



Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

EXTRAORDINARY MEETING
WEDNESDAY 24 MAY 2023

*A prosperous and progressive
community we proudly call home*





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MUDGEES NSW 2850

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17 May 2023

Dear Councillor,

MEETING NOTICE
Extraordinary Meeting
24 MAY 2023
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

The meeting will be live streamed on Council's website.

Members of the public may address Council at the Public forum, which is held at 5.30pm immediately preceding the Council meeting. Speakers who wish to address Council are invited to register by 4.00pm on the day prior to the Council Meeting by contacting the Executive Assistant to the Mayor and General Manager.

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", written over a horizontal line.

BRAD CAM
GENERAL MANAGER

AGENDA

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Acknowledgement of Country

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders past, present and emerging.

Item 1: Apologies

Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

Item 3: Confirmation of Minutes

Nil

Item 4: Development

4.1 Moolarben OC3 Voluntary Planning Agreement

REPORT BY THE DIRECTOR DEVELOPMENT
TO 24 MAY 2023 EXTRAORDINARY MEETING
GOV400103, LAN900125

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Moolarben OC3 Voluntary Planning Agreement;**
 2. **place the draft Voluntary Planning Agreement on public exhibition for 28 days;**
 3. **authorise the General Manager to finalise and execute the Voluntary Planning Agreement if no objections are received during the exhibition period; and**
 4. **receive a further report following the exhibition period if objections are received.**
-

Executive summary

The purpose of this report is to provide a copy of the draft Voluntary Planning Agreement (VPA) for the Moolarben OC3 project which is to be placed on public exhibition for a period of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Disclosure of Interest

Nil

Detailed report

Moolarben Coal Operations Pty Ltd is the proponent for the state significant Moolarben OC3 project. The project is seeking development consent from NSW Department of Planning, Industry and Environment, to extend open cut mining operations immediately south of the approved OC3 open cut pit as well as develop four new open cut pits to the east and south-east of the approved OC3 mining area.

The key terms of the proposed VPA include:

- a one-off payment of \$350,000 (exclusive of GST) to the Mid-Western Regional Council, paid within 3 months of commencement of agreement.
- funding to go towards Pump Track works to be constructed at Glen Willow Regional Sporting Complex.

It is noted that the proposed VPA is separate to any payments agreed to be made to Mid-Western Regional Council by Moolarben in regard to previously negotiated VPAs. This VPA is subject the

Moolarben OC3 project receiving development consent. Should the project not receive planning approval from the NSW State Government, than the amount of \$350,000 (if payment completed) will be deducted from the existing VPA agreement with Moolarben.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the region

Strategic implications

Council Strategies

Towards 2030 Community Plan

Legislation

NSW Environmental Planning and Assessment Act 1979

Financial implications

Should Council agree to enter into a VPA with Moolarben, this would result in one upfront lump sum payments of \$350,000 towards the new BMX Pump Track.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	-	-	-
Future Years	✓	-	✗

Associated Risks

This VPA is subject the Moolarben OC3 project receiving development consent. Should the project not receive planning approval from the NSW State Government, than the amount of \$350,000 will be deducted from the existing VPA agreement with Moolarben.

ALINA AZAR
DIRECTOR DEVELOPMENT

8 May 2023

Attachments: 1. Moolarben Coal Complex OC3 Planning Agreement. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 5: Finance

5.1 T022324HUN Ready Mix Concrete Tender - Regional Procurement

REPORT BY THE PROCUREMENT OFFICER
TO 24 MAY 2023 EXTRAORDINARY MEETING
GOV400103, A0210007

RECOMMENDATION

That Council:

1. **receive the report by the Procurement Officer on the T022324HUN Ready Mix Concrete Tender - Regional Procurement;**
 2. **enter into contracts with Boral Resources (Country) Pty Ltd, J&S.K Kuchta Pty Ltd and Mudgee Concrete for the Supply and Delivery of Ready Mix Concrete to Mid-Western Regional Council;**
 3. **accept the term on the contract to be 3 years, commencing 1 July 2023 with an optional 12 month extension subject to supplier performance; and**
 4. **delegate the authority to the Procurement and Fleet Manager to accept or decline the optional 12 month extension period, subject to supplier performance.**
-

Executive summary

Council took the opportunity to participate in the above tender that has recently been advertised and evaluation by Regional Procurement. By utilising this service provided by Regional Procurement, significant financial and resource savings have been achieved.

Regional Procurement advertised the tender on behalf of their member Councils and permitted Mid-Western Regional Council to participate. This created an environment for greater buying power due to the quantities being tendered for.

From the approved suppliers provided to Council, the decision to accept Boral Resources (Country) Pty Ltd, J&S.K Kuchta Pty Ltd and Mudgee Concrete provide Council the flexibility to obtain weekly pricing to maintain competitive rates with all suppliers having depots based in the Local Government area.

Disclosure of Interest

Nil

Detailed report

The tender has been conducted in accordance with Clause 166(a) of the Local Government (General) Regulation 2021. Regional Procurement, on behalf of member councils and Mid-Western Regional Council, has undertaken a formal Request for Tender (RFT) process in March 2023 to identify suitable providers for the supply and delivery of ready mix concrete.

Conflict of Interest Declarations were signed by all participating evaluation panel members, including the Regional Procurement facilitator, prior to their receipt of Tender submissions. The declarations are available to be viewed if required.

No late tenders were received.

All tenderers were noted as active on the ASIC website.

All tenderer insurance records were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

All tenders were deemed conforming to the Tender requirements.

Tender Evaluation

The tender evaluations were conducted on 19 April 2023 at Muswellbrook Shire Council by:

- Anna Marie Bird, Contracts and Procurement Officer – Muswellbrook Shire Council
- Gajan Thano, Muswellbrook Shire Council
- Facilitator: Michael Lowe, Key Account Manager – Regional Procurement

26 April 2023 at Regional Procurement Offices Thornton by:

- Nicholas Cornwell, Estimator/Cost Control Officer – Newcastle City Council
- Facilitator: Michael Lowe, Key Account Manager – Regional Procurement

27 April 2023 at Cessnock City Council by:

- Craig Wade, Procurement Coordinator – Cessnock City Council
- Melissa Gorsuch, Procurement Administrator - Cessnock City Council
- Facilitator: Michael Lowe, Key Account Manager – Regional Procurement
- Claire Roche, Support Services Coordinator – Regional Procurement

Tender Evaluation Criteria

The selection criteria advertised and used in selecting the successful respondents were:

- Tender Pricing
- Physical Resources
- Quality Assurance
- WH&S
- Ecological Sustainable Development

Evaluation rankings were as follows:

1. J&S Kutcha Pty Ltd – 76.10%
2. Boral Resources – 75.68%
3. Mudgee Concrete – 64.57%

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Strategic implications

Council Strategies

Not Applicable

Council Policies

Sustainably Procurement and Contracts Policy

Legislation

Local Government Act 1993, Section 55 - Tendering
Local Government (General) Regulation 2005

Should this tender not be accepted, Council will be forced to re-tender to ensure compliance with the Local Government Act (Section 55 – Tendering).

Financial implications

Nil

Associated Risks

Nil

MICHELLE NEILSEN
PROCUREMENT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

3 May 2023

Attachments: 1. Evaluation Matrix. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

5.2 Submissions to the Draft 2023/24 Operational Plan and 2024/27 Delivery Program

REPORT BY THE MANAGER FINANCE
TO 24 MAY 2023 EXTRAORDINARY MEETING
GOV400103, FIN300202

RECOMMENDATION

That Council:

1. receive the report by the Manager Finance on the Submissions to the Draft 2023/24 Operational Plan and 2024/27 Delivery Program;
 2. receive all public submissions to the Draft 2023/24 Operational Plan and 2023/26 Delivery Program as listed below, with the General Manager required to respond to each submissions as follows:
 - 2.1 Mr Gerald Norton-Knight be thanked for his submission and Council confirms support for a \$2,500 increase to the annual Sculptures in the Garden program;
 - 2.2 Mr Clinton McKenzie be thanked for his submission and Council confirms there are no new fees proposed for 2023/24
 - 2.3 Ms Lia Finnie be thanked for her submission and for Council to direct Gulgong Arts Council to the Community Grants application forms and to provide assistance.
 3. make the following amendments to the Draft 2023/24 Operational Plan and 2023/26 Delivery Program including Fees & Charges as exhibited;
 - 3.1 Community Submissions
 - 3.1.1 increase expenditure on the Sculptures in the Garden program by \$2,500 funded from unrestricted cash in 2023/24, 2024/25, 2025/26 and 2026/27;
 - 3.2 Management Submissions
 - 3.2.1 allocate \$6,760,000 to the Mudgee Valley Park Expansion to be loan funded, with \$1,760,000 being allocated in 2023/24 and \$5,000,000 to be allocated to 2024/25;
 - 3.2.2 increase expenditure on the Solar Farm Stage 3 by \$278,000, funded from unrestricted cash;
 - 3.2.3 increase expenditure on Central West Young Entrepreneurs Summit in 2023/24 by \$15,000 to be funded by grants;
 - 3.2.4 increase the Flavours of Mudgee 2023 Marketing expenditure budget by \$30,000 in 2023/24, 2024/25 and 2025/26 to be funded by grants;
-

- 3.2.5 allocate an operating budget for Mudgee Riverside with a net operating surplus of \$508,000, and reduce rental income by \$110,000, in 2023/24, 2024/25, 2025/26 and 2026/27 (with an unrestricted cash impact of \$398,000 per annum);
 - 3.2.6 amend the 2023/24 budget to increase the Landfill extension project by \$1,296,904 funded from Waste Fund Reserves;
 - 3.2.7 amend the 2023/24 budget to allocate \$1,100,000 for the purchase of easement rights and construction of drainage channels to service Bombira, funded from unrestricted cash;
 - 3.2.8 increase expenditure on the Mudgee Arts Precinct Exhibition and Education Program, to be funded from grants, as follows:
 - 2024/25 - \$80,000
 - 2025/26 - \$83,000
 - 2026/27 - \$85,000
 - 3.2.9 allocate operating budgets for the Mudgee valley Park as follows:
 - a. allocation of annual loan repayments of \$584,853 to be included from 2024/25 to 2026/27 (unrestricted cash)
 - b. increase the operational budget for Mudgee Valley Park, with a net operating surplus of \$335,000 (unrestricted cash) for 2023/24
 - c. increase the operational budget for Mudgee Valley Park, with a net operating surplus of \$670,000 (unrestricted cash) from 2024/25 to 2026/27
 - 3.2.10 increase resources to maintain Council's expanding fleet of vehicles and heavy plant, \$139,000 in each year of the budget, funded from unrestricted cash;
 - 3.2.11 increase resources in risk management by \$21,000 in each year of the budget, funded from unrestricted cash;
 - 3.2.12 allocate \$85,000 in 2023/24 for the purchase of a replacement the events and economic development Van, funded from unrestricted cash;
 - 3.2.13 allocate \$22,000 in 2023/24 for the purchase of a buggy at Mudgee Valley Park for use by the cleaning team; funded from unrestricted cash;
 - 3.2.14 allocate \$20,000 in 2023/24 to replace the enter and exit door for the weighing scales at Mudgee saleyards, funded from Saleyards Reserve;
 - 3.2.15 increase resources in Information Technology to support capital project delivery across Council by \$30,000 per annum, funded from unrestricted cash;
 - 3.2.16 allocate \$180,000 to fund a Council trainee program, to support the
-

delivery of the operational plan and provide opportunities for local job development;

3.2.17 defer budget of \$2,471,000 for part the Mudgee Landfill Rehabilitation project from 2023/24 to 2024/25, funded from Waste Reserves;

3.2.18 defer budget of \$3,000,000 for part of the Sewer Augmentation Mudgee project from 2023/24 to 2024/25, funded from Sewer Developer Contribution;

3.3 March 2023 Quarterly Budget Review Statement amendments where budgets are amended;

4. make the following changes to the 2023/24 Fees and Charges as exhibited:

4.1 The Section 603 certificate fee has been determined to be \$95

4.2 The maximum interest rate on overdue rates and charges will be 9% per annum; and

5. note that the amended 2023/24 Operational Plan and 2024/27 Delivery Program will be brought back to Council at the June Ordinary Council Meeting for endorsement, including making of the rates.

Executive summary

Council has been through an extensive planning process over the past few months to determine which projects and initiatives would be undertaken across the next four financial years, culminating in the Draft Delivery Program 2024/27 and Draft Operational Plan 2023/24.

Following the public exhibition period, which closes 19 May 2023, this report seeks to consider submissions and make recommended changes based on those submissions. At the time of writing this report, the exhibition period had not yet closed, therefore some submissions may be tabled at the Council Meeting.

Disclosure of Interest

Nil

Detailed report

At its meeting of 19 April 2023, Council endorsed the Draft Delivery Program 2024/27 and Draft Operational Plan 2023/24 to be placed on public exhibition for a period of 28 days. The exhibition period closes on Friday 19 May 2023, with three public submissions received to date (refer to Attachment 1). Submissions received between the finalisation of this report and closure of the exhibition period will be added as late attachments.

FROM	SUMMARY OF SUBMISSION	COUNCIL RESPONSE
2.1 Gerald Norton-Knight (Attachment 1)	Continued and increased support of Sculptures in the Garden, with the Council contribution of \$12,500 to be increased to \$15,000 which will be matched by Sculptures in the Garden for a total prize	This submission is supported. It represents a \$2,500 increase or an average of 4% p.a. over the past five years for a successful program that continues to provide quality public art across the region.

	pool of \$30,000.	
2.2 Clinton McKenzie (Attachment 2)	Request to not impose and/or increase aerodrome fees at Mudgee airport.	There are no new fees proposed for Mudgee Airport in the Operational Plan for 23-24. Any fee increases have been minor and inline with fee increases across all Council services. All fees at Mudgee Airport are user-pay based.
2.3 Lia Finnie (Attachment 3)	Provide annual funding to hire a facility for storage of resources	This funding would be better accessed through the Community Grants process.

In addition to community submissions, management submissions are also discussed below. These include some new initiatives and also carry forward of projects deferred at the March 2023 Quarterly Budget Review.

The following submissions have been received from Council's Management Team:

Previously Approved Budget Changes (not yet included in draft Operational Plan)

3.2.1 Mudgee Valley Park Expansion

At the 19 April 2023 Ordinary Council Meeting, Council resolved to support an expansion at Mudgee Valley Park. The proposed development of 20 x new cabins involves a total development cost of \$6.76 million to be fully loan funded over a 10-year period.

3.2.2 Solar Farm Stage 3

At the 19 April 2023 Ordinary Council Meeting, Council resolved to increase expenditure on this project in 2023/24 by \$278,000, funded from unrestricted cash.

3.2.3 NSW Regional Business Event

At the 19 April 2023 Ordinary Council Meeting, Council resolved to expand the Central West Young Entrepreneur Summit 2023 - speakers and social marketing by increasing the expenditure budget in 2023/24 by \$15,000 to be funded by grants.

3.2.4 Regional Event Flagship

At the 19 April 2023 Ordinary Council Meeting, Council resolved to expand the Flavours of Mudgee 2023 Marketing budget by \$30,000 in 2023/24, 2024/25 and 2025/26 to be funded by grants.

3.2.5 Riverside Caravan Park

At the 19 April 2023 Ordinary Council Meeting, Council resolved to amend the 2023/24, 2024/25 and 2025/26 budget as follows:

- allocate an operating budget with a net operating surplus of \$508,000 per annum (unrestricted cash)
- reduce rental income by \$110,000 per annum (unrestricted cash)

3.2.6 Landfill Extension

At the 19 April 2023 Ordinary Council Meeting, Council resolved to allocate additional funding \$1,296,904 from the Waste Fund Reserve in order for this critical project to proceed.

3.2.7 Bombira Drainage

At the 19 April 2023 Ordinary Council Meeting, Council resolved to allocate a budget of \$1.4 million for the purchase of easement rights and construction of drainage channels to service Bombira. Funding for the project will come from Council's unrestricted cash balance.

3.2.8 Multi-year funding for Arts & Cultural Program

At the 19 April 2023 Ordinary Council Meeting, Council resolved to expand the Mudgee Arts Precinct Exhibition and Education Program as below:

- In 2024/25 increase the expenditure budget by \$80,000 to be funded by grants.
- In 2025/26 increase the expenditure budget by \$83,000 to be funded by grants.
- In 2026/27 increase the expenditure budget by \$85,000 to be funded by grants.
- In 2027/28 increase the expenditure budget by \$90,000 to be funded by grants.

Additional Management submissions:

3.2.9 Mudgee Valley Park Expansion

It is recommended to amend ongoing operational budgets for the Mudgee Valley Park expansion, in line with the business case reported to Council in April 2023. Amendments to the draft operational Plan and Delivery Program include:

- allocation of annual loan repayments of \$584,853 to be included from 2024/25 to 2026/27 (unrestricted cash)
- increase the operational budget for Mudgee Valley Park, with a net operating surplus of \$335,000 (unrestricted cash) for 2023/24
- increase the operational budget for Mudgee Valley Park, with a net operating surplus of \$670,000 (unrestricted cash) from 2024/25 to 2026/27

10 Year Return on Investment	Scenario 2
Cabin Revenue	1,209,000
Loss of Revenue House	60,000
Cabin Expenses	388,000
Operating Profit	761,000
Net Profit (After Overheads)	670,000

3.2.10 Resources to maintain Councils Fleet

It is recommended to amend the budget to increase resources to maintain Council’s expanding fleet of vehicles and heavy plant by \$139,000 in each year of the budget, funded from unrestricted cash.

3.2.11 Resources in Risk Management

It is recommended to amend the budget to increase resources in risk management by \$21,000 in each year of the budget, funded from unrestricted cash.

3.2.12 Events and Economic Development Van

It is recommended to amend the budget to allocate \$85,000 for the purchase of a replacement the events and economic development Van, funded from unrestricted cash. The old van is beyond its usable years and requires replacement.

3.2.13 Purchase Buggy for Mudgee Valley Park

It is recommended to amend the budget to allocate \$22,000 for the purchase of a buggy at Mudgee Valley Park for use by the cleaning team; funded from unrestricted cash.

3.2.14 Saleyards Weigh Scale Door Replacement

It is recommended to amend the budget to allocate \$20,000 to replace the entry and exit door for the weighing scales at Mudgee saleyards, funded from Saleyards Reserve.

3.2.15 I.T. Project Delivery Support

It is recommended to amend the budget to increase resources in Information Technology to support capital project delivery across Council by \$30,000 per annum, funded from unrestricted cash.

3.2.16 Resources in Council Trainee Program

It is recommended to amend the budget to allocate \$180,000 to fund a Council trainee program, to support the delivery of the operational plan and provide opportunities for local job development.

3.2.17 Mudgee Waste Site Rehabilitation

The rehabilitation project needs to occur after the construction of the new landfill cell. As that tender has now been finalised the project construction period will be up until about April 2024. Therefore, only pre-construction work, tender and geotechnical work will be completed next financial year. It is recommended to move \$2,471,000 to 2024/25 year.

3.2.18 Mudgee Sewer Augmentation

The timing of this work is delayed until options assessments are completed over the coming months. Therefore it is recommended to defer \$3,000,000 to the 2024/25 year.

3.3 March Quarterly Budget Review Statement

The March Quarterly Budget Review Statement which is also presented at this Council meeting proposes to defer some budgets from 2022/23 to 2023/24. Therefore it is recommended that any budgets that are approved to be deferred are also reflected in an amended Operational Plan for 2023/24.

Once these recommendations have been approved, the changes will be incorporated into the 2023/24 Operational Plan and presented to Council at the June 2023 Ordinary Council Meeting for adoption.

CHANGES TO THE 2023/24 FEES AND CHARGES AS EXHIBITED

Recommended changes to fees and charges after exhibition are:

4.1 Change Fee amount for section 603 certificate fee

This fee is a statutory fee that has been recently amended. Under section 603 of the Local Government Act, councils may issue a certificate as to the amount (if any) of rates, charges, etc. due or payable to the council for a parcel of land. Section 603(2) states the application must be accompanied by the approved fee. In accordance with the approved methodology, the approved fee for 2023-24 is determined to be \$95. This is an increase of \$5 from the 2022-23 fee.

4.2 Change Fee for interest rate on overdue rates and charges

This fee is a statutory fee that has been recently amended. In accordance with section 566(3) of the Local Government Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive) will be 9.0% per annum.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

Relevant Integrated Planning and Reporting Strategies are taken into account during the process of developing the revised Delivery Program 2024/27 and draft Operational Plan 2023/24, including the Community Strategic Plan, and Resourcing Strategies.

Council Policies

Relevant Integrated Planning and Reporting Policies may influence the way the Delivery program and Operational Plan are developed, for example the Asset Management Policy.

Legislation

Section 405 of the Local Government Act 1993 requires that:

- 1) A council must have a plan (it's "Operational Plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.
- 2) An Operational Plan must include a statement of the Council's revenue policy for the year covered by the Operational Plan. The statement of revenue policy must include the statements and particulars required by the regulations.
- 3) A council must prepare a Draft Operational Plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.
- 4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.
- 5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.
- 6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

The revised Delivery Program 2024/27 and draft Operational Plan 2023/24 documents will be brought back to Council at the June Ordinary Council Meeting for endorsement, and will then be made available on Councils website.

Financial implications

Operating Performance Ratio – this ratio will decline due to additional expenditure.

Own Source Revenue - this ratio will decline due to additional revenue.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	-	-	-
Future Years	X	X	-

Associated Risks

Not Applicable

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

10 May 2023

Attachments: 1. Public Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

5.3 Quarterly Budget Review - March 2023

REPORT BY THE MANAGER FINANCE
TO 24 MAY 2023 EXTRAORDINARY MEETING
GOV400103, FIN300240

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Quarterly Budget Review - March 2023;**
2. **amend the 2022/23 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and**
3. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

Executive summary

This report, with its incorporated attachment, makes up the March 2023 Quarterly Budget Review Statement of the 2022/23 Operational Plan.

Proposed budget variations to the Budget with relevant financial implications are included in the attachment.

Disclosure of Interest

Nil

Detailed report

The Quarterly Budget Review Statement presents a summary of council's financial position at the end of each quarter. It is the mechanism whereby councillors and the community are informed of Council's progress against the operational plan and the last revised budget along with recommended changes and reasons for major variances.

Certification

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2021:

It is my opinion that the attached Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2022 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2022/23 financial year.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Strategic implications

Council Strategies

The recommendation, if approved will amend the 2022/23 Budget. In accordance with the Delivery Program 2022/26, a comprehensive Quarterly Budget Review reporting is required to be completed within two months of period end.

Council Policies

Not Applicable

Legislation

Clause 203 of the Local Government (General) Regulation 2021 requires 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 statement must also include any information required by the Code to be included in such a statement.

Financial implications

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	✓	✓	✗
Future Years	✗	✗	✓

Operating Performance Ratio

The change improves the forecast slightly from -8.6% to -8.2%, however the forecast is still below the OLG benchmark. The change is mainly due to increase in Investment revenue \$1.5M offset by in grading program expenditure \$400k and deferral of TfNSW State Road Works to 23.24

Own Source Revenue Ratio

The change improves the forecast for the current year from 54.8% to 56.5%. The change is mainly due to the deferral of grant funded works to 23.24 which will result in a forecast decline in that year.

Building and Infrastructure Renewal Ratio

The change decreases the forecast for the current year from 158% to 141%. The change is mainly due to the deferral of capital works to 23.24 which will result in an increase in that year.

Associated Risks

Not Applicable

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

10 May 2023

Attachments: 1. Quarterly Budget Review March 2023 Attachment. (separately attached)
2. Proposed Budget Variations List March 2023. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 6: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)