
	Rotary Changeover	8.7.24
	Councillor Workshop	11.7.24
	Australian Standing Stones Management Board Meeting	17.7.24
	Blue Hills Community Meeting	21.7.24
	Pre-Meeting Briefing Session	25.7.24
	Ordinary Council Meeting	25.7.24
Cr T Alt	Australian Local Government Association National General Assembly 2024 (Canberra)	2.7.24 to 5.7.24
	Councillor Workshop	11.7.24
	Pre-Meeting Briefing Session	25.7.24
	Ordinary Council Meeting	25.7.24
Cr J Parry	Councillor Workshop	11.7.24
	Pre-Meeting Briefing Session	25.7.24
	Ordinary Council Meeting	25.7.24
Cr A Parsons	Glen Innes & District Community Centre Meeting	10.7.24
	Councillor Workshop	11.7.24
	Glen Innes & District Community Centre Meeting	24.7.24
	Ordinary Council Meeting	25.7.24
Cr C Sparks	Community Access Committee Meeting	1.7.24
	GLENRAC Meeting with management	2.7.24
	Volunteer for Art Gallery	5.7.24
	NAIDOC participation in workshops	8.7.24
	NAIDOC Day Official Opening and Awards	10.7.24
	Cooking lunch with Glen Innes & District Community Centre	10.7.24
	Meeting with Greens MP, Dr Amanda Cohn	10.7.24
	Councillor Workshop	11.7.24
	NAIDOC Day celebrations at King George Oval	12.7.24
	Safe in Our Town Meeting	17.7.24

Councillor	Name of Meeting / Function	Date attended
	Interagency Meeting	17.7.24
	Glen Innes & District Community Centre Meeting	24.7.24
	Pre-Meeting Briefing Session	25.7.24
	Ordinary Council Meeting	25.7.24

KEY CONSIDERATIONS

(a) Financial/Asset Management

Nil.

(b) Policy/Legislation

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

Manual for Community Committees of Council

23. Attendance at Committee Meetings

- (1) Attendance of Committee members is required at Committee meetings.
- (2) Committee members are required to attend a minimum of three meetings in each financial year.
- (3) In the instance that members are unable to attend a scheduled meeting, an apology must be submitted to the Secretary prior to the commencement of the meeting.
- (4) A person shall cease to be a member of a Community Committee if the member is absent for three meetings without leave (i.e., accepted apology).
- (5) Subsection (3) does not apply to Councillors or Council staff.

(c) Risk

Nil.

(d) Consultation

The Governance Administration Officer provided the information regarding the meetings held by 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

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 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 the recent meetings held by the Community Committees of Council and the meetings and functions that have been attended by Councillors.

ECM INDEXES

Subject Index: GOVERNANCE: Committees of Council
Customer Index: INTERNAL DEPT - Councillors
Property Index: NIL

ATTACHMENTS

There are no annexures to this report.

11 MATTERS OF AN URGENT NATURE

12 CONFIDENTIAL MATTERS

CLOSED COUNCIL

To consider Confidential Reports

(Section 10A(2) of The Local Government Act 1993)

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

<i>Item</i>	<i>Report</i>	<i>Reason</i>
<i>12.1</i>	<i>Strategic Land Purchase</i>	<i>(d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i>

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

RECOMMENDATION

That Council moves out of Closed Council into Open Council.

RECOMMENDATION

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