



# **Warrumbungle Shire Council**

## **Call to Council Special Council Meeting**

**Thursday, 6 January 2022**

**to be held at the Council Chambers, Coonabarabran  
commencing at 5.00pm**

## **COUNCILLORS**

Councillor Kodi Brady

Councillor Ambrose Doolan

Councillor Dale Hogden

Councillor Zoe Holcombe

Councillor Aniello Iannuzzi

Councillor Carlton Kopke

Councillor Jason Newton

Councillor Kathryn Rindfleish

Councillor Denis Todd

## **MANAGEMENT TEAM**

Roger Bailey (General Manager)

Gary Murphy (Director Technical Services)

Leeanne Ryan (Director Development Services)

# Warrumbungle Shire Council

## Vision

Excellence in Local Government

## Mission

We will provide:

- Quality, cost effective services that will enhance our community's lifestyle, environment, opportunity and prosperity.
- Infrastructure and services which meet the social and economic needs and aspirations of the community now and in the future.
- Effective leadership and good governance, by encouraging teamwork, through a dedicated responsible well trained workforce.

## We Value

### Honesty

Frank and open discussion, taking responsibility for our actions

### Integrity

Behaving in accordance with our values

### Fairness

Consideration of the facts and a commitment to two way communication

### Compassion

Working for the benefit and care of our community and the natural environment

### Respect

To ourselves, colleagues, the organisation and the community listening actively and responding truthfully

### Transparency

Open and honest interactions with each other and our community

### Passion

Achievement of activities with energy, enthusiasm and pride

### Trust

Striving to be dependable, reliable and delivering outcomes in a spirit of goodwill

### Opportunity

To be an enviable workplace creating pathways for staff development

# WARRUMBUNGLE SHIRE COUNCIL

Special Meeting – Thursday 6 January 2022

---

## CALL TO COUNCIL EXTRA ORDINARY COUNCIL MEETING

**NOTICE** is hereby given to the Councillors that an Extra Ordinary meeting of Warrumbungle Shire Council will be held on Thursday, 6 January 2022 commencing at 5.00pm at the Council Chambers, Coonabarabran. Your presence is required to determine the following business.

### Meeting Business

- 1 Oath or Affirmation
- 2 Election of Mayor
- 3 Election of Deputy Mayor
- 4 Delegations to Mayor and Deputy Mayor
- 5 Filling casual vacancies of Council
- 6 Committees of Council
- 7 Local Government NSW Special Conference
- 8 Disclosure of Interests under clause 4.21 of the Model Code of Conduct for Local Councils in NSW
- 9 Quarterly Budget Review Statement for the 1<sup>st</sup> Quarter Ending 30 September 2021

.....  
Roger Bailey  
General Manager

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 1 Oath or Affirmation for Councillors

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Executive Assistant to General Manager – Erin Player
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

---

### Reason for Report

Under Section 233A of the Local Government Act 1993 councillors are required to 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.

### Background

Section 233A of the Local Government Act 1993 reads:

#### **233A Oath and affirmation for councillors**

- (1) *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*

# WARRUMBUNGLA SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

*oath or makes the affirmation) until the councillor has taken the oath or made the affirmation.*

- (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).*

### **Issues**

A Councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with Section 233A will not be entitled to attend council meetings until they do so and will be taken to be absent without leave.

If the Councillor is unable to attend the first council meeting, he or she may take the oath or affirmation of office at another location in front of the General Manager. The taking of the oath or affirmation outside a council meeting must be publically recorded by the council and a council staff member should also be present to ensure that an accurate record can be kept by the council.

If a Councillor is absent without leave for three consecutive ordinary council meetings their office is automatically declared vacant and a by-election must be held.

### **Options**

Either an Oath or an Affirmation may be taken.

### **Financial Considerations**

Nil

### **RECOMMENDATION**

That each individual Councillor take an oath or make an affirmation at this first meeting of the Council.

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 2 Nominations for and Election for the Position of Mayor for the Period 2022 to 2023

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity

---

#### **Reason for Report**

Council is required to elect a Mayor. This report provides the procedure for the election of Mayor for the coming period to September 2023.

#### **Background**

Where the Mayor is elected by the councillors the Council is required to elect a Mayor to preside over the Council. The term is normally two years, however due to the delayed election due to COVID-19 this current period has been shortened. The initial Mayoral term will be until September 2023 and final term will be for a period of 12 months, that is September 2023 to September 2024.

Section 290(1)(a) of the Act requires the election of the mayor to be conducted:

*290 When is an election of a mayor by the councillors to be held?*

*(1) The election of the mayor by the councillors is to be held:*

***(a) if it is the first election after an ordinary election of councillors – within 3 weeks after the ordinary election, or***

***(b) if it is not that first election or an election to fill a casual vacancy – during the month of September, or***

***(c) if it is the first election after the constitution of an area – within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or***

***(d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors – within 14 days after the appointment or election of the councillors.***

***(2) If the councillors fail to elect a mayor as required by this section, the Governor may appoint one of the councillors as the mayor.***

# WARRUMBUNGLA SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

- (3) *For the purposes of this section, an election of councillors does not conclude until the declaration of election of all the councillors of the council concerned.*

The election is to be conducted by the General Manager or in his or her absence, a Council employee designated by the General Manager, or in the event that all of these people are absent, by the person who called the meeting.

The role of the Mayor is outlined by section 226:

- (a) to be the leader of the council and a leader in the local community,*
- (b) to advance community cohesion and promote civic awareness,*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
- (e) to preside at meetings of the council,*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*
- (m) to represent the council on regional organisations at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,*
- (o) to exercise any other functions of the council that the council determines.*



# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

The Mayoral Fee presently paid by Warrumbungle Shire Council is \$27,060 pa, plus \$12,400 pa Councillor Fee totalling \$39,460, plus business use of a motor vehicle.

### **Nominations**

Nominations are now invited for the Office of Mayor for the term ending September 2023. The elections of Mayor of Warrumbungle Shire Council must be held in accordance with Schedule 7 of the *Local Government (General) Regulation 2005* and Council's Code of Meeting Practice.

In accordance with section 227(a) of the *Local Government Act 1993* the Mayor of Warrumbungle Shire Council is elected by the councillors from among their number.

Schedule 7 of the *Local Government (General) Regulation 2005* sets out the procedures for the election of Mayor:

#### **1. Returning Officer**

*The General Manager (or a person nominated by the General Manager) is the Returning Officer.*

#### **2. Nomination**

*(1) A councillor may be nominated without notice for election as Mayor.*

*(2) The nomination is to be made in writing by two (2) or more councillors (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 Council meeting at which the election is to be held.*

#### **3. Election**

*(1) If only one councillor is nominated, that councillor is elected.*

*(2) If more than one councillor is nominated, the 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 council meeting at which the council resolves on the method of voting.*

*(4) In this clause:*

*“ballot” has its normal meaning of secret ballot.*

*“open voting” means voting by a show of hands or similar means.*

#### **4. Application of Part**

# **WARRUMBUNGL SHIRE COUNCIL**

## **Special Meeting – Thursday 6 January 2022**

---

*This Part applies if the election proceeds by ordinary ballot or by open voting.*

### **5. Marking of Ballot-Papers**

- (1) If the election proceeds by ordinary ballot, the Returning Officer is to decide the manner in which votes are to be marked on the ballot-papers.*
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clauses 345(1)(b)-(c) and 345(6) of the Local Government (General) Regulation 2005 as if it were a ballot-paper referred to in that clause.*
- (3) An informal ballot-paper must be rejected at the count.*

### **6. Count – 2 Candidates**

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.*
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.*

### **7. Count – 3 or more Candidates**

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.*
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.*
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.*
- (4) A further vote is to be taken of the 2 remaining candidates.*
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.*
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.*

### **8. Application of Part**

*This Part applies if the election proceeds by preferential ballot.*

### **9. Ballot-Papers and Voting**

- (1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers “1”;*

# WARRUMBUNGLA SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

*“2” and so on against the various names so as to indicate the order of their preference for all the candidates.*

*(2) The formality of a ballot-paper under this Part is to be determined in accordance with clauses 345(1)(b)-(c) and 345(5) of the Local Government (General) Regulation 2005 as if it were a ballot-paper referred to in that clause.*

*(3) An informal ballot-paper must be rejected at the count.*

### **10. Count**

*(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.*

*(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.*

*(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voters' preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.*

*(4) In this clause “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted ballot-papers.*

### **11. Tied Candidates**

*(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal – the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.*

*(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes – the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.*

### **12. Choosing by Lot**

*To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn*

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

*at random by the returning officer and the candidate whose name is on the drawn slip is chosen.*

### **13. Result**

*The result of the election (including the name of the candidate elected as mayor or deputy mayor is:*

- (a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and*
- (b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of NSW.*

### **Notes:**

- (i) Nomination forms for the position of Mayor and Deputy Mayor are enclosed with this meeting agenda. These may be completed and returned to the Returning Officer at any time before the Council Meeting scheduled for 6 January 2022 OR at this Meeting up to the time that the Returning Officer announces that nominations are closed;
- (ii) Elections at Warrumbungle Shire have varied in the past, having been conducted by ordinary ballot and by open voting. Most recently election voting has been conducted under the Open Voting system.

Nomination forms for the position of Mayor are coloured **BLUE** and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The Returning Officer will call for the final lodgement of nominations at the meeting. After the final call for nominations the Returning Officer will announce the names of the nominee(s). If necessary, an election will then be conducted as per the decision made on the previous report.

Section 290 (1)(a) of the *Local Government Act 1993* requires Council to hold the election for the position of Mayor by the Councillors within three weeks of an ordinary election. By virtue of this report and the recommendation is contained therein, Council will have satisfied its requirements under the Act.

### **Issues**

Nil

### **Options**

Nil

### **Financial Considerations**

Nil

### **Community Engagement**

To inform the community.

### **Attachments**

- 1. Nomination Forms (BLUE)

# **WARRUMBUNGLA SHIRE COUNCIL**

## **Special Meeting – Thursday 6 January 2022**

---

### **RECOMMENDATION**

That Council:

1. Note the report on the nominations for and election for the position of Mayor for the 20-month period to September 2023;
2. Determine the method of voting for the position of Mayor; and
3. Proceed to hold the election for the position of Mayor for the 2022 to 2023 term.

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 3 Nominations for and Election for the Position of Deputy Mayor

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Executive Services
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity

---

#### Summary

Council may elect a Deputy Mayor. This report provides the procedure for the election of the Deputy Mayor, if so decided, for the coming two-year period.

#### Background

Councillors **may** elect one from their number to be the Deputy Mayor. The person may be elected for the Mayoral term or a shorter one (*Local Government Act 1993 s 231*).

The Deputy Mayor's role is to exercise any function and delegation of the Mayor:

- i) At the request of the Mayor; or
- ii) If the Mayor is prevented by illness, absence or otherwise from exercising the function; or
- iii) If there is a casual vacancy in the Office of Mayor.

Warrumbungle Shire Council in the past has elected a Deputy Mayor for the same term as the Mayor.

The procedure for the election of Deputy Mayor is the same as the procedure for the election of Mayor.

Additional fees, if any, for holding the position of Deputy Mayor are to be deducted from payments to the Mayor. No fees are presently paid by Warrumbungle Shire Council for the holder of the position of Deputy Mayor.

Nomination forms for the position of Deputy Mayor are coloured green and are enclosed with the business paper and will also be available at the Ordinary Meeting of Council.

The Returning Officer will call for final lodgement of nominations at this meeting. After the final call for nominations, the Returning Officer will announce the names of nominee(s). If necessary an election will then be conducted.

Section 231 of the *Local Government Act 1993* provides that the councillors may elect a person from among their number to be the Deputy Mayor. The term may be for the Mayoral term or a shorter term. It has been common practice at Warrumbungle Shire

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Special Meeting – Thursday 6 January 2022**

---

Council for the position of Deputy Mayor to be the same length of time as the position of Mayor as determined in Section 231(2) of the *Local Government Act 1993*.

### **Issues**

Nil

### **Options**

Nil

### **Financial Considerations**

No additional fee is currently paid to the Deputy Mayor.

### **Community Engagement**

To inform the community.

### **Attachments**

1. Nomination Forms (GREEN)

### **RECOMMENDATION**

That Council:

1. Note the report on the appointment of and procedure for the election of a Deputy Mayor;
2. Resolve that a Deputy Mayor is to be elected from its number for the Mayoral term; and
3. Hold an election for the position of Deputy Mayor on the same basis as for the Mayoral position.

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 4 Delegations of Authority to the Mayor and Deputy Mayor

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

---

### Reason for Report

To update the alignment for the Mayor's and Deputy Mayor's delegations.

### Background

Section 226 of the *Local Government Act 1993* (NSW) outlines the role of the Mayor. Section 226 provides:

#### *226 Role of Mayor*

*The role of the mayor is as follows:*

- (a) to be the leader of the council and a leader in the local community,*
- (b) to advance community cohesion and promote civic awareness,*
- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,*
- (d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,*
- (e) to preside at meetings of the council,*
- (f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,*
- (g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,*
- (h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,*
- (i) to promote partnerships between the council and key stakeholders,*
- (j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,*
- (k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,*
- (l) to carry out the civic and ceremonial functions of the mayoral office,*
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,*
- (n) in consultation with the councillors, to lead performance appraisals of the general manager,*



# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

(o) to exercise any other functions of the council that the council determines.

In addition to the role described by section 226 Council may delegate additional functions to the Mayor. Warrumbungle Shire Council has chosen to provide additional delegations to the Mayor.

### **Options**

Nil

### **Financial Considerations**

Nil

### **Community Engagement**

To inform the community.

### **Attachments**

Nil

### **RECOMMENDATION**

That Council:

- i) Notes that the Mayor holds the following functions under section 226 of the *Local Government Act 1993*:
  - a) to be the leader of the council and a leader in the local community,
  - b) to advance community cohesion and promote civic awareness,
  - c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
  - d) to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council,
  - e) to preside at meetings of the council,
  - f) to ensure that meetings of the council are conducted efficiently, effectively and in accordance with this Act,
  - g) to ensure the timely development and adoption of the strategic plans, programs and policies of the council,
  - h) to promote the effective and consistent implementation of the strategic plans, programs and policies of the council,
  - i) to promote partnerships between the council and key stakeholders,
  - j) to advise, consult with and provide strategic direction to the general manager in relation to the implementation of the strategic plans and policies of the council,

## WARRUMBUNGLA SHIRE COUNCIL

### Special Meeting – Thursday 6 January 2022

---

- k) in conjunction with the general manager, to ensure adequate opportunities and mechanisms for engagement between the council and the local community,
  - l) to carry out the civic and ceremonial functions of the mayoral office,
  - m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level,
  - n) in consultation with the councillors, to lead performance appraisals of the general manager,
  - o) to exercise any other functions of the council that the council determines.
- ii) Delegates the following additional functions and delegations to the Mayor:
- a) to approve leave for the General Manager,
  - b) to respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council,
  - c) approve attendance by elected members at conferences and seminars etc. within NSW and the ACT to a maximum of three (3) days and within budget provisions,
  - d) authorise urgent works up to an amount of \$50,000 where budget funds are available and report that approval to the next Council meeting,
  - e) promote the area of Council through representations, functions and personal approaches,
  - f) use of a corporate credit card to a maximum of \$5,000.
- iii) Delegates the following function and delegation to the Deputy Mayor:
- If the mayor is prevented by illness, absence or otherwise from exercising their function then subject to the requirements of the *Local Government Act 1993* the Deputy Mayor be authorised to exercise and perform on behalf of the Council the powers, authorities, duties or functions with Council has delegated to the Mayor.

# WARRUMBUNGLA SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 5 Filling of Casual Vacancies of Council

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

---

### Reason for Report

Under Section 291, of the *Local Government Act 1993* (the Act) details how casual vacancies of Council are to be filled:

#### **S291 By-elections:**

*“If a casual vacancy occurs in a civic office, the office is to be filled by a by-election, subject to this Part.”*

### Background

Following the 2021 local government elections, councils will, for the first time, have the option of using a countback of votes cast at the last ordinary election held on the 4 December 2021 to fill casual vacancies occurring in the offices of councillors in the first 18 months after the elections

#### **S291A Countback to be held instead of by-election in certain circumstances**

*(1) This section applies to a casual vacancy in the office of a councillor if –*

- (a) The casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and*
- (b) The council has at its first meeting following that ordinary election of councillors, by resolution declared that any such vacancy is to be filled by a countback of votes cast at the last election for that office.*

### Issues

Countbacks are not available to fill casual vacancies in the office of a councillor where:

- the councillor who vacated office was elected at an election using the optional preferential voting system (i.e. elections where only one civic office required to be filled such as the election of popularly elected mayors), or
- the councillor was elected in an uncontested election.

A by-election must be used to fill these vacancies

## **WARRUMBUNGLE SHIRE COUNCIL**

### **Special Meeting – Thursday 6 January 2022**

---

Council should also be aware that should a vacancy occur within 18 months before the date specified for the next ordinary elections Council may make application in accordance with Section 294 of the Act to seek approval from the Minister not to fill the vacancy.

#### **Options**

To exercise the option of using a countback to fill casual vacancies occurring in the first 18 months following the election, councils must resolve, at their first meeting after the election, to use a countback to fill casual vacancies.

If councils do not resolve this at the first meeting of the election, they will be required to fill casual vacancies through a by-election.

#### **Financial Considerations**

In exercising 291A(1) of the Act, this will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by election.

#### **Community Engagement**

To inform the community.

#### **RECOMMENDATION**

That Council Pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Warrumbungle Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on the 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 6 Council Committees

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Executive Services Administration Officer – Joanne Hadfield
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

---

### Reason for report

To inform Council of the functions and representation of each Committee.

### Background

Council may, by resolution, establish such committees as it considers necessary which consist of the Mayor and/or Councillors as appointed by the Council.

Each committee, be that external or internal, has a specific function, delegated responsibilities by the Council or legislative framework from which to operate.

The Terms of Reference and Charter for each of the Internal Committees are included in Attachment 3 and 4 for Council's endorsement.

### Issues

A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee however is not entitled to give notice of business for inclusion in the agenda for the meeting, move or second a motion at the meeting, or vote at the meeting.

Each committee of a council may regulate its own procedure and must ensure that full and accurate minutes of the proceedings of its meetings are kept and presented to Council for adoption.

The chairperson of each committee of the Council must be: the Mayor, or if the Mayor does not wish to be the chairperson of a committee—a member of the committee elected by the Council, or if Council does not elect such a member—a member of the committee elected by the committee.

The chairperson is to preside at a meeting of a committee of a Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

If in a report of a committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation. The

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

recommendations of a committee of Council are, so far as adopted by the Council, resolutions of the Council.

Council representation on Council committees; either external organisational and regional committees or internal committees, is classified as Council approved business. Where a Councillor incurs expenses in the course of discharging their civic office responsibilities, such expenses will be reimbursed as per Council policy – Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

### **Options**

At the commencement of the new Council term the committees and representatives from the elected Council are reviewed and nominated for the full Council term.

There are a number of external organisations and regional committees that have voting places in the Charter or Constitution for member Councils. These committees are part of this Council's wider involvement in the region and the majority of these committees have legislative powers creating them or formal agreements between Warrumbungle Shire and other Councils. It is essential that all of these committees have active elected representative involvement. In addition there are committees of Council which have special interest and focus. Some of these committees also have community or business representation to ensure stakeholder involvement in decision making process.

Town meetings are held twice yearly in October/November and April/May, after hours in a three (3) week block, providing an opportunity to share Council information, consult and obtain feedback with the community on local issues. All Councillors may attend any of these meetings with the General Manager and Directors (ELT), and are encouraged to take the opportunity of acting as chairperson. Recommendations from these meetings are noted by Council and referred to ELT for action and consideration. Since a designated Councillor representative is not required, the town meeting committees have not been included in the list of Council committees following.

Councillors who are representatives to External Organisational and Regional Committees are expected to provide a delegates report in writing to the General Manager for presentation to the following Council meeting.

Organisations, including councils, often delegate work to committees to more effectively deal with complex or specialised issues and to use councillors' time more efficiently. Committees can also be a mechanism for greater community involvement and consultation along with having the opportunity to bring in additional expertise. Committees can either be delegated authority for them to make decisions on behalf of Council or make recommendations for action to the Council itself, which retains collective responsibility for decision making. Involvement in committees allows councillors to deepen their knowledge of aspects of the organisation, become more actively engaged and utilise their experience or interests. Additionally, the existence of committees can indicate to the community that Council is taking particular issues seriously.

While committees can be good time savers, too many or ineffective committees can have the opposite effect. Councillors who are required to sit on several committees may quickly start to feel time deprived. Committee meetings can suffer from the same problems as other meetings, if not managed correctly, they can be ill-structured and ineffective. If the full Council rehashes the same information then that just doubles the

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Special Meeting – Thursday 6 January 2022**

---

pain. Having committees creates a requirement for more administrative support. Again, the time and resources saved by having the committee needs to be weighed up against that required to make them work. Sometimes, a committee will outlive its usefulness. In short committees can increase bureaucracy and be resource hungry using valuable staff time dealing with administrative functions rather than managing the operations of the organisation and most importantly completing projects. Thus the use of committees needs to be managed effectively. Council should regularly review its committee structure once a year to ensure that:

- All redundant committees are eliminated.
- Committees are serving their function well, coming up with real solutions and providing informed recommendations to the Council.
- Committee members have adequate expertise to deal with their assigned area of interest.
- Committee responsibilities are shared.
- Committees are helping to build the leadership potential of councillors by offering different members the opportunity to serve as the chair.
- Sufficient administrative resources are being allocated to allow the committees to function effectively.

### **Financial Considerations**

Councillor travel reimbursements are budgeted for in the 2021-2022 Operational Plan under Councillor expenses. Where there is a staff member involved, all efforts are made to ensure the Councillor representative can travel with the staff member.

Committee or Organisation membership/subscription or financial contributions where required have all been allocated to the respective management area and budgeted for in the 2021-2022 Operational Plan.

A list of External Organisational and Regional Committees and Internal Committees, with a brief description and required or recommended Councillor representation, follows for Council consideration.

A small number of committees require technical or specialist expertise, in which case the responsible Director who is delegated as Council representative is noted for Council information and approval.

### **Community Engagement**

Level of Engagement - Inform

### **Attachments**

1. External Organisational and Regional Committees
2. Internal Committees
3. Terms of Reference for Internal Committees
4. Internal Audit Committee Charter – 15 November 2018

### **RECOMMENDATION**

That Council:

1. Notes the information contained in the Council Committees report;

## **WARRUMBUNGLE SHIRE COUNCIL**

### **Special Meeting – Thursday 6 January 2022**

---

2. Deletes the following committees and delegates that are no longer relevant including:
  - Central Ranges Natural Gas and Telecommunications Association;
  - Warrumbungle Shire Liquor Accord
3. Works through Attachment 1 'External Organisational and Regional Committees' and Attachment 2 'Internal Committees' nominating the Councillor representation for each of the External Organisational and Regional Committee and Internal Committee of Council; and
4. Endorses the relevant Terms of Reference for the Internal Committees,



# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 7 2022 Local Government NSW Special Conference

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	Executive Assistant to the General Manager – Erin Player
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

---

### Reason for Report

The Local Government NSW 2021 Annual Conference was divided into two separate events due to the postponement of local government elections and continuing restrictions of COVID-19. The conference was previously scheduled to take place at the Hyatt Regency Sydney 28-30 November 2021 but was split into an online event which was held in November 2021 and a Special Conference to be held in March 2022.

### Background

The Annual Conference was held online on Monday 29 November 2021 which the Mayor and General Manager participated in.

A Special Conference, including the debate and resolution of motions setting the advocacy agenda for 2022, will be held in person at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2 March 2022. The number of voting delegates that each member is entitled to send to the Conference is decided by Local Government NSW and detailed in Attachment 2.

The number of delegates is determined by the population of each member. The higher the population the more voting delegates they are entitled to. Warrumbungle Shire Council is entitled to one voting delegate to attend the Conference but other councillors are able to attend the Conference as observers.

Council's Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors provides for the General Manager plus up to three councillors (3) to attend the LGNSW Conference.

The call for draft motions has opened to all members to submit their motions to be considered at the Conference. Members are invited to submit their motions for possible debate as early as practicable. The latest date motions will be accepted for inclusion at this stage has been extended to midnight on Sunday 30 January 2022.

Criteria for motions are included in Attachment 2, LGNSW Special Conference Motions Submission Guide. Motions should be:

1. consistent with the objects of the Association (see Rule 4 of the Association's rules);

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Special Meeting – Thursday 6 January 2022**

---

2. relate to local government in NSW and/or across Australia;
3. concern or are likely to concern local government as a sector;
4. seek to advance the local government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Note: No draft motions have been submitted.

### **Issues**

Nil

### **Options**

Council's Policy for the Payment of Expenses and the Provision of Facilities to Mayors and Councillors provides for the General Manager plus up to three (3) to attend the LGNSW Conference.

### **Financial Considerations**

The registration price for the Special Conference held 29 November 2021 is \$979 for members.

Costs are yet to be determined for registration, travel, food and accommodation and will be provided as per the Policy for Payment of Expenses and the Provision of Facilities to Mayors and Councillors.

### **Community Engagement**

To inform the community.

### **Attachments**

1. Members' voting entitlement at the 2021 Local Government NSW Annual Conference.
2. LGNSW Special Conference Motions Submission Guide

### **RECOMMENDATION**

That Council:

1. Note the report on the 2022 Local Government NSW Special Conference.
2. Appoint the Mayor as Council's voting delegate to participate in the LGNSW Special Conference.
3. Nominate two (2) councillors to attend the Conference as observers.
4. Call for draft motions from councillors for the Conference.

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 8 Disclosure of Interests under clause 4.21 of the *Model Code of Conduct for Local Councils in NSW*

<b>Division:</b>	Executive Services
<b>Management Area:</b>	Governance
<b>Author:</b>	General Manager – Roger Bailey
<b>CSP Key Focus Area:</b>	Local Government and Finance
<b>Priority:</b>	GF7 Council provides strong civic and regional leadership, and undertakes its governance and service delivery tasks with integrity.

---

#### **Reason for Report**

To advise Council of the returns required to be lodged with the General Manager under clause 4.21 of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) for ALL elected councillors.

#### **Background**

Clause 4.21 of the Model Code of Conduct requires all Councillors and designated persons to lodge returns under section 449.

##### *Clause 4.21:*

*A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:*

- a) **Becoming a councillor or designated person, and***
- b) 30 June of each year, and*
- c) 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 under paragraphs (a) or (b).*

Under clause 4.25 returns are required to be lodged with the General Manager and then tabled at the first meeting of Council after the last day the return is required to be lodged.

Clause 4.8 classifies a designated person as:

##### *Designated persons include:*

- 1. The general manager*
- 2. Other senior staff of the council for the purposes of section 332 of the LGA*
- 3. A person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest*

# WARRUMBUNGLA SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

4. *A person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

In addition to the General Manager Council has identified the following as designated persons:

- Director Environment and Development Services
- Director Technical Services
- Director Corporate and Community Services
- Manager Projects
- Manager Road Operations
- Manager Planning and Regulation
- Building Certifier
- Town Planner

The Returns are to be issued to ALL councillors and are due to be returned by no later than 21 March 2022.

### **Financial Implications**

Nil

### **Attachments**

Nil

### **RECOMMENDATION**

That Council:

1. Note the report on Disclosure of Interests under clause 4.21 of the *Model Code of Conduct for Local Councils in NSW*.
2. Note the relevant forms have been issued to all councillors.
3. Note that the Returns are to be provided to the General Manager by no later than 21 March 2022.

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

### Item 9 Quarterly Budget Review Statement for the 1<sup>st</sup> Quarter Ending 30<sup>th</sup> Sep 2021

<b>Division:</b>	Corporate and Community Services
<b>Management Area:</b>	Financial Services
<b>Author:</b>	Acting Chief Financial Officer – Myooran Vinayagamoorthy
<b>CSP Key Focus Area:</b>	Local Governance and Finance
<b>Priority:</b>	GF4 Council governance and organisational structure reflects the vision, directions and priorities outlined in the Community Strategic Plan

---

#### **Reason for Report**

To present a summary of Council's financial position as at 30<sup>th</sup> September 2021 including information regarding the supplementary vote requests.

#### **Summary**

The 1<sup>st</sup> Quarterly Budget Review Statement report (refer attachments) is to inform Council on major variations and recommend changes to the budget. Explanations for major variations are reported within the attached 1<sup>st</sup> Quarterly Budget Review Statement. Also included is a list of supplementary votes for approval.

#### **Background**

Section 203 of the *Local Government (General) Regulation 2005* regarding budget review statements and revision of estimates states that:

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
  - (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
  - (b) *if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

---

The minimum requirements for the Quarterly Budget Review Statement are included in the Code of Accounting Practice and Financial Reporting.

The QBRS is composed of, but not limited to, the following budget review (BR) components:

- A statement by the responsible accounting officer on council's financial position at the end of the year based on the information in the Quarterly Business Review Statement (Part 2)
- Budget Review – Income and Expenses Statement in one of the following formats (Parts 3, 5 & 6):
  - consolidated;
  - by fund (eg. General Fund; Water Fund; Sewer Fund); or
  - by function, activity, program etc. to align with the management plan / operational plan.
- Budget Review – Capital Budget (Parts 7 and 8)
- Budget Review – Cash and Investments Position (Part 10)
- Budget Review – Key Performance Indicators (Part 12)
- Budget Review – Contracts and Other Expenses (Part 13)

The following important financial information has also been provided in addition to the information required as part of the Quarterly Budget Review Statement reporting framework:

- Balance Sheet as at 30<sup>th</sup> September 2021 (Part 9)
- A Loan Movement Schedule (Part 11)

### **Report**

The 1<sup>st</sup> Quarterly Budget Review Statement shows that Council's consolidated revised income budget for the 2021/22 financial year is \$46,739,000. Expenses from continuing operations are projected to be \$41,796,000. This results in a projected consolidated operating result from continuing operations of \$4,943,000 surplus as compared to original \$5,297,000, consolidated budget. The revised before Capital Grants & Contributions deficit is \$4,474,000 as compared to \$4,120,000 estimated at the original budget. The increase of \$293,000 will be funded from grants received last year, which has been restricted and \$11,300 will be funded from general fund.

The corresponding General Fund 1<sup>st</sup> Quarterly Budget Review Statement figures are a revised income budget for the 2021/22 financial year of \$35.5M. Expenses from continuing operations are projected to be \$35.0M. This results in a projected operating surplus from continuing operations of \$522,000.

Significant actual items to note from the QBRS include:

- Rates and Annual Charges are 98% of the budget forecast
  - This is mainly because the billing is done in advance for the financial year for rates and annual charges.
- User charges and fees are 5% per budget (under budget by \$1,025,000). The major areas are:
  - RMS Charges nil - mostly timing issues;

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

- Lower Water Supply Services User Charge as the billing is raised in 2nd quarter
- Interest and investment revenue is under budget mainly due to much lower interest rates
- Other Revenues are under budget at 21% mainly due to timing issue in relation to fuel tax credit
- Operational Grants and Contributions are at 20% slightly under the budget
- Capital grants income is over per pro rata budget at 16% mainly due to receipt of block grant, repairs program.

Further information is provided in the 1<sup>st</sup> Quarterly Budget Review Statement (*Attachment 1*).

### Supplementary Vote Requests

Supplementary Vote requests have been received for the items outlined in Table 1a.

**Table 1a: Supplementary Vote Request Variations**

Description	Revenue	Operational Expenditure	Capital Expenditure	Net Impact on Budget	Comments
<b>General Fund</b>					
<b>General Revenue</b>					
<b>Total General Revenue</b>	-	-	-	-	
<b>Capital Expenditure</b>					
<b>Corporate and Community Services</b>					
DGR Grant - kitchen, training shed Training pad	330,000		330,000		
Installation of toilets at Dapper and Neilrex	70,000		70,000		
<b>Total Corporate and Comm Services</b>	<b>400,000</b>	-	<b>400,000</b>	-	<b>Nil Impact</b>
<b>Technical Services</b>					
<b>Local Roads - Reseals</b>					
Piambra Rd - Rural Road Reseals	(93,500)		(93,500)		
Tongy Lane - Rural Road Reseals	(132,000)		(132,000)		
<b>Total Local Road - Reseals</b>	<b>(225,500)</b>		<b>(225,500)</b>	-	<b>Nil Impact</b>
Indians Ln - Rural Road Pavements	(155,000)		(155,000)		
Tongy Ln - Rural Road Pavements	(300,000)		(300,000)		
Gravel Resheeting Program - Rural Roads Gravel Resheeting	(84,008)		(84,008)		
Piambra Road Pavement Rehab -	16,747		16,747		

## WARRUMBUNGLA SHIRE COUNCIL

### Special Meeting – Thursday 6 January 2022

Description	Revenue	Operational Expenditure	Capital Expenditure	Net Impact on Budget	Comments
Local Road Community Infrastructure Funding					
Lawson Park Road Pavement Rehab - Fixing Local Roads Funding	4,372		4,372		
Merrygoen Road Pavement Rehab - Fixing Local Roads Funding	234,419		234,419		
Boooloola Road - Pavement Rehab - Local Roads Community Infrastructure Funding	40,579		40,579		
Neilrex Road - Sealing Project	1,600,000		1,600,000		
Napier Lane - Rehabilitation	269,654		269,654		
Rotherwood Road Causeway (LRCI RD2 Funding)	80,000		80,000		
Flagsrockedgial Road Causeway (LRCI RD2 Funding)	80,000		80,000		
Napier Lane Causeway (LRCI RD2 Funding)	80,000		80,000		
Tucklan Road Pavement Rehab (LRCI RD2 Funding)	200,000		200,000		
Tongy Lane ( Fixing Local Roads Grant Funding /R2R Funding )	363,351		363,351		
Indian Lane (R2R Funding)	24,349		24,349		
Warkton Bridge	(500,000)		(500,000)		
Tooraweenah Road - Initial Seal	100,000		100,000		
<b>Total Local Roads</b>	<b>2,054,463</b>	-	<b>2,054,463</b>	-	<b>Nil Impact</b>
<b>Urban Services</b>					
Horticulture	293,137	-	293,137		
Ovals	184,979	-	184,979		
Town Streets	398,833	-	398,833		\$11,300 negative impact
Public Swimming Pools	40,292	-	40,292		



## WARRUMBUNGLE SHIRE COUNCIL

Special Meeting – Thursday 6 January 2022

Description	Revenue	Operational Expenditure	Capital Expenditure	Net Impact on Budget	Comments
<b>Total Urban Services</b>	917,241	-	917,241		Nil impact except \$11,300
<b>Total Tech Services</b>	2,746,204	-	2,746,204		
Depreciation					
<b>Total General Fund</b>	3,146,204	-	3,146,204		
<b>Water Fund</b>					
Warrumbungle Water	-	-	-	-	
Depreciation	-	-	-	-	
<b>Total Water Fund</b>	-	-	-	-	
<b>Sewer Fund</b>					
Warrumbungle Sewer	-	-	-	-	
Depreciation	-	-	-	-	
<b>Total Sewer Fund</b>	-	-	-	-	
<b>Total Warrumbungle Shire Council</b>	3,146,204	-	3,146,204		Nil impact except \$11,300

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

Below is a reconciliation of the OPERATING RESULT (Table 1b) from continuing operations (including capital grants) for QBR1 to the Revised Budget 2021/22 (refer Revised Budget Column of Part 3 Income Statement of QBR1 attachment to this report):

**Table 1b – Reconciliation of the Operating Result - Consolidate**

Description – Operating Changes	\$'000	\$'000
<b>Brought Forward Operating Result from Continuing Operations - Original Budget 2021/22</b>		<b>5,297</b>
Revotes operational expenditure adjustment		(354)
Revenue Budget – Supplementary vote QBR1 increase in income	-	<i>see (a) in above table 1a</i>
Operational Expenditure Budget – Supplementary vote QBR1 increase in expenditure	-	<i>see (b) in above table 1a</i>
<b>QBR1 Improvement to Income Statement</b>	Subtotal	-
Less: Capital Grants & Contributions		(9,417)
<b><i>Net Consolidated Operating Result Deficit before Capital Grant &amp; Contributions</i></b>		<b><i>(4,474) Deficit</i></b>

**Table 1c – Reconciliation of the Operating Result - General**

Description – Operating Changes	\$'000	\$'000
<b>Brought Forward Operating Result from Continuing Operations - Original Budget 2021/22</b>		<b>522</b>
Revotes operational expenditure adjustment		<b>(354)</b>
Revenue Budget – Supplementary vote QBR1 increase in income	-	<i>see (a) in above table 1a</i>
Operational Expenditure Budget – Supplementary vote QBR1 increase in expenditure	-	<i>see (b) in above table 1a</i>
<b>QBR1 Improvement to Income Statement</b>	Subtotal	-
Less: Capital Grants & Contributions		(4,636)
<b><i>Net Operating Result Deficit before Capital Grant &amp; Contributions</i></b>		<b><i>(4,468) Deficit</i></b>

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

**Table 1d – Reconciliation of the Operating Result - Water**

Description – Operating Changes	\$'000	\$'000
<b>Brought Forward Operating Result from Continuing Operations - Original Budget 2021/22</b>		<b>2,402</b>
Revenue Budget – Supplementary vote QBRs1 increase in income	-	<i>see (a) in above table 1a</i>
Operational Expenditure Budget – Supplementary vote QBRs1 increase in expenditure	-	<i>see (b) in above table 1a</i>
<b>QBRs1 Improvement to Income Statement</b>	Subtotal	-
Less: Capital Grants & Contributions		(2,299)
<b>Net Operating Result Surplus before Capital Grant &amp; Contributions</b>		<b>103 Surplus</b>

**Table 1e – Reconciliation of the Operating Result - Sewer**

Description – Operating Changes	\$'000	\$'000
<b>Brought Forward Operating Result from Continuing Operations - Original Budget 2021/22</b>		<b>2,374</b>
Revenue Budget – Supplementary vote QBRs1 increase in income	-	<i>see (a) in above table 1a</i>
Operational Expenditure Budget – Supplementary vote QBRs1 increase in expenditure	-	<i>see (b) in above table 1a</i>
<b>QBRs1 Improvement to Income Statement</b>	Subtotal	-
Less: Capital Grants & Contributions		(2,482)
<b>Net Operating Result Deficit before Capital Grant &amp; Contributions</b>		<b>(108) Deficit</b>

### **Financial Considerations**

- The total amount of capital expenditure supplementary vote requests from Table 1a is an increase of \$3,146,204; and
- For income, an increase of revenue of nil.

This means a net consolidated impact on the 2021/22 budget being a decrease or negative impact of \$11,300.

### **Rates and Annual Charges**

Council levies rates and annual charges on an annual basis commencing in the month of July. Council monitors the repayment of these rates and annual charges and measures its debt recovery performance for rates and annual charges through the use of the Rates and Annual Charges Outstanding Ratio.

The Office of Local Government (OLG) recommends, via their accepted benchmark, a ratio of less than 5% for Urban and Coastal Councils and less than 10% for Rural Councils.

# **WARRUMBUNGL SHIRE COUNCIL**

## **Special Meeting – Thursday 6 January 2022**

---

Council's outstanding ratio as at 30th September 2021 was 13.98% which is above the OLG recommended benchmark.

The outstanding rates and annual charges ratio as at 30<sup>th</sup> September 2021 is 15.29%. A high arrears balance affects Council's cash flow, and represents monies outstanding that Council could be gaining a return on if invested in a term deposit.

**Table 2a: Council's outstanding rates and annual charges ratios for the last six years.**

<b>Year</b>	<b>Rates and Annual Charges Outstanding Ratio as at 30<sup>th</sup> September.</b>	<b>Rates and Annual Charges Outstanding Ratio as at 30<sup>th</sup> June.</b>
2021	13.98%	Updated at end of FY
2020	17.05%	12.65%
2019	13.63%	12.85%
2018	12.10%	12.46%
2017	11.49%	14.37%
2016	11.65%	8.88%

**Table 2a: Rates and Annual Charges Outstanding Ratio**

The proportion of rates and annual charges outstanding related to residential properties is 67%. 15% of outstanding rates and annual charges relates to farmland and 18% to business.

Table 2b provides an overview of outstanding rates and annual charges, as at 30<sup>th</sup> September 2021, by rate and / or charge type.

# WARRUMBUNGLE SHIRE COUNCIL

## Special Meeting – Thursday 6 January 2022

**Table 2b: Outstanding Rates and Annual Charges – By Rate and Charge Type**

Rate/Charge Type	Rate Arrears 2020/21	2020/21 Levy	Pensioner Write off	Abandoned	Interest	Legal Fees	Rate Arrears and Net Levy	Total Payment to Date	Total Outstanding 2021/22	Collection % 2021/22	Total Arrears as at EOM	Outstanding Rates and Annual Charges %
<b>General</b>	803,345	8,561,744	-151,262	-4,369	7,494	39,483	9,256,435	-2,874,445	6,381,990	31.05%	1,088,514	11.76%
<b>Water</b>	456,738	2,255,213	-68,359	-23	3,405	0	2,646,974	-850,624	1,796,350	32.14%	469,213	17.73%
<b>Sewerage</b>	256,810	1,532,927	-49,328	-17	2,001	0	1,742,393	-542,358	1,200,035	31.13%	249,821	14.34%
<b>Trade Waste</b>	629	9,090	0	0	4	0	9,723	-5,219	4,504	53.68%	625	6.43%
<b>Storm Water</b>	22,941	104,113	0	-1	182	0	127,235	-42,453	84,782	33.37%	23,017	18.09%
<b>Garbage</b>	444,322	2,143,674	-105,827	-623	3,271	0	2,484,817	-837,489	1,647,328	33.70%	443,646	17.85%
<b>TOTAL RATES AND ANNUAL CHARGES</b>	<b>1,984,785</b>	<b>14,606,761</b>	<b>-374,776</b>	<b>-5,033</b>	<b>16,357</b>	<b>39,483</b>	<b>16,267,577</b>	<b>-5,152,588</b>	<b>11,114,989</b>	<b>31.67%</b>	<b>2,274,836</b>	<b>13.98%</b>
<b>Sewerage Access (Water Billing)</b>	109,865	306,522	0	-1486	725	0	415,626	-20,929	394,697	5.04%	92,449	22.24%
<b>Water Consumption</b>	630,944	1,742,976	0	4,266	5,969	1,029	2,385,184	-137,965	2,247,219	5.78%	546,892	22.93%
<b>Sewer Consumption</b>	23,348	109,824	0	-1573	152	0	131,751	-3,622	128,129	2.75%	19,766	15.00%
<b>Trade Waste Usage</b>	16,372	67,469	0	0	75	0	83,916	-2,487	81,429	2.96%	14711	17.53%
<b>TOTAL WATER</b>	<b>780,529</b>	<b>2,226,791</b>	<b>0</b>	<b>1,207</b>	<b>6,921</b>	<b>1,029</b>	<b>3,016,477</b>	<b>-165,003</b>	<b>2,851,474</b>	<b>5.47%</b>	<b>673,818</b>	<b>22.34%</b>

**WARRUMBUNGL E SHIRE COUNCIL**

**Special Meeting – Thursday 6 January 2022**

---

<b>SUPPLY SERVICES</b>												
<b>GRAND TOTAL</b>	2,765,314	16,833,552	-374,776	-3,826	23,278	40,512	19,284,054	-5,317,591	13,966,463	27.58%	2,948,654	15.29%

# **WARRUMBUNGLE SHIRE COUNCIL**

## **Special Meeting – Thursday 6 January 2022**

---

### **Options**

Council can choose to:

1. Accept the Quarterly Budget Review Statement (QBRs) and:
  - (a) approve all supplementary votes requested; or
  - (b) select projects from the supplementary votes and approve a lower amount; or
  - (c) approve the supplementary votes requested and postpone selected current year projects to reduce the capital works program for 2021/22; or
  
2. Accept the Quarterly Budget Review Statement (QBRs) subject to changes and:
  - (a) approve all supplementary votes requested; or
  - (b) select projects from the supplementary votes and approve a lower amount; or
  - (c) approve the supplementary votes requested and postpone selected current year projects to reduce the capital works program for 2021/22; or
  
3. Not accept the Quarterly Budget Review Statement (QBRs) and:
  - (a) reject the whole amount requested; or
  - (b) select projects from the requested supplementary votes and approve a lower supplementary vote amount; or
  - (c) approve the supplementary votes requested and postpone selected current year projects to reduce the capital works program for 2021/22.

### **Statement by Responsible Accounting Officer**

The following statement is made in accordance with clause 203(2) of the *Local Government (General) Regulation 2005*.

It is my opinion that the Quarterly Budget Review Statement for Warrumbungle Shire Council for the quarter indicates that Council's financial position as at 30<sup>th</sup> September 2021 is satisfactory having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

---

### **Responsible Accounting Officer**

### **Attachments**

1. 1<sup>st</sup> Quarterly Budget Review Statement

### **RECOMMENDATION**

That Council:

1. Accept the first quarter Quarterly Budget Review Statement for the 2021/22 financial year, as presented;
  
2. Approve the variations as described in Table 1a; and
  
3. Note and accept the information provided on the status of the rates and annual charges for the period ending 30<sup>th</sup> September 2021.