



MOREE PLAINS SHIRE COUNCIL

28 FEBRUARY 2019

ORDINARY COUNCIL MEETING

**ADOPTED PUBLIC
BUSINESS PAPER AND MINUTES**

Wednesday, 20 February 2019

- TO:
- Councillors
 - General Manager
 - Director – Corporate Services
 - Director – Planning and Community Development
 - Director – Engineering Services
 - Manager – Water and Waste
 - Manager – Executive Projects

Notice is hereby given that the **Ordinary Meeting of Council** will be held in the Council Chamber, the Max Centre, 30 Heber Street, Moree, on **Thursday, 28 February 2019** commencing at **4pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Lester Rodgers
GENERAL MANAGER

Agenda

1. Open Meeting
2. Apologies
3. Confirmation of Minutes
4. Leave of Absence requests
5. Declarations of Interest
6. Public Forum
7. Reports

This is Page No. 2 of 42 of the ADOPTED minutes of the ORDINARY MEETING of the Moree Plains Shire Council held on



MAYOR

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PUBLIC PAPER



GENERAL MANAGER

Ordinary Council Meeting Adopted Public Business Paper and Minutes 28 February 2019

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MINUTES OF THE ORDINARY MEETING OF THE MOREE PLAINS SHIRE COUNCIL HELD IN THE COUNCIL CHAMBER, HEBER STREET, MOREE ON THURSDAY, 28 FEBRUARY 2019 COMMENCING AT 4.04PM.

PRESENT:

Councillors K Humphries (Mayor), G Smith (Deputy Mayor), J Crawford, S Price OAM, S Ritchie, J Tramby OAM, M Montgomery AM, and K Cassells.

IN ATTENDANCE:

Mr L Rodgers (General Manager), Mr A Witherby (Director of Planning and Community Development), Mr R Heatley (Acting Water Services Manager), Mr A Probert (Finance Manager), Mr M Connolly (Economic Development Manager), Mr J Carleton (Executive Projects Officer), Mrs S Pearse (Senior Communication Officer), Miss L Colley (Grants/Economic Development Officer) and Ms D Murray (Executive Assistant).

APOLOGIES:

- Cr G Chiu

19/02/10 RESOLVED (PRICE/CRAWFORD)

That Council accept the following apologies:

- Cr G Chiu
-

LEAVE OF ABSENCE:

Nil.

LEAVE OF ABSENCE REQUESTS:

- Councillor K Humphries, Thursday, 18 April 2019.

19/02/11 RESOLVED (CASSELLS/SMITH)

That Council accept the following leave of absence:

- Councillor K Humphries, Thursday, 18 April 2019.

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ACCEPTANCE OF LATE REPORTS

- A. Notice of Motion – Procurement Practices

19/02/12 RESOLVED (CASSELLS/PRICE)

That Council accept the following late reports:

- A. Notice of Motion - Procurement Practices**
-

MINUTES:

- Minutes from the 14 February 2019 Ordinary Council Meeting.

19/02/13 RESOLVED (RITCHIE/CASSELLS)

That the:

- **Minutes from the 14 February 2019 Ordinary Council Meeting**

be adopted.

DECLARATIONS OF INTEREST:

- Cr G Smith declared a non-pecuniary interest in Report 5 - Actions Performed Under Delegated Authority for the month of January 2019, as he is a friend of the applicant/s for DA2019/03.
-

PUBLIC FORUM

Nil.

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Report Title	1. Mayoral Minute – Austrak Pty Ltd Proposal – Section 94 Fees
Report by	Mayor
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	One (1) attachment; refer to Attachments section
File	FILE14/355

RECOMMENDATION

That Council:

1. Consider the request from Austrak Pty Ltd for Section 94 fee relief.
2. If Council do not support the request for fee relief, opt for the use of the Traffic Generating Development Section 94 Plan rather than the Section 94A Plan.
3. Support any grant application that can assist with capital road works required to serve the development.

19/02/14 RESOLVED (MONTGOMERY/PRICE)

That Council:

- 1. Support the use of Traffic Generating Development Section 94 Plan rather than the Section 94A Plan.**
- 2. Support in principle any grant application that can assist with capital road works required to serve the development.**

For: Councillors Price, Smith, Cassells, Crawford, Montgomery and Humphries.

Against: Councillors Ritchie and Tramby.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
S4.4 Facilitate and regulate development
- A Vibrant Regional Economy**
E3.3 Entice new business development and investment within the Shire
- A Leading Organisation**
L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

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GENERAL MANAGER

BACKGROUND AND KEY ISSUES

Austrak Pty Ltd (**Austrak**) are proposing concrete works at the southern end of Drive In Road, Moree. Austrak have requested a waiver of Section 94 contributions as set out in their letter at Attachment 1.

The letter was not put forward to Moree Plains Shire Council (**Council**) in January 2019 as at that stage Council had not received a formal rezoning application showing a genuine intent to proceed with a development. That rezoning application has now been received and Council at its Ordinary Meeting of 14 February 2019 resolved to support rezoning of the land located at Lot 319 DP 757780 of 75 Drive In Road.

While this request relates to the Development Application which has not been yet lodged rather than a rezoning, the proponents are keen to get a view from the elected Council regarding the matter.

When considering the proposed planning fees for Austrak associated with the concrete works development, Council has the following choices:

- **Section 94A fees** -the standard community services contribution based on the value of the development.
- **Section 94 Plan fees for Traffic Generating Development** - requires the proponents to contribute to the maintenance of public roads owned by Council and used by the proponents.

Section 94 Plan fees for maintenance contributions would be based on the additional traffic generated by the development and would be applied to Drive In Road, which has recently been sealed. Council is not able to apply both Plans at once and needs to select one or the other. The Section 94A fee would be \$99,500.

Johnsons Quarry and Concrete and Incitec Pivot Fertiliser (**Incitec**) are the only users of this road and both generate significant heavy vehicle movement. In terms of the existing road as constructed up to Incitec, Council would only be entitled to the additional maintenance costs caused by the Austrak development. Council could, however, levy the full maintenance costs for the section of public road which only Austrak would use from Incitec up to the driveway entrance into their property.

The options have been discussed with Council's Asset Manager and Planning and Engineering staff are collectively of the view that Council's best interests would be served through applying the Section 94 Plan for Traffic Generating Development rather than the Section 94A fee. This would levy an annual charge on the development subject to the level of impact they have on the local road. This would minimise up-front costs for the proponent noting that those costs would not be incurred unless a development is constructed following approval.

Road upgrades as necessary to serve the development would routinely be applied as conditions of Development Consent, however, it would be of benefit to the proponent if Council were to indicate its support for a grant application to fund those works. It should be noted that any application would potentially displace other projects for which Council might apply, however, would make a material difference to the capital works required to implement the project.

The purpose of this report is for Council to consider the relevant planning fees for the Austrak development.

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FINANCIAL IMPACT TO COUNCIL

Any reduction in development contributions would be a direct cost to Council and could be considered a donation to the proponent. Austrak's request needs to be considered in light of the overall financial benefits to Council and the community through payment of rates and provision of employment and economic investment.

STATUTORY AND POLICY IMPLICATIONS

Council would need to consider any precedent that a waiver would set. In this regard it is noted that Drive In Road is an existing road, recently upgraded, that serves a very limited number of industrial businesses.

RISK IMPLICATIONS

There are no significant risks associated with the request. The precedent is the risk.

ASSET MANAGEMENT IMPLICATIONS

Drive In Road, Moree is a local road that Council is responsible for. The maintenance costs would increase as a result of the additional traffic that the development would incur.

PREVIOUS COUNCIL DECISIONS

Council, at its 14 February 2019 Ordinary Council Meeting resolved the following:

19/02/06 RESOLVED (PRICE/CHIU)

That Council:

- 1. Resolve to rezone Lot 319, DP 751780, 74 Drive In Road, Moree, to include the additional use of land "Concrete Works" on the subject property.***
- 2. Request that the Department of Planning and Environment provide a full delegation to Council and the General Manager for the processing and making of the plan.***
- 3. Delegate to the General Manager any necessary amendments to the Planning Proposal attached to this report is required.***

ATTACHMENTS

Attachment 1 Letter from Austrak Pty Ltd

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11th January 2019

To whom it may concern,

Austrak Pty Ltd is requesting that the fees proposed by Moree Plains Shire Council (MPSC) under Section 94A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (recently amended to Sections 7.11 and 7.12) are waived or reduced. The justification for waiving or reducing these fees include:

- the proposition to utilise rail freight for all outgoing product deliveries, thereby minimising any potential impacts on the access road (i.e. Drive Inn Road);
- the economic stimulus to the Moree Plains Shire via the additional expenditure on local goods and services;
- the social benefits due to the creation of an additional 50 jobs plus a local supply chain and engineering support services; and
- the importance of the project in supporting the construction of Inland Rail, a once in a generation Nation Building Project.
- Ongoing life of the factory operating beyond the Inland Rail Project supplying into NSW and QLD.
- Strengthen the business case to construct a new sleeper manufacturing facility at Moree

Austrak requests that Council consider an amendment to its *Contributions Plan* under Section 94A of the EP&A Act to reduce or waive the fees for the facility due to its significant benefits to the Shire and to allow for a cost effective and rapid development.

Further detail is provided below for Councils consideration.

Overview of the project

Austrak Pty Ltd is Australia's largest railway sleeper manufacturer and a world leader in sleeper design and production technologies. It operates several sleeper manufacturing facilities across Australia and one in the United Arab Emirates.

Austrak is tendering to supply concrete railway sleepers for the construction of Inland Rail. If Austrak is successful in securing this tender, it proposes to manufacture the concrete railway sleepers in the Moree Plains Shire, with its preferred location on Lot 319 DP751780 (Site 1 in Attachment 1).

The proposed Concrete Products Manufacturing Facility (the Project) would include the following key components:

- Development and operation of a concrete batching facility.
- Production lines and Inspection area.
- Hardstand for product storage and transport (road and rail).
- Access road, offices and amenities, carpark and other associated components.

The Project is also envisaged to supply other concrete products such as culverts and is likely to provide ongoing maintenance sleeper production after the completion of Inland Rail. The Project would have a capital cost of approximately \$10 million, supply in the order of 1.3 million railway sleepers over a 3 to 5 year period, and would require a workforce of 50 full time employees.

Status of planning approvals

A pre-lodgement meeting was attended by a representative of Austrak and representatives from MPSC on 12 December 2018 to present the details of the proposal for consideration of the most suitable planning assessment pathway. Following the meeting MPSC provided its formal advice and a quote for fees and charges associated with the planning assessment and operation of the facility.

1

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ABN 72 96 825 131
postal address GPO Box 5094 Brisbane QLD 4001
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Section 94A Fees

The fees and charges included an estimate of the proposed fees under Section 94A (now Section 7.12) of the EP&A Act which is a 'fixed development consent levy' specifically designated for:

"the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation)."

The fee quoted by MPSC was 1% of the total capital cost of \$9,950,000, which equates to \$99,500. This represents approximately half of the total fees and charges of \$204,092.50.

Request to reduce or waive fees

Austrak understands that the fees proposed under Section 94A are discretionary and can be reduced or waived by Council resolution. Therefore, it is requested that MPSC consider waiving or the reducing these fees for the following key reasons:

- the proposition to utilise rail freight for all outgoing product deliveries, thereby minimising any potential impacts on the access road (i.e. Drive Inn Road);
- the economic stimulus to the Moree Plains Shire via the additional expenditure on local materials and services;
- the social benefits due to the creation of an additional 50 jobs and local supply chain and resources; and
- the importance of the project in supporting the construction of Inland Rail, a once in a generation Nation Building Project.

Further details are provided below for Council consideration.

Utilisation of rail freight

Austrak's preference for its outgoing freight is via rail and has selected its preferred site based on unimpeded access to the rail line.

With the use of rail for outgoing freight, the only heavy vehicle use of the access road (Drive Inn Road) would be for material deliveries as per the below table.

Material	Tonnes / week	Delivery method	Deliveries / week
Sand	700	Dog & Trailer	16
Aggregates	780	Dog & Trailer	18
Cement & Flyash	405	B-Double Road pressure tanker	10
Prestressing wire	60	B-Double Road truck	2
Sleeper fittings	30	B-Double Road truck	1
Total			47

The total deliveries would equate to approximately 47 heavy vehicles per week, or approximately 7 per day.

It is understood that the intersection of Drive Inn Road and the Gwydir Highway is already designed for heavy vehicle access and has further capacity with its current design.

Angus Witherby is currently collating approved traffic volumes and actual traffic data for the Drive Inn Road intersection with Gwydir Highway, and the Gwydir Highway. Further comparison information can be provided when this data is available.

Economic stimulus

The Project capital cost is approximately \$10 million which will stimulate other businesses throughout the Moree Plains Shire. Local suppliers of materials such aggregate, sand, metal, and concrete constituents are likely to see additional demand from Austrak. Services and trades such as builders, plumbers, metal fabricators, and electricians would be required during construction and for maintenance activities during operations.

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The additional demand for materials and services is likely to have flow on effects such as additional employment for supporting businesses, additional expenditure at local shops and food outlets, and may encourage other businesses supporting Inland Rail (or the agriculture sector) to operate from Moree.

This economic stimulus would greatly benefit the Moree Plains Shire and assist in evening out the peaks and troughs of the agricultural sector.

Social benefits

The Project would require approximately 25 construction personnel and employ 50 full time staff during operations. The 2016 census shows Moree having 3,765 people employed full time, and an unemployment rate of 6.4% (National average was 6.9%). Austrak's contribution to employment in the town would represent in the order of an additional 1.5% which would significantly reduce the unemployment rate to significantly below the national average.

The additional employment would improve social aspects of the town and additional spending as result of employment would contribute to the economic stimulus described above. It would also provide potential for training or upskilling, leading to long term benefits to the people of Moree.

The Project would offer opportunities for the people of Moree and also contribute to a diversification of the workforce.

Importance of the project

The Projects primary purpose is to support the construction of Inland Rail, a once in a generation Nation Building Project. The Inland Rail is set to reinvigorate inland towns via expanded access to freight infrastructure, and additional employment during construction and operation of the line.

Moree Plains Shire has already received interest from at least one multi-national corporation looking to establish a manufacturing plant in Moree, and an intermodal facility is proposed in the town as a large freight hub for the region. There is potential for significant future benefits for Moree as a result of the construction of Inland Rail.

Austrak is key to the successful completion of the Inland Rail with its highly sort after sleeper technology and efficiency in production. It is proposed that this Project receive consideration to lower the cost of developing its Project in light of its local, regional and National importance.

Please do not hesitate to contact us if you have any further questions or queries and we do look forward to meeting with you in the near future to discuss our proposal further.

Regards,



Murray Adams
General Manager
Austrak Pty Ltd

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ATTACHMENT 1

Possible Facility Locations (Site 1 is currently preferred)



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GENERAL MANAGER

Report Title	2. Supply and Delivery of Bulk Lime
Report by	Corporate Services
Contact	Mitchell Johnson, Director of Corporate Services
Attachments	No attachment
File	FILE19/69

19/02/15 RESOLVED (SMITH/CRAWFORD)

1. That under Section 55 Part 3 (i) of *Local Government Act 1993 (NSW)*, Council resolve not to go out for Tenders due to unavailability of competitive tenderers.
2. That Council endorse a formal selective quotation process be carried out to ensure the market is tested.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
C1.5 Understand the services and programs which are being delivered locally to build capacity in our families and, where necessary, support the coordination of these efforts
- Sustainable Spaces and Places**
S2.1 Ensure adequate services, facilities and plans are in place to minimise service interruptions and to cater for current and future demand
- A Vibrant Regional Economy**
E1.3 Provide a local road network that meets the Shire’s transport and freight needs
- A Leading Organisation**
L1.1 Ensure Council’s operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

BACKGROUND AND KEY ISSUES

Moree Plains Shire Council (**Council**) is seeking suppliers to provide Bulk Lime required for construction and maintenance of Council’s road network.

While sourcing indicative quotes for the purchase of Bulk Lime, it has been discovered that there is only one mine in Australia that provides the required product. This mine is located in the Tamworth region where Bulk Lime can be sourced and delivery can be made to the Moree Plains Shire from the direct supply chain, making it difficult to test the market with regards to Procurement.

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The other direct supplier is located outside of our Shire at Marulan in southern NSW. The product is to be delivered to specific construction sites within the Moree Plains Shire. Any other suppliers are a third party in nature who on-sells the product, are geographically unable to meet Council's demand, and as a result, have transport costs that would be additional which does not provide the best outcome for Council.

Expenditure for this construction item is anticipated to exceed the Tender threshold and as such staff are seeking approval not to enter into a Tender process for this arrangement. A formal selective quotation process will be carried out pending approval of exemption to enable staff to source a suitable supplier that can meet Council's requirements.

FINANCIAL IMPACT TO COUNCIL

The estimated annual spend for delivery to various construction sites is approximately \$320,000 for Bulk Lime. Supply would be for a term of 12 months with an extension of 12 months and a contract end date of 30 June in any calendar year.

STATUTORY AND POLICY IMPLICATIONS

In accordance with *Section 55 Part 3(i) of the Local Government Act 1993*, Council has the ability to not go out to tender as outlined below:

a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

RISK IMPLICATIONS

No risk implications have been identified.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

This is the first time this matter has come before Council.

ATTACHMENTS

There are no attachments.

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Report Title	3. Schedule of Investments held as at 31 January 2019
Report by	Corporate Services
Contact	Andrew Probert, Finance Manager
Attachments	One (1) attachment; refer to Attachments section
File	FILE 13/680

19/02/16 RESOLVED (PRICE/SMITH)

That the schedule detailing Council's Investments held as at 31 January 2019 be received for information.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
Not applicable
- A Vibrant Regional Economy**
Not applicable
- A Leading Organisation**
L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

BACKGROUND AND KEY ISSUES

This report is presented in accordance with the provisions of both Section 625 of the *Local Government Act 1993 (the Act)* and Clause 212 of the Local Government (General) Regulation 2005 (**the Regulations**).

Under the provisions of Clause 212 of the Regulations, the responsible accounting officer is required to furnish Moree Plains Shire Council (**Council**) on a monthly basis a written report detailing the amount of money that Council has invested under Section 625 of the Act.

Clause 212 also provides that the report must include a certificate as to whether or not the investments have been made in accordance with the Act, the Regulations and Councils investments policies.

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FINANCIAL IMPACT TO COUNCIL

The submission of the schedule of investments is a statutory requirement under Section 625 of the Act. The Operational Plan contains a significant income stream from interest on investments. Council's intent is to maximise its return on investments whilst at the same time ensuring protection of capital.

STATUTORY AND POLICY IMPLICATIONS

Under the provisions of Clause 212 of the Regulations, the Responsible Accounting Officer is required to furnish Council on a monthly basis a written report detailing the amount of money that Council has invested under Section 625 of the Act.

Clause 212 also provides that the report must include a certificate as to whether or not the investments have been made in accordance with the Act, the Regulations and Councils investments policies.

RISK IMPLICATIONS

There are no risk implications that have been identified for the presentation of the schedule of investments.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

Under the provisions of Clause 212 of the Regulations, the Responsible Accounting Officer is required to furnish Council on a monthly basis a written report detailing the amount of money that Council has invested under Section 625 of the Act.

ATTACHMENTS

Attachment 2 Total Cash and Investments as at 31 January 2019

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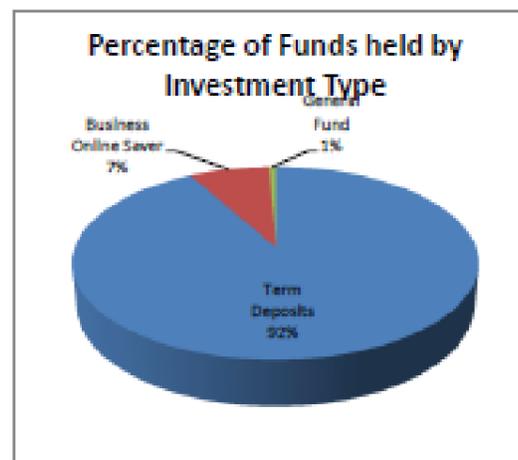
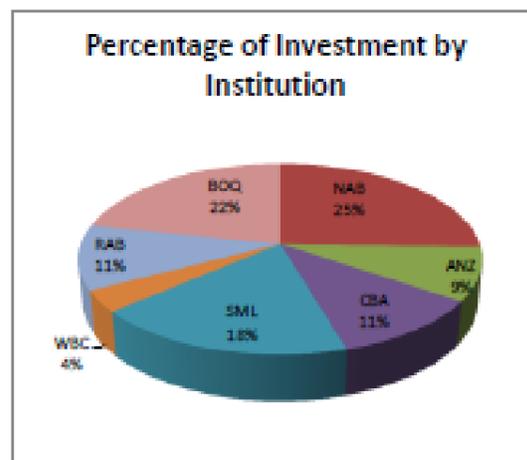
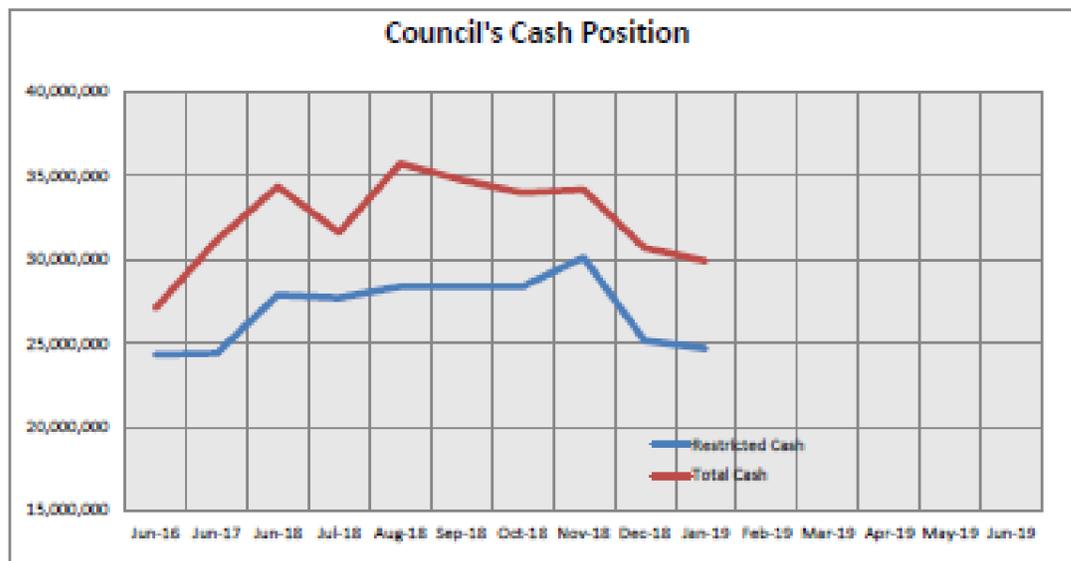


GENERAL MANAGER

Total Cash and Investments as at 31 January 2019

Institution	Lodgement	Maturity	Face Value	Rate (%)
National Australia Bank	05-Sep-18	06-Feb-19	2,000,000.00	2.65%
Regional Australia Bank	19-Sep-18	20-Feb-19	1,000,000.00	2.62%
Commonwealth Australia Bank	30-Aug-18	27-Feb-19	3,000,000.00	2.62%
Bank of Queensland	30-Aug-18	27-Feb-19	1,000,000.00	2.75%
Westpac Banking Corporation	31-Aug-18	27-Feb-19	1,000,000.00	2.75%
National Australia Bank	12-Sep-18	13-Mar-19	2,000,000.00	2.72%
Suncorp Metway Limited	26-Sep-18	27-Mar-19	1,000,000.00	2.70%
Suncorp Metway Limited	04-Oct-18	03-Apr-19	2,000,000.00	2.70%
Bank of Queensland	10-Oct-18	10-Apr-19	2,000,000.00	2.70%
Regional Australia Bank	17-Oct-18	17-Apr-19	1,000,000.00	2.63%
Regional Australia Bank	24-Oct-18	24-Apr-19	1,000,000.00	2.64%
National Australia Bank	06-Feb-19	08-May-19	2,000,000.00	2.70%
Suncorp Metway Limited	16-Jan-19	22-May-19	2,000,000.00	2.75%
National Australia Bank	23-Jan-19	29-May-19	1,000,000.00	2.71%
Bank of Queensland	05-Dec-18	05-Jun-19	2,000,000.00	2.80%
Bank of Queensland	12-Dec-18	12-Jun-19	1,000,000.00	2.80%
Australia & New Zealand Bank	16-Jan-19	19-Jun-19	2,500,000.00	2.69%
Total Term Deposits			27,500,000.00	
Business Online Saver Account			2,232,000.00	1.40%
General Fund Account			178,990.76	1.25%
Total Cash and Investments			29,910,990.76	
Less Restrictions		External	-16,102,608.50	
		Internal	-8,588,011.17	
Total Unrestricted Cash			5,220,371.09	

N.B The restricted funds figures reported are estimated figures only and subject to change



I, Lester Rodgers, certify that the above list of investments is a complete and accurate account of all investments that have been made on behalf of council in accordance with Section 635 of the Local Government Act, 1993 (amended), its regulations and Council's policy.

Katharine Humphries

28 FEBRUARY 2019

Lester Rodgers

MAYOR

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GENERAL MANAGER

Report Title	4. Operational Plan and Budget 2018-2019 Report on Progress – Quarter 2: 1 October 2018 to 31 December 2018 and Quarterly Budget Review Statement
Report by	Executive
Contact	Lester Rodgers, General Manager
Attachments	One (1) attachment; refer to Attachments section
File	FILE 18/310

RECOMMENDATION

That:

- 1 The second quarter report on progress in implementing Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2018-19 be received for information.
- 2 The Quarterly Budget Review Statement for the period ending 31 December 2018 be received for information.
- 3 Variations, as detailed in Attachment 3, be adopted.

19/02/17 RESOLVED (PRICE/MONTGOMERY)

That:

- 1 The second quarter report on progress in implementing Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2018-19 be received for information.
- 2 The Quarterly Budget Review Statement for the period ending 31 December 2018 be received for information.
- 3 Variations, as detailed in Attachment 3, be adopted with the following exceptions:
 - a) Floodplain Management Plan costings for Mungindi being \$54,000 income and \$63,000 expenditure.
 - b) Mungindi Flood Gauge funding received for upgrades.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
Not applicable
- A Vibrant Regional Economy**
Not applicable

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GENERAL MANAGER

☒ **A Leading Organisation**

L1.2 Deliver the desired services throughout the Shire to meet community needs in an effective, efficient and financially viable way, having regard to compliance and risk obligations

BACKGROUND AND KEY ISSUES

With the implementation of Moree Plains Shire Council's (**Council**) strategic planning and reporting software, MANEX considers that progress reports in relation to Council's Delivery Program 2017-2021 and Operational Plan 2018-2019 (**Quarterly Progress Report**) and the Quarterly Budget Review Statement (**QBRS**) should be reviewed by Council as a single report each financial quarter, given the interaction and interdependence of the Quarterly Progress Report and QBRS.

As such, this report provides background information for both of these, with the revised format of the Q2 Report (which has been distributed under separate cover) comprising:

1. An explanatory overview of the Quarterly Progress Report
2. A detailed status report across the 19 Functional Areas contained in the Operational Plan 2018-2019 for Q2
3. A Project Snapshot for Q2 and
4. The QBRS.

Information in relation to the Quarterly Progress Report and QBRS is detailed below.

Quarterly progress report

When the Council adopted the Moree Plains 2027 Community Strategic Plan, it committed to reporting on the Delivery Program and Operational Plan Functional Area indicators on a six (6) monthly basis. These reports would cover the period of July to December and January to June each financial year. Additionally, under Section 404 of the *Local Government Act 1993* the General Manager must ensure that progress reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

To better inform Council and senior management of progress, emerging issues and concerns progress reports are provided quarterly.

The Q2 Quarterly Progress Report is Moree Plains Shire Council's progress report for the period of 1 October 2018 to 31 December 2018 on the adopted Delivery Program 2017-2021 and Operational Plan 2018-2019.

This report provides a snapshot of what has been achieved in the second quarter of the current financial year. It allows the Council and the community to view the progress that the Council has made and provide detail on Council activities.

Through reporting, the Council is able to continually monitor its performance and make necessary adjustments on a regular basis to ensure that targets are being met and reviewed, if required. Regular monitoring also provides another method of risk management and provides points of reference when carrying out tasks, activities and projects.

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Quarterly budget review statement

In accordance with the *Local Government (General) Regulation 2005* Clause 203:

- (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.*

The QBRs is the format prescribed by the Office of Local Government (**OLG**) and sets the minimum requirements for presentation of Council's progress against budget, revised estimate of income and expenditure for the year and recommendations for budget variations.

The QBRs comprises the following attachments:

1. Statement by the Responsible Accounting Officer on Council's position at the end of the year based on the information in the QBRs
2. Budget Review Contracts and Other Expenses (Consolidated)
3. Budget Review Consultancies and Legal Fees (Consolidated)
4. Budget Review Income and Expense Statement (Consolidated and Funds)
5. Budget Review Statement of Cashflows (Consolidated and Funds)
6. Key Performance Measures (Consolidated and Funds)
7. Material Variations Recommendations (Consolidated)
 - i. Operating Income and Expenditure
 - ii. Capital Income and Cashflow
8. Budget Review Capital Budget (Consolidated and Funds)
 - i. Material variations to Capital Budget

FINANCIAL IMPACT TO COUNCIL

The financial impact to Council of the proposed variations is detailed in Attachment 3.

STATUTORY AND POLICY IMPLICATIONS

The following sections of the *Local Government Act 1993* and *Local Government (General) Regulation 2005* detail Council's reporting obligations in respect of the Delivery Program and Operational Plan and Budget.

LOCAL GOVERNMENT ACT 1993 No 30

404 Delivery program

- (1) *A council must have a program (its delivery program) detailing the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy.*
- (2) *The delivery program must include a method of assessment to determine the effectiveness of each principal activity detailed in the delivery program in implementing the strategies and achieving the strategic objectives at which the principal activity is directed.*

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- (3) *The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.*
- (4) *A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted by the council.*
- (5) *The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.*

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 203

Budget review statements and revision of estimates

203 Budget review statements and revision of estimates

- (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.*

RISK IMPLICATIONS

Council commits, through the Delivery Program and associated Resourcing Strategy (Long Term Financial Plan, Workforce Plan and Asset Management Plan(/s)) to deliver certain services, activities and projects during the Council tenure. Regular review of progress made against these commitments mitigates the risk of Council not delivering on commitments on time and on budget and highlights at an early stage where there is a risk of not delivering.

ASSET MANAGEMENT IMPLICATIONS

Completion of asset maintenance projects in accordance with our Asset Management Plan/s ensures Council can continue to provide the infrastructure needed to deliver the services committed to in the Delivery Program.

PREVIOUS COUNCIL DECISIONS

Council, at its 21 February 2019 Finance and Governance Committee Meeting resolved the following.

19/02/04 COMMITTEE RECOMMENDATION (PRICE/MONTGOMERY)

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That:

- 1 The second quarter report on progress in implementing Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2018-19 be received for information.**
- 2 The Quarterly Budget Review Statement for the period ending 31 December 2018 be received for information.**
- 3 Variations, as detailed in Appendix, be adopted.**
- 4 That Councillors receive a detailed report before the 28 February 2019 Ordinary Council Meeting on the Asbestos Contaminated Stockpile works.**

ATTACHMENTS

Attachment 3 Operational Plan 2018-2019 Q2 Report – 1 October 2018 to 31 December 2018.

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GENERAL MANAGER

Report 4	Operational Plan and Budget 2018-2019 Report on Progress – Quarter 2: 1 October 2018 to 31 December 2018 and Quarterly Budget Review Statement
Attachment 3	Operational Plan 2018-2019 Q2 Report – 1 October 2018 to 31 December 2018

(Attachment provided with the 21 February 2019 Finance and Governance Committee Meeting Public Business Paper)

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GENERAL MANAGER

Report Title	5. Actions Performed Under Delegated Authority for the month of January 2019
Report by	Planning and Community Development
Contact	Angus Witherby, Director of Planning and Community Development
Attachments	Two (2) attachments; refer to Attachments section
File	FILE12/1801

19/02/18 RESOLVED (MONTGOMERY/PRICE)

That Council receive the report for information.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
Not applicable
- A Vibrant Regional Economy**
Not applicable
- A Leading Organisation**
L3.3 Varied, appropriate and timely communication channels and engagement methods are utilised by the organisation

BACKGROUND AND KEY ISSUES

The purpose of this report is to update Moree Plains Shire Council (**Council**) on the actions performed under Delegated Authority for the month of January 2019.

Council was previously advised of actions performed under Delegated Authority by means of the information memorandum which was circulated to Councillors on a month by month basis. This memorandum was not a public document and so as to increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for:

- Development approvals, including Section 96 modifications issued
- Local Government approvals issued.

Attachment 4 outlines the actions performed within Planning and Community Development under delegated authority for the month of January 2019. Attachment 5 outlines the actions performed within Planning and Community Development under delegated authority that was omitted for the month of December 2018.

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FINANCIAL IMPACT TO COUNCIL

All approvals determined under delegated authority are subject to the fees outlined in Council's Operational Plan at the time such approvals are applied for. These fees are prescribed by legislation. Typically, Council's cost-recovery on application assessment would be approximately 50%. Applications determined under delegation are more cost effective than applications requiring reporting to Council as a result of lower staff time costs.

STATUTORY AND POLICY IMPLICATIONS

The determination of Development Applications is undertaken by Council under provisions of the *Environmental Planning and Assessment Act 1979 (NSW)*, as amended.

The determination of other applications is undertaken by Council under the provisions of the *Local Government Act 1993 (NSW) (LG Act)*.

Delegations from Council to the General Manager and then to staff are undertaken in accordance with requirements of the LG Act.

In addition to legislative requirements, Council determines policy relating to delegations with respect to planning applications at the start of every four-year term of Council. Applications under delegation are in accordance with this policy.

RISK IMPLICATIONS

Risks associated with delegated approvals predominantly relate to failure to follow procedures. Measures put in place are the separation of application administration assessment, and ensuring that all assessments are independently reviewed by another staff member prior to an application being determined.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

Reports are submitted to Council for information on a regular basis. Council, at its 13 October 2016 Ordinary Council Meeting, resolved to determine delegations to staff for considering Development Applications:

16/10/08 RESOLVED (TRAMBY/CASELLS)

That Council adopt the following delegation framework for Development Applications determinations:

- 1. Council determine all applications where a variation to the objectives of the Development Control Plan is sought or recommended or where reviews to policy arise through assessment considerations.***

ATTACHMENTS

Attachment 4 Applications approved January 2019

Attachment 5 Applications omitted from December 2018

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Report 5

Actions Performed Under Delegated Authority for the Month of January 2019

Attachment 4

Applications approved January 2019

Applications Approved

c_dm073									
Approved Between 01-Jan-19 and 31-Jan-19									
Application No.	Location	Development Type	Est. Cost	Received	Determination		Total Elapsed Days	Stop Days	Adjusted Elapsed Days
DA/2018/27	Takune Pty Ltd & Kelly's Rural Sales & Valuations Pty Ltd 4 Blueberry RD MOREE LOT: 25 DP: 1083164	Erection of self storage units	\$266,000	09-Jan-19	Modification Approved	09-Jan-19	1	0	1
DA/2018/92	Mr C T McTaggart 33 McCosker ST BOGGABILLA LOT: 178 DP: 755980	Business Premises - Pharmacy	\$44,550	20-Nov-18	Approved Under Delegation	17-Jan-19	59	57	2
DA/2018/97	Mrs T L Hayes 19 Queen ST MOREE LOT: 14 DP: 16413	Erection of a garage	\$22,050	10-Dec-18	Approved Under Delegation	03-Jan-19	25	0	25
DA/2018/98	Ms R Moore 7 Whalan ST BOOMI LOT: 6 SEC: 17 DP: 758135	Use of land for the purpose of installing a relocatable home	\$42,534	14-Dec-18	Approved Under Delegation	09-Jan-19	27	0	27
DA/2019/3	Mr M A & Mrs B A Smith Kooroogamma RD MOREE LOT: 15 DP: 837698	Construction of a house pad	\$0	23-Jan-19	Approved Under Delegation	30-Jan-19	8	0	8
Report Totals & Averages		Average Elapsed Calendar Days: 24.00			Total Elapsed Calendar Days: 120.00				
Total Number of Applications : 5		Average Calendar Stop Days: 11.40			Total Calendar Stop Days: 57.00				
Total Estimated Cost : 375,134.00		Average Adjusted Calendar Days: 12.60			Total Adjusted Calendar Days: 63.00				

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Applications Approved

c_dm073 Approved Between 01-Dec-18 and 31-Dec-18									
Application No.	Location	Development Type	Est. Cost	Received	Determination		Total Elapsed Days	Stop Days	Adjusted Elapsed Days
DA/2018/78	Mr M & Mrs Z Cikota 296-298 Warialda ST MOREE LOT: 1 DP: 1213511	Advertising Sign	\$10,846	11-Sep-18	Approved Under Delegation	05-Dec-18	86	0	86
DA/2018/91	Moree Showground Trust Warialda ST MOREE LOT: 44 DP: 1121318	Erection of a shed	\$129,600	13-Nov-18	Approved Under Delegation	05-Dec-18	23	21	2
Overall Totals & Averages December 2018		Average Elapsed Calendar Days: 40.67				Total Elapsed Calendar Days: 366.00			
Total Number of Applications : 9		Average Calendar Stop Days: 7.89				Total Calendar Stop Days: 71.00			
Total Estimated Cost : 6,787,496.00		Average Adjusted Calendar Days: 32.78				Total Adjusted Calendar Days: 295.00			

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GENERAL MANAGER

Report Title	6. Strategic Business Plan for Water Supply and Sewerage Services
Report by	Water, Sewer and Waste
Contact	Roland Heatley – Acting Water and Waste Group Manager
Attachments	One (1) attachment; refer to Attachments section
File	FILE 18/115

RECOMMENDATION

- 1 That Council place the Strategic Business Plan for Water Supply and Sewerage Services on public display for 28 days, seeking submissions from the public.
- 2 That, if no submissions are received in respect of the Strategic Business Plan for Water Supply and Sewerage Services during the public exhibition period, the Policy be adopted as the current planning document for Council's water supply and sewerage businesses.

19/02/19 RESOLVED (PRICE/CASSELLS)

That:

- 1 **Council place the Strategic Business Plan for Water Supply and Sewerage Services on public display for 28 days, seeking submissions from the public.**
- 2 **The Strategic Business Plan for Water Supply and Sewerage Services Policy be presented to the Strategic Asset and Works Committee prior to consideration at an Ordinary Council Meeting.**
3. **The Strategic Business Plan for Water Supply and Sewerage Services report be accompanied by a position statement by Council, stating that draft document is based on State Government Guidelines and that these guidelines may not be adopted by Council in its current form. Community members are encouraged to make a submission.**

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
S2.3 Secure sustainable water supplies for the Shire
- A Vibrant Regional Economy**
Not applicable

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☒ **A Leading Organisation**

L1.2 Deliver the desired services throughout the Shire to meet community needs in an effective, efficient and financially viable way, having regard to compliance and risk obligations

BACKGROUND AND KEY ISSUES

Strategic Business Plan (**SBP**) is one of the main planning documents for Moree Plains Shire Council's (**Council**) Water and Sewer business. The SBP addresses three elements of the NSW Government's Best Practice Management of Water Supply and Sewerage Framework 2014 (Strategic Business Planning, Pricing and Drought Management).

Council's current SBP for water and sewerage services are as follows:

1. Moree Plains Shire Council Strategic Business Plan for Water Schemes – 2005/2006
2. Moree Plains Shire Council Strategic Business Plan for Sewerage Schemes – 2005/2006

These plans are based on the asset management and financial data available in 2005/2006. This does not include the current operational, maintenance, capital works and financial plans. As a result, these documents do not give a long term clear picture of the current strategy requirements for Water and Sewer Services. Therefore, the strategies developed are inadequate in addressing the present scenario and require replacement with the newly prepared plan.

The SBP, along with Integrated Water Cycle Management Strategy (**IWCM**), are the two priority planning documents for Council's water supply and sewerage services. The IWCM Strategy and SBP has to be prepared every eight years on a rotation of every four years. The existing plans are outdated and should be superseded with the currently prepared plan for compliance with the NSW Governments' Best Practice Management of Water Supply and Sewerage Guidelines 2007.

The Water Supply and Sewerage Framework 2014, along with the Water Supply and Sewerage Guidelines 2007, provide a charter for sound planning, pricing and management. The adoption of the currently prepared SBP will enable Council to provide an appropriate, affordable and cost-effective water supply and sewerage services to meet community needs while protecting public health and environment. This enables an effective and sustainable water supply and sewerage services to the community.

FINANCIAL IMPACT TO COUNCIL

No financial implications have been identified, however, without the new SPB, in future, there will be a significant reduction in grant funding

STATUTORY AND POLICY IMPLICATIONS

The SBP has been prepared in accordance with

- *Local Government Act 1993*
- Local Government (General) Regulation 2005
- NSW Government's Best-Practice Management of Water Supply and Sewerage Framework 2014
- NSW Government's Best Practice Management of Water Supply and Sewerage Guidelines 2007

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RISK IMPLICATIONS

No risk implications have been identified.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

Council, at its 6 December 2005 Ordinary Council Meeting resolved the following.

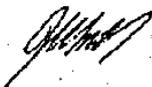
REPORT TITLE:	15. WATER AND SEWER STRATEGIC BUSINESS PLANS
REPORT FROM:	WATER AND WASTE MANAGER
FILE NUMBER:	96-0509, 96-1179, 02-0127 01-0350 LETTER NO:

04-0452

05/12/17 RESOLVED: (Brazel/Ivanov)

1. That the Water Strategic Business Plan and Sewer Strategic Business Plan be adopted.
2. That the Water Strategic Business Plan and Sewer Strategic Business Plan be publicly exhibited for a period of 28 days for public comment.
3. That the Water Strategic Business Plan and Sewer Strategic Business Plan be forwarded to the Department Energy, Utilities and Sustainability as requested.

This is Page No. 11 of the minutes of the Ordinary Meeting of the Moree Plains Shire Council held on 6th December 2005



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GENERAL MANAGER

ATTACHMENTS

Attachment 6 Strategic Business Plan for Water Supply and Sewerage Services 2019

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(Attachment provided under separate cover due to size)

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GENERAL MANAGER

Report Title	7. Murray Darling Association – Request for Council Support
Report by	Executive
Contact	Angus Witherby, Director Planning and Community Development
Attachments	No attachment
File	FILE12/1780

RECOMMENDATION

That Council:

1. Supports the Murray Darling Association (MDA) in its objective to ensure local government has a role in informing the decisions that impact our local communities under the Murray Darling Basin Plan, in their bid to secure recurrent funding for the provision of effective consultation and engagement with councils within the Murray-Darling Basin communities through their local representatives.
2. Write a letter of support to the MDA for the State and Federal Governments to contribute to the ongoing funding of the MDA.
3. Write to our Local State and Federal Members encouraging them to support State and Federal Governments contributing to the ongoing funding of the MDA.
4. Write to all councils in our region, encouraging them to join the MDA and support the activation and development of advocacy priorities of this region.

19/02/20 RESOLVED (CASSELLS/RITCHIE)

That Council considered the request by the Murray Darling Association (MDA), and do not support the request in this instance.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
Not applicable
- A Vibrant Regional Economy**
Not applicable

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GENERAL MANAGER

□ **A Leading Organisation**

L2.3 Advocate on behalf of the community for today and our future to ensure the sustainability of the Shire

BACKGROUND AND KEY ISSUES

The Murray Darling Association (**MDA**) is a membership-based peak representative organisation representing local government and the communities we serve across the Murray-Darling Basin since 1944.

Built on strong foundations of good governance and high standards of accountability and integrity, the performance of the MDA compares favourably with our Local Government Area peers across the sector, and with other levels of government.

The MDA works with and for member councils engaging with National and State based local government associations, Regional Organisations of Councils, Joint Organisations and other local government affiliations. Operation of the MDA is *parliamentary* in nature, having the executive power vested in a board composed of members of the regions, individually and collectively responsible to the membership, and each of whom are democratically elected.

The MDA includes membership of councils from all four Basin states and has a focus solely on Basin related issues. The MDA has a unique capacity to bring a “whole of Basin” perspective to planning matters and community engagement, while also contributing a wealth of local knowledge and solutions to Basin wide issues.

To secure adequate recurrent funding from State and Commonwealth governments to enable local government through its national peak body, the MDA provide and enhance its service as a reliable, independent and trusted conduit through which Basin governments and agencies can engage effectively and directly with Basin communities through their local representatives.

FINANCIAL IMPACT TO COUNCIL

The MDA is currently funded solely through membership fees and income from the National Conference. Membership fees are charged to member councils calculated on a sliding scale based on population. The 2018/19 fee schedule is \$0.32 cents per head of population, capped at \$6,334.50 (plus GST). Total income from 2017/18 was \$282,000.

Through an extensive and representative Strategic Planning session held at Moama on 1 – 3 February 2019, it is clear that there is ability and motivation to continue to drive the MDA forward to assist the State and Federal Governments in continuing to improve Basin outcomes.

However, the current financial model does not allow the resources to be able to effectively increase the outputs of the MDA. Given the State and Federal Governments look to and respect the MDA as the key Local Government reference group, at the Basin level, and that the Murray-Darling Basin Plan (**the Plan**) is ultimately the responsibility of the Federal Government, it is considered reasonable that the MDA should be able to access recurrent funding from the State and Federal Governments.

The increased resourcing will only further the ability of the MDA to assist in more acceptable outcomes to communities across the Basin.

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The MDA is currently finalising a Business Case seeking funding of \$5 million over four years for submission to the 2019 federal budget. Further details of the financing projections will be provided in the Business Case.

STATUTORY AND POLICY IMPLICATIONS

No statutory or policy implications have been identified.

RISK IMPLICATIONS

There are no risk implications identified.

ASSET MANAGEMENT IMPLICATIONS

MDA is seeking recurrent funding from State and Commonwealth governments to continue to provide and enhance services as a reliable, independent and trusted conduit through which Basin governments and agencies can engage effectively and directly with Basin communities through their local representatives.

Effective representation of local government and communities at state and federal level in the development of policy and the management of Murray-Darling Basin resources is essential to the effective implementation of the Plan, and the equitable management of our Basin water resources, without which the social, economic and environmental sustainability of Basin communities is compromised.

The absence of effective collaboration with local communities has seen trust eroded, communities fractured, investments and initiatives undermined, governments compromised, and the entire Plan put at risk.

Both the Productivity Commission's Murray-Darling Basin Plan: Five-year assessment Inquiry report, and the Murray-Darling Basin Royal Commission Report have made findings on the need for effective consultation and engagement, and the need to restore trust.

They have recognised that the success of the Plan, and the long-term viability of our Basin communities is dependent on all governments working together.

By definition, and in practice, this must include local government, which requires resourcing and capacity. Local government as a sector has the capacity, expertise, and local knowledge (including respect at the local community and industry level) required to understand, balance, plan for, and serve the various and often competing needs and interests that exist within and across our local communities. By extension, the MDA carries forward this as the singular peak Local Government representative group for the Basin.

The absence of effective collaboration with local communities has seen trust eroded, communities fractured, investments and initiatives undermined, governments compromised, and the entire Basin Plan put at risk.

In this environment, Local Government across the Basin has united under the leadership of an experienced national peak body.

Local representatives have provided stability and a calming voice across communities, leadership and good governance. Councils have worked tirelessly, through the MDA to provide an effective, responsible and constructive conduit across and between communities, states, governments, agencies and political parties.

Detailed local knowledge, informed advocacy and a means for governments to engage directly with communities through their local representatives will be essential to ensure:

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- Integrated delivery of the package of supply measures
- Adequate community consultation to underpin the water resource plans
- Delivery capacity and constraint issues associated with changes in water use and trade
- Ensure supply projects offer value for money
- Strategy for recovering the additional 450GL
- Processes for coordinating event-based watering decisions
- Assistance to communities suffering adverse impacts from water recovery.

Services provided by the MDA ensure that state and federal governments have a trusted and reliable 'single point of contact' for accessing information and engaging with councils at the Basin scale, at the regional level, and individually.

Provision of this service requires capability and resourcing, the cost of which should be borne by local, state and federal governments. Failure to adequately resource the capability is an exercise in cost shifting, undermining the financial sustainability of the local government sector and the Plan.

PREVIOUS COUNCIL DECISIONS

This is the first time this matter has come before Council.

ATTACHMENTS

There are no attachments.

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GENERAL MANAGER

Report Title	A. Notice of Motion – Procurement Practices
Report by	Councillor Greg Smith
Submitted on	26 February 2019
Attachments	One (1) attachment; refer to Attachments section
File	13/76

RECOMMENDATION

1. All tenders for procurement of assets and services be approved by the elected Councillors.
2. The procurement policy be reviewed with a balanced approach to economics, necessity and local suppliers.
3. Council be notified by email if necessary of a potential cost overrun before the budget or contingency is exceeded on any major project. The Value or definition of a “Major Project” to be determined by debate.

19/02/21 RESOLVED (SMITH/TRAMBY)

1. **The procurement policy be reviewed with a balanced approach to economic necessity and local suppliers.**
2. **Council be notified by email, if necessary, of a potential project cost overrun (including contingency) on any project over the nominal amount of \$50,000 by more than 10% of the original budget.**
3. **That the below be workshopped within 30 days;**
 - a) **All tenders and procurements of assets, services and consultants be approved by the elected Councillors that are in excess of \$20,000.**
4. **The General Manager provide a report to Council to identify the practical implementation of the above points.**

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

An Inclusive, Caring Community

Not applicable

Sustainable Spaces and Places

Not applicable

A Vibrant Regional Economy

Not applicable

A Leading Organisation

L1.1 Ensure Council’s operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

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MAYOR

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GENERAL MANAGER

Notice of Motion

Moree Plains Shire Council ordinary council meeting 28/2/2019

Mr Lester Rodgers, General Manager.

In the current financial year we have had a cemetery extension design requested with no budget in the tender, a previously designed extension to the rubbish tip questioned by a consultant only to find the obvious and a large portion of a motor vehicle tender purchased outside the shire without taking full life costs into account. Along with this we have a simple excavation job involving a private contractor more than 300% over budget.

The use of Vendor Panel for one off jobs such as the water tower at Biniguy has failed to notify local engineering firms because they rarely do council work and don't use the system. Our very capable engineers in Mr Dinham and Mr McPherson are held in high regard but do not live locally, do not have the knowledge of local capability and are bound by policy.

We have a large capex program in the coming year and I feel it is time for the councillors to have a level of responsibility given the current financial situation for most businesses in our community.

The Motion being.

1. All tenders for procurement of assets and services be approved by the elected councilors.
2. The procurement policy be reviewed with a balanced approach to economics, necessity and local suppliers.
3. Council be notified by email if necessary of a potential cost overrun before the budget or contingency is exceeded on any major project. The Value or definition of a "Major Project" to be determined by debate.

Cr Greg Smith
Chair, Finance and Governance.



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GENERAL MANAGER

CLOSED COUNCIL

In accordance with the *Local Government Act 1993* and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as 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.

Report 8. - Confidential - Construction Litigation Update

That Report 8. Confidential - Construction Litigation Update be dealt with in Closed Council as it relates to Section 10A (2)(g) of the Act being:

- (g) *advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*

19/02/22 RESOLVED (RITCHIE/SMITH)

1. That Council resolve into closed council to consider business identified, tabled at the meeting.
2. That pursuant under 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) as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the *Local Government Act 1993*.

The Council moved into closed Council at the time being 6.34pm. The public and media left the Chamber.

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GENERAL MANAGER

Report Title	8. Confidential - Construction Litigation Update
Report by	Executive
Contact	Alice Colbran, Governance Project Officer
Attachments	No attachment
File	FILE 15/656

Cr Price left the meeting, the time being 7.05pm and did not return.

Cr Cassells left the meeting, time being 7.13pm, returned 7.16pm.

Cr Crawford left the meeting, the time being 7.15pm. returned 7.18pm.

19/02/23 RESOLVED (SMITH/CRAWFORD)

That Council receive the update for information.

19/02/24 RESOLVED (TRAMBY/CASSELLS)

That Council approve the additional cost in relation to expert material.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community**
Not applicable
- Sustainable Spaces and Places**
Not applicable
- A Vibrant Regional Economy**
Not applicable
- A Leading Organisation**
L1.1 Ensure Council's operations are financially sustainable and we responsibly manage our organisational resources, systems and processes

CONFIDENTIALITY STATEMENT

Should Moree Plains Shire Council (**Council**) like to review, in detail, the confidential aspects of this report, then this should be dealt with in 'Closed Council', as it relates to a section 10A (2) of the *Local Government Act 1993 (the Act)*. Council will then need to resolve to move into 'Closed Council' with the explanation as follows:

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GENERAL MANAGER

That Report 8. Confidential - Construction Litigation Update be dealt with in Closed Council as it relates to Section 10A (2)(g) of the Act being:

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,

BACKGROUND AND KEY ISSUES

Background and Key Issues are considered confidential.

FINANCIAL IMPACT TO COUNCIL

The financial impacts are considered confidential.

STATUTORY AND POLICY IMPLICATIONS

No statutory or policy implications have been identified.

RISK IMPLICATIONS

The risk implications are considered confidential.

ASSET MANAGEMENT IMPLICATIONS

The asset management implications are considered confidential.

PREVIOUS COUNCIL DECISIONS

Decisions in relation to this matter are considered confidential.

ATTACHMENTS

There are no attachments.

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GENERAL MANAGER

OPEN COUNCIL

19/02/25 RESOLVED (RITCHIE/CASELLS)

That the meeting resume into open Council.

The meeting moved into Open Council at the time being 7.23pm.

The General Manager read out the following in open Council:

Report 8. - Confidential - Confidential - Construction Litigation Update

19/02/23 RESOLVED (SMITH/CRAWFORD)

That Council receive the update for information.

19/02/24 RESOLVED (TRAMBY/CASELLS)

That Council approve the additional cost in relation to expert material.

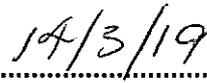
There being no further business, the meeting closed at the time being 7.25pm.

Note: Budget Workshop start times have been amended for the month of March. The communicator calendar has been updated to reflect time changes. All Councillors have been offered the opportunity to attend a separate briefing by Mr A Probert and Mr L Rodgers to participate in the budget timetable.

SIGNED BY THE MAYOR OF MOREE
PLAINS SHIRE COUNCIL, WHOSE
SIGNATURE APPEARS BELOW.


.....
CHAIRPERSON

ADOPTED AT THE ORDINARY COUNCIL
MEETING OF THE MOREE PLAINS
SHIRE COUNCIL HELD ON


.....
DATE

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GENERAL MANAGER