

Upper Macquarie County Council

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6th February 2022

Members of the County Council

Notice of the February 2022 Ordinary Meeting of the Upper Macquarie County Council.

I advise that the Ordinary Meeting of the Upper Macquarie County Council will be held in the **UPPER MACQUARIE COUNTY COUNCIL Chambers** at Lee Street KELSO on Friday, 11th February 2022 commencing at 2.30 pm.

If any new or continuing covid-related restrictions prevent the meeting at this venue Members will be advised accordingly.

The Business Papers are attached for your reference.

Your attendance at the meeting (in-person) is respectfully requested.

Yours sincerely

Lisa Monardo
Acting General Manager

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

NOTICE FOR MEMBERS & THE PUBLIC

1. DUE TO REGULATORY RESTRICTIONS ON SOCIAL DISTANCING ASSOCIATED WITH THE COVID-19 PANDEMIC – THE COUNTY COUNCIL MEETING IS ONLY OPEN TO A LIMITED NUMBER OF MEMBERS OF THE PUBLIC.
2. LOCAL VENUE COVID-RELATED SIGN-IN, MASK-WEARING AND SOCIAL DISTANCING MEASURES WILL BE IN PLACE AS REQUIRED BY NSW HEALTH AND BLAYNEY SHIRE COUNCIL.
3. BOOKINGS FROM MEMBERS OF THE PUBLIC, TO ATTEND A MEETING IN-PERSON (IF PERMITTED AT ALL), CAN BE MADE BY CONTACTING THE COUNCIL OFFICES BY PHONE OR EMAIL NO LESS THAN 24 HRS PRIOR TO THE MEETING COMMENCING.
4. A VIDEO RECORDING OF THE MEETING WILL BE POSTED ON THE COUNTY COUNCIL WEBSITE (WWW.UMCC.NSW.GOV.AU) AS SOON AS PRACTICAL AFTER THE MEETING IS COMPLETED

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON Friday 11th February 2022**

BUSINESS AGENDA

**FOR THE ORDINARY MEETING OF THE UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

1. MEETING COMMENCES @ 2.30 PM

2. ACKNOWLEDGEMENT OF COUNTRY

* COUNCIL ACKNOWLEDGES THE TRADITIONAL CUSTODIANS OF THE LANDS WHERE WE WORK AND LIVE. COUNCIL CELEBRATES THE DIVERSITY OF ABORIGINAL PEOPLES AND THEIR ONGOING CULTURES AND CONNECTIONS TO THE LANDS AND WATERS OF THE NSW CENTRAL TABLELANDS.

3. RECORDING OF MEETING

* MEMBERS AND THE PUBLIC ARE ADVISED THAT THE PROCEEDINGS OF THIS MEETING (OTHER THAN ANY CONFIDENTIAL MATTERS) WILL BE RECORDED AND MADE PUBLICALLY AVAILABLE ON THE COUNCIL WEBSITE, AND PERSONS ATTENDING THE MEETING SHOULD REFRAIN FROM MAKING ANY DEFAMATORY STATEMENTS.

4. APOLOGIES

5. OATH OR AFFIRMATION OF OFFICE

6. ELECTION OF CHAIRPERSON AND DEPUTY CHAIRPERSON

7. PUBLIC QUESTIONS

8. CONFIRMATION OF MINUTES

* MINUTES - ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL HELD ON THE 5TH NOVEMBER 2021.

9. DISCLOSURE OF INTEREST

10. PRESENTATIONS

a. **LEANNE SMITH – INTENTUS (COUNCIL’S AUDITOR)**

b. **MARITA SYDES – CENTRAL TABLELANDS LOCAL LANDS SERVICES
(REGIONAL WEED COORDINATOR)**

c. **LISA MONARDO – ACTING GENERAL MANAGER**

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

11. MANAGEMENT REPORT [15] [3 ARE CONFIDENTIAL???)

12. QUESTIONS, NOTICES, RESCISSIONS [NIL]

13. CONFIDENTIAL MATTERS [3]

*** MOTION:**

- A. Council note that in accordance with Section 9(2A) of the Local Government Act (1993) the General Manager is of the opinion that business on the agenda designated 'confidential' and listed in the following **Table 1** is of a kind referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public. AND FURTHER in accordance with Section 10B(1) of the Act it is considered that discussion of the business in open meeting would on balance be contrary to the public interest.
- B. Council resolve into closed Confidential Committee of the Whole Council to consider business identified as confidential, together with any confidential late reports tabled at the meeting.
- C. Pursuant to section 10A(1)&(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) of the Act.
- D. Correspondence and reports relevant to the subject business be withheld from access.
- E. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee of the Whole Council.

Table 1

REPORT	SUBJECT	REASON FOR CONFIDENTIALITY [SECTION OF THE ACT]
ITEM 4A	Recruitment of General Manager (quotes from recruitment agencies)	(Section 10A (2)(c) of the Local Government Act 1993 Which parts of meeting can be closed to the public - information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. relates
ITEM 11	Prosecution cases	Section 10A (2)(e) information that would if disclosed prejudice the maintenance of law (inc Privacy and Personal Information Act)
ITEM 12	Report and Appendices 9.1 & 9.2 Weed Biosecurity Risk Register	Section 10A (2)(e) information that would if disclosed prejudice the maintenance of law (inc Privacy and Personal Information Act)

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

14. RESOLVE INTO OPEN COUNCIL

*** MOTION:**

That Council moves into the open session of the Council Meeting.

15. REPORT OF THE COMMITTEE OF THE WHOLE COUNCIL

*** MOTION:**

That the Recommendations of the Committee of the Whole Council be adopted.

16. CLOSE OF MEETING

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

OATH OR AFFIRMATION OF OFFICE BY COUNCILLORS

PURPOSE:

To facilitate Councillors making their oath or affirmation of office as per Section 233A of the Local Government Act 1993.

RECOMMENDATION:

That Council:

1. Note the report on the Oath or Affirmation of Office;
2. Now provide recently elected Members the opportunity to take the Oath or Affirmation of Office.

BACKGROUND:

Section 233A(1) of the Local Government Act 1993 states “ A councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected.”

(2) The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace and is to be in the following form—

Oath

I [*name of councillor*] swear that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [LOCAL GOVERNMENT ACT 1993](#) or any other Act to the best of my ability and judgment.

Affirmation

I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of [*name of council area*] and the [*name of council*] and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the [LOCAL GOVERNMENT ACT 1993](#) or any other Act to the best of my ability and judgment.

(3) A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with this section is not entitled to attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected to the office or a meeting at which the councillor takes the oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.

Certificate

This is page 1 of 2 of Oath or Affirmation of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 11th February 2022.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

(4) Any absence of a councillor from an ordinary meeting of the council that the councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the council.

(5) Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a councillor in the exercise of the councillor's functions.

(6) The general manager must ensure that a record is to be kept of the taking of an oath or the making of an affirmation (whether in the minutes of the council meeting or otherwise).

ATTACHMENTS:

Blank written oath

Blank written affirmation

Certificate

This is page 2 of 2 of Oath or Affirmation of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 11th February 2022.

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

CHAIRPERSON AND DEPUTY CHAIRPERSON ELECTION

PURPOSE:

To facilitate the election of a Chairperson and Deputy Chairperson

RECOMMENDATION:

That Council:

1. Note the report in relation to the Election of Chairperson and Deputy Chairperson
2. Nominate the method for the election of the positions of Chairperson and Deputy Chairperson (i.e. either by preferential ballot, by ordinary ballot or by open voting)
3. Note that for the purposes of the election that the Acting General Manager shall be the Returning Officer
4. Now hold elections for the positions of Chairperson and Deputy Chairperson

BACKGROUND:

The office of the Chairperson has become vacant under S.391(3)(b)(iii) Local Government Act 1993 The chairperson - (3) The office of chairperson— (b) becomes vacant on the earliest of the following— (iii) the polling day of the ordinary election of councillors of which the person is a councillor.

4 Nomination

- (1) A member of a county council may be nominated without notice for election as chairperson of the county council.
- (2) The nomination is to be made in writing by 2 or more members of the county council (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the county council meeting at which the election is to be held.

5 Election

- (1) If only one member of the county council is nominated, that member is elected.
- (2) If more than one member is nominated, the county council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the county council meeting at which the county council resolves on the method of voting.

Certificate

This is page 1 of 4 of Meetings of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 11th February 2022.

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

(4) In this section—

Ballot has its normal meaning of secret ballot.

Open voting means voting by a show of hands or similar means.

There is no provision in the Act that applies to County Councils and is equivalent to Section 321, which provides for the election of a Deputy Mayor.

It cannot be argued that Section 400, which provides for the application of the Act to County Councils, would apply Section 231 and so provide for the election of a Deputy Chairperson since Section 231 is in Division 2 of Part 2 of Chapter 9 of the Act which Section 400 specifies as **not** applying to county councils.

There is therefore no statutory recognition of the position of Deputy County Chairperson.

Nevertheless, the practice has been for the councillors of the County Council to elect a Deputy County Chairperson and to use for that election the same election procedure as the Council determines is to be used for the election of the Chairperson. The election for the position of Deputy Chairperson has in the past been held at the same meeting as the election of the Chairperson.

Accordingly, the agenda for the meeting has been prepared on this basis.

The chairperson and, if the Council determines to elect a deputy chairperson, the deputy chairperson will take office on the declaration of the result of the election(s).

Schedule 8 of the *Local Government (General) Regulation 2005* which sets out the election procedure for chairperson.

The General Manager shall be the Returning Officer for the election in accordance with Clause 2 of Schedule 8 of the Regulation.

In particular, attention is drawn to the requirements of Clause 4 of the Schedule relating to the nomination of members for election. Nominations may be made prior to the meeting at which the election will be held but may also be made at the meeting.

For the convenience of councillors, forms of nominations for the position of Chairperson and Deputy Chairperson have been provided to councillors. It is not compulsory to use these forms of nomination, but Clause 4 must be complied with.

Attachments:

Nomination forms

Certificate

This is page 2 of 4 of Meetings of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 11th February 2022.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

CONFIRMATION OF MINUTES

Upper Macquarie County Council

Minutes of the **Ordinary Meeting** of the Upper Macquarie County Council held at the Upper Macquarie County Council Chambers, 7 Lee Street, Kelso, NSW on **Friday 5th November 2021**.

meeting commencement

The Chairman declared the meeting open at 2.30pm

ATTENDANCE

The Council Members were present:

Cr. I. North [Chairman]
Cr. A. McKibbin [Deputy Chairman]
Cr. B. Reynolds
Cr. D. Capel
Cr. D. Kingham
Cr. S. Lesslie
Cr. J. Fry (arrived at 2.33pm)
Cr. S. Ring

The following Council Staff attended:

Acting General Manager, Lisa Monardo

APOLOGIES

Moved: Member Cr. Reynolds

Seconded: Member Cr. Ring

Apology received from Chief Weeds Biosecurity Officer, Chris Jackson.
Member Cr Fry will be delayed.

Resolved in the affirmative.

CONFIRMATION OF MINUTES

Confirmation of Minutes

Moved: Member Cr. Lesslie

Seconded: Member Cr. Reynolds

Certificate

This is page 1 of 4 of Minutes of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 5th November 2021.

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

The minutes of previous Council meetings listed below are confirmed with some minor corrections.

- *Minutes – Ordinary Meeting of upper Macquarie County Council held on the 15 October 2021.*

Resolved in the affirmative.

DISCLOSURES OF INTEREST

Moved: Member Cr. McKibbin
Seconded: Member Cr. Capel

Council notes that there were no declarations made.

Resolved in the affirmative.

Member Cr Fry entered the meeting at 2.33pm

ITEM 1. statutory annual report for the year 2020-2021

Moved: Member Cr. Reynolds
Seconded: Member Cr. Kingham

1. Acting General Manager confer with Deputy Chairman McKibbin to make the stated adjustments.
2. Council endorses the Upper Macquarie County Council Annual Report 2020-2021.

Resolved in the affirmative.

ITEM 2. quarterly budget review statement – no.1 for 2021-2022

Moved: Member Cr. Ring
Seconded: Member Cr. Lesslie

Council adopts the Quarterly Budget Review Statement for the period from July 1st, 2021, to September 2021 (including the associated adjustments set out therein) prepared by the General Manager as the Responsible Accounting Officer.

Resolved in the affirmative.

Certificate

This is page 2 of 4 of Minutes of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 5th November 2021.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

ITEM 3. Council notes the Statement of Investments Report as of 30th September 2021

Moved Member Cr. Reynolds
Seconded Member Cr. McKibbin

Council notes the Statements of Investments Report on 30th September 2021.

Pursuant to section 625(2) of the (the Act) the Minister issued a revised Investment Order by way of the NSW Government Gazette in February 2011. That order requires a County Council to only invest money in a specific range of investments and in Australian currency.

Investment funds are the cash funds held by council – other than those required for operational purposes held in the consolidated account establish under Clause 204 of the Local Government (General) Regulation.

Resolved in the affirmative.

ITEM 4. ROadsides weed control program 2021-2022

Moved Member Cr. Ring
Seconded Member Cr. McKibbin

Council notes the information provided in the proposed Roadside Weed Control Program 2021/2022.

Resolved in the affirmative.

RESOLVE INTO CONFIDENTIAL COMMITTEE OF THE WHOLE COUNCIL TO DEAL WITH CONFIDENTIAL REPORTS

Moved: Member Cr. Reynolds
Seconded: Member Cr. Fry

- a. Council notes that in accordance with Section 9(2A) of the Local Government Act (1993) the General Manager is of the opinion that business on the agenda designated “confidential” and listed in the flowing Table 1 is of a kind referred to in Section 10A (2) of the Act and should be dealt with in a part of the meeting closed to the media and public. AND FURTHER in accordance with Section 10B (1) of the Act it is considered that discussion of the business in open meeting would on balance be contrary to the public interest.
- b. Council resolves into closed Confidential Committee of the Whole Council to consider business identified as confidential under the provisions of section 10A(2) of the Act.

Certificate

This is page 3 of 4 of Minutes of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 5th November 2021.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

- c. Pursuant to section 10A (1) & (3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) of the Act.
- d. Correspondence and reports relevant to the subject business be withheld from access.
- e. In accordance with Section 10A(4) members of the public are invited to make representations to the Council as to whether the matters should or should not be dealt with in Confidential Committee of the Whole Council.

Report	Subject	Reason for Confidentiality [Section of the Act]
Item 5.	Report and Appendix 5.1, 5.2 & 5.3 Weed Risk Register	Section 10A(2)(e) information that would if disclosed prejudice the maintenance of law (in Privacy and Personal Information Act)

Resolved in the affirmative.

RESOLVE INTO OPEN COUNCIL

Moved: Member Cr. McKibbin

Seconded: Member Cr. Fry

That Council move into open session of the Council Meeting.

Resolved in the affirmative.

REPORT OF THE CONFIDENTIAL COMMITTEE OF THE WHOLE COUNCIL

Moved Member Cr. McKibbin

Seconded Member Cr. Capel

Committee Recommendation

1. Council notes the Weed Biosecurity Risk Register – Private Property report for 30 September 2021.

Resolved in the affirmative.

CLOSE OF MEETING

The Chairman declared the meeting closed at 5.08pm.

Certificate

This is page 4 of 4 of Minutes of the Meeting of the Upper Macquarie County Council held at the Council Chambers, Lee Street Kelso NSW, on Friday 5th November 2021.

THE START OF NEW BUSINESS FOR THIS MEETING COMMENCES HERE

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

DISCLOSURE OF INTERESTS:

To assist Council Members in their correct consideration of business before them at the Meeting they are reminded to have due regard to Chapter 14 (Honesty and Disclosure of Interests) of the *Local Government Act, 1993*, and Section 451 particularly in relation to Disclosure and Participation in Meetings.

Recommendation:

That Council note any Disclosures of Interest made.

Certificate

This is page 1 of 1 pages of the Disclosures of Interest to the Ordinary Meeting of the Upper Macquarie County Council to be held at the County Council Chambers, KELSO on Friday 11th February 2022.

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

PRESENTATIONS:

Presentations have been arranged in accordance with Council's Code of Meeting Practice, to help returning and new Members get up to speed quickly with Council's current position.

The Presentations are as follows:

1. Leanne Smith – Director, Intentus – Conducted Council's external financial audit 2020/2021 and will share with Council how Council is tracking from an audit perspective.
2. Marita Sydes – Regional Weeds Coordinator, Central Tablelands Local Lands Services – Council works closely with Local Lands Services in implementing the Biosecurity Act 2015 for weeds.
3. Lisa Monardo – Acting General Manager, Upper Macquarie County Council – Provide a quick overview of Council's compliance policy and general operating information.

Certificate

This is page 1 of 1 of Presentations to the Ordinary Meeting of the Upper Macquarie County Council to be held at the Council Chambers, KELSO on Friday 11th February 2021.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

MANAGEMENT REPORTS:

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ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

ITEM 1. PECUNIARY INTEREST FORMS

PURPOSE:

Council notes the requirement for the 2020/2021 pecuniary interest returns must be completed by Council Members *and other Designated Persons* and submitted to the General Manager before 3 months lapsing after having become a member.

RECOMMENDATION:

Council notes the requirement for the 2020/2021 pecuniary interest returns must be completed by all Members and designated staff and submitted to the General Manager before 3 months lapsing after having become a member.

BACKGROUND:

Part 4 Clause 4.21 of the Model Code of Conduct for Local Councils in NSW (2020) (the Code) provides A Member or designated person must make and lodge with the general manager a return disclosing the Member's or designated person's interests within 3 months after becoming a member or designated person.

Clause 4.27 of the Code requires that information contained in returns made and lodged under Clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009 (the Act)*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Within the context of Clause 4.27, at the Ordinary Meeting of the County Council held in February 2020, Council determined to not disclose the personal information of any Council Member to the public by any on-line means - limiting disclosure of personal information in response to requests from persons that identify themselves and attend the Council offices in-person. This determination was made following consideration of the public interest test made in accordance with section 13 of the Act (2009) that the overriding public interest against disclosure (of the personal information of staff and members) significantly outweighs the public interest considerations in favour of disclosure.

POSITION:

In the return, Members will be required to provide information relating to pecuniary interests that relate to both the previous financial year and the return date.

In the definitions of the Model Code of Conduct, return date means: a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor (Member) or designated person. This will differ amongst members as each

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TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

Constituent Council held member elections on different dates. Further to this, members are required to submit their returns before 3 months has lapsed from the date of being elected to Upper Macquarie County Council.

The General Manager will keep a register which will be tabled at the next scheduled Ordinary Council Meeting in accordance with requirements of Clause 4.25 and Clause 4.26 as applicable.

There are currently two Council staff members that are also 'designated persons' for the purpose of Part 4 Clause 4.8 of the Code.

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This is page 3 of 25 of the Management Reports to the Ordinary Meeting of the Upper Macquarie County Council to be held at the County Council Chambers, KELSO on Friday 11th February 2021.

**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022**

ITEM 2. COUNTY COUNCIL MEETING SCHEDULE FOR 2022

PURPOSE:

Set the Council Meeting schedule for calendar year 2022.

RECOMMENDATION:

That Council adopt the proposed meeting schedule.

POSITION:

The proposed Upper Macquarie County Council meeting schedule for the calendar year 2022 is provided below:

Date:	Time	Meeting & Location:
4 th March 2022	12.00pm	Workshop
15 th April 2022	2.30pm	Ordinary Council Meeting
17 th June 2022	2.30pm	Ordinary Council Meeting (Oberon)
12 th August 2022	2.30pm	Ordinary Council Meeting
16 th September 2022	12.00pm	Workshop
21 st October 2022	2.30pm	Ordinary Council Meeting (Blayney)
18 th November 2022	2.30pm	Ordinary Council Meeting (Lithgow)
16 th December 2022	2.30pm	Ordinary Council Meeting

The Meeting Schedule may be amended by resolution of the Council from time to time and Extraordinarily Council Meetings may be held in addition to the Schedule set out.

During the Pandemic members of the public can only attend Meetings in person with prior approval and such approval to attend may be requested by contacting Council on 6305 6388 or admin@umcc.nsw.gov.au

All of the council meeting dates, venues and public access issues are subject to availability as well as prevailing COVID-19 related Public Health Order terms and conditions. The schedule may be amended at any time by Council resolution.

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This is page 4 of 25 of the Management Reports to the Ordinary Meeting of the Upper Macquarie County Council to be held at the County Council Chambers, KELSO on Friday 11th February 2021.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

ITEM 3. UPDATE CODE OF MEETING PRACTICE

PURPOSE:

Update Council's Code of Meeting Practice to that of the Office of Local Government's Model Code of Meeting Practice.

RECOMMENDATION:

Council:

1. Place the proposed Council Code of Meeting Practice on exhibit for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.
2. In the event that no submissions are made in the given exhibition period, adopt Council's Code of Meeting Practice.

INFORMATION:

The Office of Local Government has updated The Model Code of Meeting Practice, which has been published in the Government Gazette 19 November 2021. The changes have been integrated into Council's Code of Meeting Practice and are highlighted in blue text, so as to make it easier to distinguish the changes.

The benefit of these changes will be that, if in future a member is unable to attend a meeting, they will be able to attend a Council meeting via audio visual link (Council uses Zoom) after having followed the correct administrative process. Council can choose not to adopt this change, however it is in Council's best interests, so as to continue to enable meetings to proceed safely given our recent experience with the current Covid-19 pandemic and their being no provision elsewhere for members of a County Council to attend via AVL.

There are a few other minor changes including the Statement of Ethical Obligations to be included in every business paper, reminding councillors of their oath or affirmation. Other changes included, "Reports of Committees" has been added to the agenda, given soon Council will have an Audit Risk and Improvement Committee, which will need room in the agenda to provide their reports.

Under section 361 of the Local Government Act 1993, before adopting a new code of meeting practice, councils must first exhibit a draft of the code of meeting practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code.

End.

Certificate

This is page 5 of 25 of the Management Reports to the Ordinary Meeting of the Upper Macquarie County Council to be held at the County Council Chambers, KELSO on Friday 11th February 2021.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

ITEM 4. GENERAL MANAGER RECRUITMENT

PURPOSE:

To form a selection panel to conduct the recruitment process of a new General Manager.

RECOMMENDATION:

The Council:

1. Note the report on the appointment of a General Manager
2. Form a General Manager Recruitment and Performance Review Committee and appoint the Chairman, the Deputy Chairman and one other councillor to the Committee
3. Authorise the Committee to undertake the recruitment process for a General Manager
4. Decide the term of the contract of the new General Manager
5. Decide the hours per week the new General Manager should be contracted to, then match the remuneration accordingly.
6. Determine which recruitment agency to use based on the 3 quotes provided during Committee of the whole.

INFORMATION:

It is understood that ordinarily, the Chairman would bring such a report to Council, however at the time of writing there is no Chairman and this matter needs to be made a priority of Council.

The Council has in place currently an Acting General Manager, Ms Lisa Monardo, who was recruited under S. 336 of the Local Government Act 1993 after the resignation of Mr David Young in October 2021. Ms Monardo currently fills the role of both Biosecurity Administration Manager and Acting General Manager. Under S. 351(2)(b) of the Local Government Act 1993, the temporary appointment cannot continue beyond 12 months.

In the interest of transparency and clarity, the Acting General Manager will not be applying for the role of General Manager, and therefore removes the conflict of interest in bringing this report to Council.

The previous incumbent General Manager salary was contracted to \$112,164. (super inclusive) based on a 20-hour week. However, it was well known amongst his staff and Members that the effort, dedication, and availability he demonstrated to bring the Council up to speed and beyond with policies and procedures etc, extended well beyond 20 hours per week. Council needs to decide whether 20 hours per week is still appropriate. It could be argued that offering 21 hours to 28 hours per week (based on 7 hour days) maybe more appropriate. The decision made will have financial implications.

(For assistance the table demonstrates the financial implications of the different choices)

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20 hour week	\$107.85 x 20hours = \$2,157
	\$2,157 x 52 weeks = \$112,164
	Annual salary \$112,164
21 hour week	\$107.85 x 21hours = \$2,264.85
	\$2,264.85 x 52 weeks = \$117,772.20
	Annual salary \$117,772.20
28 hour week	\$107.85 x 28hours = \$3,019.80
	\$3,019.80 x 52 weeks = \$157,029.60
	Annual Salary \$157,029.60

Council will must also decide the length of the contract. According to section 338 of the Local Government Act 1993 the term cannot be less than 12 months or longer than 5 years.

Legislation surrounding the appointment of a General Manager is important to note when making these decisions:

S. 334 (1) of the Local Government Act 1993 states that the Council **must** appointment a person to be the General Manager and that person must not be a body corporate.

335 Functions of general manager

The general manager of a council has the following functions—

- (a) to conduct the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council,
- (b) to implement, without undue delay, lawful decisions of the council,
- (c) to advise the mayor and the governing body on the development and implementation of the strategic plans, programs, strategies and policies of the council,
- (d) to advise the mayor and the governing body on the appropriate form of community consultation on the strategic plans, programs, strategies and policies of the council and other matters related to the council,
- (e) to prepare, in consultation with the mayor and the governing body, the council's community strategic plan, community engagement strategy, resourcing strategy, delivery program, operational plan and annual report,
- (f) to ensure that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their functions,
- (g) to exercise any of the functions of the council that are delegated by the council to the general manager,
- (h) to appoint staff in accordance with the organisation structure determined under this Chapter and the resources approved by the council,
- (i) to direct and dismiss staff,
- (j) to implement the council's workforce management strategy,
- (k) any other functions that are conferred or imposed on the general manager by or under this or any other Act.

338 Nature of contracts for senior staff

- (1) The general manager and other senior staff of a council are to be employed under contracts that are performance-based.

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(2) The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years.

(3) Contracts may be renewed from time to time.

(4) The Departmental Chief Executive may, by order in writing, approve one or more standard forms of contract for the employment of the general manager or other senior staff of a council.

(5) A standard form of contract approved by the Departmental Chief Executive is not to include provisions relating to the level of remuneration or salary (including employment benefits) of the general manager or other senior staff of a council, performance-based requirements or the duration of the contract.

(6) A council is not to employ a person to a position to which one or more standard forms of contract approved for the time being under this section applies or apply except under such a standard form of contract.

(7) The council may include in an employment contract for the general manager or another member of the senior staff additional provisions to those contained in the standard form of contract but only if those provisions relate to any of the following—

(a) the level of remuneration or salary (including employment benefits) of the person employed under the contract,

(b) subject to subsections (1) and (2), performance-based requirements or the duration of the contract.

(8) Despite subsection (6), the approval, amendment or substitution of a standard form of contract under this section does not affect any employment contract between a council and the general manager of the council or another member of the senior staff of the council if the employment contract was entered into before the approval, amendment or substitution of the standard form of contract.

(9) However, subsection (6) does apply to the renewal of any such employment contract occurring after the standard form of contract is approved, amended or substituted and to all new contracts entered into after the standard form of contract is approved, amended or substituted.

FINANCIAL IMPLICATIONS:

Three quotes from three recruitment agencies with strong experience in Local Government recruitment of senior staff have been received by the Acting General Manager. The cost has been factored into the 2nd Quarterly budget review, Item 8 of this business paper. Similar to a tender process and given this is for Council's decision, the quotes will be provided in confidential to decide which agency will carry out the recruitment. (Section 10A (2)(c) of the Local Government Act 1993 Which parts of meeting can be closed to the public - information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. relates)

The Guidelines for the appointment and oversight of General Managers – The Director General's Guidelines issued pursuant to section 23A of the Local Government Act 1993 provides for excellent information. (Attached)

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ITEM 5. STATEMENT OF INVESTMENTS AS AT 31ST JANUARY 2022

PURPOSE:

Provided for Information. A report prepared in compliance with Clause 212 of the Local Government (General) Regulation 2005 – setting out current details of all moneys that Council has invested under Section 625 of the Local Government Act (1993) (the Act).

RECOMMENDATION:

Council notes the Statement of Investments Report as of 31st January 2022.

Pursuant to section 625(2) of (the Act) the Minister issued a revised *Investment Order* by way of the NSW Government Gazette in February 2011. That order requires a County Council to only invest money in a specific range of investments and in Australian currency.

Investment funds are the cash funds held by council - other than those required for operational purposes held in the consolidated account established under Clause 204 of the Local Government (General) Regulation.

INVESTMENT POSITION:

On 31st January 2022, Council's total funds invested under Section 625 of the Local Government Act 1993 amounted to \$1.7M of which \$432K is currently in a Business Cash Account for near-term operational purposes. There is an amount of \$846K that is currently held as restricted reserves.

Further details regarding *investment funds* are provided in **Table 1** and the funds listed therein have been reconciled with Council's general ledger and bank statements.

The graph included as **Table 2** shows the quarterly change in investments for the last year compared to the relevant portion of the investment funds that are restricted assets.

Westpac Banking Corporation's credit rating from lead rating agencies are shown **Table 3** - as last advised.

The General Manager hereby certifies that all investment funds at 31st January 2022 were invested in compliance with the current (2011) *Ministerial Investment Order* made under Section 625 of the Act. All investment funds are at this time held in a 31-day Notice Saver Account with Westpac Banking Corporation.

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OTHER FUNDS:

In addition to the investment funds set out in this report, on the reporting date Council had a further \$432K of cash held in the consolidated account for day-to-day operating purposes. The graph included as **Table 4** shows the applicable consolidated *'investment and other funds'* position. This information is provided at the Councils request and does not form part of the statutory report.

FINANCIAL IMPLICATIONS:

Council obtains funds through a number of sources to facilitate its operations. Funds prior to utilisation are maintained in short-term investments, so as to ensure a suitable business cash flow, funds security, and a modest return on investment.

Since January 2021, deposit investment interest rates for 'cash', 'on-hold' and 'on-notice' – have been 0.01%, 0.25%, and 0.05% respectively. Revenue risk issues associated with investment interest rates and investment balances are dealt with in each Quarterly Budget Review Statement.

It should also be noted that this report is prepared on a cash basis – not an accrual basis – and hence does not make any allowance for outstanding credit or debt obligations, nor does it highlight any amounts that have been released from restricted reserves and not yet spent or otherwise committed.

TABLE 1 - UMCC INVESTMENT SCHEDULE – ON 31st January 2021

Westpac Business 31 Day Notice Account & Business Cash Account			
Rate	Amount	Term	Due Date
0.25%	\$ 1,350,000	No set term	No due date
0.01%	\$ 432,000	Cash Operating Reserve	N/A
TOTAL	\$ 1,782,000	Balance on Reporting Date.	

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TABLE 2 - CASH ALLOCATION SCHEDULE – ON 31ST DECEMBER 2021

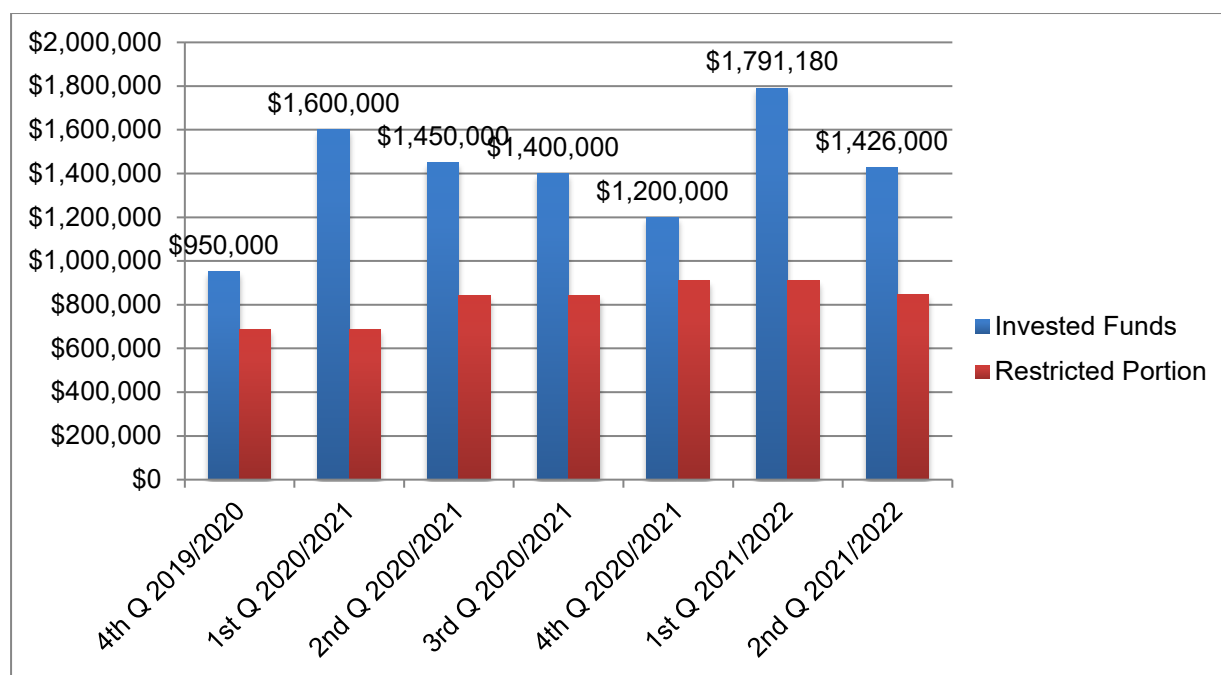


TABLE 3 - WESTPAC BANKING CORPORATION - CREDIT RATINGS

(According to WBC 2021 Interim Report):

<u>Agency</u>	<u>Short term</u>	<u>Long term</u>	<u>Outlook</u>
<i>Fitch Ratings</i>	<i>F1</i>	<i>A+</i>	<i>Negative</i>
<i>Moody's Investors Service</i>	<i>P-1</i>	<i>Aa3</i>	<i>Stable</i>
<i>Standard & Poor's Global Ratings</i>	<i>A-1+</i>	<i>AA-</i>	<i>Negative</i>

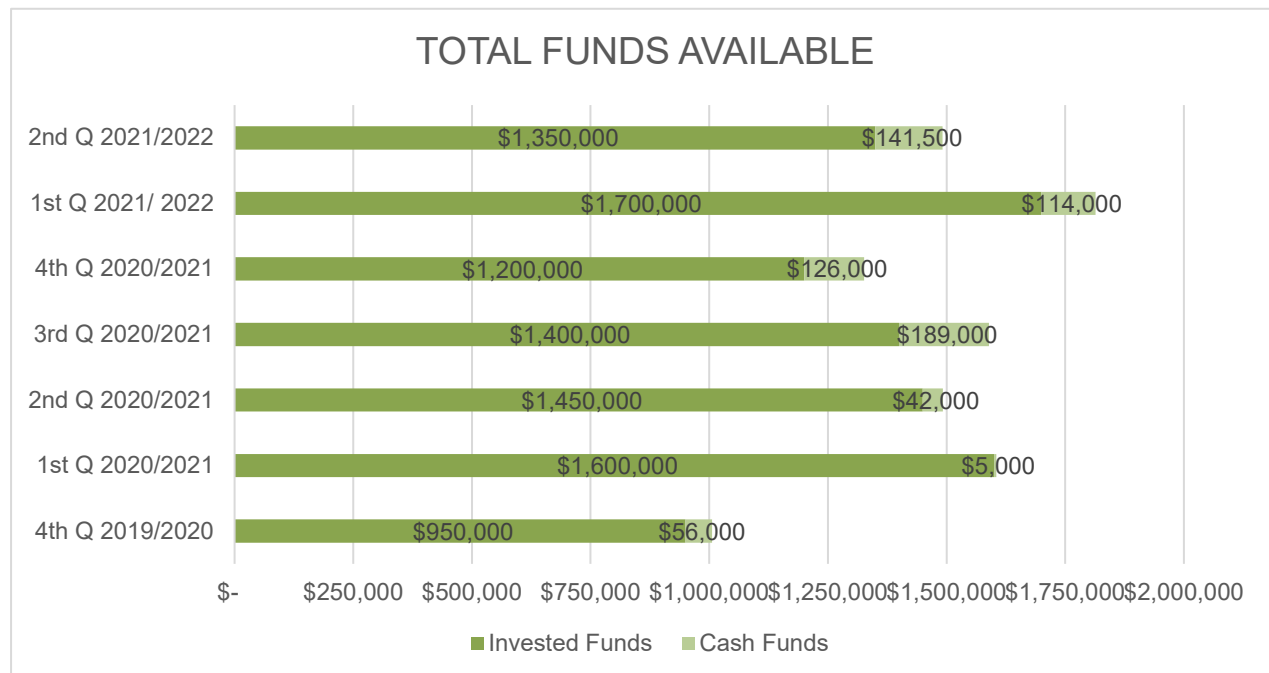
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TABLE 4 – INVESTMENT FUNDS PLUS OTHER FUNDS ON 31ST DECEMBER 2021



END

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ITEM 6. QUARTERLY BUDGET REVIEW STATEMENT - NO.2 FOR 2021/2022 FINANCIAL YEAR

PURPOSE:

Present the 2nd Quarterly Budget Review Statement for the financial year 2021/2022.

RECOMMENDATION:

Council

1. Acknowledges the adjustments made to correct the errors from the 1st QBRS.
2. Accepts the nominal figure of \$15,000 to engage a recruitment agency to assist in the employment of a General Manager
3. Adds an additional \$50,000 of unrestricted funds to the roadsides weed control program

BACKGROUND:

Clause 203(1) of the Local Government (General) Regulation (2005) requires the General Manager as Council's responsible accounting officer to prepare and submit a quarterly budget review statement (QBRS) to the governing body of council.

The QBRS presents a summary of council's financial position at the end of each quarter. It is the mechanism whereby Members and the community are informed of council's progress against the annual operational plan (original budget) and the last revised budget along with recommended changes and reasons for major variances.

POSITION:

The County Council QBRS is prepared in accordance with the requirements of the Regulations as applicable – and for 2021/2022 is presented on a consolidated accrual basis to reflect the four program areas that combined make up the single purpose 'weed biosecurity' nature of the business

The minimum requirements for the QBRS are set out in the Code of Accounting Practice and Financial Reporting and form part of the legislative framework in accordance with clause 203(3) of the Local Government (General) Regulations (2005).

The Quarterly Budget Review Statement for the 6-month budget period ending 31st December 2021 is provided as an attachment.

ADJUSTMENTS TO CORRECT ERRORS FROM 1st QUARTERLY BUDGET REVIEW

The following adjustments have been made to correct errors from 1st quarterly budget review:

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Income: Revised budget – Roadsides Weed Control Program brought back to original budget of \$157,000.	Adjustments recommended - -\$20,000 to account for Lithgow contributing less
Income: Revised budget - Business Management Program set to \$27,750 as it was in 1 st QBRS	Adjustments recommended - -\$1,1750 to bring it back to original operational budget.
Expenses: Revised budget – Landholder support program set to \$314,500 as it was in 1 st QBRS	Adjustments recommended - -\$2,500 to bring it back to original operational budget.
Expenses: Revised budget – Roadside Weed Control program set to \$175,440 as it was in 1 st QBRS	Adjustments recommended - \$32,500 to bring it back to match income + recommend an extra \$50,000 be spent on roadsides
Expenses: Revised budget – Weed Biosecurity Compliance Program set to \$744,810 as it was in 1 st QBRS	Adjustments recommend - \$69,394 to bring it back to the original operational budget + add \$55,000 (\$25,000 prosecution fund + \$30,000 compliance brought forward)
Expenses: Revised budget – Business Management Program set to \$366,046 as it was in 1 st QBRS	Adjustment recommended - -\$49,453 to bring it back to the original operational budget + \$30,000 assistance to AGM + recommended nominal \$15,000 + extra \$16,000 that should have been included in 1 st QBRS as it was allocated to increase in members fees
Cash and investments – Approved changes Revised set to \$356,000 as it was in 1 st QBRS	Adjustments recommended - -\$126,000 this includes \$45,000 to make up the error from 1 st QBRS + \$16,000 for member fee increase + \$15,000 for GM recruitment + \$50,000 to put toward roadside weed control program

REVISION OF SEPTEMBER 2021 1ST QUARTERLY BUDGET REVIEW

In the first quarterly budget review of the 2021/2022 financial year several changes were made:

Landholder support program reduced by \$110,000 (revenue) and \$100,000 expense as the Spring 2021 aerial spraying program was postponed to Autumn 2022 due to covid and uncertainty around obtaining flupropanate on time.

Roadsides Weed Control Program was initially budgeted at \$157,940 when the operational plan and budget was formulated. Soon into the 2021/2022 financial year Lithgow City Council reduced their roadside spraying contributions by \$20,000. At the 1st

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quarterly budget review, \$20,000 from unrestricted funds was allocated proportionately across the roadside spraying budget.

The Weeds Biosecurity Compliance program was increased by \$55,000 from unrestricted funds to fund a potential prosecution, \$25,000, and \$30,000 was brought forward from the 2020/2021 financial year for ordinary inspectorial tasks as it was not all spent due to a changeover in staff.

The Business Management Program was increased by \$30,000 so as to assist the Acting General Manager to acquire extra assistance whilst the recruitment of a new General Manager was underway.

Plant and vehicle replacement reserves were drawn upon to purchase two new vehicles and replace two fleet vehicles.

BUDGET REVIEW STATEMENTS

The Operating Budget is in NET surplus YTD by ~\$90K compared to a budgeted position at this time of ~\$96K. The budget variations are summarised as follows:

REVENUE is increased by ~\$86K: and is attributable mainly to higher herbicide sales to landholders (a rush on the flupropanate herbicide, Taskforce), and additional statutory certificates being obtained by those purchasing and/or selling properties.

EXPENSES is decreased overall, although higher landholder support program expenses are attributed to cost of goods sold with higher herbicide sales. However, roadside weed control program had barely begun and not accrued any expenses by half year.

PROPOSED BUDGET CHANGES

As discussed in Item 4. General Manager Recruitment, Council will need to decide in Confidential Committee of the whole which recruitment agency will assist Council in the recruitment of a new General Manager. A nominal figure of \$15,000 has been used in the adjustments.

A tender process for two new fleet vehicles was undertaken and the results of this were brought to the October 2021 Council meeting. It has since been revealed that the two new vehicles that were settled upon are no longer able to be supplied due to Country wide shortages. In the meantime, a third fleet vehicle is now required to be replaced. \$55,000 is being recommended to add to the initial \$65,000 to purchase three new vehicles and the tender will be rerun. This will give Council \$120,000 total to spend on three new fleet vehicles with trade in on the old three. The tender will be opened to more regional car dealerships, with extra conditions on guarantee of supply. After a little research it could be reasonable to expect up to 4 months wait for supply of the vehicles.

A number of members have stated that they would be interested to see extra unrestricted funds put towards Roadside weed control program as a lot of landholders have been asking about it. There is a recommended adjustment in there for \$50,000 to be distributed pro-rata across all 4 constituent Councils.

FINANCIAL STATEMENT:

The Acting General Manager, as the Responsible Accounting Officer is of the opinion that the Quarterly Budget Review Statement for Upper Macquarie County Council for the quarter ended 31/12/2021 indicates that Council's projected financial position at 30/06/2022 will be satisfactory, having regard to the revised projected estimates of income and expenditure and the original budgeted income and expenditure.

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ITEM 7. 2021/2022 DELIVERY PROGRAM - HALF YEAR PROGRESS REPORT

PURPOSE:

Submit the 2021/2022 Delivery Program – Half Year Progress Report to Council for information.

RECOMMENDATION:

That Council notes the 2021/2022 Delivery Program – Half Year Progress Report.

POSITION:

Although a new Delivery program is now due to be created and adopted by the new Council, it was felt that this report is necessary as it gives an overview of how Council is tracking against the current program. This may also assist in the creation of the new Delivery program... “knowing where you have been will help create where you are going”.

The standout issue impacting Council and their productivity is the current Covid 19 pandemic. Council was quick to implement safety measures from the beginning, not only caring for the operational team and their wellbeing but ensuring the continuity of the organisation.

Some highlights from the half-year report are as follows:

- The business is operating within annual budget constraints and is expected to achieve a satisfactory financial result at years end.
- The Council has met all its legal compliance duties and obligations set under the Local Government Act and the Biosecurity Act.
- The external audit of the previous year’s financial and related matters was completed during the period by the NSW Audit Office had the Council first in NSW to submit its completed financial statements and first to obtain an un-qualified audit report.
- Biosecurity inspections of 384 properties found 193 that were considered high- risk on first inspection . There were 191 properties were found to be low risk on first formal inspection. A further 248 are still currently going through the process and 9 have reduced their risk score to low.
- Overall inspection activity in the six month period covered an area of approximately 88,500 hectares.

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ITEM 8. AUDIT RISK AND IMPROVEMENT COMMITTEE FORMATION

PURPOSE

For Decision

For Council to comply with Section 428A of the Local Government Act 1993 by joining Central Tablelands Water County Council and Blayney Shire Council in sharing an Audit Risk and Improvement Committee and adopt the proposed Audit Risk and Improvement Committee Charter.

RECOMMENDATION:

Council resolves to:

- Form an Audit Risk and Improvement Committee and endorse panel of independent members appointed for Central Tablelands Water County Council and Blayney Shire Council.
- Adopt the Audit, Risk and Improvement Committee Charter.
- That Council nominate a representative and alternate to sit on Council's Audit, Risk and Improvement Committee.

BACKGROUND:

Section 428A of the Local Government Act 1993 - Audit, Risk and Improvement Committee:

- (1) A council **must** appoint an Audit, Risk and Improvement Committee.
- (2) The Committee must keep under review the following aspects of the council's operations—
 - (a) compliance,
 - (b) risk management,
 - (c) fraud control,
 - (d) financial management,
 - (e) governance,
 - (f) implementation of the strategic plan, delivery program and strategies,
 - (g) service reviews,
 - (h) collection of performance measurement data by the council,
 - (i) any other matters prescribed by the regulations.
- (3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.

Section 428B of the Local Government Act 1993 - Joint internal audit arrangements: A council may enter into an arrangement with another council, or a body prescribed by the regulations for the purposes of this section, to jointly appoint an Audit, Risk and Improvement Committee to exercise functions for more than one council or body.

Under the transitional provisions of the Act, all councils (including county councils) and joint organisations must have either appointed an ARIC or entered into an arrangement with another council or joint organisation to share an ARIC before 4 June 2022.

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Office of Local Government currently have out Draft Guidelines for Risk Management and Internal Audit for Local Councils (Guidelines). The attached Charter is based on the template provided in the draft guidelines.

Under the proposed Guidelines, councils and joint organisations are not required to establish a risk management framework and internal audit function that complies with the Guidelines until 30 June 2024.

The proposed Guidelines set out membership requirements for ARICs. Councils are not required to comply with these requirements until June 2027. This will allow councils and joint organisations five years to transition the membership of their existing ARICs to comply with the new requirements.

Blayney Shire Council, Central Tablelands Water County Council and Upper Macquarie County Council have been classified as a "Tier 1 Council" based on a number of differing factors set out in the "Guidelines". The tier the Council falls within sets out the membership requirements. To share an ARIC with a "Tier 2" or "Tier 3" Council would mean that Council would have to meet extra membership requirement unnecessarily in future. The physical proximity, the OLG determined Tier 1 category that all 3 Council's sit within and the structure of Central Tablelands Water also being a County Council make it a sensible choice to share an ARIC.

The arrangement will be that Blayney Shire Council will arrange engagement of the independent members using an Expression of Interest, payment to the independent members and a meeting venue. Meetings are convened 4 times per year. Blayney Shire Council will then invoice Council. It would be intended that the ARIC meetings for each participating Council would all meet on the same day to reduce cost and assist in avoiding unavailability of members.

FINANCIAL IMPLICATIONS:

The Chairperson will receive \$785 per meeting and the independent members will be \$530 per meeting plus travel.

END.

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**ITEM 9. DELEGATE TO LOCAL GOVERNMENT NSW SPECIAL
CONFERENCE 2022**

PURPOSE:

For Decision

Nominate one member from Council to be Council's one voting delegate at the LGNSW Special Conference held from 28th February 2022 to 2 March 2022 at the Hyatt Regency Sydney.

RECOMMENDATION:

Council nominates one member as the voting delegate for Council at the LGNSW Special Conference held from 28th February 2022 to 2 March 2022.

POSITION:

Council is a current member of LGNSW and therefore is entitled to have one voting delegate attend at the LGNSW Special Conference. Voting delegates must be registered to attend the conference and be registered as a nominated voting delegate.

"From 28 February to 2 March 2022, councillors from across NSW will come together to debate and discuss the key issues. Council-submitted motions will be debated and resolved to set advocacy priorities for the year ahead, while a tradeshow, workshops and training sessions are available to support delegates in efforts to effectively represent communities." <https://lgnswconference.org.au/> The program has been attached.

The Conference will be held at the Hyatt Regency 161 Sussex Street, Sydney.

Standard member registration for the conference costs \$1,094.50. Delegate registration fees include online business papers, the President's Welcome Reception, two-day business sessions including morning and afternoon tea, lunch, and name badge. The cost to attend the conference is heavily subsidised by LGNSW and sponsors. Conference Dinner is not included in the overall registration cost and is an optional added cost.

One member should now be nominated by Council to attend the Conference on Council's behalf.

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ITEM 10. GENERAL UPDATE

PURPOSE:

Update Council on several projects currently occurring.

RECOMMENDATION:

Council notes the general update on topics, Roadside spraying, Aerial Spraying, Roadside signs, Resistance in Serrated tussock, Diminishing supply of Flupropanate, Remote Sensing using satellite imagery, Presentation to State Weed Committee regarding a prosecution fund.

Roadside spraying

Blayney Roadside spraying budget has now been exhausted at time of writing. The following roads were treated:

Spring Terrace Road
Millthorpe Road
Fardell's Lane
Newbridge Road
Duttons Lane
Ovington Lane
Wimbledon Road
Moorilda Road
Grahamstown Road
Three Brothers Road
Dungeon Road
Kings Plains Road
Village Road
Hobbys Yards Road

Forestry Roadsides completed so far:

Sunny Corner Road
West Mitchell Road

Bathurst Roadsides completed so far:

Mitchell Highway
Dunkeld Road
Marys Lane
Crudine Road
Turondale Road
Red Bank Road
Mid Western highway
Clear Creek Road
Caloola Road
Lachlan Road
Common Road

Oberon Roadsides completed so far:

O'Connell Road

Aerial Spraying

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Preparations for aerial spraying is coming along slower than usual. The current Covid 19 pandemic has prevented meeting safely to face to face, and although the operational team has gone to great efforts to conduct preparations remotely and without contact, it has slowed the process enormously. Other issues that have been noted by the team is potential customers non-committal and continual contact and follow up that is required, the software "Google Earth Pro" is currently what is used to map properties however, the software seems to face issues when printing. IT issues have hampered efforts and a solution is being researched. Preparations will continue and will be due to begin the program in mid-March.

Roadside signs

Local Lands Service have arranged for roadside signs displaying priority weeds to be created and provide to Council. The details of the signs and their location are as follows:

Bathurst

Trunkey Creek – along Arthur street, between Caryle Street and Bathurst street. With the sign face so that traffic can see it heading north towards Bathurst and or Hobbys Yards. (sign Sticky nightshade 800mmx1200mm)

Bathurst Mitchel – along Mitchel Highway, between about where Coates hire is located and just past On Trac Ag. With the sing face so that traffic can see it heading west out of Bathurst towards Orange. (sign Sticky nightshade 800mmx1200mm)

Bathurst 11 Mile – along Gilmour street, between Halfpenny drive/lane and Eleven Mile drive. With the sing face so the traffic can see it heading out of Bathurst towards Sofala road and or Eleven Mile drive. (sign Sticky nightshade 800mmx1200mm)

Oberon

O'Connell – along O'Connell road, between the Bridge south of the O'Connell pub and the O'Connell Fire Station. With the sign facing so that the traffic can see it heading south from O'Connell towards Oberon. (sign Sticky nightshade 800mmx1200mm)

Black springs – at the 4 way intersection of Abercrombie road, Dog Rocks road and Campbell's River road. With the sign placed on the corner closest to the old shop facing back East towards Abercrombie road. (sign Sticky nightshade 800mmx1200mm)

Blayney

Blayney 1 - along Millthorpe road between the railway line bridge and Browns Creek road, for traffic to see heading out of Blayney towards Millthorpe. (sign Sticky nightshade 800mmx1200mm)

Blayney 2 - along Mid Western Highway between the truck wash and Guyong road, for the traffic to see heading out of Blayney towards Bathurst. (sign Sticky nightshade 800mmx1200mm)

Carcoar - along Mid Western Highway near the Carcoar Dam road, for traffic to see heading west towards the CTLX saleyards. (sign Interchangeable 2400mmx1200mm)

Lithgow

Little Hartley - between Coxes River road and the Little Hartley café, for traffic to see heading west towards Lithgow. (sign Sticky nightshade 800mmx1200mm)

Certificate

This is page 21 of 25 of the Management Reports to the Ordinary Meeting of the Upper Macquarie County Council to be held at the County Council Chambers, KELSO on Friday 11th February 2021.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

Cullen Bullen - between the Cullen Bullen township and the Cullen Bullen cemetery, for traffic to see heading north from Cullen Bullen. (sign Sticky nightshade 800mmx1200mm)

Tarana - on Sodwalls road near the intersection of Diamond swamp and Hazelgrove Roads, for traffic to see heading east from Tarana. (sign Sticky nightshade 800mmx1200mm)

Resistance found in Serrated Tussock

Council's operational team were notified by several landholders of observations of unusual patterns in Serrated Tussock. Operational staff collected Serrated tussock seed and it was sent to Plant Science Australia located in South Australia for laboratory testing. It was proved that some of the seed provided was resistant to the herbicide flupropanate. This seed was collected from north of Bathurst and South of Oberon. A media release was prepared and sent out in conjunction with Central Tablelands Local Lands Services. Council will continue to collaborate with Central Tablelands Local Lands Services and the Regional Coordinator to work with landholders on this issue.

Diminishing supply of flupropanate

In preparations for what would have been Council's Spring 2021 aerial weed treatment program (postponed to Autumn 2022), it became evident that obtaining flupropanate based products were getting very difficult. This poses a significant question. As flupropanate based products can form the basis of an effective integrated approach to treating a lot of priority invasive grasses, what method/herbicide will be available for landholders to use, if it is no longer available? The Acting General Manager will be looking to formally write to the DPI and Centre for Invasive Species requesting that Research and Development be made into an effective alternative for treating priority invasive grasses.

Remote sensing using satellite imagery

In follow up to previous efforts made by Council to use remote sensing and satellite imagery to detect weeds, further enquiry has been made recently and discovered that there are projects in that area of research currently be conducted. Of particular interest is a project being managed by a Dr Jane Kelly of Charles Sturt University in Orange NSW. The project currently focuses on testing the limitations of using remote sensing technology and artificial intelligence to detect weeds. The three testing sites with three different weeds are Kosciusko National Park – Hawkweeds, Snowy Monaro region – African lovegrass and North and South Coast – Bitou bush. The Acting General Manager will be formally inviting Dr Kelly to present her project to the Council to the first Council workshop. For further information you can visit:

<https://www.csu.edu.au/research/grahamcentre/our-research/plant-systems/feature-research/weed-managers-guide-to-remote-detection>

Presentation to State Weed Committee – Biosecurity Prosecution Fund

Member Andrew McKibbin submitted a report to the State Weed Committee in December 2021 explaining Council's position and the way in which a revolving Biosecurity Prosecution Fund is necessary for Local Control Authorities to prosecute offending landholders. Member McKibbin has now been invited to attend the State

Certificate

This is page 22 of 25 of the Management Reports to the Ordinary Meeting of the Upper Macquarie County Council to be held at the County Council Chambers, KELSO on Friday 11th February 2021.

ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL

TO BE HELD ON FRIDAY 11TH FEBRUARY 2022

Weed Committee Meeting in Albury on 21st March 2022 to present in detail the idea of the Biosecurity Prosecution Fund.

Certificate

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**ORDINARY MEETING OF UPPER MACQUARIE COUNTY COUNCIL
TO BE HELD ON FRIDAY 11TH FEBRUARY 2022
NOTICES OF MOTION**

THERE ARE NO NOTICES OF MOTION TO THIS MEETING.

END.

Certificate

This is page 24 of 25 of the Management Reports to the Ordinary Meeting of the Upper Macquarie County Council to be held at the County Council Chambers, KELSO on Friday 11th February 2021.

CONFIDENTIAL BUSINESS FOR THIS MEETING COMMENCES HERE.

THE 3 CONFIDENTIAL BUSINESS ITEMS are

- Item 4A General Manager Recruitment – Recruitment agency quotes
- Item 11. Prosecution cases
- Item 12. Biosecurity Risk Register – Private Property

These reports have been CIRCULATED SEPARATELY.

UPPER MACQUARIE COUNTY COUNCIL

2nd QUARTERLY BUDGET REVIEW STATEMENT

For the Period 1st July 2021 to 31st December 2021.

This report has been prepared in accordance with the requirements of Clause 203 of the NSW Local Government (General) Regulation (2005)

UPPER MACQUARIE COUNTY COUNCIL

EXECUTIVE SUMMARY

The Upper Macquarie County Council Quarterly Budget Review Statement (QBRS) is prepared on a consolidated accrual basis to reflect the four program areas that combined make up the single purpose 'weed biosecurity' nature of the business.

The QBRS presents a progressive summary of council's financial position at the end of each quarter. It is the mechanism whereby Council Members and the community are informed of council's progress against the annual operational plan (original budget) and the last revised budget along with recommended changes and reasons for major variances.

When the budget was adopted in June 2021, Council was aware of the recent and emerging unusual conditions that posed risks in relation to making adherence to the budget by end-of-year somewhat difficult. In the previous year the region was just starting to recover from recent years drought and bushfires and had already entered the early stages of a highly unpredictable pandemic situation. In these circumstances, and with the pandemic building uncertainty, the Council deliberately prepared a 2021 2022 budget that was realistic while also modestly ambitious.

So far while there have been no business activities cease and no major staff lost-time due to pandemic impacts – there has been productivity losses and lost-time in terms of responsiveness to biosecurity issues due to the impact of recent extended pandemic related 'lock-down' and social distance restrictions.

The key potentially significant issue in terms of potential budget variation for the year - in terms of both income and/ or expenditure - is around the ability (or not) to stage a successful autumn aerial weed treatment program given the spring program had to be abandoned at short notice due to pandemic induced operational constraints. At 31 December 2021, the Autumn program is still set to proceed.

The above risk aside, overall the budget position year to date and projections to year-end are satisfactory at this stage with no unresolvable impacts on cash and investments or implementation expected on the Councils core functions associated with the operational plan.

Noting that the potential impact from future pandemic related health constraints is not within the control of the Council or its management, the following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

“As General Manager and the Responsible Accounting Officer for Upper Macquarie County Council it is my opinion that the 2ndnd Quarterly Budget Review Statement for Upper Macquarie County Council for the quarter ended 31/12/2021 indicates that Council's projected financial position at 30/06/2022 will be satisfactory at year end, having regard to the projected estimates of income and expenditure, the adjustments proposed, and the original budgeted income and expenditure.”

Signed:

Date: 31st December 2021

Lisa Monardo
Acting General Manager
Responsible Accounting Officer,
Upper Macquarie County Council

UPPER MACQUARIE COUNTY COUNCIL

Table 1

Upper Macquarie County Council 2021/2022 Financial Year								
Quarterly Budget Review Statement [Consolidated Program Basis]					2nd Quarter (Half) 1 st July 2021 to 31 st December 2021			
INCOME & EXPENSES								
Income & Expenses	Original	Approved Changes		Adjustments	Position		Revised	Actual
	Original	Sep 1/4	Revised	Recommended	Projected	Variation	YTD	YTD
	Budget (\$)	Review (\$)	Budget (\$)	For Council (\$)	End Year (\$)	End Year (\$)	Budget (\$)	Accrual (\$)
Income:								
<i>Landholder Support Program</i>	453,200	-110,000	343,200		343,200	-24%	6,600	90,606
<i>Roadsides Weed Control Program</i>	157,940		157,940	-20,000	137,940	-13%	68,970	66,349
<i>Weed Biosecurity Compliance Program</i>	973,188		973,188		973,188	0%	486,594	484,769
<i>Business Management Program</i>	26,000		27,750	-1,750	26,000	-7%	13,000	19,599
<i>Transfer IN from unrestricted funds</i>		105,000	105,000	81,000	186,000		186,000	
Total Income from Continuing Operations	1,610,328	-5,000	1,607,078	59,250	1,666,328		761,164	661,323
Expenses:								
<i>Landholder Support Program</i>	412,000	-100,000	314,500	-2,500	312,000	-25%	56,000	100,047
<i>Roadsides Weed Control Program</i>	157,940	0	175,440	32,500	207,940	21%	78,970	4,575
<i>Weed Biosecurity Compliance Program</i>	759,204	55,000	744,810	69,394	814,204	9%	389,602	328,424
<i>Business Management Program</i>	255,593	30,000	366,046	-49,453	316,593	-8%	137,795	137,855
					-			
<i>Transfer OUT TO Cash Reserves</i>			-		-			
Total Expenses from Continuing Operations	1,584,737	-15,000	1,600,796	49,941	1,650,737		662,368	570,900
Net Operating Result from Continuing Operations	<u>25,591</u>	<u>10,000</u>	<u>6,282</u>	<u>9,309</u>	<u>15,591</u>		<u>98,797</u>	<u>90,423</u>

2nd QUARTERLY BUDGET REVIEW STATEMENT
For the Period 1st July 2021 to 31st December 2021.

UPPER MACQUARIE COUNTY COUNCIL

Notes:

"Original" budget +/- Approved Changes in previous quarters = "Revised" budget. "Revised" budget +/- recommended changes to Council this quarter = "Projected" budget. "Actual YTD" = Actual net financial position on accrual basis year to date. The UMCC reference trigger point indicating a 'significant variation' for budget reporting purposes has been set at the lower value of 1% of gross budgeted revenue or \$16,000 per consolidated program item – at which point a formal explanation and where applicable a budget remedy is required.

End of Year Position

(Refer to Council Report Item 6. 11th February 2022)

Explanation

(Refer to Council Report Item 6. 11th February 2022)

Remedy

(Refer to Council Report Item 6. 11th February 2022)

UPPER MACQUARIE COUNTY COUNCIL

TABLE 2

Upper Macquarie County Council 2021/2022 Financial Year							
Quarterly Budget Review Statement				2nd Quarter (Half) 1st July 2021 to 31st December 2021			
CASH & INVESTMENTS							
2021.2022 Financial Year	Original	Approved Changes		Adjustments	End Position		Actual YTD
	Original	Sep 1/4	Revised	Recommended	Projected	Variation	Actual Cash at Bank @ 31/12/21
Unrestricted	Budget (\$)	Review (\$)	Budget (\$)	For Council (\$)	End Year (\$)	End Year (\$)	NOW (\$)
<i>Operating Funds</i>	416,000	-60,000	356,000	-126,000	230,000	-45%	580,858
Total Un-restricted	416,000	-60,000	356,000	-126,000	230,000	-45%	580,858
Externally Restricted							
<i>Special Purpose Grants (LLS)</i>	44,000	-44,000	0		0		44,000
Total Externally Restricted	44,000	-44,000	0		0		44,000
Internally Restricted							
<i>Employee Leave Entitlements Fund</i>	150,000		150,000		150,000		150,000
<i>Plant & Vehicle Replacement Fund</i>	153,000	-65,000	88,000	-55,000	33,000	-78%	153,000
<i>Infrastructure & Technology Replacement Fund</i>	100,000		100,000		100,000		100,000
<i>Weed Biosecurity Response Fund</i>	50,000		50,000		50,000		50,000
<i>Business Viability Fund</i>	400,000		400,000		400,000		400,000
<i>Biosecurity Enforcement Fund</i>	14,000		14,000		14,000		14,000
Total Internally Restricted	867,000	-65,000	802,000	-55,000	747,000		867,000
Total Cash & Investments	1,327,000	-169,000	1,158,000	-181,000	977,000		1,491,858

2nd QUARTERLY BUDGET REVIEW STATEMENT
For the Period 1st July 2021 to 31st December 2021.

UPPER MACQUARIE COUNTY COUNCIL

Table 2

Notes:

"Original" budget +/- Approved Changes in previous quarters = "Revised" budget.

"Revised" budget +/- recommended changes to Council this quarter = "Projected" budget.

"Available Cash" = Unrestricted and Internally Restricted only.

End of Year Position

(Refer to Council Report Item 6. 11th February 2022)

Explanation

(Refer to Council Report Item 6. 11th February 2022)

Remedy

(Refer to Council Report Item 6. 11th February 2022)

UPPER MACQUARIE COUNTY COUNCIL

TABLE 3

Upper Macquarie County Council 2021/2022 Financial Year								
Quarterly Budget Review Statement					2nd Quarter (Half) - 1st July 2021 to 31st December 2021			
CAPITAL								
Funding & Expenses	Original	Approved Changes		Adjustments	Position		Original	Actual
2021.2022 Financial Year	Original	Sep 1/4	Revised	Recommended	Projected	Variation	YTD	YTD
Funding	Budget (\$)	Review (\$)	Budget (\$)	For Council (\$)	End Year (\$)	End Year (\$)	Budget (\$)	Accrual (\$)
<i>Internal Un-Restricted Reserves</i>	0		0		0		0	0
<i>Internal Restricted Reserves</i>	0	-65,000	-65,000	-55,000	-120,000		0	0
<i>External Restricted Reserves</i>	0		0		0		0	0
<i>Capital Grants & Contributions</i>	0		0		0		0	0
Total Capital Funding	0	-65,000	-65,000	-55,000	-120,000		0	0
Expenses:								
<i>Plant Replacement</i>	0	65,000	65,000	55,000	120,000		0	0
<i>Infrastructure Replacement</i>	0	0	0	0	0		0	0
Total Capital Expenses	0	65,000	65,000	55,000	120,000		0	0
Net Capital Funding Position	0	0	0	0	0	0	0	0
Note: * This Capital Item is to fund the plant replacement program in 2021.				Note: * This Capital Item is the LLS publication projects.				

UPPER MACQUARIE COUNTY COUNCIL

TABLE 4

Upper Macquarie County Council						
CONTRACTS & OTHER EXPENSES						
2 nd Quarter – 1 st July 2021 to 31 st December 2021						
Contracts Listing	2021.2022 Financial Year					
Contractor	Contract Details	Contract Purpose	Contract Value	Contract Commenced	Duration of Contract	Funding in Budget
Gregaldon Pastoral	To form part of a panel to be selected from to perform roadside spraying	Roadside spraying panel	Part thereof \$157,940	15/11/2021	3 years	Part thereof \$157,940
MJC Contracting	To form part of a panel to be selected from to perform roadside spraying	Roadside spraying panel	Part thereof \$157,940	15/11/2021	3 years	Part thereof \$157,940
Dean Grabham	To form part of a panel to be selected from to perform roadside spraying	Roadside spraying panel	Part thereof \$157,940	15/11/2021	3 years	Part thereof \$157,940
Brett Howarth	To form part of a panel to be selected from to perform roadside spraying	Roadside spraying panel	Part thereof \$157,940	15/11/2021	3 years	Part thereof \$157,940

Note 1: The minimum reporting level is for contracts of 1% of estimated income from continuing operations or \$50K which ever is less.

Note 2: Contracts listed are only those entered into during the quarter and not yet fully performed.

Note 3: If contracts were not included in the budget then that matter will be explained herein.

CONSULTANTS & LEGAL EXPENSES						
2 nd Quarter – 1 st July 2021 to 31 st December 2021						
Consultancy & Legal Expenses Summary	2021.2022 Financial Year					
Expense	Number of Engagements		Expenditure YTD			Funding in Budget
Consultancies	NIL		N/A			N/A
Legal Fees	1		\$ 1,200			\$4,000

Note 1: Consultancies and Legal Cost are aggregate not specific.

Note 2: Expenditure is based on Year to Date not per quarter.

Budget Review Key Performance Indicators Statement

The key performance measures relevant to this statement include those set out in each annual external audit report within the context of year-to-date progress.

1. FINANCIAL FLEXIBILITY

The 'Operating Performance Ratio' This quarter-by-quarter measure reveals how well council actually contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the Office of Local Government (OLG) is greater than 0% i.e. **>0.00%**. [*How much revenue exceeds expenditure*]

- The County Council YTD position at 31st December 2021 was **ACTUAL = 13%**

2. LIQUIDITY

The Cash Expense Cover Ratio This quarter-by-quarter measure indicates, the number of months the council can continue paying for its immediate expenses (average monthly cash expenses) without any additional cash inflow. The County Council Target is **>4X (i.e. >4 Months Coverage**. [(Projected Cash & Equivalents) / (Projected Annual Expenses Budget/12)]

- The County Council YTD position at 31st December 2021 was **ACTUAL=7.8X**

3. SUSTAINABILITY

The Budget Fixed Expense Cover Ratio. This annual ratio indicates the expected stability of the annual operating budget in terms of being able to cover all fixed expenses for the year with income from certain income sources during the same period. The benchmark set by UMCC is greater than 100% coverage (or >0)%.

- The County Council original budget position for 2021/ 2022 was **ACTUAL 100%**

Note 1: *The quarterly performance results are based on an accrual based quarterly budget allocation.*

Note 2: *When all of these measures are at or better than the benchmark this should give an indication of Council's sound current financial position and long term financial sustainability.*

Note 3: *Council has few assets and no borrowing debt – hence debt servicing and asset renewal/ capital works measures are not appropriate.*