

Federation Council Monthly Meeting Update

December 2022 Council Meeting

Councillors Present: Mayor Patrick Bourke, Deputy Mayor Shaun Whitechurch, Councillor Andrew Kennedy, Councillor Aaron Nicholls, Councillor David Fahey, Councillor David Longley, Councillor Gail Law, and Councillor Rowena Black.

Apologies: Councillor Sally Hughes.

Mayoral Minute - Mayor Patrick Bourke:

- **Meetings/ Engagements attended to by the Mayor since the November Council meeting:**
The purpose of this update is for the Mayor to provide Council and the community with details of meetings/engagements that he has attended on behalf of the Council. Residents are encouraged to read the full list of attendances by the Mayor in the December Council agenda.

General Manager Report - Mr Adrian Butler

- **7.1. 2022 Local Government NSW (LGNSW) Annual Conference - General Manager and Delegates Report and Cr Bourke receives Long Service Award:** The purpose of this report was to present a delegates report from the Mayor Cr Bourke, Deputy Mayor Cr Whitechurch, Cr Black and the General Manager, following the 2022 LGNSW Annual Conference held on 23 to 25 October 2022. Presenting reports from Cr conferences allows the community to be aware of Councils efforts in the broader sector, including in lobbying and advocacy as a collective to the State and Federal Governments on matters of priority including emerging issues. It was also noted in the report that Cr Bourke received a 10 Year Certificate of Service award. Cr Bourke has served a total of 13 years for Urana Shire and Federation councils. Five of these served as Mayor, a position he still holds at Federation Council. Congratulations to Cr Bourke on this service to the Community/Councils of Urana and now Federation Council over many years.
- **7.2. Proposed Council Meeting Schedule for 2023:** The purpose of this report was to present to Council for consideration the proposed 2023 meeting schedule and meeting location. Council endorsed the meeting schedule, with nine meetings proposed to be held in Corowa and three meetings to be held in Urana in 2023. Council meetings are a key engagement piece for Council and the community. Open sections of meetings are available to attend in person (gallery numbers are only limited due to physical size constraints of meeting rooms), and also via live-stream.

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- **7.3. Disclosure of Returns for Designated Persons - New Employee:** The purpose of this report was to table the Disclosure of Returns for new employees in accordance with Clause 4.21 in the Federation Council Code of Conduct. Clause 4.21 in the Federation Council Code of Conduct, requires Councillors, Audit Risk and Improvement Committee members and designated persons to complete and lodge with the General Manager a return in the form prescribed by the code within three months of becoming a Councillor or designated person, 30 June of each year, and when the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged. Council noted the report.
- **7.4. Draft 'Strategic Asset Management Plan' (SAMP) and Draft 'State of Our Council Infrastructure Assets' (SOCIA) report - Recommended for adoption:** This report presented some major updated strategic asset management work, in the form of the draft Strategic Asset Management Plan (SAMP), and the State of Our Council Infrastructure (SOCl) assets. The documents represent significant analysis, deliberations and conclusions, and are designed to support Councils continued strategic management of its assets, and the related risk/financial sustainability challenges. The documents, especially the SAMP will significantly assist in Council engaging with/informing the community of the state of Councils assets, and provide the strategy to continue to improve the condition of those assets considered most critical to the community. It will also be a significant tool to support the preparation of the next Long Term Financial Plan (LTFP), and each subsequent LTFP. The documents will also support Council's Special Rate Variation application, and each review of the SAMP will also be critical to provide continued updates into Council's asset management performance and to continue to allow the community to become more informed and engaged in Councils assets it manages for the communities benefit/use. These documents were placed on public exhibition from Wednesday, 16 November 2022 to Wednesday, 7 December 2022. During the exhibition a total of 2 submissions were received. Council noted the feedback and adopted the SAMP and SOCIA.
- **7.5. Draft Councillor Expenses and Facilities Policy - Update after Public Exhibition:** This report was presented to Council to update Council after the public exhibition of the draft Councillor Expenses and Facilities Policy (18/27781). The draft was endorsed for public exhibition at the November extraordinary Council meeting. One submission was received during the public exhibition process that raised various issues and concerns. This was discussed in the report. Council was recommended to continue with the existing in-force policy whilst the concerns expressed by some Councillors at the November meeting are further discussed, and then place a further draft policy on exhibition in the new year. Council resolved to note the report and continue with the current current policy until a new policy is presented for consideration in the New Year.

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- **7.6. Submission of Minutes from Oaklands Town Improvement Section 355 Committee – Annual General and Ordinary Meeting held 19 October 2022:** The purpose of this report was to present the Minutes of the Oaklands Town Improvement Section 355 Committee Annual General and Ordinary meetings held on 19 October 2022, and for Council to consider the items for adoption, as recommended by the Committee. Council received and noted the minutes, endorsed the new office bearers and general committee, as well noting the staff commitment to meet with the group to finalise the terms of reference in the near future.
- **7.7. Inquiry into the Implications of Severe Weather Events on the National Regional, Rural, and Remote Road Network:** This report advised Council that the Federal Parliament - House of Representatives Standing Committee on Regional Development, Infrastructure and Transport will inquire into and report on the implications of severe weather events on the national regional, rural, and remote road network. The Committee is seeking written submissions, ideally of no more than ten pages, from organisations and individuals that provide recommendations relating to any or all of the inquiry's terms of reference by Tuesday, 28 February 2023. It was strongly recommended that Council make a submission to this Inquiry, based on the weather events that have impacted on Councils road networks over many years, including wet conditions in 2010, 2012, 2016, 2020, 21 and most significantly, 2022. Council supported the recommendation.
- **7.8. Flood Recovery Update as at 14 December 2022:** This report provided a brief overview update since the November Council meeting, in relation to Council's management of the flooding and now mostly recovery from flooding work, across Council assets and services. The report also sought Council endorsement to increase the operating expenditure and operating income in the 22/23 Operational Plan, by an additional \$2.7 million to manage the continuing emergency work required/being carried out on restoring Council assets. Further updates and adjustments to the budget will be sought as and when required including when Government funding is received and as Councils damages assessments continue to be finalised. The report also sought Council's consideration of providing support towards a major fundraising concert to be held by the Corowa RSL Club, with 100% of ticket sales to go to back to the community. The concert is planned for the 27th and 28th of January and will be headlined by Eskimo Joe and Darryl Braithwaite. The report also advised that Council have been advised that along with many other Councils that have been flood affected, Council is eligible for a \$1 million dollar State Government grant to aid in recovery. Further details of this program are being sought but it is understood that at least some portion of this grant is targeted at tourism activation. Council noted the report on the work of Council managing the flooding impacts, endorsed an increase to the expenditure to manage the flood emergency works and committed to a meeting with the Corowa RSL Club to seek further information.
- **7.9. Requirement for Council to re-determine and review Organisational Structure within 12 months of election - NSW Local Government Act 1993 - Confidential:** This report

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provided an update respect to the review (re-determination and adoption of the Organisational Structure) as required under section 333 of the NSW Local Government Act 1993. The report sought the endorsement of the existing structure, whilst Council receives a further report in early 2023, with the outcomes of the consultation on the current structure to consider any further changes. Council supported this.

- **7.10. Letter of Support – Designated Area Migration Agreement (DAMA) for RDA Riverina and RDA Murray:** This report sought Council endorsement of a letter of support to be sent to the Regional Development Murray and Riverina offices, to signal Council’s support of the RDA’s proposal for a Designated Area Migration Agreement (DAMA) geographical expansion to the Orana region’s DAMA. Council is aware of the critical workforce shortages and is encouraged by the work of the Riverina and Murray Regional Development Australia offices, towards solutions towards the workforce shortages for our region (Riverina Murray). Council is acutely aware of these labour shortages and has been briefed on this issue also by some of the largest employers in the Council area, including on the efforts they are going to, to try and increase the labour force. Visa issues are one of the main constraints (both skilled and unskilled labour). This situation is clearly holding back business growth and subsequently stifling the development of the region and making it harder for businesses such as those in the food supply chain, to meet critical demand. Council endorsed the letter to be sent.

Director of Corporate and Community Services Report - Ms Jo Shannon

- **8.1. Financial Performance Report as at 30 November October 2022:** The purpose of this report is to provide Council with an update on its financial performance for the month ending 30 November 2022. Total income YTD is \$29.45 million against a full year budget of \$57.25 million. At November 2022, 42% of the financial year has passed. Income is ahead of the quarter’s budget due to annual general rates and annual kerbside and waste management charges being levied in full in July 2022. In addition, user charges and fees appear behind where expected as only the four month period July to October usage charges have been levied and this is traditionally the lowest water usage period of the year. Grants and contribution – capital is ahead of the quarter’s budget due to grant funding being received in advance of works done. Total expenditure YTD is \$18.14 million against a full year budget of \$48.95 million. Employee costs are below budget due to vacancies in various services. Whilst expenditure is currently as expected with no significant variances, this is expected to change over the coming period as the flood event escalates. The NSW Government disaster declared the Federation Council area for the flood event from 14 September 2022 onwards (Australian Government reference number 1034). Expenditure on asset protection works and flooding response has been incurred and will become more

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significant through December & January. Some of this expenditure will be claimable under NSW Disaster Assistance Arrangements and Council's relevant insurance policies.

- **8.2. Long Term Financial Plan 2023-2032 - Proposed Addendum:** This report recommended that the Long Term Financial Plan 2023-2032 be updated with an addendum. The addendum provides additional asset management financial information following the preparation of the draft Strategic Asset Management Plan for 2022-2032 and the financial performance and position of Council if the proposed Special Rate Variation is not approved. Council's Long Term Financial Plan 2022-2032 was adopted in June 2022. Following this further progress has been made on asset management information with the preparation of the draft Strategic Asset Management Plan 2022 – 2032 and the State of Our Council Infrastructure Assets 2022 which details the current condition of Council's infrastructure. In addition, Council's Financial Statements for the year ended 30 June 2022 have been finalised with key financial indicators presented by Council's external auditor representative, Crowe Albury, at the November 2022 Council meeting. Council endorsed the addendum for public exhibition. Any submissions received will be considered at a future Council meeting.
- **8.3. Public Interest Disclosures Policy and Procedure:** The purpose of this report was to present to Council the review of the Federation Council Public Interest Disclosure Policy (PID). The purpose of this policy is to ensure that Council has a robust internal reporting system in accordance with the Public Interest Disclosures Act 1994, and NSW Ombudsman Guidelines and to enable staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Federation Council, what can be reported and how reports of wrongdoing will be dealt with by Federation Council. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act). Council endorsed the PID for public exhibition. Any submissions received will be considered at a future Council meeting
- **8.4. Audit Risk and Improvement Committee:** Council's Audit Risk and Improvement Committee (ARIC) met on 9 December 2022 to discuss and review improvement actions and financial aspects of Council's operations. At this meeting, the Committee endorsed the minutes of 14 October 2022 as being a true and correct copy and these are attached with this report. The draft minutes from the 9 December 2022 will be presented to the ARIC at its March 2023 meeting for endorsing as a true and correct copy and presented to the next available Council meeting. Federation Council's Audit Risk and Improvement Committee has been operational since September 2017. The Committee is currently appointed for the term of Council. The Audit, Risk and Improvement Committee operates according to a Committee Terms of Reference adopted by Federation Council on 29 June 2017 and reviewed at least every two years. The most recent version was adopted by Council on 28 June 2022. The Committee keeps under review key aspects of council's operations including compliance, risk

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management, fraud control, financial management, governance, implementation of the strategic plan, delivery program and strategies, service reviews, collection of performance measurement data and any other matters as prescribed by the regulations. The Committee meets 5 times per year with one of the meetings dedicated to financial reporting. The Director Corporate and Community is the Chief Audit Executive. Council noted the minutes and also noted that the minutes will be uploaded to Council's website.

- **8.5. Community Development - Grant Funding:** The purpose of this report was to notify Council of three successful grant applications. Council has been successful in securing a 2023 NSW Seniors Festival Grant of \$5,000 administered by the Department of Communities and Justice. Along with a ClubGrant-Category 1 from the Corowa RSL Club for \$4,000 to support the delivery of a 2023 NSW Seniors Festival initiative. The two grants will allow Council to deliver free two events in 2023 for senior residents aged over 60 years. Council has also been successful in securing an Australia Day Community Grants for \$10,112, administered by the National Australia Day Council (the NADC). The grant will allow the Council to deliver the 2023 Australia Day Awards and Ceremony in Mulwala on Thursday 26 January, 2023. Council endorsed the acceptance of these grants.

Director of Development and Environmental Services Report - Ms Susan Appleyard

- **9.1. Building Approvals – Complying and Construction Certificates Approved:** This report provides for Council's information, the construction and complying development certificates issued since the report prepared for the November 2022 Ordinary Council meeting. Seven Complying and Construction Certificates have been approved since the November Council meeting.
- **9.2. Development Applications Approved Under Delegated (Staff) Authority Since the November 2022 Ordinary Council Meeting:** This report provides for Council's information, the Development approvals that have been determined under delegated authority by the granting of consent subject to conditions, since the November 2022 Ordinary Council meeting. Ten Development Applications have been approved under staff authority since the November Council meeting.
- **9.3. Regional and State Significant Development Applications Lodged:** The purpose of this report was to provide Council with an update report on the Regional and State Significant Development Applications lodged. As reported, there is only one State Significant Application for Howlong Sand and Gravel Quarry Expansion on RU1 - Primary Production and E3

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Environmental Management land comprising Lots 173, 174, 174A & 231, DP 753744, Lot 1 DP 1039973, Lot 1, DP 798291, Lots 3 & 4, DP 113703, Lot 1 DP 741037.

- **9.4. 2022-2023 Floodplain Management Program Successful Grant Applications:** The purpose of this report was to notify Council that it has been successful and secured all 4 of the 2022-2023 Floodplain Management Program grants sought for the following projects: Urana Levee upgrade - Investigations, concept and detailed design; Urana and Boree Creek voluntary house raising/house purchase scoping study; Federation villages flood warning system review; and Morundah flood mitigation investigations, concept design and detailed design. Council formally accepted the grants and endorsed budget allocations for each of the projects to be included in the preparation of the 2023/2024 and 2024/2025 budgets. At the March 2022 Council meeting, Council resolved to apply for the 4 projects and all 4 have received an offer of funding. All of these projects will be part one of a 2-part process. These projects will determine the feasibility of the works to move to the final stage, i.e. construction of levees, purchase of houses or installation of a warning system.

Director of Engineering Services - Mr Steve Carmichael

- **10.1. Report on the progress of the Works Program - November 2022:** This report provided details of activities that were undertaken by the works crews for the month of November 2022. A number of activities have been undertaken with further information found in the monthly Works Program Update on Council's website.
- **10.2. Report on the Capital Works Program - November 2022:** This report provided Council with an update to the Capital Works program for 2021/2022. The Capital Works Program is as detailed in the attachment in the December Meeting Agenda Paper.
- **10.3. Lowe Square Management Committee - Masterplan for Public Exhibition:** The purpose of this report was to present the Draft Lowe Square Master Plan to Council for exhibition. Lowe Square is a Crown Reserve No. 30390 which is under the care and control of Federation Council for Public recreation and conservation. The master plan has been prepared in accordance with section 3.41 of the Crown Land Management Act 2016 and is to be read in conjunction with any other crown land management plans for the site. The original Master Plan was developed in 2011 and there has been considerable progress and investment made into the site over the last 11 years. Lowe Square is the main recreation precinct in Howlong which is located in Federation Council. The Recreation Reserve is managed by a Section 355 Committee of Management appointed by Council. Each user group is represented on the committee which meets regularly to discuss management issues and future planning. Lowe Square is home to a broad range of strong sporting clubs, the redevelopment Community Hall as well as passive recreation facilities including the RSL

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memorial, swimming pool and skate park. Longer term planning is critical to ensure that the many users and their future needs are considered to make the most of limited funding, volunteer resources and participation opportunities. The list of identified projects and the investment required is significant however the master plan provides the framework for future priorities, with the highest being moved forward as opportunities arise. Council endorsed the master plan for public exhibition and will consider submissions at a future Council meeting.

- **10.4. Roads Advisory Committee Meeting - Draft Minutes from 20 October and 8 December 2022 meetings:** This report presented the draft minutes from the Roads Advisory Committee meetings held on 20 October and 8 December 2022. These minutes will be referred back to the next Roads Advisory Committee meeting for endorsement and if any substantial changes are required, they will also be presented back to Council. The Roads Advisory Committee contains community representatives and is considered a valuable forum for gaining community input into decision making including priorities. Council noted the draft minutes.
- **10.5. Budget Adjustment - Fixing Local Roads Pothole Repair:** The purpose of this report was to inform Council of a successful grant application through Transport for New South Wales for "Fixing Local Roads Pothole Repair Round" in an amount of \$791,613.91. Council endorsed for the grant funding to be accepted and for the capital works budget to be adjusted to reflect the additional income and expenditure from the grant.

To view further information or attachments in relation to the above reports view our Council Meeting Agenda and Minutes page on Council's website www.federationcouncil.nsw.gov.au